



Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor EA

Sumter National Forest

Oconee County, South Carolina

Chattahoochee National Forest

Rabun County, Georgia

Nantahala National Forest

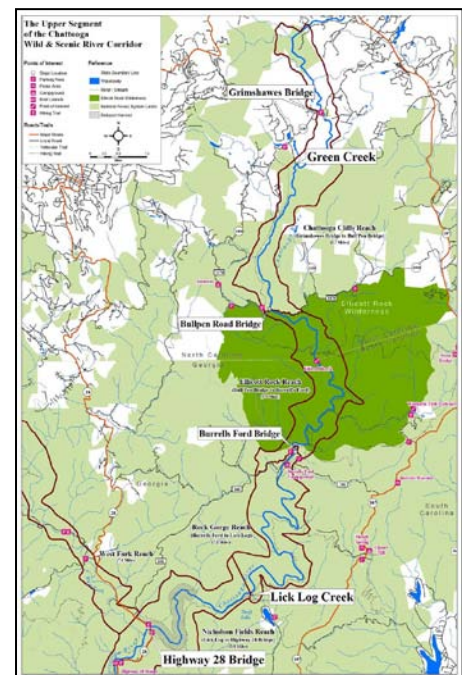
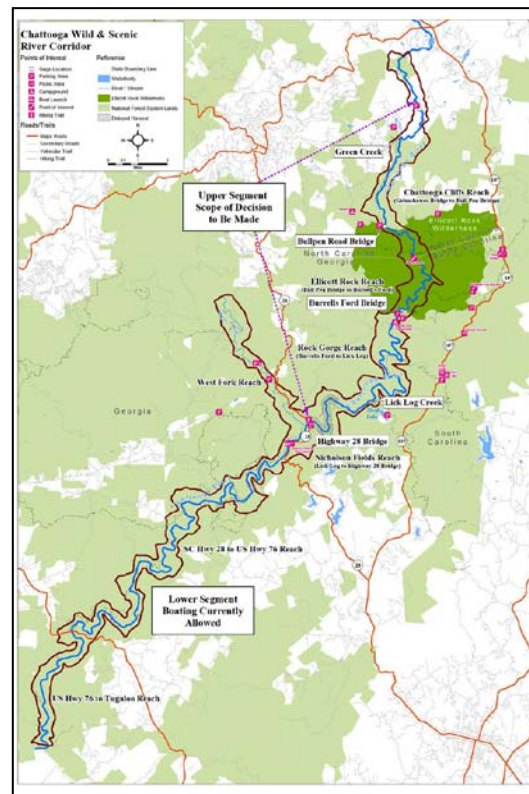
Jackson and Macon Counties, North Carolina

Summary of Public Comments Received on EA

January
2012



Forest Service
Enterprise Unit
1602 Ontario St.
Sandpoint, ID
83864
208-265-6621



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Table of Contents

Introduction	1
Content Analysis Process	2
Commenters and Associated Public Concern Statements	2
Public Concern Statements and Responses	9
Alternatives	9
Fisheries	Error! Bookmark not defined.
Heritage	Error! Bookmark not defined.
Laws and Regulations	Error! Bookmark not defined.
Miscellaneous	Error! Bookmark not defined.
Monitoring	Error! Bookmark not defined.
NEPA	Error! Bookmark not defined.
ORV - Fisheries	Error! Bookmark not defined.
ORV - Recreation Experience	Error! Bookmark not defined.
ORV - Recreation Fishing	Error! Bookmark not defined.
ORV - Recreation Horseback Riding, Hunting, and Motorized Use	Error! Bookmark not defined.
ORV - Scenery	Error! Bookmark not defined.
ORV - River Values	Error! Bookmark not defined.
ORV - Purpose and Need	Error! Bookmark not defined.
Recreation	Error! Bookmark not defined.
Scenery	246
Social and Economic	248
Soils	252
Vegetation	255
Water and Riparian Corridor	259
Wilderness	267
Wildlife	270
Appendix A – Content Analysis Process	273
Appendix B – Coding Structure	275
Appendix C - Demographics	279
Appendix D – List of Preparers	282

Introduction

The Francis Marion and Sumter National Forests released the “Managing Recreation Uses on the Upper Segment of the Chattooga Wild and Scenic River” Environmental Assessment (EA) on July 15, 2011 to begin the official comment period. The comment period was extended to end on August 30, 2011. The Forests received a total of 245 comment letters, of which 193 contained unique and substantially different comments; and there were 3 form letters received from 53 individuals. The letters, emails, and form letters, were received from individuals, groups, organizations, agencies, and business owners by U.S. Post Office or email.

All of the comment letters were analyzed using a process called content analysis, which was completed by a third-party contractor (see detailed process in this Content Analysis Report). In addition to the reports that were produced from the content analysis process, the Interdisciplinary

Team (IDT) members read all of the comment letters. Of the 193 comment letters that contained unique and substantially different comments, there were 1,121 comments that were coded, analyzed, addressed, and entered into an Access database. The 1,121 comments were then associated with Public Concern statements (PCs) and the IDT then developed responses to each of the PCs. There are 100 PCs and they begin on page 9 of this Report. To incorporate public comments received on the 2009 EA, TEAMS (contractor) also completed the content analysis process on the comments summarized in the August 25, 2009 Response to Comments. For tracking purposes, the comments in the 2009 Response to Comments were coded as comment letter #193.

Content Analysis Process

The Forest Service followed a systematic process of carefully logging-in, numbering, reading, coding and summarizing all viewpoints and concerns that were submitted. The comments that were most helpful were those that were unique, substantially different, and were specifically related to the analysis disclosed in the EA. In addition to capturing unique and substantially different comments, this report attempts to reflect the emotion and strength of public sentiment in order to represent the public's values and concerns as fairly as possible. When an individual raised multiple concerns within the same letter, each unique comment was numbered and tracked separately. Each comment was assigned a unique tracking number and coded by subject or topic (see Appendix B).

Once the unique and substantially different comments were coded, concerns raised by different commenters on the same subject and with the same intent and issue were grouped and summarized into public concern statements that capture the essence of those like-concerns. In this way, multiple comments may be addressed by one response. In some cases, more nuanced or complex concerns may be answered through multiple responses to multiple concern statements, or they may have a single response dedicated to just that specific commenter. It is important to keep in mind that even though the public concern statements attempt to capture the full range of public issues and concerns, they should be reviewed with the understanding that there is no limitation on who submits comments. Therefore, the comments received do not necessarily represent the sentiments of the public as a whole. This report attempts to provide fair representation of the wide range of views submitted. Every comment has the same value, whether expressed by many, or by one respondent. Analyzing comments is not a vote-counting process. The Forest Service response to the public comments, which in some cases resulted in changes to the EA, was not determined by majority opinion but rather by the substance of the comments. The content analysis process ensured that every comment was read, analyzed, and considered.

Commenters and Associated Public Concern Statements

Each public concern statement is accompanied by a response that was developed by subject matter experts. In addition, each PC and response is accompanied by all of the public comments associated with each PC. The public comments provide commenter's specific perspectives and rationale regarding that concern. For each public comment, it indicates the letter number after the comment, enabling the reader to track and review the original comment letters, if desired (see the column Letter # in Table 1). The primary purpose is to provide a topical review of voluminous

comments in a format that aids in careful consideration and agency response, but doesn't preclude the Forest Service from reading every comment letter.

Following is a list of the commenters, their letter number, and the associated PCs. In order to find the PC statements that address your comments, find your name or organization (which lists the organizations and then individuals alphabetically) and then a list of the PC numbers associated with your comment letter are listed. In Table 2, the PCs are organized by subject so if you look for the subject that most closely aligns with your comment, it might be easier for you to find the PC number associated with your letter. In some cases your concerns may be addressed as part of several different, but related PC statements. The PCs and their response follow Table 2 and are organized according to Table 2.

Table 1. Public concern statements by commenter's name and organization

ORGANIZATION	LAST NAME	FIRST NAME	LTR#	PUBLIC CONCERN (PC) #
AMERICAN WHITEWATER	COLBURN	KEVIN	168	7G-M, 10A, 14A, 14B, 18, 21F-H, 26B, 26K, 26L, 27A, 34F, 38F, 38G, 39A, 39B, 41D-F, 44, 47, 50A-E, 61, 64H, 71L, 71M, 76D, 79B, 79I, 79J, 79K, 79L, 79M, 83, 95A, 95B, 95C, 96A
BLUEGRASS WILDWATER ASSN	KIRKWOOD	ALLEN	137	66
CHATTOOGA CONSERVANCY	WILLIAMS	BUZZ	172	10J, 10Q, 10U-Z, 13E-K, 34H, 38H, 38I, 46, 51A, 55B, 55C, 66, 71D, 71N, 76E, 78I, 79Q, 85A
CRANSTON ENGINEERING GROUP PC	ROBERTSON	TOM	147 & 148	1I-M, 3A-E, 5C-G, 7B-F, 8A-E, 10H, 10K, 10L, 10N-Q, 11A-E, 13C, 71B, 71D, 71G, 71H
FRIENDS OF GEORGIA INC.	GEIGER	JOHN	138	9Q, 9R, 9S, 26H, 26I
GEORGIA CHAPTER OF THE SIERRA CLUB	WINSLETT	LARRY	118	1B, 1D, 1F, 9Q, 9R
GEORGIA COUNCIL TROUT UNLIMITED	MARTIN	MACK	98	9F-I, 34B, 70A
GEORGIA FORESTWATCH	GATINS	JOSEPH	26 & 121	54
GEORGIA FORESTWATCH/ WILDERNESS WATCH	RICHARDSON	SUSAN	166	10Q-S, 21D, 21E, 25, 33A, 33B, 34S, 38E, 42, 43C, 43D, 44, 49, 52, 53, 62D, 63E, 70A, 71A, 71B, 71D, 71F, 71I, 71J, 71K, 76A, 76C, 78G, 78H, 79D-H, 82, 87, 88, 94D, 98, 99
JACKSON MACON CONSERVATION ALLIANCE	SMITH	ROBERT	141	7A, 7B, 9S, 10L, 21C, 58F, 71A, 71D, 71F, 71L, 79C, 86, 89
MOUNTAIN BIRGE CHAPTER TROUT UNLIMITED	HOPKINS	JAMES	48	69A
NORTH GEORGIA TROUT ONLINE	RODGERS	CLARK	104	10F, 64D, 77A
OCONEE SOIL AND WATER CONSERVATION DISTRICT	MARTIN	EDDIE	83	66
RABUN CHAPTER OF TROUT	WALKER	LARRY	107	1B, 9D, 9K, 9L

Summary of Public Comments - Managing Recreation Uses in the
Upper Segment of the Chattooga Wild and Scenic River Corridor EA

ORGANIZATION	LAST NAME	FIRST NAME	LTR#	PUBLIC CONCERN (PC) #
UMLIMITED				
SOUTH CAROLINA CHAPTER SIERRA CLUB	CORBETT	SUSAN	176	53
SOUTH CAROLINA COUNCIL TROUT UNLIMITED	LEAPHART	MALCOLM	127	9E-I, 32B, 32C
THE HIGHLANDS BIOLOGICAL STATION	COSTA	JAMES	124	1A, 23, 94A, 94B
UPPER CHATTAHOOCHEE RIVER CHAPTER OF TROUT UNLIMITED	MCGRATH	KEVIN	101	9F-I, 34B, 70A
US FISH AND WILDLIFE SERVICE	RATZLAFF	ALLEN	116	87
WHITESIDE COVE ASSN/RUST FAMILY	JENKINS	ALAN	175	71D, 75E-I, 77H, 79R, 85A, 85B
WHITESIDE COVE ASSOCIATION	MITCHELL	BETTY	3	36, 44
	ADAMS	DOUG	51 & 90	9B-D, 34B, 64D, 75A, 75B
	AIREY	SHEA	82	1E, 63C, 63D, 66, 67A, 67C, 74B
	ALLRED	TA	71	1D, 10E-H, 26C
	ALMAN	ANN	72	67A, 67B
	ASBELL	DAVID	173	66, 76E
	BAMFORD	MICHAEL	92, 117, 143, 144, & 145	10J, 12, 13A, 26D-F, 30, 32A, 34C, 38B, 43A, 43B, 44, 55A, 58B, 62A, 71A, 71B, 74C-I, 75C, 83, 85A, 85B, 91, 93A, 93B
	BARDIN	BRAD	4	79A
	BENTON	DOUG	44	26A, 66
	BOHLER	MATT	123	1I, 30, 34A, 70A
	BOOHER	SAM	140	1B, 1D, 1F, 26H, 26I, 34A, 94C
	BRAME	SCOTT	120	62C
	BREITHAUP	CHARLES AND KATHERINE	112	1B, 9D, 9K, 9M, 9N, 9O
	BROWN	CURRY	133	16B-D
	BROWN	GARY	153	6C, 66
	BROWN	RICHARD	14	66
	CAMPBELL	STEVE	95	66, 71C, 88
	CANUPP	SANDY	130	74A
	CAROTHERS	JENNIFER	30	10A
	CAROTHERS	JOHN	29	10E
	CARTER	VIRGINIA	43	10E
	CARVER	BRINA	162	66
	CHASE	AMY	134	72
	CLAY	WILLIAM	185	10R, 38E, 43D, 44

Summary of Public Comments - Managing Recreation Uses in the
Upper Segment of the Chattooga Wild and Scenic River Corridor EA

ORGANIZATION	LAST NAME	FIRST NAME	LTR#	PUBLIC CONCERN (PC) #
	COLEMAN	CHARLENE	170	15, 18, 64H, 66, 79C, 79J, 79M,
	COLEMAN	TREY	165	66
	CRAWFORD	FRED	132	6B, 6C, 6D, 10A, 66
	DANIEL	STEVE	46	6B-E, 10A
	DAVIS	DONALD	24	1B, 10D, 71A
	DAVIS	ERIC	187	64K, 66,
	DEBACHER	GARY	184	6G, 10A, 64F, 70B, 71O
	DELLINGER	DEAN	109	67C, 67D, 71D
	DICKS	LYNN	174	16E, 16F, 16G, 71D
	DORN	MICHAEL	108	64D
	DREXLER	JOE	50	30, 64E
	DUBEL	KEN	182	31
	DUMIN	DAVID	77	15, 34A
	DUNKEN	TOM	65	30, 77E
	DURHAM	JESSE	6	15
	ELEY	BILL	47	66
	ELI	ALEX	8	78A
	FAYARD	LYNN	149	1A
	FERGUSON	JENNIFER	64	77A, 77C
	FICQUETT	FRED	21	1A
	FLOYD	WILLIMA	171	7N, 10E, 28, 34A, 34G, 35, 37, 43D, 43F, 59, 62E, 63F, 64I, 64J, 66, 69A, 74A, 74C, 74M, 74N, 79D, 79N, 79O, 79P, 81B, 85B
	FRAZIER	STEVE	156	6A, 38D
	FUSSELL	FRANCOISE	75	77A
	GEORGE	BETTINA	31	67A-C
	GIBSON	BILLY	76	77A
	GOSSETT	CHARLES	131	74K
	GROSSMAN	GARY	53	9E, 34A
	HARMON	MARK	66	77A
	HARMON	SUE	25	30, 34A, 69A, 77A
	HARVEY	ALEX	159	15, 64H, 77G, 78F
	HAYNES	CHARLES	19	30, 77B
	HEDDEN	ALLEN	161	66
	HELLMANN	CHRIS	190	10A
	HIGHLEY	NELSON	154	64F
	HILGER	LEIGH	93	64G, 66
	HILL	BRIAN	67	66
	HINCHEY	PATRICK	189	29, 59, 74A, 78I, 79A,
	HOEFER	DUSTY	113	77A

Summary of Public Comments - Managing Recreation Uses in the
Upper Segment of the Chattooga Wild and Scenic River Corridor EA

ORGANIZATION	LAST NAME	FIRST NAME	LTR#	PUBLIC CONCERN (PC) #
	HOLDEN	LAURENCE	142	1A, 1B
	HOPTON	PATRICK	103	5A, 5B, 9J, 70A
	HUFFMAN	JOHN	42	1A
	IRIS	MORGAN	128	1B
	JENSEN	DAVID	139	21B, 21C, 24B, 32D, 34A, 34D, 34E, 68C, 71E, 74C, 76B, 83
	JOHNSON	JAMES	70	66
	JORDAN	MATT	34	77B
	KENNEDY	OREN	179	6F, 10A, 18, 43G, 75J, 79T
	KETTLES	MIKE	119	77A
	KIDD	JIM	39	58A, 63A, 69A
	KIES	JOHN	106	10F, 10I
	KIRBY	CHARLES	1	10A, 6A
	LANCASTER	SHAWN	45	6AC
	LEDBETTER	LINNY	9	77A
	MABRY	DON	115	67C, 67D, 71D
	MARSHALL	KENNETH	23	69A, 69B
	MARSHALL	KENNETH	96	74J, 77A
	MATHIESON	DAVE	7	9A, 68A
	MATTHEWS	ALEX	84	59, 64F
	MATTOX	JOHN	155	77B
	MAXWELL	ROBERT	91	18, 66
	MCCURDY	BLAKE	160	64H, 66, 77B, 77C
	MCDONALD	RICK	13	30, 64A
	MCINTOSH	PETER	110	77F
	MCNUTT	ROLAND	99	66
	MCWATTY	JEREMY	55	1C, 63B, 100
	MELVIN	RICHARD	78	77A
	MERCK	LM	102	69C
	MERSHON	MARK	22	6B, 10A, 66
	MERSHON	SAM	177	77B
	METZGER	HARRISON	35 & 41	38A, 64C
	MILES	STUART	87	66
	MILLER	BEVERLY	27	31
	MILLER	MICHELLE	178	66, 79S
	MILLER	PHYLLIS	18	10B, 10C, 69A, 77B
	MILLER	RON	181	66
	MITCHELL	BETTY	122	1H, 78B
	MOODY	MICHAEL AND	33	64B

Summary of Public Comments - Managing Recreation Uses in the
Upper Segment of the Chattooga Wild and Scenic River Corridor EA

ORGANIZATION	LAST NAME	FIRST NAME	LTR#	PUBLIC CONCERN (PC) #
		CHRISTIE		
	MORGAN	STACY	15	59
	NEFF	KEIL	79	21A, 26B, 64C, 64F, 77B
	NOTT	ROGER	186	77B
	OSTERMAN	LINN	73	30
	PADRON	PRISCILLA	16	77A
	PAGE	ROBERT	62	66, 77A
	PATTERSON	DONNA	81	77A
	PERRIN	DAVE	52	77D
	PETERS	BENJAMIN	180	64F, 77B
	PRENTICE	DAVID	68	66
	RAFFINI	JARED	5	64A
	RAY	JOHN	49	56A
	RAY	TIM	158	77B
	ROBBINS	GUYNELLE	111	1G, 74A, 74C
	ROSE	JEAN	17	31
	ROSE	MILENA	129	1B
	RYAN	KEVIN	88	10A
	SANDER	D	192	9T, 77A
	SAYLOR	ROBIN	167	66
	SCHULER	ED	100	66
	SHERMAN	JOHN	61	64E
	SINGH	ERICK	54	30, 63B
	SMITH	ANDREW	183	44
	SMITH	CANIE	188	38J, 67A
	SMITH	JUSTIN	146	66
	SMITH	TIMOTHY	56	10A, 66, 77C
	SPENCER	MARSHALL	59	6B-E, 10A, 26B, 66, 69C
	SPORNICK	CHUCK	164	6C, 10A
	STANSELL	DENNIS	12	69A
	STAPLETON	MARILYN	38	64D
	STEPHENS	JOHN	10	68B
	STONE	PAT	2	6A
	STROLIS	EDWARD	152	66
	SUNDIN	GARY	105	9E, 9G, 64D
	TAYLOR	GARRICK	150	6A, 6C, 18, 26J, 38C, 64F, 66, 78C, 78D, 78E
	TERRY	JASON	58	6AC, 66
	TUSCANO	BARRY	28	6A
	UNDERWOOD	JUDY	69	74A

Summary of Public Comments - Managing Recreation Uses in the
Upper Segment of the Chattooga Wild and Scenic River Corridor EA

ORGANIZATION	LAST NAME	FIRST NAME	LTR#	PUBLIC CONCERN (PC) #
	D			
	VIEHE	TERRAN	85	77B
	WALBRIDGE	CHARLIE	40	6BC, 10A, 66, 69C
	WALKER	CHARLES	74	26B
	WALKER	JEROME	57	56A
	WALKER	LARRY	191	5A, 77A, 100T, 77A
	WALLER	BEN	157	13D, 66
	WARREN	JOHN AND MARCIA	89	30, 77A
	WATSON	MA	135	5A, 9D, 9K, 9L, 9P, 34A, 64D
	WEBB	ROBERT	94	1EF, 26C
	WEMPE	MARY	80	67B
	WHEALE	DUNCAN	169	44, 75D, 94C,
	WHITHAM	CATHERINE	136	10K, 13C, 58E, 76A
	WIECHERS	PETER	86	10A
	WITHERS	DAVID	125	66
	WOODFORD	BRAD	32	77B
	YARBROUGH	BRYCE	20	66
	YOUNG	EMORY	151	77G
	YOW	WES	163	77G
	ZAKUTANSKY	MARK	63	6B-E, 10A, 66
	ZIMMER	KOHL	126	13B, 24A, 26G, 37, 41A-C, 58C, 58D
	ZUMWALT	NATHAN	60	6B, 6D, 6E, 10A, 66
		ROBERT	97	16A, 18, 62B, 64C, 66, 79B
FORM 01			36	6B-D, 10A, 66, 77B, 77C
FORM 02			11	15, 34A, 77A, 77B,
FORM 03			114	13E-K
2009 Public Comment Letters			193	2A, 2B, 3F, 4A-C, 5A, 5H, 6A, 6C, 6H, 6I, 7B, 7K, 7O-T, 10A, 10Q, 10T, 13C, 13E-Q, 14A, 14A-H, 16C, 16D, 16G-T, 17A-G, 18, 19, 20, 21A, 21D, 21E, 21F, 21G, 21I, 21J, 22, 24C, 26B, 26C, 26M-Q, 27B-D, 30, 32E-H, 33B-E, 34A, 34I-K, 35, 38D-G, 38K-L, 39C, 40, 41A, 41D, 41F, 41G, 42, 43D-H, 44, 45, 46, 48, 49, 50F, 51B-F, 55D, 56B-C, 57A-B, 58A, 58G-J, 60, 62D, 62F-M, 63G-I, 64D, 64G-H, 64L-R, 65A-C, 66, 68D, 70A, 70C-D, 71A-D, 71F, 71L, 71M, 71P-V, 73, 74A, 74M-P, 75A-C, 75F, 75G, 75K-L, 76F-G, 77A-C, 77I-S, 78H-Z, 79A, 79B, 79D-G, 79I, 79K-M, 79R, 80A-X, 81A, 82, 83, 84,

ORGANIZATION	LAST NAME	FIRST NAME	LTR#	PUBLIC CONCERN (PC) #
				85B, 86, 87, 88, 89, 90, 91, 92, 93A, 93C-D, 94E, 95, 95D, 96A-B, 97, 100

Table 2. Public concern statements organized by subject

Subject	Public Concern Numbers Associated With This Subject
Alternatives	1 - 15
Fisheries	16 - 22
Heritage	23
Laws and Regulations	24 – 26
Miscellaneous	27 - 31
Monitoring	32 -34
NEPA	35 – 44
Outstandingly Remarkable Values	45 - 53
Recreation	54 - 80
Scenery	81
Social and Economics	82 – 84
Soils	85
Vegetation	86 – 90
Water and Riparian Corridor	91 – 94
Wilderness	95 & 96
Wildlife	97 - 100

All letters are available in the project record and are posted on the Francis Marion and Sumter National Forests' website.

Public Concern Statements and Responses

The following public concern statements (PCs), response to comments (RTCs), and all the associated coded public comments are organized by subject:

Alternatives

Public Concern 1

The Forest Service should select Alternative 1, No Action, because:

- A) Increased recreation will damage the ecosystem;**
- B) It maintains the zones that were established previously;**
- C) Opening other sections on a limited basis is unnecessary;**
- D) It is the only alternative that will protect and preserve the wilderness character;**

- E) Boating opportunities are adequate and accessible;
- F) There are few pristine waters for fishing and other non-invasive activities;
- G) It is the reason why it was approved by congress as a Wild and Scenic River;
- H) It protects habitat diversity and a variety of visitor preferences;
- I) It averts user conflict;
- J) New access points and portage trails are not suitable;
- K) New parking areas are limited and a long distance from the Chattooga River;
- L) It averts trespassing on private land; and
- M) Expansion of the trailhead facilities on Green Creek Cemetery Road would be inconsistent with the purpose for which the land was donated.

Response to PC 1

The Decision Notice discusses the rationale for the selected alternative. A range of alternatives including Alternative 1 (No Action) are discussed in **Chapter 2, Section 2.2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor (EA)*. Key issues and their possible resolution by the alternatives are discussed in **Chapter 1, Section 1.6 of the EA**. Alternatives considered and the rationale for not developing them in detail is discussed in **Chapter 2, Section 2.4**. See **EA Chapter 1, Section 1.2 Need for the Proposed Action**.

A) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3**.

B) No further response is necessary.

C) No further response is necessary.

D) The effects on wilderness character for all the alternatives are discussed in *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.7**.

E) No further response is necessary.

F) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.2 Biology ORV and Section 3.2.1 Recreation ORV**. March 22, 1976 Federal Register, Volume 41, Number 56, Fishing (page 11849) states “Since this river is located in the lower portion of trout habitat it isn’t as productive as those streams in the North and West portions of the nation.”

G) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 1, Section 1.2 Need for the Proposed Action** which states “Congress designated the 57-mile Chattooga River (and its 15,432-acre corridor) as part of the National Wild and Scenic Rivers System in 1974 to preserve the river’s free-flowing condition, protect its water quality and protect and enhance the river’s ORVs—biology, geology, recreation, scenery and history.”

H) The alternatives evaluated the effects of adding boating to other recreation opportunities (i.e. hiking, fishing and etc.). See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.1 Recreation ORV** for the effects of the alternatives on habitat diversity and recreational visitors.

I) Potential Recreation Use Conflict is evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.1 Recreation ORV** for all alternatives.

J) See the response in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 1, Section 1.7 Other Issues, Item B**. New access points and portage trails will require a site-specific analysis and decision.

K) No new parking areas are proposed in any of the alternatives.

L) None of the alternatives encourage trespass on private lands.

M) No alternatives propose expansion of parking areas.

Sample Public Comment(s) for PC 1:

Subconcern # A

I vote to leave the river as it is. Increased recreation means damage to the ecosystem. Let's leave something for future generations. (Ltr# 21, Cmt# 1)

Subconcern # A

I oppose opening more of this remote and untouched river to predation by rafters, fishermen, and litter-generators. Leave it like it is and restrict public access to these remaining areas. Rafters have enough now. (Ltr# 42, Cmt# 1)

Subconcern # A

I urge the USFS to stand by its compromise decision, which was given after a considered multi-year analysis, and look beyond the immediate demands of the few to anticipate the interests and needs of future generations. The area's ecological sensitivity is of central importance, since once disturbed it will be very difficult to undo that damage. Little-impacted stretches of Wild and Scenic River and Wilderness will only become a rarer and rarer commodity, and all the more important and valued as such as our population grows, and the impacts and demands on our already beleaguered landscape increase. (Ltr# 124, Cmt# 4)

Subconcern # A

Please leave the Upper Chattooga as is beautiful, wild and undamaged. NO BOATERS PLEASE! (Ltr# 149, Cmt# 1)

Subconcern # A B

I oppose any changes to the present long standing regulations prohibiting boating on the upper stretch of the Chattooga River. The Forest Service process for implementing new regulations has been deeply flawed because it was framed only to address boating and trout fishing. This view is based on the blind and fictive notion that the river (and all of nature) is "out there" only as a resource to be exploited. (Ltr# 142, Cmt# 1)

Subconcern # B

I approve of Alternative #1, which maintains the zones established many years ago. (Ltr# 24, Cmt# 1)

Subconcern # B

We continue to believe that the usage zoning that has been in place since 1976 is the best environmental and social management approach for the Chattooga River. (Ltr# 107, Cmt# 1)

Subconcern # B

It is not too late to simply continue the zoning of the Chattooga as it presently is...foot traffic only above the Highway 28 Bridge. This is what conservation organizations, hikers, anglers, some property owners, rescue personnel and even some boaters prefer. (Ltr# 112, Cmt# 2)

Subconcern # B

I am very upset to hear that you are going to expand the access of the Chattooga to kayakers. I think that they should be restricted to the places that they currently use, a decision that was a compromise that was reached a number of years ago. I don't even want them to put in at the iron bridge let alone even higher up as you are proposing. If you keep giving people half of the pie, then another half of that, soon the pie is gone. No more compromises to that elitist group. (Ltr# 128, Cmt# 1)

Subconcern # B

I've just heard that you are kowtowing to the demands of a group of kayakers by changing what you had already recommended for management of the Chattooga. I am not pleased at all that you are so biased in

their favor and assume that they must be able to afford a nice legal team. But what about we individual citizens who feel strongly but do not have a lobbying organization pushing policy. This is exactly what is wrong with the Federal Government: special interest groups like Whitewater has the loudest voice because they have a ton of money. Please do NOT expand kayaking as you have done in this most recent proposal! (Ltr# 129, Cmt# 1)

Subconcern # B D F

I am writing to inform you that the Georgia Chapter of the Sierra Club is opposed to any Alternative that would open up the Chattooga River's headwaters to boating. This stretch has been closed to boats for more than thirty years; the Sierra Club feels the ban should remain in place. The Upper Chattooga, which bisects the Ellicott Rock Wilderness, and the Rock Gorge area remains one of the premier wild areas of the eastern United States, a refuge for wildlife, people, and is one of the best backcountry trout streams in the country. We would, in fact, argue that opening the river for boating thru the Ellicott Rock Wilderness is inconsistent with the goals of the Wilderness Act. We are likewise concerned that allowing boating through the Rock Gorge section of the river, from the Highway 28 Bridge to Burrell's Ford, could severely damage this areas currently relatively unspoiled nature and potential for future wilderness designation. The Sierra Club has long supported full Wilderness protection for this area and an extension to the Ellicott Rock Wilderness. Therefore, the Sierra Club can only support a no-boating Alternative. Further, the Sierra Club feels that opening the area to boaters, and their vehicles, would overwhelm this fragile ecosystem and create additional conflicts with other users whose impacts are already too great for the resource. We feel protecting this area is critically important because as noted in the Forest Service's own report on Watershed Conditions much of the area in question (Reed Creek/Chattooga River) is already listed as "impaired." (see <http://www.fs.fed.us/publications/watershed/>) We fail to see how opening any of this section to more boating could improve this situation. Likewise, since watershed protection was a cornerstone of the current Land and Resource Management Plans for the three affected National Forests this would seem to us to be in conflict with the goals of those plans as well. Whitewater boaters already have access to the majority of swift rapids in the area, including the entire West Fork of the Chattooga, and all of the Chattooga below the Highway 28 bridge. Overflow Creek all the way to North Carolina is also already open to boating. Given the Forest Service's demonstrated lack of ability to police and protect this fragile and important ecosystem we see no way that adding additional users of any type is helpful. (Ltr# 118, Cmt# 1)

Subconcern # B D F

I am writing to say I am opposed to any Alternative that would open the Chattooga River's upper headwaters to boating. This part has been closed to boats for more than thirty years and the ban should remain in place. The reason for the ban is because the Upper Chattooga bisects the Ellicott Rock Wilderness, and Rock Gorge. These areas are the premier wild areas left in the eastern United States. They are one of the few refuges for wildlife, the public, and the best back country trout streams in America. (Ltr# 140, Cmt# 1)

Subconcern # C

I feel that the best parts of the river for boating are already open. Opening the other sections even on a limited basis is unnecessary. Please leave the Chattooga as is and let those of us who seek solitude and nature continue to enjoy it and pass it down to the next generations. (Ltr# 55, Cmt# 3)

Subconcern # D

I am absolutely firm in my belief that keeping the current usage plan is the only decision which will protect and preserve the wild and scenic nature of this amazing wilderness. This present approach was the result of wisely considered alternatives using appropriate criteria. Just as predicted, the river now offers a variety of user experiences without overburdening or deteriorating its fragile environment. (Ltr# 71, Cmt# 1)

Subconcern # E

Water access for boaters in north Georgia and South Carolina is adequate and quite accessible. I believe the upper reaches of the Chattooga are being unreasonably pressured by groups driven by greed and unnecessary longing who ignore the opportunities already offered in order to continue a path of access into every last vestige of pure natural area just for their own pertinent interests. This area should be left as is

with access being permitted as it is at this time, with no further roads built and no opportunity for boating of any sort. (Ltr# 83, Cmt# 1)

Subconcern # E F

Goodness knows, the whitewater folks have access to all sorts of waters throughout North and South Carolina and all over the United States. There are few pristine waters for trout fishing and other non-invasive activities left in this part of North Carolina. Please, please leave it as it was established in 1976. The American Whitewater are not unfairly excluded. (Ltr# 94, Cmt# 2)

Subconcern # G

I urge you to allow the 16.5 miles of the Upper Chattooga to be left as wild as it is at this moment. I believe that is why it was approved by Congress as a Wild and Scenic River. (Ltr# 111, Cmt# 1)

Subconcern # H

The current policy that has provided diverse opportunities for a variety of recreational visitors found an ideal balance between whitewater boating, undisturbed trout fishing and opportunities for solitude for many hiking visitors. The ideal solution for managing the Chattooga remains prohibiting boats above Highway 28 in order to protect habitat diversity and a variety of visitor preferences. (Ltr# 122, Cmt# 1)

Subconcern # I

I believe things work best the way they are now. Changes to allow more access to boaters without real, on-site regulation will not work. It is as simple as that. Paddlers are going to push the boundaries – that is the intent of what they do. Changing access will open a Pandora's Box of conflict and regretful encounters between those who seek solitude and the “extreme” behavior exhibited by many paddlers. (Ltr# 123, Cmt# 2)

Subconcern # I-M

I am supportive of Alternatives 1, 2, or 3, but I am opposed to Alternatives 8,11,12,13, and 14. The following discussions summarize some of the reasoning why I recommend you choose one of the first three, and do not choose one of the other options. They also pose several questions to which I desire the US Forest Service's official answers. The Chattooga River trail head is the most upstream limit of where the Chattooga River courses through public land. But this point is not a suitable put-in point for boating. The parking area is a very long way from the river itself, via a portage of at least 2/3 mile of steep unofficial trail, or more than a mile via the main official trail. A closer access point, but on private land, is at the intersection of our driveway and Greens Creek Cemetery Road, where woods roads are shared with Forest Service, the Cranston Family Partnership and me. It is presently common to have hikers park cars here to cut off the first 1/8 mile of steep trail from the official parking lot. These occasional parkers have not been much of a problem to us thus far, but they are not trying to carry boats either. I believe that there will be increased parking by the new boaters (with associated trespassing and potential conflicts), if preventive measures are not taken. But, the Forest Service states that no new parking will be developed and relies on that fact to limit access and usage to the interior trails and river. I believe that the added users will try to park in our driveway. Parking at the trail head is available for only eight to ten cars, and little suitable public land exists to expand. As mentioned in the background section above, my mother donated several acres of beautiful land near this location to the US Forest Service for the purpose of protecting the land and for providing a green buffer at the trail head. Any expansion of the trail head facilities would be inconsistent with the spirit of this gift. What measures will the US Forest Service take to mitigate or prevent the inevitable overflow parking problem, including potential trespassing and public nuisance to adjacent private properties? From the trailhead entrance (the upper end of public ownership) it is about 6.5 miles to the Steel Bridge on the Bullpen Road, and there are no put-in points for boats anywhere in this reach that would be convenient to parked vehicles. Even at the Steel Bridge, the river access is precipitous and is right at the top of a waterfall, far below the road elevation. Downstream of the Bullpen Road is the Ellicott Rock Wilderness. There is not even a trail along the river in most of this area, much less a boat launch. By definition this area is a wilderness with very little built infrastructure, and should remain so. Below the Ellicott Rock Wilderness, a trail follows the river, and there is a greater flow of water in it. The river itself is more conducive to boating, but again there is no boating launch point. At Ellicott's Rock, the upper end of the riverside trail system, it is over 3.5 miles by trail to the nearest road, hardly a good portage. The next access downstream is Burrell's Ford, where more parking exists. The river downstream of this place is more suitable for boating than any place upstream. Why will the US Forest Service not restrict boating to

the reaches below Burrells Ford and prohibit it upstream? Back upstream, beyond the Chattooga River trail head, the next public access to the river is the small isolated parcel of public land at Grimshawes, where the public uses the sliding rock falls on the river. It is not a suitable nor adequate entrance for boaters either. Parking is very minimal here, and large overflows of parked cars often line Whiteside Cove Road currently, even without boaters as additional users. It is not uncommon to see 30 to 40 cars on the narrow shoulders. As for the use of the river for boating, the Chattooga between Grimshawes and Greens Creek could hardly be deemed navigable. For example, I cannot imagine someone wanting to go over Corkscrew Falls in any vessel. Nevertheless, if such daredevil stunts should be undertaken by boaters, those activities will almost certainly result in injuries, if not deaths. How could the US Forest Service and rescue personnel access a boating accident site to transport victims effectively and without trespassing on adjacent private lands? (Ltr# 147, Cmt# 3)

Public Concern 2

The Forest Service should not select Alternative 1, No Action, because:

- A) It was changed and violates the NEPA process; and**
- B) It does not provide consistent management of the upper segment of the Chattooga River on all three forests.**

Response to PC 2

A) Based upon external and internal comments received, Alternative 1 was ‘changed’ or ‘clarified’ to better show the ‘no action’, or no change from current management for the three National Forests in which the upper segment of the Chattooga WSR flows.

B) An alternative that considers current management practices is a requirement under federal regulations. Consequences of implementing Alternative 1 are considered in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.

Sample Public Comment(s) for PC 2:

Subconcern # A

#146- “No change Alt 1” NEPA mandatory alternative was changed and that violates the process from the start. (Ltr# 193, Cmt# 139)

Subconcern # B

#559- The problem with Alternative 1 is the lack of consistent management plans for the corridor in the GA, SC and NC National Forests. (Ltr# 193, Cmt# 546)

Public Concern 3

The Forest Service should select Alternative 2 because:

- A) It averts user conflict;**
- B) New access points and portage trails are not suitable;**
- C) New parking areas are limited and a long distance from the Chattooga River;**
- D) It averts trespassing on private land;**
- E) Expansion of the trailhead facilities on Green Creek Cemetery Road would be inconsistent with the purpose for which the land was donated; and**
- F) It proposes the most realistic management plans that will protect ORVs.**

Response to PC 3

A range of alternatives including Alternative 2 are discussed in **Chapter 2, Section 2.2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Key issues and their possible resolution by the alternatives are

discussed in **Chapter 1, Section 1.6** of the EA. Alternatives considered and the rationale for not developing them in detail is discussed in **Chapter 2, Section 2.4**.

A) **Potential Recreation Use Conflict** is evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.1 Recreation ORV** for all alternatives.

B) Alternative 2 does not propose any new access points or portage trails since boating would be prohibited.

C) No new parking areas are proposed in any of the alternatives.

D) None of the alternatives encourage trespass on private lands. See the response in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 1, Section 1.7 Other Issues, Item B**.

E) None of the alternatives consider expansion of the trailhead at Green Creek.

F) *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2** discloses the effects of the alternatives on the ORVs.

Sample Public Comment(s) for PC 3:

Subconcern # A-E

I am supportive of Alternatives 1, 2, or 3, but I am opposed to Alternatives 8,11,12,13, and 14. The following discussions summarize some of the reasoning why I recommend you choose one of the first three, and do not choose one of the other options. They also pose several questions to which I desire the US Forest Service's official answers. The Chattooga River trail head is the most upstream limit of where the Chattooga River courses through public land. But this point is not a suitable put-in point for boating. The parking area is a very long way from the river itself, via a portage of at least 2/3 mile of steep unofficial trail, or more than a mile via the main official trail. A closer access point, but on private land, is at the intersection of our driveway and Greens Creek Cemetery Road, where woods roads are shared with Forest Service, the Cranston Family Partnership and me. It is presently common to have hikers park cars here to cut off the first 1/8 mile of steep trail from the official parking lot. These occasional parkers have not been much of a problem to us thus far, but they are not trying to carry boats either. I believe that there will be increased parking by the new boaters (with associated trespassing and potential conflicts), if preventive measures are not taken. But, the Forest Service states that no new parking will be developed and relies on that fact to limit access and usage to the interior trails and river. I believe that the added users will try to park in our driveway. Parking at the trail head is available for only eight to ten cars, and little suitable public land exists to expand. As mentioned in the background section above, my mother donated several acres of beautiful land near this location to the US Forest Service for the purpose of protecting the land and for providing a green buffer at the trail head. Any expansion of the trail head facilities would be inconsistent with the spirit of this gift. What measures will the US Forest Service take to mitigate or prevent the inevitable overflow parking problem, including potential trespassing and public nuisance to adjacent private properties? From the trailhead entrance (the upper end of public ownership) it is about 6.5 miles to the Steel Bridge on the Bullpen Road, and there are no put-in points for boats anywhere in this reach that would be convenient to parked vehicles. Even at the Steel Bridge, the river access is precipitous and is right at the top of a waterfall, far below the road elevation. Downstream of the Bullpen Road is the Ellicott Rock Wilderness. There is not even a trail along the river in most of this area, much less a boat launch. By definition this area is a wilderness with very little built infrastructure, and should remain so. Below the Ellicott Rock Wilderness, a trail follows the river, and there is a greater flow of water in it. The river itself is more conducive to boating, but again there is no boating launch point. At Ellicott's Rock, the upper end of the riverside trail system, it is over 3.5 miles by trail to the nearest road, hardly a good portage. The next access downstream is Burrell's Ford, where more parking exists. The river downstream of this place is more suitable for boating than any place upstream. Why will the US Forest Service not restrict boating to the reaches below Burrells Ford and prohibit it upstream? Back upstream, beyond the Chattooga River

trail head, the next public access to the river is the small isolated parcel of public land at Grimshawes, where the public uses the sliding rock falls on the river. It is not a suitable nor adequate entrance for boaters either. Parking is very minimal here, and large overflows of parked cars often line Whiteside Cove Road currently, even without boaters as additional users. It is not uncommon to see 30 to 40 cars on the narrow shoulders. As for the use of the river for boating, the Chattooga between Grimshawes and Greens Creek could hardly be deemed navigable. For example, I cannot imagine someone wanting to go over Corkscrew Falls in any vessel. Nevertheless, if such daredevil stunts should be undertaken by boaters, those activities will almost certainly result in injuries, if not deaths. How could the US Forest Service and rescue personnel access a boating accident site to transport victims effectively and without trespassing on adjacent private lands? (Ltr# 147, Cmt# 4)

Subconcern # F

#370- Alternatives 2 and 3 propose the most realistic management plans that will protect the ORVs of the Upper Chattooga. (Ltr# 193, Cmt# 359)

Public Concern 4

The Forest Service should not select Alternative 2 because:

- A) It would require permits (all comments from 2009 EA comment period);**
- B) It has unwarranted encounter management (all comments from 2009 EA comment period); and**
- C) It has excessive management costs (all comments from 2009 EA comment period).**

Response to PC 4

A) The effects of a permit system have been disclosed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* in **Chapter 3**.

B) The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* documents the effects of alternative permit system in **Chapter 3**, so the Responsible Official (the Forest Supervisors) can make an informed decision.

C) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Appendix B** for an estimate of the management costs to implement each alternative.

Sample Public Comment(s) for PC 4:

Subconcern # A

#460- The EA suggests that the USFS rejected the potential permit system in alternative 2 because "Use limit systems require administrative effort, require users to plan ahead and compete for limited permits, and would displace some proportion of existing use on high use days" (EA 106). If this is sufficient justification to eliminate alternative 2, it should be sufficient justification to eliminate the preferred alternative and others that would require permits for paddlers. (Ltr# 193, Cmt# 447)

Subconcern # B C

#589- Alternative 2: Increases solitude by managing encounters through a permit system. I believe this alternative has excessive encounter management and excessive FS management costs. (Ltr# 193, Cmt# 576)

Public Concern 5

The Forest Service should select Alternative 3 because:

- A) It will ensure boat free solitude;**
- B) It prevents resource damage caused by overuse;**
- C) It averts user conflict;**

- D) New access points and portage trails are not suitable;
- E) New parking areas are limited and a long distance from the Chattooga River;
- F) It averts trespassing on private land;
- G) Expansion of the trailhead facilities on Green Creek Cemetery Road would be inconsistent with the purpose for which the land was donated; and
- H) It protects the Chattooga River and its fisheries.

Response to PC 5

A range of alternatives including Alternative 3 are discussed in **Chapter 2, Section 2.2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Key issues and their possible resolution by the alternatives are discussed in **Chapter 1, Sec 1.6** of the EA. Alternatives considered and the rationale for not developing them in detail is discussed in **Chapter 2, Section 2.4**.

- A) Effects to solitude are discussed in **Chapter 3 section 3.2.1, Recreation ORV and Section 3.7 Wilderness**.
- B) See **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* for the effects of all the alternatives on the environment.
- C) Potential Recreation Use Conflict is evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.1 Recreation ORV** for all alternatives.
- D) See the response in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 1, Section 1.7 Other Issues, Item B**. No access points and portage trails are proposed since the boating prohibition would be continued in this alternative.
- E) No new parking areas are proposed in any of the alternatives.
- F) None of the alternatives encourage trespass on private lands.
- G) None of the alternatives consider expansion of the trailhead at Green Creek.
- H) *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.2A** discloses the effects of all the alternatives on fisheries.

Sample Public Comment(s) for PC 5:

Subconcern # A

According to your e-mailed letter of July 15, 2011, after all these years and all the time put into this issue the Forest Supervisors are going to make a decision. It is my hope the decision is to prohibit boating above the Highway 28 Bridge per Alternative 3. The USFS has put in an enormous amount of time measuring what it can, engaging expert panels (of which I was a member), counting woody debris, conducting surveys, defending law suits, reading anecdotal information, projecting usage and activities on the river, and any number of other activities which were costly in terms of cash for consultants and pay for USFS staff. I commend you for trying to make a fair and data based decision. However, the data collected is not all that is pertinent to your decision. Observing first hand both the culture and behavior of many in the boating community is also pertinent. (Ltr# 135, Cmt# 1)

Subconcern # A

The USFS needs to go back to its initial belief that this very special section of the Chattooga should provide a peaceful, serene place for humans and critters. Alternative 3 is best. Alternative 12 is a cave-in to a predatory lawyer driven society. (Ltr# 191, Cmt# 3)

Subconcern # AB

After examining the range of alternatives presented in the Draft EA, I prefer Alternative 3. This alternative is the best one presented that will ensure that my value of a boat-free, solitude experience while recreating on the upper Chattooga will be met, while also addressing concerns of damage to the resource from over-use. (Ltr# 103, Cmt# 2)

Subconcern # A H

#403- TU supports Alternative 3, the no-boating alternative, as a better choice for protecting the river and its fisheries (Ltr# 193, Cmt# 391)

Subconcern # C-G

I am supportive of Alternatives 1, 2, or 3, but I am opposed to Alternatives 8,11,12,13, and 14. The following discussions summarize some of the reasoning why I recommend you choose one of the first three, and do not choose one of the other options. They also pose several questions to which I desire the US Forest Service's official answers. The Chattooga River trail head is the most upstream limit of where the Chattooga River courses through public land. But this point is not a suitable put-in point for boating. The parking area is a very long way from the river itself, via a portage of at least 2/3 mile of steep unofficial trail, or more than a mile via the main official trail. A closer access point, but on private land, is at the intersection of our driveway and Greens Creek Cemetery Road, where woods roads are shared with Forest Service, the Cranston Family Partnership and me. It is presently common to have hikers park cars here to cut off the first 1/8 mile of steep trail from the official parking lot. These occasional parkers have not been much of a problem to us thus far, but they are not trying to carry boats either. I believe that there will be increased parking by the new boaters (with associated trespassing and potential conflicts), if preventive measures are not taken. But, the Forest Service states that no new parking will be developed and relies on that fact to limit access and usage to the interior trails and river. I believe that the added users will try to park in our driveway. Parking at the trail head is available for only eight to ten cars, and little suitable public land exists to expand. As mentioned in the background section above, my mother donated several acres of beautiful land near this location to the US Forest Service for the purpose of protecting the land and for providing a green buffer at the trail head. Any expansion of the trail head facilities would be inconsistent with the spirit of this gift. What measures will the US Forest Service take to mitigate or prevent the inevitable overflow parking problem, including potential trespassing and public nuisance to adjacent private properties? From the trailhead entrance (the upper end of public ownership) it is about 6.5 miles to the Steel Bridge on the Bullpen Road, and there are no put-in points for boats anywhere in this reach that would be convenient to parked vehicles. Even at the Steel Bridge, the river access is precipitous and is right at the top of a waterfall, far below the road elevation. Downstream of the Bullpen Road is the Ellicott Rock Wilderness. There is not even a trail along the river in most of this area, much less a boat launch. By definition this area is a wilderness with very little built infrastructure, and should remain so. Below the Ellicott Rock Wilderness, a trail follows the river, and there is a greater flow of water in it. The river itself is more conducive to boating, but again there is no boating launch point. At Ellicott's Rock, the upper end of the riverside trail system, it is over 3.5 miles by trail to the nearest road, hardly a good portage. The next access downstream is Burrell's Ford, where more parking exists. The river downstream of this place is more suitable for boating than any place upstream. Why will the US Forest Service not restrict boating to the reaches below Burrells Ford and prohibit it upstream? Back upstream, beyond the Chattooga River trail head, the next public access to the river is the small isolated parcel of public land at Grimshawes, where the public uses the sliding rock falls on the river. It is not a suitable nor adequate entrance for boaters either. Parking is very minimal here, and large overflows of parked cars often line Whiteside Cove Road currently, even without boaters as additional users. It is not uncommon to see 30 to 40 cars on the narrow shoulders. As for the use of the river for boating, the Chattooga between Grimshawes and Greens Creek could hardly be deemed navigable. For example, I cannot imagine someone wanting to go over Corkscrew Falls in any vessel. Nevertheless, if such daredevil stunts should be undertaken by boaters, those activities will almost certainly result in injuries, if not deaths. How could the US Forest Service and rescue personnel access a boating accident site to transport victims effectively and without trespassing on adjacent private lands? (Ltr# 147, Cmt# 5)

Public Concern 6

The Forest Service should select Alternative 8 and:

- A) Because it does not discriminate against boaters and permits them to experience the Chattooga River on a more equitable basis;
- B) Modify the access restrictions from direct to indirect measures;
- C) Include modifications to allow boating on the entire upper Chattooga and its tributaries;
- D) Include a modification to not include scenic boating and boat based angling;
- E) Include a modification to allow multi-day trips on the entire Chattooga River;
- F) Include a modification to allow boating with no restrictions throughout the year;
- G) Include a modification to allow boating in Section 1 of the Chattooga River;
- H) Include a modification to include encounter standards based on real user capacity analysis; and
- I) Include a modification to equitably limit total use only when encounter standards are consistently exceeded and implement these standards using indirect measures.

Response to PC 6

A range of alternatives including Alternative 8 are discussed in **Chapter 2, Section 2.2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Key issues and their possible resolution by the alternatives are discussed in **Chapter 1, Section 1.6** of the EA. Alternatives considered and the rationale for not developing them in detail is discussed in **Chapter 2, Section 2.4**.

A) See **Section 1.6 Key Issues, Item C Boating access and equitable treatment of boating in Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. In the alternatives that allow boating, "...the number of boating groups anticipated on days when boating opportunities may occur are treated equitably as part of the total capacity for each reach—they are not singled out or treated any differently than existing user groups.

B) The use of indirect and direct measures is discussed in the **Chapter 2, Section 2.3 Monitoring and Adaptive Management**.

C) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 2, Section 2.4 Alternatives Considered but not in Detail, Item B Boating in the Tributaries above HWY 28** for a discussion of the rationale why boating is not allowed in the tributaries within the main stem of the corridor for any of the alternatives.

D) In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.1 Recreation ORV** discloses the effects of scenic boating and boat based angling. The report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) has information on scenic boating and fishing from boats.

E) The analysis in the EA indicates that multi-day trips are not likely, but they are not prohibited.

F) Alternative 8 does allow boating at all flows throughout the year as stated in **Chapter 2**.

G) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 2, Section 2.4 Alternatives Considered but not in Detail, Item A Boating through private land on the upper segment of the**

Chattooga WSR for a discussion of the rationale why boating is not allowed in section 1 of the Chattooga River for any of the alternatives.

H) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3 Section 3.2.1 Recreation ORV, I. Affected Environment, C. Conditions as They Exist Today, 4. Use and Capacity** for a discussion on how the user capacity analysis was developed for each alternative. **Appendix D** of the EA discusses how the encounters were calculated.

I) Indirect and direct measures are discussed in **Chapter 2, Section 2.3 Monitoring and Adaptive Management** and how they are used to meet the desired condition.

Sample Public Comment(s) for PC 6:

Subconcern # A

Alternate 12 is unacceptable as are any of the alternatives that include a goal of preserving boater-free visitor opportunities for non-boating users. Such a goal is blatantly discriminatory and contrary to the letter and spirit of the Wild and Scenic Rivers Act. Alternate 8 is the only acceptable Alternate in the study. (Ltr# 1, Cmt# 2)

Subconcern # A

As a boater, I know I'm supposed to urge you to allow unlimited boating on the upper reaches. But I do appreciate fishermen's desire for boat-free days. If it were up to me, I'd probably say when the flow's over xxx you can boat but not fish and when it's under xxx you can fish but not boat. But your alternative 8 is simpler and a way to give boaters good access to the river. So (I know I'll be called a turncoat by my peers) I say, "Go for it. Alternative 8." (Ltr# 2, Cmt# 1)

Subconcern # A

There is no lower impact recreation than floating on the water under muscle power. I urge you to allow equal access to the upper Chattooga for those of us who will fight long and hard to protect the wild nature of this and all rivers. Alternative 8 should be adopted for the entire upper Chattooga. (Ltr# 28, Cmt# 1)

Subconcern # A

I am writing today to indicate my disappointment of the United States Forest Service's (USFS) support of Alternative 12. I support Alternative 8 for the following reasons: Although the USFS has literally spent millions of taxpayers dollars trying many times over the last fifteen years, they have failed to justify the decision to continue an unlawful ban on paddling the Wild and Scenic Upper Chattooga River. Although they have been ordered by the court system twice to conduct an Environmental Assessment (EA), they have failed to do a lawful, meaningful one that properly reflects the potential environmental impact of allowing paddling and other uses. The reason for this is obvious. They realize that paddling is an extremely low impact recreational activity and any on point EA would reflect that. (Ltr# 156, Cmt# 1)

Subconcern # A C

I think it is ridiculous to ban one party from using the upper and lower sections of the river. Since the Chattooga is designated as a wild and scenic river, everyone should have access including paddlers. During the times when the upper section water level is high enough to allow paddling, chances are fisherman would not even be fishing. I know I don't trout fish when the water levels are high. Please do not allow this to pass, it would be a detriment to all sporting activities. Alternative 8 is the best solution but should include paddling on the entire upper Chattooga section and its tributaries. Paddlers should not be singled out and discriminated against when it comes to access to the Upper Chattooga River. (Ltr# 45, Cmt# 1)

Subconcern # A C

The only Alternative that is even close to fair is Alternative 8 and even that should be revised to include being able to float the entire river and tributaries, even overnight if desired. (Ltr# 58, Cmt# 2)

Subconcern # A C

Alternative 8 is the only alternative considered which even approaches an equitable use of the resource. Despite the fact in that the study refers to alternative 8 by saying, "most boating would occur when non-boating uses are low, and on less than one-third of the total days in a year," alternative 8 was rejected because it allowed boating on days that a FEW anglers MIGHT use the river. The rejection of the most equitable alternative in preference of anglers is illogical and irrational. Even though alternative 8 approaches an equitable use of the resource, it still unfairly bans boating above Green Creek and all tributaries above Highway 28. No valid reason is given for closing tributaries. The only reason given for banning boating above Green Creek is that some property owners feel the river in that stretch is not navigable. This stretch of river is part of North Carolina waters, and matters of navigability are the determination of the State of North Carolina, not the forest service. Alternative 8 should be modified to remove these unnecessary restrictions. (Ltr# 150, Cmt# 9)

Subconcern # A C H I

#22- The Alternative presented continues the practice of discriminating against certain user groups and I cannot accept any alternative or proposal that does that. Nothing short of a policy that allows equal access for anyone who wishes to enjoy the Chattooga or any other USFS-managed area is acceptable. Paddlers prefer an alternative similar to Alternative 8 that: 1) allows full access to boating on the entire Chattooga River below Grimshawes Bridge, 2) allows paddling on tributaries, 3) includes encounter standards based on a real user capacity analysis, 4) will equitably limit total use only when encounter standards are consistently exceeded, and 5) will do so using all available indirect measures first. (Ltr# 193, Cmt# 18)

Subconcern # B

I urge you to adopt alternative 8 with some modifications. This alternative would permit boaters to experience the river on a more equitable basis than the small handful of days allowed under alternative 12. Ideally boating should be permitted on all reaches of the Upper Chattooga and its tributaries. Boating usage will still be relatively low given the flows and skill needed to run this river. Few people are likely to be fishing on days when the river is flowing at boatable levels. If commercial rafting operators are not permitted on the Upper Chattooga, there is likely to be minimal impact on the experience of solitude. Also, if restrictions on access are required, indirect limits should be favored rather than direct. (Ltr# 22, Cmt# 2)

Subconcern # B C

Alternative 8 is the best and alternative but needs to be expanded to allow paddling on the entire upper Chattooga and its tributaries. It should require indirect limits on all visitors before direct limits are applied. (Ltr# 40, Cmt# 4)

Subconcern # B C D

Alternative 8 is the best alternative but needs to allow paddling on the entire upper Chattooga and its tributaries, should require indirect limits on all visitors before direct limits are applied, and should not include "scenic boating" or "boat-based angling" in the analysis. (Ltr# 132, Cmt# 2)

Subconcern # B-D

Alternative 8 is the best and alternative but needs to allow paddling on the entire upper Chattooga and its tributaries, should require indirect limits on all visitors before direct limits are applied, and should not include "scenic boating" or "boat-based angling" in the analysis. (Ltr# 36, Cmt# 3)

Subconcern # B D E

Alternative 8 seems to be the best alternative but paddling should be allowed on all Wilderness and Wild and Scenic rivers, including the upper Chattooga and its tributaries. Paddlers should be able to paddle the entire river as a multi-day trip if desired and if necessary, the forest service should require indirect limits on all visitors before direct limits are applied, and should not single-out "scenic boating" or "boat-based angling" in their analysis. (Ltr# 60, Cmt# 3)

Subconcern # B-E

I urge you, instead, to adopt Alternative 8, with these changes: allow paddling on the entire upper Chattooga and its tributaries; indirect limits ought to be applied on all visitors before direct limits are applied; the analysis should not include "scenic boating" or "boat-based angling"; AND multi-day trips on the entire river should be allowed. Please do not spend any more money on this ill-conceived effort to ban

boaters simply from floating down a river. All Wild and Scenic rivers should be administered consistently-- which is exactly what the above modifications of Alternative 8 would provide. (Ltr# 46, Cmt# 2)

Subconcern # B-E

Alternative (8) is the best alternative but it needs to allow paddling on the entire upper Chattooga and its tributaries. Further, it should require indirect limits on all visitors before direct limits are applied and should not include "scenic boating" or "boat-based angling" in the analysis. Paddlers should be able to paddle the entire river as a multi-day trip if desired. (Ltr# 59, Cmt# 6)

Subconcern # B-E

Alternative 8 is the best alternative but needs to allow paddling on the entire upper Chattooga and its tributaries, should require indirect limits on all visitors before direct limits are applied, and should not include "scenic boating" or "boat-based angling" in the analysis. Paddlers should be able to paddle the entire river as a multi-day trip if desired. (Ltr# 63, Cmt# 2)

Subconcern # C

I believe alternative 8 is the best and alternative but needs to allow paddling on the entire upper Chattooga and its tributaries. (Ltr# 153, Cmt# 2)

Subconcern # C

I would suggest that the forest supervisor consider Alternative 8, with the proviso that paddling be allowed on the entire Chattooga and its tributaries. (Ltr# 164, Cmt# 2)

Subconcern # F

I am writing to express my support for Alternative 8, with the modification that canoeing/kayaking be allowed with no limitations throughout the year. (Ltr# 179, Cmt# 1)

Subconcern # G

I prefer alternative 8, but it also has irrational restrictions. We should be able to paddle the Headwaters, especially section 1, the most suitable section for the widest range of paddlers, whenever the water is sufficient. (Ltr# 184, Cmt# 3)

Public Concern 7

The Forest Service should not select Alternative 8 because:

- A) Boating on the Upper Chattooga is not sustainable and will degrade resources;**
- B) User conflicts would be amplified;**
- C) New access points and portage trails are not suitable;**
- D) New parking areas are limited and a long distance from the Chattooga River;**
- E) It will increase trespassing on private land as a result of overflow parking, and possible search and rescue incidents;**
- F) Expansion of the trailhead facilities on Green Creek Cemetery Road would be inconsistent with the purpose for which the land was donated;**
- G) Boating and other uses are not considered between Grimshawes Bridge and Green Creek, thus it violates the court appeal and the Wild and Scenic River Act;**
- H) It bans boating on tributaries, thus violating the Wild and Scenic River Act, NEPA, and other laws and/or regulations;**
- I) It does not require all users to register;**
- J) It analyzes scenic boating, which is nonexistent, and boat-based anglers which should be managed separately;**
- K) It is unclear if this alternative would equitably implement direct measures after indirect measures have been exhausted;**

- L) The Lick Log Creek put-in was not part of the boaters' request and should not have been included;
- M) The status of the trail into Green Creek is unclear and may be inappropriate as part of this alternative;
- N) It will degrade the scenic values;
- O) It would not be conducive to the preservation of the Upper Chattooga (all comments from 2009 EA comment period);
- P) It bans boating on the upper 2-4 miles of the Chattooga River and multiple tributaries;
- Q) Only limited boating is considered, thus distorting the analysis with bias and violating NEPA (all comments from 2009 EA comment period);
- R) It opens the Upper Chattooga to boating without zone, season, or flow restrictions, which will displace anglers (all comments from 2009 EA comment period);
- S) It does not protect backcountry ORVs of solitude and remoteness and will damage wilderness values (all comments from 2009 EA comment period); and
- T) It has excessive management costs (all comments from 2009 EA comment period).

Response to PC 7

A range of alternatives including Alternative 8 are discussed in **Chapter 2, Section 2.2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Key issues and their possible resolution by the alternatives are discussed in **Chapter 1, Section 1.6** of the EA. Alternatives considered and the rationale for not developing them in detail is discussed in **Chapter 2, Section 2.4**.

A) See **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.

B) Potential Recreation Use Conflict is evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.1 Recreation ORV** for all alternatives.

C) See the response in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridors*, **Chapter 1, Section 1.7 Other Issues, Item B**. New access points and portage trails have been considered in the EA and will require a site-specific analysis and decision.

D) No new parking areas are proposed in any of the alternatives.

E) None of the alternatives encourage trespass on private lands.

F) Expansion of the trailhead at Green Creek was not considered in any alternative.

G) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 2, Section 2.4 Alternatives Considered but not in Detail, Item A Boating through private land on the upper segment of the Chattooga WSR** for a discussion of the rationale why boating is not considered between Grimshawes Bridge and Green Creek of the Chattooga WSR for any of the alternatives.

H) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 2, Section 2.4 Alternatives Considered but not in Detail, Item B Boating in the Tributaries above HWY 28** for a discussion of the

rationale why boating is not considered in the tributaries within the main stem of the corridor for any of the alternatives.

I) See the description of Alternative 8 in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Permits would be required for all boaters similar to current management on the lower portion of the Chattooga River. The self-registration permit for boating is for safety reasons and is not intended to limit boating use or unduly restrict boaters. An objective of Alternative 2 is to increase opportunities for solitude. Alternative 2 considered requiring all users to register to increase opportunities for solitude.

J) *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) discusses the opportunities for scenic boating and fishing from boats. In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.1 Recreation ORV** discloses the effects of scenic boating and boat based angling.

K) The use of indirect and direct measures is discussed in the **Chapter 2, Section 2.3 Monitoring and Adaptive Management**. *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.3** discloses the effects of the alternatives on scenery.

L) *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) discusses a potential put-in and/or take-out near the confluence of Lick Log Creek.

M) There are existing system and user-created trails near the confluence of Green Creek that can be used by river recreationists to access the river until a designated put-in is identified. Access via Chattooga River Trail to the confluence has been determined to be feasible and has been evaluated in the EA. A designated put-in would be determined using site-specific NEPA.

N) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 3.2.3 Scenery ORV** for the effects of all the alternatives on scenery.

O) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3** for the effects of alternative 8 on natural resources.

P) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 2 Alternatives Considered but not in Detail, Item A Boating through private land on the upper segment of the Chattooga WSR** and **Item B Boating in the Tributaries above Highway 28** for a discussion of the rationale why boating is not considered between Grimshawes Bridge and Green Creek or in the tributaries of the Chattooga River above highway 28 for any of the boating alternatives.

Q) Alternative 8 analyzes flows of the upper segment of the Chattooga WSR to determine whitewater boating opportunities. All alternatives in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* are designed to meet the purpose and need described in **Chapter 1**. The need for action includes: protecting and enhancing the ORVs, preserving the free-flowing condition, and protecting the water quality in the Chattooga WSR, to protect the wilderness character of Ellicott Rock Wilderness and to address the appeal decision on the 2004 Sumter RLRMP.

R) Alternative 8 analyzes flows of the upper segment of the Chattooga WSR to determine whitewater boating and angling opportunities. Alternative 8 relies on the use of flows to separate users (ie. boaters/anglers). The analysis in the *Capacity & Conflict on the Upper Chattooga River*

(Whittaker and Shelby 2007) was to used frame the range of alternatives and the analysis in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. See **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 3.2.1 Recreation ORV** for the effects of boating on anglers.

S) The concerns about solitude are discussed in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) (e.g.: bullet 6 on p. 62) and **Section 3.2.1 Recreation ORV** and **Section 3.7 Wilderness** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. These concerns were one of the drivers in developing the range of alternatives (boating and non-boating) whose effects were analyzed, compared and contrasted, and disclosed in the EA.

T) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Appendix B** for an estimate of the management costs to implement each alternative.

Sample Public Comment(s) for PC 7:

Subconcern # A B

As a categorical statement, we believe that allowing boating at all on the Upper Chattooga is a non-sustainable decision. All that you'll get is a few years, if that, of some happy boaters, and a degraded resource that even now actually is need of serious stewardship to preserve what is can and should be for all generations which will follow us. Therefore, JMCA opposes the preferred alternatives 8 and 12. Alternative 8 is simply a non-starter. A careful reading of the EA, particularly the sections regarding "user conflicts," leads us to conclude that user conflicts would be exacerbated by this alternative, probably to a serious point. We can't understand why this is even presented as an alternative, given the information you have gathered in the EA. It just doesn't add up as qualifying for consideration. (Ltr# 141, Cmt# 1)

Subconcern # B

#433- If analyzed under the same standards as Alternative 4, Alternative 8 would surely show a miniscule number of days on which encounter standards are exceeded, if any at all. (Ltr# 193, Cmt# 421)

Subconcern # B-F

I am supportive of Alternatives 1, 2, or 3, but I am opposed to Alternatives 8,11,12,13, and 14. The following discussions summarize some of the reasoning why I recommend you choose one of the first three, and do not choose one of the other options. They also pose several questions to which I desire the US Forest Service's official answers. The Chattooga River trail head is the most upstream limit of where the Chattooga River courses through public land. But this point is not a suitable put-in point for boating. The parking area is a very long way from the river itself, via a portage of at least 2/3 mile of steep unofficial trail, or more than a mile via the main official trail. A closer access point, but on private land, is at the intersection of our driveway and Greens Creek Cemetery Road, where woods roads are shared with Forest Service, the Cranston Family Partnership and me. It is presently common to have hikers park cars here to cut off the first 1/8 mile of steep trail from the official parking lot. These occasional parkers have not been much of a problem to us thus far, but they are not trying to carry boats either. I believe that there will be increased parking by the new boaters (with associated trespassing and potential conflicts), if preventive measures are not taken. But, the Forest Service states that no new parking will be developed and relies on that fact to limit access and usage to the interior trails and river. I believe that the added users will try to park in our driveway. Parking at the trail head is available for only eight to ten cars, and little suitable public land exists to expand. As mentioned in the background section above, my mother donated several acres of beautiful land near this location to the US Forest Service for the purpose of protecting the land and for providing a green buffer at the trail head. Any expansion of the trail head facilities would be inconsistent with the spirit of this gift. What measures will the US Forest Service take to mitigate or prevent the inevitable overflow parking problem, including potential trespassing and public nuisance to adjacent private properties? From the trailhead entrance (the upper end of public ownership) it is about 6.5 miles to the Steel Bridge on the Bullpen Road, and there are no put-in points for boats anywhere in this reach that would be convenient to parked vehicles. Even at the Steel Bridge, the river access is precipitous and is

right at the top of a waterfall, far below the road elevation. Downstream of the Bullpen Road is the Ellicott Rock Wilderness. There is not even a trail along the river in most of this area, much less a boat launch. By definition this area is a wilderness with very little built infrastructure, and should remain so. Below the Ellicott Rock Wilderness, a trail follows the river, and there is a greater flow of water in it. The river itself is more conducive to boating, but again there is no boating launch point. At Ellicott's Rock, the upper end of the riverside trail system, it is over 3.5 miles by trail to the nearest road, hardly a good portage. The next access downstream is Burrell's Ford, where more parking exists. The river downstream of this place is more suitable for boating than any place upstream. Why will the US Forest Service not restrict boating to the reaches below Burrells Ford and prohibit it upstream? Back upstream, beyond the Chattooga River trail head, the next public access to the river is the small isolated parcel of public land at Grimshawes, where the public uses the sliding rock falls on the river. It is not a suitable nor adequate entrance for boaters either. Parking is very minimal here, and large overflows of parked cars often line Whiteside Cove Road currently, even without boaters as additional users. It is not uncommon to see 30 to 40 cars on the narrow shoulders. As for the use of the river for boating, the Chattooga between Grimshawes and Greens Creek could hardly be deemed navigable. For example, I cannot imagine someone wanting to go over Corkscrew Falls in any vessel. Nevertheless, if such daredevil stunts should be undertaken by boaters, those activities will almost certainly result in injuries, if not deaths. How could the US Forest Service and rescue personnel access a boating accident site to transport victims effectively and without trespassing on adjacent private lands? (Ltr# 147, Cmt# 6)

Subconcern # G-M

Alternative 8 fails to consider paddling and other uses on the Chattooga River between Grimshawes Bridge and Green Creek and thus violates the Appeal ROD and WSRA. Alternative 8 arbitrarily bans paddling on the tributaries which violates the WSRA, NEPA, and a variety of other laws and regulations. Alternative 8 fails to require all corridor users to register. Analysis of Alternative 8 includes "scenic boaters" which do not exist, and "boat-based anglers," an activity that can and should be managed separately. It is not clear that Alternative 8 would equitably institute direct limits only after indirect limits have been exhausted. Alternative 8 includes Licklog Creek as a put-in, which was not part of the paddlers' requested alternative and should not have been included. It is unclear in the EA what the current status of the trail into Green Creek is, and if that trail is necessary or even desired by paddlers, and thus it may be inappropriate to propose this trail as part of the boating alternative. (Ltr# 168, Cmt# 31)

Subconcern # K P

#427- Alternative 8, while erroneously described by some as unlimited boating, does in fact contain a boating closure. It would ban boating on the upper 2-4 miles of the river and multiple tributaries, and thus does provide the clearly stated legal access being sought by American Whitewater to the entire Chattooga Wild and Scenic River. This closure exists in all alternatives and adversely affects access to the public river as it flows through both public and private lands. The EA paints Alternative 8 as the paddlers' preferred alternative. It is not. It contains a ban on boating the uppermost several miles of the Wild and Scenic Chattooga River with zero basis or discussion, and also contains a new ban on boating tributaries with zero basis or discussion. Alternative 8 also fails to limit all uses equitably using all indirect measures first followed by direct measures. (Ltr# 193, Cmt# 415)

Subconcern # N

I also ask the Forest Service to reject Alternative 8. Lifting the ban on boating will destroy the "esthetic, scenic...features" that the National Wild and Scenic River Act explicitly mandates must be protected ahead of any recreational use. 16 U.S.C. §1281(a). The degradation of the upper Chattooga's "esthetic, scenic.....features" can be reasonably foreseen because whitewater rafting and kayaking have already contributed directly or indirectly to the degradation of these features on the lower Chattooga River. (Ltr# 171, Cmt# 2)

Subconcern # O

#407- TU is opposed to further consideration of Alternative 8, the unlimited boating alternative. It would be impossible to preserve the Upper Chattooga under this type of management plan. (Ltr# 193, Cmt# 395)

Subconcern # Q

#454- Essentially, the USFS has considered alternative 8 as a throwaway, and then only seriously considered extremely small amounts of paddling. By limiting analysis in such a skewed manner, the USFS has biased the EA and violated NEPA. (Ltr# 193, Cmt# 442)

Subconcern # R

#552- Page 116, Alt #8: "Competition for fishable water may be higher in this alternative than all others because of the direct interference boaters may cause anglers at various flow levels." This is an understatement. Alternate #8 opens the upper Chattooga to private boating opportunities with no zone, season, or flow restrictions and provides an average 125 boatable days/year (range 85 to 168 days) plus extreme low flow (ELF) boating. There will be increase competition for fishable water and some permanent displacement from the Chattooga. The Chattooga will no longer be unique. Some of the displaced anglers will go to other streams in SC, GA, and NC. (Ltr# 193, Cmt# 539)

Subconcern # R-T

#591- Alternative 8: Opens the entire upper Chattooga River to year-round unrestricted boating. The lack of boating restrictions in this alternative will cause deterioration of the backcountry ORVs of solitude and remoteness and damage Wilderness values for present and future generations. It will cause interference and disturbance to the activities of existing frontcountry and backcountry visitors such as anglers, hunters, swimmers, hikers, backpackers, bird watchers, waterfall viewers, photographers, and nature lovers. This alternative has excessive FS management costs that equal Alternative 2 and will cause a decrease in economic value to the community. (Ltr# 193, Cmt# 578)

Public Concern 8

The Forest Service should not select Alternative 11 because:

- A) User conflicts would be amplified;**
- B) New access points and portage trails are not suitable;**
- C) New parking areas are limited and a long distance from the Chattooga River;**
- D) It will increase trespassing on private land as a result of overflow parking and possible search and rescue incidents; and**
- E) Expansion of the trailhead facilities on Green Creek Cemetery Road would be inconsistent with the purpose for which the land was donated.**

Response to PC 8

A range of alternatives including Alternative 11 are discussed in **Chapter 2, Section 2.2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Key issues and their possible resolution by the alternatives are discussed in **Chapter 1, Section 1.6** of the EA. Alternatives considered and the rationale for not developing them in detail is discussed in **Chapter 2, Section 2.4**.

- A) Potential Recreation Use Conflict is evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.1 Recreation ORV** for all alternatives.
- B) See the response in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 1, Section 1.7 Other Issues, Item B**. New access points and portage trails were considered in the EA and will require a site-specific analysis and decision.
- C) No new parking areas are proposed in any of the alternatives.
- D) None of the alternatives encourage trespass on private lands.
- E) None of the alternatives consider expansion of the trailhead at Green Creek.

Sample Public Comment(s) for PC 8:

Subconcern # A-E

I am supportive of Alternatives 1, 2, or 3, but I am opposed to Alternatives 8,11,12,13, and 14. The following discussions summarize some of the reasoning why I recommend you choose one of the first three, and do not choose one of the other options. They also pose several questions to which I desire the US Forest Service's official answers. The Chattooga River trail head is the most upstream limit of where the Chattooga River courses through public land. But this point is not a suitable put-in point for boating. The parking area is a very long way from the river itself, via a portage of at least 2/3 mile of steep unofficial trail, or more than a mile via the main official trail. A closer access point, but on private land, is at the intersection of our driveway and Greens Creek Cemetery Road, where woods roads are shared with Forest Service, the Cranston Family Partnership and me. It is presently common to have hikers park cars here to cut off the first 1/8 mile of steep trail from the official parking lot. These occasional parkers have not been much of a problem to us thus far, but they are not trying to carry boats either. I believe that there will be increased parking by the new boaters (with associated trespassing and potential conflicts), if preventive measures are not taken. But, the Forest Service states that no new parking will be developed and relies on that fact to limit access and usage to the interior trails and river. I believe that the added users will try to park in our driveway. Parking at the trail head is available for only eight to ten cars, and little suitable public land exists to expand. As mentioned in the background section above, my mother donated several acres of beautiful land near this location to the US Forest Service for the purpose of protecting the land and for providing a green buffer at the trail head. Any expansion of the trail head facilities would be inconsistent with the spirit of this gift. What measures will the US Forest Service take to mitigate or prevent the inevitable overflow parking problem, including potential trespassing and public nuisance to adjacent private properties? From the trailhead entrance (the upper end of public ownership) it is about 6.5 miles to the Steel Bridge on the Bullpen Road, and there are no put-in points for boats anywhere in this reach that would be convenient to parked vehicles. Even at the Steel Bridge, the river access is precipitous and is right at the top of a waterfall, far below the road elevation. Downstream of the Bullpen Road is the Ellicott Rock Wilderness. There is not even a trail along the river in most of this area, much less a boat launch. By definition this area is a wilderness with very little built infrastructure, and should remain so. Below the Ellicott Rock Wilderness, a trail follows the river, and there is a greater flow of water in it. The river itself is more conducive to boating, but again there is no boating launch point. At Ellicott's Rock, the upper end of the riverside trail system, it is over 3.5 miles by trail to the nearest road, hardly a good portage. The next access downstream is Burrell's Ford, where more parking exists. The river downstream of this place is more suitable for boating than any place upstream. Why will the US Forest Service not restrict boating to the reaches below Burrells Ford and prohibit it upstream? Back upstream, beyond the Chattooga River trail head, the next public access to the river is the small isolated parcel of public land at Grimshawes, where the public uses the sliding rock falls on the river. It is not a suitable nor adequate entrance for boaters either. Parking is very minimal here, and large overflows of parked cars often line Whiteside Cove Road currently, even without boaters as additional users. It is not uncommon to see 30 to 40 cars on the narrow shoulders. As for the use of the river for boating, the Chattooga between Grimshawes and Greens Creek could hardly be deemed navigable. For example, I cannot imagine someone wanting to go over Corkscrew Falls in any vessel. Nevertheless, if such daredevil stunts should be undertaken by boaters, those activities will almost certainly result in injuries, if not deaths. How could the US Forest Service and rescue personnel access a boating accident site to transport victims effectively and without trespassing on adjacent private lands? (Ltr# 147, Cmt# 7)

Public Concern 9

The Forest Service should select Alternative 12 and:

- A) Include a modification to prohibit boating above Burrells Ford;**
- B) Because it preserves the ability to zone and limit use in public recreational water corridors by federal agencies, which maintains the quality of recreational experiences for all users;**
- C) Because it protects riparian resources;**
- D) Include a modification to permit boating from Burrells Ford to Lick Log Creek in South Carolina from December 1 through January 15, and from Green Creek to Burrells Ford from January 16 to March 1; thereby averting**

- boater/angler encounters because backcountry angling activity below Burrell's Ford begins to increase in February, the average Chattooga River flow would be more favorable for boating, and it would help with overflow parking;
- E) Because it is the most equitable alternative for both boaters and anglers;
 - F) Because it minimizes boater/angler encounters;
 - G) Because it reduces campsite overuse to maximize opportunities for solitude;
 - H) Because it permits boating on the upper Chattooga River when flow levels are best for that type of activity;
 - I) Because it prohibits the removal of large woody debris;
 - J) Consider the following and/or include the following modifications: a) clarify the means of enforcing the decision such as what type of penalties and will they be sufficient as a future deterrent; b) clarify the limits of any additional management actions as to whether they will they be addressed in the effects analysis of the selected alternative; and c) clarify if the USGS water gauge located at Burrells Ford Bridge will remain in place;
 - K) Include a modification for strict enforcement of regulations, which would include significant fines and/or confiscation of equipment;
 - L) Include modifications for sufficient parking for boater access at the Thrift Lake and Green Creek launch areas, assessment of effects from winter road access, and constructed trails must adhere to Best Management Practices;
 - M) Include a modification for additional personnel to patrol and monitor the Chattooga River;
 - N) Include a modification to provide information on reporting violations to the public;
 - O) Include a modification to monitor woody debris in the newly designated boating sections, and monitor road and parking conditions during boating periods;
 - P) Include a modification that boaters will not approach within thirty feet of fishermen or other users, including other boater unless they are capsized and need rescuing;
 - Q) Because it addresses user-created trails and campsites;
 - R) Because it sets limits on group sizes and encounters;
 - S) Include a modification to prohibit all boating on the Upper Chattooga year round; and
 - T) Consider the following and/or include the following modifications: a) the lower take out point at Big Bend Branch and falls, has been on the Forest Service map; b) the parking area between Big Bend and Lick Log is limited and a long distance from the Chattooga River; c) the Upper Chattooga is rugged country that is difficult to patrol and to enforce regulations; d) the upper segment is difficult to access for search and rescue; e) inform the effected counties; f) costs associated with this alternative; and g) under Alternative 12-G it states that no boating is permitted in the Nicholson fields reach, however you list capacities under Table 2.2-6.

Response to PC 9

A) Alternative 12 would limit boating from December 1 to March 1 which is considered a low use period for other recreational users, therefore opportunities for solitude would be minimal impacted. The prohibition on commercial boating would be continued in all alternatives. Tubing

was not considered in any of the alternatives. The EA establishes objectives and management direction that maintains opportunities for solitude (refer to the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 2, Alternative 12, Objectives and Management Direction**). Effects on solitude are considered in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 3.2.1, Recreation ORV** and **Section 3.7 Wilderness** for Alternative 12. Alternatives 1 to 3 continue the boating prohibition above Burrells Ford.

B) All Alternatives meet the purpose and need, which is to meet legal mandates in the Wild & Scenic River Act and the Wilderness Act.

C) All Alternatives, except Alternative 1, provide consistent direction across the national forests on the management of campsites and trails within the riparian corridor.

D) Alternative 12 was presented to the public in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. The intent of Alternative 12 to provide boat-free experiences in the portions of the upper segment year round. The analysis in the EA indicates that parking capacity is not an issue during the time that boating would be allowed in this alternative. Refer to **Chapter 3, Section 3.2.1 Recreation ORV** of the EA.

E) The alternatives are designed to display a range of effects using a combination of methods to separate users. These strategies include using zone, flows, and season.

F) The alternatives are designed to display a range of effects using a combination of methods to separate users. These strategies include using zone, flows, and season.

G) All alternatives, except Alternative 1, provide for designated campsites and trails in order to reduce user impacts.

H) The alternatives are designed to display a range of effects using a combination of methods to separate users. These strategies include using zone, flows, and season.

I) All Alternatives, except Alternative 1, provide consistent management on Large Woody Debris. The action alternatives allow the removal of large woody debris with the permission of the Forest Service.

J) Forest plan decision do not dictate day to day administration but provide broad direction that guide project and administrative decisions. The types of penalties and amounts of fines would be addressed during implementation. **Section 2.3 Monitoring and Adaptive Management Strategy** is described in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Monitoring (as specified in the EA in **Appendix G**) would be used to determine compliance and that the desired effects are being achieved. Indirect and direct measures could be used to achieve the desired condition for recreation. Effects of adaptive management are disclosed in **Chapter 3** of the EA. The gauge at Burrells Ford is managed by the US Geological survey and is funded on a yearly basis. The need for the gauge will be determined on a yearly basis.

K) Forest plan decision do not dictate day to day administration but provide broad direction that guide project and administrative decisions. The types of penalties and amounts of fines would be addressed during implementation. **Section 2.3 Monitoring and Adaptive Management Strategy** is described in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Monitoring (as specified in the EA in **Appendix G**) would be used to determine compliance and that the desired effects are

being achieved. Indirect and direct measure could be used to achieve the desired condition for recreation.

L) No expansion of existing parking areas are proposed between Green Creek and Highway 28 Bridge. Use of existing roads and trails would be consistent with current Forest Plan Management direction. Expanding visitor capacity was considered but not in detail. See Alternative 15 in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.

M) See **Appendix B Implementation** of the EA. It details additional workforce needs.

N) Monitoring (as specified in the EA in **Appendix G**) would be used to determine compliance and that the desired effects are being achieved. Indirect and direct measure could be used to achieve the desired condition for recreation. Forest plan decision do not dictate day to day administration but provide broad direction that guide project and administrative decisions. Mechanisms are already in place to report violations of law.

O) Refer to the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 2.3, Monitoring and Adaptive Management, B. Endangered, Sensitive and Locally Rare Plants and Aquatic Habitat and Appendix G – Monitoring Plan** related to monitoring of large woody debris and recreation management.

P) This item is not enforceable. **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* includes effects of alternative 12 in the **Section 3.2.1 Recreation ORV: 1. Potential Recreation Use Conflicts and Boating Access, items a-d**.

Q) All Alternatives consider closing non-sustainable campsites and trails.

R) All Alternatives, except Alternative 1, set visitor capacities and describe desired conditions in the backcountry.

S) Alternatives 1 – 3 were analyzed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and continue the boating prohibition in the upper segment of the Chattooga River.

T) Effects are considered in **Chapter 3, Section 3.2.1 Recreation ORV**. Capacities in all alternatives, except Alternative 1 (which sets no capacities), apply to all recreation users. The exact location of the designated trail at Lick Log Creek and parking area would be decided with additional site-specific NEPA. The final decision on the trail to be designated would be informed from public input and potential effects to resources. The effects analysis in the EA has considered the remoteness of the upper reaches relative to regulation enforcement and to human health and safety (please refer to **Chapter 3**). Permits would be required for all boaters similar to current management on the lower portion of the Chattooga River. The counties are aware of the proposal for boating and impacts have been considered in **Section 3.6.1 Human Health and Safety** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Cost of implementation of the various alternatives has been considered and is disclosed in **Appendix B – Implementation, Table B-1. Table 2.2-6**.

Sample Public Comment(s) for PC 9:

Subconcern # A

I guess the Alt # 12 is ok, but prefer the solitude of the river above Burrells ford without boaters(especially commercial boaters /tubers) . (Ltr# 7, Cmt# 2)

Subconcern # B C

I would rather the preferred alternative had been Alternative #3 (continue current zoning of the river to provide high-quality whitewater opportunities on the lower segment and the West Fork/Overflow Creek of the Chattooga WSR and to provide cold water angling and other recreational opportunities on the North Fork without the impacts of boating use), but I can accept Alternative #12. More importantly, Alternative #12 upholds and preserves the ability to zone public recreational water corridors for all federal agencies (USFS, NPS, BLM and USF&WS) by section of stream, by time of year, by type of craft, and by maximum group sizes (for hiking, camping, angling & boating). To maintain the quality of experience for all visitors and/or protect riparian resources, zoning of public recreational water corridors is absolutely necessary now and in the future. (Ltr# 51, Cmt# 1)

Subconcern # D

In the EA cover letter dated July 15, 2011 you asked for feedback on the EA and preferred alternative. Following you will find my two suggestions: I believe the 2 boating sessions in the preferred alternative should be reversed. I suggest you make the boating from Burrell's Ford to Lick Log Creek (SC – not to be confused with the Lick Log Creek below Highway 28 on the GA side) available from Dec.1 to Jan.15 and the boating from Green Creek to Burrell's Ford available from Jan.16 to Mar.1. I believe there would be fewer in-stream angler-boater encounters if the sessions are flipped because backcountry angling activity below Burrell's Ford begins to increase in February. Citation: EA Page 79 - "These same Use Estimation Workshop estimates show that anglers spend the least amount of time in the Chattooga Cliffs Reach from November through April; in the Ellicott Rock Reach from September through February; in the Rock Gorge from December through January and from June through September; and in the Delayed Harvest from June through September and January through February." (emphasis added) I believe the average river water flow would be more favorable for boating if the sessions are flipped. The river reach below Burrell's Ford is boatable in lower flows and has a wider range of boatable flows. The river reach above Burrell's Ford needs more flow for boating and has a narrower flow range. On average, flow is lowest during the first session. Citation: EA Page 50 - Figure 3.1-1 Mean Monthly Flow (cfs) for the Chattooga River at Highway 76 (period of record from 1939-2010) Dec – 650 cfs; Jan – 770 cfs; Feb - 840 cfs Citation: EA Page 75 - Figure 3.2.1-1 Flow Range Bars for Fishing and Whitewater Boating Opportunities on the Upper Segment of the Chattooga WSR (Whittaker and Shelby 2007). "While more technical, low-flow boating is available as low as 200 to 250 cfs (depending on the river reach), whitewater boaters would rather paddle flows that have fewer boatability problems and more challenging whitewater." I believe that there could be a parking problem at the Thrift Lake Trailhead on weekends because boaters coming from Burrell's Ford plus anglers, hikers and campers will be using the same small parking area. Flipping the sections/sessions will provide some relief (I believe fewer people will boat, camp, hike and fish the Dec - Jan 15 session). Citation: EA Page 76 – Lick Log confluence: "It is accessible by trail from the Thrift Lake trailhead (about 0.75 miles, all downhill) - - " As a long time Chattooga backcountry angler, I know that the wild brown trout are above Burrell's Ford and there are rainbow trout and brown trout below Burrell's Ford. I also know that rainbow trout are more likely to feed in the middle of the day. Citation: EA Page 79 - Angling "- - - in winter, the best times are the middle of the day when the sun has raised temperatures slightly." Therefore, when we get those warm sunny days in February, I (and other anglers seeking solitude) like to go to the backcountry below Burrell's Ford, maybe down to the Island/Nugget area or The Steps or Big Bend if the water level is not too high. I believe there would be fewer in-stream encounters if the sessions are reversed. Reducing encounters from the outset by reversing the sessions would also be better for future generations. (Ltr# 51, Cmt# 3)

Subconcern # D K L

If the FS decides to move ahead with Alternative 12 as outlined in the EA dated July 15, 2011, we express the following concerns that should be addressed: We do not believe the FS can effectively enforce the plan as outlined. The meager \$50 fine for violation is grossly insufficient and will not be effective in deterring violators. Penalties should include much greater fines and equipment confiscation. The two access scenarios should be reversed. We believe there would be fewer in-stream angler boater encounters if the sessions are flipped because backcountry angling activity below Burrell's Ford begins to increase in February. Parking for boater access is very insufficient at the Thrift Lake and Green Creek put-in's, and will lead to vehicles parking off designated areas. This will lead to erosion and to conflict issues with surrounding private owners and others. There are 2 Lick Log Creeks. The EA needs to be clear that this Lick Log Creek comes in from SC above Highway 28. The other comes in from GA below Highway 28. Winter road access for boaters will likely bring unprecedented stress to the roads and must be accounted

for in considering possible additional erosion in the Chattooga corridor. At least one boater access trail does not currently exist. If constructed, it must adhere to BMPs for trails along with all other affected access trails. (Ltr# 107, Cmt# 2)

Subconcern # D K L P

If you are bound and determined to approve Alternative 12 please amend it as follows: Amend the area for boating from January 15 to March 1 to from Burrell's Ford Bridge to the downstream edge of the Gorge area at the falls where the Thrift Lake parking area trail in South Carolina reaches the Chattooga; Add a rule that at no time will boaters approach within 30 feet of fishermen, hikers, or other boaters who are already floating the river unless those already in the river (such as those who are capsized or have fallen out of their boats) are in distress and need rescuing. If they don't want to wait for others to finish fishing a run and clear the water before continuing downstream they may portage around them. This will ensure the safety of wading fishermen and hikers, or boaters who are also resting or fishing and also provide less disruption to fishermen; and Please add a specific description of how you will address the current law enforcement needs and future increase in law enforcement needs on the Chattooga River above the Highway 28 bridge if boating is allowed. (Ltr# 135, Cmt# 5)

Subconcern # D K M N O

We suggest the following if Alternative #12 is implemented: Strict enforcement of all regulations to include significant increases in fines for all violations. More personnel are needed to patrol the river. In addition, all citizens should be provided with information to report suspected violations. Consider "reversing" the planned dates for boating to better avoid possible conflicts. Continue to monitor woody debris especially in the "newly designated" boating sections to insure that the health of the river is maintained. Closely monitor road and parking conditions during boating periods. Heavy road use during wet periods and limited parking space can lead to increases in sediment run off. (Ltr# 112, Cmt# 1)

Subconcern # E

I support Option 12 put forward by the USDA Forest Service for the Chattooga River. This is the fairest option for all concerned and has both fishers and boaters making sacrifices. (Ltr# 53, Cmt# 1)

Subconcern # E G

I believe the legislation governing the river supports a management regime that allows for significant providence of boater-free angling. Therefore, I support Alternative 12, as presented in the 2011 Draft Environmental Assessment. I believe it is a reasonable and lawful compromise that will allow both paddlers and anglers to enjoy this unique and beautiful reach. Further, I welcome the efforts to manage all uses in the river to reduce the impacts from social trails and camping areas. (Ltr# 105, Cmt# 2)

Subconcern # E-I

A key goal for many was protecting the solitude and wilderness experience as the current zoning for foot travel only above Highway 28 has for over 30 years. The SC Council of TU supports the many members and chapters that prefer that this successful zoning be continued (Alternative #3). However, the SC Council finds Alternative #12 from the USFS study as an acceptable compromise that is fair to all stakeholders and should not harm the fisheries. We hope that other resource users will join TU in support of Alternative #12 to help the USFS resolve this controversial issue and move on to more productive efforts. ...Establishing backcountry capacities to minimize encounters between boaters and anglers, reducing campsite density to maximize opportunities for a solitude experience for all, and providing boaters opportunities to float the upper river when flow levels are best suited for their interests are all well thought out solutions supported in Alternative #12. Equally important, is the wise prohibition of removal of large woody debris from the river which is very important to the health of the fishery as an integral part of the intricate food chain. Valuing the fishery over navigability concerns is to be commended as it is in keeping with the many years of work to improve the fishery by the USFS and others working together in the 'Chattooga Coalition' which has met annually since formation during the 3 year macro-invertebrate study in the late 1980s that TU was a major participant in, including providing funding and manpower. (Ltr# 127, Cmt# 1)

Subconcern # F-I

While most of our members would have preferred the continued operation with Alternative #3, we can accept the Alternative # 12, which will establish backcountry capacities to minimize encounters between boaters and anglers, reduce campsite density to maximize opportunities for a solitude experience for all, provide boaters floating the upper river when flow levels are best suited for their interests and most

importantly to prohibit the removal of in-stream woody debris that is critical to the habitat for trout. (Ltr# 98, Cmt# 1)

Subconcern # J

I recognize there are other recreational users, such as boaters, that do not share my value of solitude. I believe the preferred Alternative 12, with clarifications, can provide a balance of recreational opportunities on the upper Chattooga River. For these reasons, I support Alternative 12 with clarifications. I am asking the Deciding Officer to clarify the following items by inclusion in the Response to Comments: Clarify the means of enforcing the Decision. During monitoring, some recreational users may be found performing activities that are outside the bounds of the Decision. Enforcement actions, such as penalties, may be used as a direct measure in the management response. It is unclear what those penalties will be and if those penalties will be sufficient to encourage recreational users to return to the activities within the Decision. I encourage the Forest Service to set penalties appropriate for the activities done outside the bounds of the Decision. Penalties should be set in such a way that those committing activities outside the bounds of the decision will be highly discouraged from repeating that activity. Clarify the limits of any additional management actions. Additional management actions may be taken when the agency needs to address problems revealed through monitoring (Draft EA, pages 38-39). It is unclear as to whether additional management actions can be only actions addressed in the effects analysis of the selected alternative, or if the effects of the additional management actions can be addressed in alternatives not selected by the Deciding Officer. A Deciding Officer chooses to not select an alternative because of its effects. Therefore if an additional management action is addressed in an unselected alternative that action would be outside the scope of the Decision. I encourage the Forest Service to restrict any additional management action to only those that have been addressed in the effects analysis of the selected alternative. Any additional action with effects not addressed in the selected alternative should require new public involvement and a new Decision. Clarify the continuing need for the USGS water gauge located at the Burrells Ford bridge. This gauge was placed in support of the first Draft EA, which had a preferred alternative that included boating restrictions as determined by water flows. During that Draft EA's second comment period, this water gauge was recognized as new information and public support for its placement was noted. Since the current Draft EA has a preferred alternative without the water flow restriction, it is unclear as to whether or not the Burrells Ford water gauge will remain in place. However for the period of December 1 through March 1, the gauge will be useful in determining when boating activities may occur. I encourage the Forest Service to petition the USGS to keep the Burrells Ford water gauge in place as tool to monitor recreation uses in the upper Chattooga River. By determining when boating may occur, I will be able to use the gauge as a means to meet my desire for a boat-free recreational experience with solitude during the December 1 through March 1 period. With appropriate enforcement measures, limiting additional actions to only those addressed in the alternative's effects analysis, and the continued use of the water gauge at Burrells Ford bridge, I believe Alternative 12 will meet my desire of a recreational experience with solitude on the upper segment of the Chattooga River. (Ltr# 103, Cmt# 3)

Subconcern # Q R

We would like to add that we do support those parts of Alternative 12 that would fix user-created trails, decommission bad campsites, and educate the public to setting limits on group sizes, encounters, etc. (Ltr# 118, Cmt# 2)

Subconcern # Q R S

We would add that we do support those parts of Alternative 12 that would fix user-created trails, decommission bad campsites, and educate the public to setting limits on group sizes, encounters, etc. ... we remain opposed to any additional boating on the headwater's of the Chattooga River. (Ltr# 138, Cmt# 2)

Subconcern # S

Accordingly, we urge the U.S. Forest Service to adhere to both the spirit and the full intent of the Wild and Scenic River Act and the Wilderness Act, and to use its clearly authorized mandate to "zone" its land for appropriate recreational uses by revising its preferred alternative to prohibit all boating on the Upper Chattooga, year round. This zoning has worked well for more than 35 years to protect the river and the low-impact, traditional uses that local people have come to enjoy and cherish. This decision would address all the adverse consequences revealed in the EA which will happen if boating is allowed. (Ltr# 141, Cmt# 13)

Subconcern # T

Alternative 12 has some merit if you insist. Please consider these points: The lower take out point has been even on USFS maps, Big Bend Branch and falls. The parking area between Big Bend and Lick Log is limited and remote from the river. The upper Chattooga is rugged country that is difficult to patrol to enforce regulations. The upper segment is difficult to access for search and rescue. Have you informed the effected counties? Have you planned for the extra costs for this change? Under Alternative 12-G you say no boating in the Nicholson fields reach. However you list capacities under Table 2.2-6. (Ltr# 192, Cmt# 2)

Public Concern 10

The Forest Service should not select Alternative 12 because:

- A) It is discriminatory towards boaters and violates the court appeal, Wilderness Act, NEPA, Forest Service Manual, and the Wild and Scenic River Act;**
- B) It permits boating in the sensitive Chattooga Cliffs, Rock Gorge, and Ellicott Rock Wilderness;**
- C) The Upper Chattooga is Georgia's only stretch of Chattooga River designated as wild and scenic that is closed to boating;**
- D) The upper segment of the Chattooga WSR is too narrow to support two conflicting recreational uses;**
- E) It expands the effects of boating on resources and solitude;**
- F) It lacks adequate personnel to monitor and patrol the open portion of the Chattooga River;**
- G) Fines for violations are inadequate;**
- H) User conflicts would be amplified;**
- I) Funding needs to be secured for monitoring for a two year period after implementation, and then evaluate if the alternative should continue to be implemented;**
- J) More analysis still needs to be completed because the analysis in both the Biological Evaluation and Biological Assessment were based upon an alternative that was different from the preferred alternative, resulting in inconsistencies between the environmental documents (the BE and BA assumed that there would be a maximum of four groups per boatable day and the preferred alternative did not contain a limitation on the number of groups allowed per boatable day);**
- K) The effects from the proposed main access point at Greens Creek have not been considered;**
- L) Boating is non-sustainable, will degrade resources, and exacerbate a situation which requires stewardship that will require additional funding and personnel;**
- M) New access points and portage trails are not suitable;**
- N) New parking areas are limited and a long distance from the Chattooga River;**
- O) It will increase trespassing on private land as a result of overflow parking, and possible search and rescue incidents;**
- P) Expansion of the trailhead facilities on Green Creek Cemetery Road would be inconsistent with the purpose for which the land was donated;**
- Q) It does not ensure the protection of the Resource ORVs of the headwaters section of the Chattooga River; including the opportunity for solitude, rich natural resources, and biological diversity of the Upper Chattooga River**

- backcountry, and especially the Chattooga Cliffs Reach as required under the Wilderness Act;**
- R) It does not address the biological, economic, and management effects from boating;**
- S) An EIS should be prepared because this project has a significant impact on the environment;**
- T) Restrictions based on flow are flawed;**
- U) It excludes boaters from the section of the headwaters from Lick Log Creek to Highway 28; and during the boating season from March 1 to December 1 from Bull Pen Bridge to Lick log Creek;**
- V) It does not provide the public with all the necessary documents required to make an informed decision;**
- W) Many important conclusions rely on outdated, insufficient, faulty, or nonexistent information;**
- X) It relies on the implementation of adaptive management to mitigate documented resource degradation; and**
- Z) It violates the Administrative Procedures Act.**

Response to PC 10

A) All alternatives evaluated in detail are consistent with current laws and regulations. **Chapter 3 section 3.2.1** discloses effects to recreational users from the range of alternatives considered in detail. The Decision Notices made a Finding of No Significant Impact (FONSI) relative to current laws and regulations.

B) Effects of boating on all the reaches in the upper segment have been considered in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

C) A range of alternatives have been considered in the environmental assessment that range from continuing the boating prohibition above Highway 28 to allowing boating. Physical, biological and social impacts of the various alternatives are considered in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

D) Many different types of recreational users currently enjoy using the upper segment of the Chattooga River. **Section 3.2.1 Recreation ORV** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* discloses the potential for conflict between various recreational users. The EA and the analysis indicate that flows, seasons and reach restrictions would help separate the various users and reduce potential for conflict.

E) The EA discloses the effects of boating on opportunities for solitude and fish habitat and concludes that all Outstandingly Remarkable Resource Values (ORVs) can be protected and enhanced under alternatives that allow boating. Monitoring of all recreational users in combination with adaptive management strategies outlined in **Chapter 2** and discussed in **Chapter 3** and **Appendix G, Monitoring Plan** would ensure that ORVs are protected and enhanced and that impacts to other resource values are reduced.

F) Cost of implementation of the various alternatives has been considered and is disclosed in **Appendix B – Implementation**, Table B-1. Forest plan decision do not dictate day to day administration but provide broad direction that guide project and administrative decisions. The types of penalties and amounts of fines would be addressed during implementation. **Section 2.3 Monitoring and Adaptive Management Strategy** is described in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga*

Wild and Scenic River. Monitoring (as specified in the EA in **Appendix G**) would be used to determine compliance and that the desired effects are being achieved. Indirect and direct measure could be used to achieve the desired condition for recreation. Effects of adaptive management are disclosed in **Chapter 3** of the EA. The gauge at Burrells Ford is managed by the US Geological survey and is funded on a yearly basis. The need for the gage will be determined on a yearly basis.

G) Monitoring of all recreational users in combination with adaptive management strategies outlined in **Chapter 2** and discussed in **Chapter 3** and **Appendix G, Monitoring Plan** would ensure that ORVs are protected and enhanced and that impacts to other resource values are within the effects described in the EA.

H) **Chapter 3** of the EA includes effects of alternative 12 in **Section 3.2.1 Recreation ORV 1. Potential Recreation Use Conflicts and Boating Access, items a-d.**

I) Cost of implementation of the various alternatives has been considered and is disclosed in **Appendix B – Implementation**, Table B-1. Funding and allocations are outside the scope of this decision and are not a Forest Plan decision. Monitoring of all recreational users in combination with adaptive management strategies outlined in **Chapter 2** and discussed in **Chapter 3** and **Appendix G, Monitoring Plan** would ensure that ORVs are protected and enhanced and that impacts to other resource values are within the effects described in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

J) A Biological Evaluation (BE) and Biological Assessment (BA) have been completed for the selected alternative and the BA submitted to the US Fish and Wildlife Service. The report and associated consultation process has informed the decision of the responsible officials.

K) and M) Any proposed trails to be constructed or designated as a Forest Service system trail would require site-specific NEPA analysis including analysis of resource impacts and informing the public.

L) Effects of the alternative on the physical, biological and social environment have been considered in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

N) No new parking areas are proposed. Some of the existing parking areas that provide access require hiking down a trail and help provide a variety of experiences for recreational users.

O) Most NFS lands in the eastern US have numerous private land holdings adjacent to public land. Trespass on private land is illegal. Effects on human health and safety are disclosed in **Section 3.6.2**.

P) The expansion of trailhead facilities at Green Creek Cemetery road are not proposed with this alternative.

Q) Effects of the alternative on the physical, biological and social environment have been considered in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

R) Effects of the alternative on the physical, biological and social environment have been considered in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

S) See Finding of No Significant Impact (FONSI) in the Decision Notice.

T) See the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) for discussions on flows and the Decision Notice for a discussion on Best Available Science.

U) No further response is needed.

V) All releasable documents are posted on the Francis Marion and Sumter website
(<http://fs.usda.gov/goto/scnfs/upperchattooga>).

W) See the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) for discussions on flows and the Decision Notice for a discussion on Best Available Science.

X) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2, Section 2.3 Monitoring and Adaptive Management**.

Z) No alternatives violate federal law.

Sample Public Comment(s) for PC 10:

Subconcern # A

As a taxpayer, I support the preservation of natural resources such as Wild and Scenic Rivers. However, I feel that boating has been unnecessarily banned on the Upper Chattooga, while the environmental impact of boating is negligible at best. USFS Preferred Alternative 12 is unjust. I do not support it as a stakeholder. (Ltr# 87, Cmt# 1)

Subconcern # A

Alternate 12 is unacceptable as are any of the alternatives that include a goal of preserving boater-free visitor opportunities for non-boating users. Such a goal is blatantly discriminatory and contrary to the letter and spirit of the Wild and Scenic Rivers Act. Alternate 8 is the only acceptable Alternate in the study. (Ltr# 1, Cmt# 1)

Subconcern # A

I believe that alternative 12 unfairly and illegally discriminates against canoeists and kayakers in favor of other groups. Non-motorized boating has always been a permitted use on Wild and Scenic Rivers and within Wilderness Areas. I'm baffled as to why it should be so severely limited on the Upper Chattooga. This alternative blatantly favors the fishermen over boaters with little valid support. The report explicitly states that it provides the most extensive boat-free opportunities, as if this is, in and of itself, a desirable outcome. Boating should be permitted on all Wild and Scenic Rivers. It is the ideal way to experience these wonderful places. I don't understand why a fisherman's desire for solitude is more important than a boater's. Were fishing-free days considered along with boat-free days? (Ltr# 22, Cmt# 1)

Subconcern # A

Your previous compromise was to allow boating to start at Bull Pen Bridge. I STRONGLY urge you to stand by that earlier decision. It was a compromise between kayakers and everyone else. But your new proposal is not even-handed. You are letting very vocal, well-financed and well-lawyered organization impose their will upon the planning process. (Ltr# 30, Cmt# 1)

Subconcern # A

Their preferred alternative (12) is not fair, legal, or justified. (Ltr# 36, Cmt# 2)

Subconcern # A

The current U.S. Forest Service analysis is not reasonable because it treats paddlers inequitably and irrationally. Paddling should be allowed on all Wilderness and Wild and Scenic rivers, including the Upper Chattooga. The preferred alternative (12) is not fair, legal, or justified. (Ltr# 40, Cmt# 3)

Subconcern # A

I see, however, that the latest UFS Draft Environmental Assessment proposes the adoption of Alternative 12, which unjustifiably excludes paddlers from being able to access this national, public resource. (Ltr# 46, Cmt# 1)

Subconcern # A

I believe that USFS Preferred Alternative 12 is unfair, illegal, unjustified, and against the USFS mantra of open access for recreational activities. In times like these everyday people like myself are allowed few places of respite, and the Upper Chattooga is one of those places. It is completely unreasonable and

unpatriotic to discriminate against non-motorized boaters (whitewater kayakers) on the Upper Chattooga. (Ltr# 56, Cmt# 3)

Subconcern # A

The US Forest Service preferred alternative (12) is not fair, legal, or justified. It is in direct opposition to the intent of the act which created the System. (Ltr# 59, Cmt# 5)

Subconcern # A

As I understand it, the US Forest Service preferred alternative (12) is not fair, legal, or justified. (Ltr# 60, Cmt# 2)

Subconcern # A

I believe that paddling should be allowed on all Wilderness and Wild and Scenic rivers, including the upper Chattooga. Furthermore, the preferred alternative (12) is not fair, legal, or justified in my opinion. (Ltr# 63, Cmt# 1)

Subconcern # A

I understand that the Forest Service's Alternative 12 aims to protect the outstandingly remarkable values of the Upper Chattooga River, and I agree with that goal. I also agree with the improvement of campsites, trails and the protection of large wood debris in the river. However, I do not think that specified forms of recreation should be prohibited or limited on the upper Chattooga River. Specifically, paddling should be allowed on all sections of the river designated as Wild and Scenic at any time of year. I feel that Alternative 12 assumes that paddlers are somehow less important than other users of this public resource. As a concerned citizen and as a person that benefits from the Chattooga River's outstanding qualities, I cannot agree that Alternative 12 is the best form of management of the upper Chattooga River. I see no reason why paddlers should not be able to float the entire Chattooga River. If it is the goal of the USFS to "maintain opportunities for solitude" in the river corridor, then all types of visitors should be limited equally instead of just one user group. Alternative 12 is unfair to a specific user group. I have found no logical reason why the USFS would propose unequal treatment for specific user groups. (Ltr# 88, Cmt# 1)

Subconcern # A

I believe that paddling should be allowed on all Wilderness and Wild and Scenic rivers, including the upper Chattooga! The US Forest Service preferred alternative (12) is not fair, legal, or justified. (Ltr# 132, Cmt# 1)

Subconcern # A

I would like to comment on the forest supervisor's decision to select Alternative 12 as the preferred alternative. The Wilderness Act is explicit in regarding non-motorized boating as compliant use; I do not understand how an effective ban on paddling on the upper Chattooga is either legal or justified. Paddlers should be allowed on all Wilderness and Wild and Wild and Scenic Rivers. I understand the need to effectively manage special resources such as the Chattooga Wild and Scenic River and the Ellicott Wilderness, but it needs to be done in a way that is fair and justified. (Ltr# 164, Cmt# 1)

Subconcern # A

Alternative 12 bans or inequitably and severely directly limits paddling on the entire Upper Chattooga River based on imagined impacts presented in an unreasonable and biased range of alternatives. This arbitrary and capricious alternative thus violates the Appeal ROD, the WSRA, the Wilderness Act, NEPA, the FSM, and all federal laws, regulations, and policies that we references in our prior comments on current and previously proposed management. The EA offers no rationale for selecting this alternative as the preferred alternative. (Ltr# 168, Cmt# 32)

Subconcern # A

I resent the drabble that your 'preferred' Alternate 12, makes of scientific management (evidence-based) principles for resource management. Your lack of support for the boating option is not based on evidence, but 'gut-feelings' and a desire to appease the local group of fishermen who have traditionally been catered to. (Ltr# 179, Cmt# 2)

Subconcern # A

I find your proposed alternative 12 entirely too restricting to paddling. Mother nature restricts us enough, by water level. (Ltr# 184, Cmt# 3)

Subconcern # A

Option 12 still has way too many restrictions on boating. Why can't boating and fishing be treated equally? I still fail to understand why there are perceived boating and fishing conflicts on the Chattooga when it's not an issue on every other stream I have ever paddled and/or fished on. There is less environmental impact from boating than fishing - no gear left behind (fishing line), no footprints. Few of the masses even have the skills to paddle the class 4/5 whitewater of the headwaters so there would be no crowds to speak of. (Ltr# 190, Cmt# 1)

Subconcern # A

#333- The problem I have with the preferred alternative offered by the Forest Service for managing visitor use in the upper Chattooga is that it fails in regard to the aforementioned principle of fairness, and the standard for protection and enhancement of the outstandingly remarkable values of the upper Chattooga River. (Ltr# 193, Cmt# 323)

Subconcern # A Q

#342- The compartmentalized analysis that ranges from involvement by the Washington Office of the Forest Service, the Regional Office, three National Forest Supervisor Offices, three District Offices and a host of consultants have resulted in a lack of focus and consequently, has led to a preferred alternative that is both unfair to all users, and which fails to protect the Outstandingly Remarkable Values of the Upper Chattooga River. (Ltr# 193, Cmt# 332)

Subconcern # A T

#350- You preferred alternative is nothing more than a de facto ban and the "predictable mean daily flow" idea is absurd. Do you really think you have the ability to predict the flow in the river? This flawed measure is nothing more than a way for you to ensure that boating never occurs. (Ltr# 193, Cmt# 340)

Subconcern # B C

Forest planners led by the Sumter National Forest propose to open 16.5 miles of the narrow, twisting headwaters reaches of the Chattooga River from Green Creek to Lick Log Creek between Dec. 1 and March 1, at all flow levels rather than 7 miles of Upper Chattooga previously contemplated for boating by the Agency. I believe that opening these parts of the river is unwise. The extended stretch includes the sensitive Chattooga Cliffs, the entire Ellicott Rock Wilderness and the equally wild Rock Gorge section of the river. These parts of the river include a variety of sensitive and endangered plant and lichen species. Currently a wild, spiritual haven, the Upper Chattooga is Georgia's only stretch of river designated as wild and scenic and closed to boating. Keep one piece of river natural! ...Please reject the boating lobby's insistence on unrestricted access and the Forest Service's partial opening of the river. (Ltr# 18, Cmt# 1)

Subconcern # D

I tried to sell myself on the "preferred" Alternative #12, and just can't do it. The upper section of river is too narrow to support two conflicting hobbies, as are many other areas within the Delayed Harvest Section down to Hwy 28 (Ltr# 24, Cmt# 2)

Subconcern # E

I testified at your public hearing on this issue several years ago as to how a moving disturbance such as kayakers has a much greater impact on lentic and lotic habitats than does a point source disturbance such as swimmers or fishermen. I felt (and still feel) that the existing kayak usage is ALREADY a compromise from the perspective of wildlife, and I was disappointed when in your original decision you allowed kayaking to start at the iron bridge on Bull Pen Road. I did not complain then, but I must say that this newest alternative demands my condemnation. It is nebulous in its definition of where boating can start, and greatly expands the impact of a very select group of constituents (kayakers) at the detriment of the natural environment. Revisit and reselect your earlier compromise. (Ltr# 29, Cmt# 1)

Subconcern # E

Please cancel and reconsider Alternative 12 of the forest plan for the upper segment of the Chattahoochee Wild and Scenic River. Whitewater boaters of all kinds degrade fish habitat as well as banks of rivers, and do not maintain existing opportunities for solitude. (Ltr# 43, Cmt# 1)

Subconcern # E

I urge the Forest Service to reconsider its preference for implementing Alternative 12 and instead ask that all boating above the Russell Bridge on Highway 28 be prohibited under Alternative 1. (Ltr# 171, Cmt# 1)

Subconcern # E-H

Alternative 12 will open the door to unfettered access and uncontrolled use. Because the Forrester Service lacks resources to adequately patrol this section of the river and because the financial penalty for violation is insignificant, there will be inevitable conflict, both on the river and at the few, limited parking areas. (Ltr# 71, Cmt# 2)

Subconcern # F

Although Option 12 might be seen as a decent compromise; the problem is going to be enforcement. Federal and State Law Enforcement Officers are already stretched thin as it is, and they will not have the man-power nor time to keep boaters off the upper Chattooga when they are not suppose to be there per the Option 12 rules. We fear a “give them an inch and they will take the entire river” scenario here. Once boaters have gained limited access to the upper Chattooga River, it will be almost impossible to keep them from using that stretch of the river year round. Option 12 may look good on paper, but without a strong commitment (and funding) for rigorous enforcement of Option 12, then it will fail and wilderness anglers and hikers will be on the losing end of this compromise. (Ltr# 104, Cmt# 1)

Subconcern # F I

Option 12 as currently worded is a viable compromise. However, my personal view is that the current version of the regulations is successful and has been for 30+ years. I recognize the value of boating as recreation and accept that the majority of the Chattooga is open to boating. I am concerned that your compromise solution is flawed in trying to rely on self-registrations and trusting user groups to follow all regulations without law enforcement supervision. This alternative, Option 12, should be put on hold immediately until full enforcement of all the proposed regulations can be documented, funded and staffed. Further, should enforcement become available, this big a change to such a small area must have a review period before final decisions are reached. The alternative should be managed as a two year trial period with funded monitoring by management teams and then evaluated for continuation. (Ltr# 106, Cmt# 1)

Subconcern # H L N-Q

I am supportive of Alternatives 1, 2, or 3, but I am opposed to Alternatives 8,11,12,13, and 14. The following discussions summarize some of the reasoning why I recommend you choose one of the first three, and do not choose one of the other options. They also pose several questions to which I desire the US Forest Service’s official answers. The Chattooga River trail head is the most upstream limit of where the Chattooga River courses through public land. But this point is not a suitable put-in point for boating. The parking area is a very long way from the river itself, via a portage of at least 2/3 mile of steep unofficial trail, or more than a mile via the main official trail. A closer access point, but on private land, is at the intersection of our driveway and Greens Creek Cemetery Road, where woods roads are shared with Forest Service, the Cranston Family Partnership and me. It is presently common to have hiker’s park cars here to cut off the first 1/8 mile of steep trail from the official parking lot. These occasional parkers have not been much of a problem to us thus far, but they are not trying to carry boats either. I believe that there will be increased parking by the new boaters (with associated trespassing and potential conflicts), if preventive measures are not taken. But, the Forest Service states that no new parking will be developed and relies on that fact to limit access and usage to the interior trails and river. I believe that the added users will try to park in our driveway. Parking at the trail head is available for only eight to ten cars, and little suitable public land exists to expand. As mentioned in the background section above, my mother donated several acres of beautiful land near this location to the US Forest Service for the purpose of protecting the land and for providing a green buffer at the trail head. Any expansion of the trail head facilities would be inconsistent with the spirit of this gift. What measures will the US Forest Service take to mitigate or prevent the inevitable overflow parking problem, including potential trespassing and public nuisance to adjacent private properties? From the trailhead entrance (the upper end of public ownership) it is about 6.5 miles to the Steel Bridge on the Bullpen Road, and there are no put-in points for boats anywhere in this reach that would be convenient to parked vehicles. Even at the Steel Bridge, the river access is precipitous and is right at the top of a waterfall, far below the road elevation. Downstream of the Bullpen Road is the Ellicott Rock Wilderness. There is not even a trail along the river in most of this area, much less a boat launch. By definition this area is a wilderness with very little built infrastructure, and should remain so. Below the

Ellicott Rock Wilderness, a trail follows the river, and there is a greater flow of water in it. The river itself is more conducive to boating, but again there is no boating launch point. At Ellicott's Rock, the upper end of the riverside trail system, it is over 3.5 miles by trail to the nearest road, hardly a good portage. The next access downstream is Burrell's Ford, where more parking exists. The river downstream of this place is more suitable for boating than any place upstream. Why will the US Forest Service not restrict boating to the reaches below Burrells Ford and prohibit it upstream? Back upstream, beyond the Chattooga River trail head, the next public access to the river is the small isolated parcel of public land at Grimshawes, where the public uses the sliding rock falls on the river. It is not a suitable nor adequate entrance for boaters either. Parking is very minimal here, and large overflows of parked cars often line Whiteside Cove Road currently, even without boaters as additional users. It is not uncommon to see 30 to 40 cars on the narrow shoulders. As for the use of the river for boating, the Chattooga between Grimshawes and Greens Creek could hardly be deemed navigable. For example, I cannot imagine someone wanting to go over Corkscrew Falls in any vessel. Nevertheless, if such daredevil stunts should be undertaken by boaters, those activities will almost certainly result in injuries, if not deaths. How could the US Forest Service and rescue personnel access a boating accident site to transport victims effectively and without trespassing on adjacent private lands? (Ltr# 147, Cmt# 8)

Subconcern # J

The Forest Service described to the Federal Court why they withdrew the August 2009 Decision On page 5 of the USFS "Motion to Dismiss" filed by the USFS on December 30, 2009, the forest Service notes: " the decision notices were withdrawn because the analysis in both the Biological Evaluation and Biological Assessment were based upon an alternative that was different from the selected alternative, resulting in inconsistencies between the environmental documents. Specifically, the BE and BA assumed that there would be a maximum of four groups per boatable day, but the selected alternative did not contain a limitation on the number of groups allowed per boatable day. Therefore, more analysis needs to be completed and new decisions made." The 'more analysis' that the USFS argued was required to reach a new decision, is absent from the 2011 EA. In fact, the latest preferred alternative would not only allow unlimited quantities of boaters, it also proposes to eliminate any and all flow level restriction. Therefore, "inconsistencies between the environmental documents" associated with more boats inflicting even more impacts upon the resource remain. In fact, the inconsistencies between evaluations and proposed policy should be even more acute with the proposed alternative. The EA reliance on a Biological Assessment, and Biological Evaluation, that are admittedly deficient, cannot possibly be used to justify a FONSI or final agency Decision. The USFS should either return to only allowing four limited boat groups per day at higher flow levels during the winter, or accurately assess and document the impacts associated with the preferred alternative. After monitoring for a few more decades, the USFS could then make an educated assessment on if allowing more boats per day or boating during lower flows would be appropriate. (Ltr# 117, Cmt# 1)

Subconcern # J Q U-Z

The Chattooga Conservancy is Opposed to the Preferred Alternative (Alternative 12) Offered by the Forest Service in the EA for the Following Reasons: The preferred alternative will create undue risk of irreparable harm to the Outstandingly Remarkable Resource Values of the headwaters section of the Chattooga River including the opportunity for solitude, and the rich natural resources and biological diversity of the Upper Chattooga River backcountry, and especially the Chattooga Cliffs Reach. The preferred alternative is arbitrary and capricious because it excludes boaters from the section of the headwaters from Lick Log Creek to Highway 28, and during the boating season from March 1 to December 1 from Bull Pen Bridge to Lick log Creek, without just cause. The preferred alternative does not assure the "non degradation" of the Outstandingly Remarkable Values (ORV) of the Upper Chattooga River, since no comprehensive biological study has been conducted for the Upper Chattooga River. The preferred alternative does not provide the public with all the necessary documents required to make an informed decision about the proposed alternative. The preferred alternative is arbitrary and capricious since many important conclusions rely on outdated, insufficient, faulty, or nonexistent information. The preferred alternative states that any future damage to the resource will be monitored, and if erosion and sedimentation occur from the unauthorized user-created portage trails, damage to the federally listed Threatened & Endangered Species or other rare or sensitive biological resources, and/or if too many encounters to meet compliance with the requirements to protect the back country experience are documented, then at this time these threats will be dealt with by implementing "adaptive management."

While it may be true that certain documented occurrences of erosion or sedimentation may be corrected, it is certainly not true that damage to federally listed Threatened & Endangered Species and sensitive or rare plants can be tolerated or mitigated. The preferred alternative within the current EA never addresses the “inconsistencies” identified by the Forest Service in the original EA that was used to support the first decision issued for managing the recreation uses in the upper Chattooga River in 2008, and that was withdrawn for that reason. This is extremely troubling since the preferred alternative in the current EA is based on fatal flaws in the original EA, that have never been addressed! The supporting reasons for the preferred alternative proposed by the Forest Service in the EA for managing recreation uses in the Upper Chattooga are so illogical, so inconsistent, and so inadequate that the inevitable result of this alternative, if implemented, will unquestionably violate the Administrative Procedures Act, which directs responsible agencies to comply with federally enacted regulations and to comply with the Wild and Scenic Rivers Act, the Wilderness Act, the National Environmental Policy Act and the National Forest Management Act—all of which are designed to protect the Chattooga National Wild and Scenic River and the Ellicott Rock Wilderness Area from degradation and mismanagement. (Ltr# 172, Cmt# 1)

Subconcern # K

We are, however, very opposed to Alternative 12. There are fatal flaws in the Environmental Assessment as presented, in that the assessment does not consider all of the impacts of the Alternatives 8-14. In particular, the impacts at the proposed main access point at Greens Creek, which is contiguous to our property are not considered at all. (Ltr# 136, Cmt# 3)

Subconcern # K

I am supportive of Alternatives 1, 2, and 3, and am opposed to the favored Alternative 12. There are fatal flaws in the Environmental Assessment as presented, in that the assessment does not consider all of the impacts of the Alternatives 8-14. In particular, the impacts at the proposed main access point at Greens Creek are not considered at all. (Ltr# 147, Cmt# 1)

Subconcern # L

As a categorical statement, we believe that allowing boating at all on the Upper Chattooga is a non-sustainable decision. All that you'll get is a few years, if that, of some happy boaters, and a degraded resource that even now actually is need of serious stewardship to preserve what is can and should be for all generations which will follow us. Therefore, JMCA opposes the preferred alternatives 8 and 12. ...The preferred alternative, 12, has aspects we can support, but in general we find that it is also highly problematic. We applaud and support those parts of Alternative 12 that would that would limit group sizes for hikers and anglers, reduce environmentally damaging, user-created campsites along the river, limit access to designated trails only, close and/or re-route trails that threaten water quality and/or rare, sensitive plant life, or that create conflict and unneeded encounters. We especially support the aim of Alternative 12 to try to restore and preserve the sense of solitude that the Forest Service rightfully agrees is the key and outstandingly remarkable value of this river. We also fully support the aim of the EA to coordinate and combine monitoring and enforcement efforts to educate the public to these management changes [assuming appropriate budget support is made available to do so.] These are things which will take staff, funding and time to address, even without allowing boating. The fact is that there has been some neglect, but this is also evidence that the allowable uses that are now in-place cause minimal damage. For example, problems with user-created campsites can be addressed by identifying where such campsites should be sited and identified on maps. However, the allowing of boater use in the two sections in two separate time-frames simply means that access will have to be allowed as if boating would be allowed all the time. This seems impractical for 3 months of the year, in an area where access is minimal. So we emphatically and categorically oppose boater use as it exacerbates a situation which does require stewardship, but which will not have to be monitored by staff which do not exist and aren't likely to be provided in the future. We believe the fact is that as the population increases and the demand for the kinds of wilderness experience that the Upper Chattooga WSR area currently provides is only going to increase. This will occur, if the current national financial situation continues, as the financial resources USFS diminishes. Adding boating to the allowed uses is simply like overloading a boat or plane—it won't float or fly. (Ltr# 141, Cmt# 2)

Subconcern # Q

Georgia Forest Watch and Wilderness Watch do not agree with the findings and conclusions of the Environmental Assessment. We do not agree, as concluded by the Environmental Assessment, that the new

management direction would “preserve the natural conditions, wilderness character, ‘outstanding opportunities for solitude’ and a ‘primitive and unconfined type of recreation’” as required under the Wilderness Act. Rather, if implemented, the Environmental Assessment will greatly diminish all of these characteristics of the three affected National Forests. The selected Alternative 12 would for the first time since 1976 formally open these headwaters to boating and improperly intensify use of the Upper Chattooga Corridor. We thus request that the Forest Service maintain that portion of current zoning of the Chattooga River that prohibits all boating in the Headwaters above Highway 28, as well as continuing to prohibit all boating from tributaries on the Upper Chattooga. (Ltr# 166, Cmt# 1)

Subconcern # R

I do not agree with the findings of the Environmental Assessment, nor do I support the proposed "Alternative 12," the selection of which confirms, I believe, the inadequacy of the biological, economic and management analyses held up to support that alternative. (Ltr# 185, Cmt# 3)

Subconcern # R S

History and the administrative record support the current zoning of uses to different segments of the entire Chattooga River and indicate that new limitations for all users of the Chattooga Corridor and Ellicott Rock Wilderness are now appropriate and necessary to protect these resources, and are thus required by law. The most realistic, efficient, and workable solutions to address the need to protect the qualities for which the Chattooga Corridor is covered under the Wilderness and Wild and Scenic Rivers Acts would be to adopt those portions of Alternative 12 that would place greater limits on pedestrian and camper access – but continue the current zoning that prohibits all boating and floating on the entire 21 miles of the Upper Chattooga headwaters. Such a decision would be supported by the EA with a few modifications (such as improved management coordination and adoption of identical amendments to the Land and Resource Management Plans of the three National Forests, as suggested in the EA for management of Large Woody Debris). For the reasons explained above, Georgia Forest Watch and Wilderness Watch oppose the boating proposed in Alternative 12. The record reveals a lack of consideration or discussion by the Forest Service of the biological, economic, and management impacts of the boating proposed in Alternative 12. For all the reasons discussed in these comments, the record does not support the boating proposed in Alternative 12 or any other alternative that would open the Upper Chattooga to boating or intensify use of the Upper Chattooga Corridor. As such, the Forest Service must either find that a “no boating” alternative is appropriate or find that Alternative 12 will have a significant impact on the quality of the human environment and that an Environmental Impact Statement must be prepared. (Ltr# 166, Cmt# 37)

Public Concern 11

The Forest Service should not select Alternative 13 because:

- A) User conflicts would be amplified;**
- B) New access points and portage trails are not suitable;**
- C) New parking areas are limited and a long distance from the Chattooga River;**
- D) It will increase trespassing on private land as a result of overflow parking, and possible search and rescue incidents; and**
- E) Expansion of the trailhead facilities on Green Creek Cemetery Road would be inconsistent with the purpose for which the land was donated.**

Response to PC 11

A) Chapter 3 of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* includes effects to users from alternative 13 in **Section 3.2.1 Recreation ORV, 1. Potential Recreation Use Conflicts and Boating Access, items a-d.**

B) The exact location of the designated trail would be decided with additional site-specific NEPA. The final decision on trails to be designated would be informed from public input and potential effects to resources. The effects analysis in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* has

considered the remoteness of the upper reaches relative to regulation enforcement and to human health and safety (please refer to **Chapter 3**). The counties are aware of the proposal for boating and impacts have been considered in the **Section 3.6.1 Human Health and Safety** of the EA.

C) No expansion of existing parking areas are proposed between Green Creek and Highway 28 Bridge. Use of existing roads and trails would be consistent with current Forest Plan Management direction.

D) Most NFS lands in the eastern US have numerous private land holdings adjacent to public land. Trespass on private land is illegal. Effects on human health and safety are disclosed in **Section 3.6.1 Human Health and Safety**.

E) The expansion of trailhead facilities at Green Creek Cemetery road are not proposed with this alternative. Goals and objectives for recreation management are consistent with the *Revised Land and Resource Management Plan, Sumter National Forest (RLRMP)* and direct all actions on NFS lands.

Sample Public Comment(s) for PC 11:

Subconcern # A-E

I am supportive of Alternatives 1, 2, or 3, but I am opposed to Alternatives 8,11,12,13, and 14. The following discussions summarize some of the reasoning why I recommend you choose one of the first three, and do not choose one of the other options. They also pose several questions to which I desire the US Forest Service's official answers. The Chattooga River trail head is the most upstream limit of where the Chattooga River courses through public land. But this point is not a suitable put-in point for boating. The parking area is a very long way from the river itself, via a portage of at least 2/3 mile of steep unofficial trail, or more than a mile via the main official trail. A closer access point, but on private land, is at the intersection of our driveway and Greens Creek Cemetery Road, where woods roads are shared with Forest Service, the Cranston Family Partnership and me. It is presently common to have hikers park cars here to cut off the first 1/8 mile of steep trail from the official parking lot. These occasional parkers have not been much of a problem to us thus far, but they are not trying to carry boats either. I believe that there will be increased parking by the new boaters (with associated trespassing and potential conflicts), if preventive measures are not taken. But, the Forest Service states that no new parking will be developed and relies on that fact to limit access and usage to the interior trails and river. I believe that the added users will try to park in our driveway. Parking at the trail head is available for only eight to ten cars, and little suitable public land exists to expand. As mentioned in the background section above, my mother donated several acres of beautiful land near this location to the US Forest Service for the purpose of protecting the land and for providing a green buffer at the trail head. Any expansion of the trail head facilities would be inconsistent with the spirit of this gift. What measures will the US Forest Service take to mitigate or prevent the inevitable overflow parking problem, including potential trespassing and public nuisance to adjacent private properties? From the trailhead entrance (the upper end of public ownership) it is about 6.5 miles to the Steel Bridge on the Bullpen Road, and there are no put-in points for boats anywhere in this reach that would be convenient to parked vehicles. Even at the Steel Bridge, the river access is precipitous and is right at the top of a waterfall, far below the road elevation. Downstream of the Bullpen Road is the Ellicott Rock Wilderness. There is not even a trail along the river in most of this area, much less a boat launch. By definition this area is a wilderness with very little built infrastructure, and should remain so. Below the Ellicott Rock Wilderness, a trail follows the river, and there is a greater flow of water in it. The river itself is more conducive to boating, but again there is no boating launch point. At Ellicott's Rock, the upper end of the riverside trail system, it is over 3.5 miles by trail to the nearest road, hardly a good portage. The next access downstream is Burrell's Ford, where more parking exists. The river downstream of this place is more suitable for boating than any place upstream. Why will the US Forest Service not restrict boating to the reaches below Burrells Ford and prohibit it upstream? Back upstream, beyond the Chattooga River trail head, the next public access to the river is the small isolated parcel of public land at Grimshawes, where the public uses the sliding rock falls on the river. It is not a suitable nor adequate entrance for boaters either. Parking is very minimal here, and large overflows of parked cars often line Whiteside Cove Road currently, even without boaters as additional users. It is not uncommon to see 30 to 40 cars on the narrow shoulders. As for the use of the river for boating, the Chattooga between Grimshawes and Greens

Creek could hardly be deemed navigable. For example, I cannot imagine someone wanting to go over Corkscrew Falls in any vessel. Nevertheless, if such daredevil stunts should be undertaken by boaters, those activities will almost certainly result in injuries, if not deaths. How could the US Forest Service and rescue personnel access a boating accident site to transport victims effectively and without trespassing on adjacent private lands? (Ltr# 147, Cmt# 9)

Public Concern 12

The Forest Service should consider that all alternatives that would have allowed boating below Bull Pen Bridge have been eliminated from detailed study, therefore purposely limiting the range of alternatives and violating NEPA.

Response to PC 12

The phrase "range of alternatives" refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. **Chapter 2 Section 2.4 Alternatives considered but not evaluated in detail** are part of the range of alternatives.

Sample Public Comment(s) for PC 12:

The agency has removed all the previously considered alternatives that would have only allowed boating below Bull Pen Bridge. The EA claims this alternative has "became redundant and unnecessary"(p41), but that is not true. Eliminating Bull Pen as a proposed Put-in, the assessment misrepresents the available options as a dichotomy to either allow boating into the most ecologically sensitive area, or allow no additional boating at all. The reduced variety of alternatives considered in this EA appears deliberately designed to produce a desired outcome of pushing boating upstream toward Greens Creek. Every scoping and previous EA during the past four years evaluated alternatives that did not allow boating above Bull Pen Bridge. In addition, the 1971 Study Report Recreational Development Plan lists Bull Pen Bridge as the uppermost put-in indicating boating above the bridge is not a congressionally recognized value. By deliberately limiting the range of alternatives available to the decision maker (after having done the assessment), possibly the environmental alternative, is a NEPA violation. (Ltr# 92, Cmt# 10)

Public Concern 13

The Forest Service should consider the following regarding alternative development and/or the development of new alternatives:

- A) The environmental alternative in the 2011 EA is not labeled as such, nor any explanation given as to why it is preferable over the other alternatives;**
- B) An alternative that would consider motorized boat use on the lower section of the Chattooga during higher flow levels above 2.2 feet on the 76 gauge;**
- C) An alternative that would give limited boating access while protecting resources and minimizing trespass on private property, such as permitting boating below Burrells Ford at all stages and seasons and below the steel bridge at Bullpen Road during the winter;**
- D) An alternative that would open the upper segment of the Chattooga WSR to boating that is self-regulating, since the water levels required to boat make the water deep, turbid, and unsuitable for fishing; and implement the current permit system that is used on Sections II, III, and IV of the Chattooga River;**
- E) Amend the preferred alternative to include the potential damage to biological resources that have not been adequately inventoried, along with a more detailed analyses of the potential effects of building new access into the remote Chattooga Cliffs Reach, and potential portage trail damage;**

- F) Amend the preferred alternative so that Chattooga River flow restrictions will be used for controlling user conflict, and that restrictions on boater group size, numbers of boaters per group, and use based on Chattooga River flows should be implemented first, to reduce the risk of irreparable damage to the ORVs of the upper segment of the Chattooga WSR rather than the proposed adaptive management;**
- G) Amend the preferred alternative to prohibit building new access and all boater use in the Chattooga Cliffs Reach because it is the last, relatively inaccessible section in the entire 57 mile Wild and Scenic River Corridor;**
- H) Amend the preferred alternative to consider the effects to the ORVs, solitude, and the biological diversity in the area from other uses that would occur on the new access trail at Green Creek;**
- I) Amend the preferred alternative to permit boating from Bull Pen Bridge to Highway 28 Bridge during all seasons above the Chattooga River flow level of 450 cfs because it will avert conflict with fishermen in the Delayed Harvest area between Lick Log Creek and the Highway 28 Bridge as it allows both uses to continue at the optimum flow levels;**
- J) Amend the preferred alternative to restrict boating in the headwaters to no more than 4 groups per day, and no more than 6 boaters per group, and be allowed from Bull Pen Bridge to Highway 28 to insure that the elements of solitude be preserved in the back country reaches of the upper segment of the Chattooga WSR;**
- K) Amend the preferred alternative to implement a cost effective permit system, similar to the system used by the SC Forestry Commission to administer burn permits, which includes requests are reviewed and approved via telephone and a registration number is issued and recorded for enforcement purposes;**
- L) An alternative that would prohibit boating below 2.25 feet and prohibit fishing above 2.25 feet thus averting user conflict and providing equality for all users (all comments from 2009 EA comment period);**
- M) An alternative that would not deprive any users access to the Chattooga River, and that would educate them and instill respect for all resources and responsible use of them (all comments from 2009 EA comment period);**
- N) An alternative that would provide unlimited private boating on the Chattooga River and all tributaries (all comments from 2009 EA comment period);**
- O) A true wilderness alternative (all comments from 2009 EA comment period);**
- P) An alternative that incorporates accepted management protocol for other rivers (all comments from 2009 EA comment period); and**
- Q) All alternatives should consider the following: protecting and enhancing whitewater boating; recognizing high use frontcountry areas and low use backcountry areas are different; including a range of use limits for all users and it must be based on a capacity for all users and/or individual uses; including indirect measures prior to direct measures; addressing angling and stocking; and considering impacts of management decisions on recreationists equally with impacts those recreationists may have on one another (all comments from 2009 EA comment period).**

Response to PC 13

A) The NEPA process is a decision making-process. Identification of a preferred alternative is a statement of preference, not a decision. Identification of a preferred alternative is desirable in the

interest of public transparency, especially with the analysis completed for all the alternatives listed in the EA. It affords the public an opportunity to focus their comments. It helps to inform the decision-maker's final decision.

B) Motorized boating is not permitted on the Chattooga River (2004 *Revised Land and Resource Management Plan, Sumter National Forest*) page 3-9; 2.A.-3 and is beyond the scope of this decision. Motorized boating is not listed as a compatible recreation use in the 1971 *Designation Study*.

From the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), subsection **Guiding legislation or other agency mandates, Wild & Scenic Rivers Act**, on page 8, it notes the following on motorized boat use on the Chattooga WSR:

WSR designation does not necessarily restrict any particular type of use in a corridor, including motorized boats, jet skis, hovercraft, or wheeled vehicles. However, such uses must be consistent with the desired conditions and experiences to be offered in a corridor, which link to OR values. In general, types of use and access routes within river corridors at the time of designation receive "grandfather rights" (continued use). However, if an access route or type of use adversely impacts an OR value, it may be closed or regulated. These issues are addressed through management planning that considers "factors such as impacts (positive or negative) on river values, user demand for such motorized recreation, health and safety to users, and acceptability with desired experiences and other values for which the river was designated." (IWSRCC, 2002, pp. 4-6; IWSRCC, 2006 p. 49-50).

The 1971 *Designation Study* report did not list motorized boating as a compatible recreation use. From the 1971 *Wild and Scenic River Study Report, Chattooga River*, Page 22 "Motorized boat use is impractical because of shallow water and rocks." The 1971 *Designation Study* report identified allowed recreation uses on page 85 "Restriction in the Act limit types of recreation use, especially in the Wild and Scenic Sections. Compatible uses on the Chattooga River are floating (including rafting, canoeing and kayaking), hiking (including sightseeing, nature study and photography), hunting, fishing and primitive camping."

In the 1976 Federal Register Notice (Volume 41, No. 56, March 22, 1977), it mentions that kayaking, canoeing and rafting are "ideal" but notes that "Motorized boat use is impractical because of shallow water and rocks." The scope of this decision is limited to the upper segment of the Chattooga WSR above Highway 28 Bridge.

C) A reasonable range of alternatives has been considered that protect resources and the effects disclosed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* reflect that range. Variations of the commenter's proposed alternative have been considered in Alternative 8 and other alternatives that propose a season restriction during the low use time of year in the Ellicott Rock Reach. See the EA for discussion for the effects of allowing boating as suggested by the commenter. The decision maker can choose one of the alternatives fully developed in the EA or can blend alternatives in the decision, as long as it is within the current effects analyzed. The decision notice and rationale for the decision provide disclosure to the public.

D) Alternatives presented in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River* use reach, season and flow as a means to manage recreation uses and reduce conflict. The permit system proposed would be similar to one that is used on the lower segment of the river.

E) The effects of the alternatives on biological resources are disclosed in **Chapter 3, sections 3.2.2 and 3.5**. A Biological Evaluation and Biological Assessment have been completed and consultation has been completed with the US Fish and Wildlife Service. The exact location of the designated trail would be decided with additional site-specific NEPA including additional consultation with FWS if needed. The decision on trails to be designated would be informed from public input and potential effects to resources.

F) Alternative 13A uses flow restrictions to minimize user conflict and establishes group sizes for recreation users. The decision notice and rationale for the decision provide disclosure to the public. All action alternatives include a monitoring plan (**Appendix G**) and adaptive management plan. Monitoring helps the agency determine whether management actions for the selected alternative are protecting the river's ORVs. Adaptive management refers to additional management actions the agency would use to address problems revealed through monitoring. The system uses an "implement-monitor-adapt" strategy that provides the US Forest Service with the management flexibility it needs to account for inaccurate initial assumptions, to adapt to changes in environmental conditions or to respond to subsequent monitoring information (FSH 1909.15, Chapter 10, 14.1).

G) The put-ins and take-outs, including trail access, have been evaluated in the EA and have been determined to be feasible. The exact location of the designated trails, put-ins and take-outs would be decided with additional site-specific NEPA.

H) The action alternatives have considered the effects on ORVs, solitude (which is a component of the Recreation ORV) and the biological diversity in the area from access at Green Creek confluence in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. The exact location of the designated trail would be decided with additional site-specific NEPA. The decision on trails to be designated would be informed from public input and potential effects to resources.

I) Alternatives presented in the EA use reach, season and flow as a means to manage recreation uses and reduce conflict. Variations of the commenters' proposed alternatives have been considered in Alternative 11. See the EA for discussion for the effects of allowing boating as suggested by the commenter. The decision maker can choose one of the alternatives fully developed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* or can blend alternatives in the decision, as long as it is within the current effects analyzed. The decision notice and rationale for the decision provide disclosure to the public.

J) Alternatives presented in the EA use reach, season and flow, including limits on group sizes for all recreation users, as a means to manage recreation uses and reduce conflict.

K) The permit system to be used would be similar to the one that is in place for managing users on the lower segment of the Chattooga River. The costs of implementation are displayed in **Appendix B** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. All action alternatives include a monitoring plan (**Appendix G**). Monitoring helps the agency determine that the effects realized during implementation are within the effects predicted in the EA.

L) Alternatives presented in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River* use reach, season and flow as a means to manage recreation uses and reduce conflict.

M) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 1, Section 1.6 Key Issues item C Boating Access and Equitable Treatment of Boating**.

N) A number of alternatives were considered and not developed and can be found in **Section 2.4, Alternatives Considered but not Evaluated in Detail**, which discusses boating in the tributaries. Alternative 8 considers year-round boating at all flows and reaches.

O) Some alternatives consider boating in the wilderness area and all alternatives are consistent with the Wilderness Act as disclosed in **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Purpose and Need for Action, items 2 and 3**. Furthermore, effects on wilderness are discussed in **Section 3.7** and have considered the undeveloped condition and outstanding opportunities for solitude as well as a primitive and unconfined recreation experience.

P) Proxy rivers were described in the Capacity and Conflict and this background information is available to public on the Francis Marion and Sumter website. This information is part of the administrative record considered in the decision making process.

Q) All alternatives protect ORVs on the Chattooga River (**Chapter 3, Section 3.2**). Whitewater boating is currently provided on the segment of the river below the Highway 28 Bridge. Above Highway 28 Bridge, a reasonable range of alternatives have been develop and a number of other alternatives considered but not developed (refer to **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*). Some alternatives considered managing current recreational uses and others adding boating into the upper segment of the Chattooga WSR. **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* has considered capacity for all users and the effects are discussed in **Section 3.2.1, Recreation ORV**. Monitoring and adaptive management would be used to manage recreation to achieve the desired experiences and protect ORVs. Management actions would first include indirect measures followed by direct measures to achieve the objectives in this decision (**Section 2.3**).

Sample Public Comment(s) for PC 13:

Subconcern # A

The draft EA does not label the environmental alternative, nor why such alternative would be environmentally preferable over all the others. (Ltr# 92, Cmt# 11)

Subconcern # B

Numerous requests to have the USFS even consider allowing motorized boating on the Chattooga have been ignored. Thousands of boaters nationwide have already voiced their demands to allow all citizens equal access to the Chattooga, and that restrictions should apply equally to all user types. We see no reason that the USFS should not at least consider one set of alternatives that includes motorized boats in this assessment. The USFS should consider some alternatives that permit motorized watercraft on the lower section of the Chattooga during higher flow levels (above 2.2' on the 76 gauge). Boating enthusiasts are seeking only limited access that will only fill the extra capacity of the lower Chattooga as private paddlers migrate to the headwaters under new management policy. Please consider an alternative that provides the opportunity for the public to comment equal access to all types of boating on the Chattooga. (Ltr# 126, Cmt# 9)

Subconcern # C

Overall, we would like the Forest Service to continue to restrict boating on the upper reaches of the river. However, there are other alternatives not presented in the Environmental Assessment that would give limited added boating access to the public while protecting the fragile ecosystem and taking in to account the impact on private property owners. These include boating below Burrell's Ford at all stages and seasons, and perhaps below the Steel Bridge at Bullpen Road during the winter season. (Ltr# 136, Cmt# 4)

Subconcern # C

I would like the Forest Service to continue to restrict boating on the upper reaches of the river. However, there are other alternatives not presented in the Environmental Assessment that would give limited added

boating access to the public that would be acceptable to me. These include boating below Burrell's Ford at all stages and seasons, and perhaps below the Steel Bridge at Bullpen Road at all flows during the winter season. (Ltr# 147, Cmt# 2)

Subconcern # C

I favor an ultimate situation where the Forest Service would continue to restrict boating on the upper reaches of the river. And, I recognize the need to consider the desires of all river users, boaters included. However, the present EA presents what amounts to a binary choice: boating allowed everywhere, or boating disallowed. I believe that there are other alternatives not presented in the Environmental Assessment that would give limited added boating access to the public that would probably be acceptable to me. Added compromise alternatives should include (a) allowing boating below Burrell's Ford at all flows and seasons, and perhaps (b) allowing boating activities to extend upstream to the Steel Bridge at Bullpen Road under all flows and from December 1st through March 1st. (Ltr# 147, Cmt# 16)

Subconcern # C

#3- There is a conspicuous absence of an alternative that would preserve the wilderness experience present in the upper Chattooga above the Bull Pen Bridge while at the same time allowing boating below the Burrell's Ford bridge, with sufficient restrictions in place to preserve the high quality fishing opportunities found in this reach, by minimizing user conflicts. Further, this significant oversight in the EA—namely, its lack of presenting such an obvious and reasonable alternative—characterizes the document and its decision-making methodology as arbitrary and capricious, thus placing the EA (in its current form) in violation of the Administrative Procedures Act. (Ltr# 193, Cmt# 2)

Subconcern # D

The most fair and obviously best way to do it has never been studied by the Forest Service, let alone offered in an alternative. That alternative is to open the Upper Chattooga to boating and to let it be self-regulating since the water levels required to boat make the water deep, turbid, and unsuitable for fishing. The simple permit system currently in use on Sections II, III, and IV is all that is required. (Ltr# 157, Cmt# 2)

Subconcern # E-K

I FULLY support the alternative proposed by the Chattooga Conservancy. (Ltr# 114, Cmt# 1)

Subconcern # E-K

The preferred alternative offered in the EA for managing recreation uses in the Upper Chattooga should be re-written to take into account the fact that there presently exists many unknown factors, including potential damage to biological resources that have not been adequately inventoried, and more detailed analyses of the potential effects of building new access into the remote Chattooga Cliffs Reach, and potential portage trail damage, that should be studied and addressed more carefully. In addition, we assert strongly that river flow restrictions should be used for controlling user conflict, and that restrictions on boater group size, numbers of boaters per group, and use based on river flows should be implemented first, to reduce the risk of irreparable damage to the Outstandingly Remarkable Values of the Upper Chattooga, rather than the proposed "adaptive management" scenario that is tantamount to playing Russian Roulette with an extremely important resource. The Chattooga Conservancy proposes an amended alternative that would take the above concerns into account. The Chattooga Conservancy's alternative would prohibit building new access and all boater use in the Chattooga Cliffs Reach, because it is the last, relatively inaccessible section in the whole 57-mile Wild and Scenic River Corridor. The Forest Service's position that building the proposed, new 1-mile access trail at Green Creek would not harm the Outstandingly Remarkable Values, including the chance to experience solitude, or would not harm biological diversity in the area, is flawed and also does not take into account the whole host of other uses that a new access trail would bring into the Chattooga Cliffs Reach during all seasons of the year. We propose that boating is a legitimate wilderness mode of travel that should be allowed from Bull Pen Bridge to Highway 28 Bridge during all seasons, above the river flow level of 450 cfs. This approach is a more logical choice to eliminate conflict between fishermen in the Delayed Harvest area between Lick Log Creek and the Highway 28 Bridge, because it allows both uses to continue at the optimum flow levels for each respective use. This approach would also restrict boaters during lower flow levels, when exposed strainers and undercut rocks would require portage trails. This is especially important in the upper reaches, when the inevitable increase in strainers due to hemlock trees that have succumbed to the effects of the Hemlock Woolly Adelgid will die and fall into the river. We also propose that boating in the headwaters be restricted

to no more than 4 groups per day, and no more than 6 boaters per group, and be allowed from Bull Pen Bridge to Highway 28, in order to insure that the elements of solitude be preserved in the back county reaches of the Upper Chattooga River. Note that the Chattooga Conservancy's proposal for restricted boating would be simple and inexpensive to administer. The Forest Service could implement a permit system such as is used by the SC Forestry Commission to administer burn permits, where requests are reviewed and approved via telephone, and a registration number is issued and recorded for enforcement purposes. This, coupled with monitoring and enforcement, would be a simple and cost effective system that would also be effective in working to protect the Upper Chattooga's ORVs. The preferred alternative in the EA that does not require these restricted use levels, therefore does not take into account the agency's own conclusion in the EA that boater use levels cannot be determined. Logically, given this unknown, it would be a much better strategy to err on the side of insuring "non degradation" to resources than to risk irreparable harm. The Chattooga Conservancy respectfully requests that the Forest Service should alter Alternative 12 for managing recreation uses in the Upper Chattooga River to include the recommendations we have made above to protect the Outstandingly Remarkable Values of the Chattooga River while being fair to all users. (Ltr# 172, Cmt# 11)

Subconcern # E-K

#339- A new alternative that will protect the outstandingly remarkable values of the headwaters and allow whitewater boating with sufficient limitations from Bull Pen Bridge to the Highway 28 Bridge. (Ltr# 193, Cmt# 329)

Subconcern # L

#4- Why wasn't there an alternative to simply ban boating below 2.25 feet and ban fishing above 2.25 feet? That would give equal treatment and access to "conflicting" user groups and thus "zone" them with water level instead of river sections. (Ltr# 193, Cmt# 3)

Subconcern # M

#60- Any alternative that is chosen by you to manage this area, rather than depriving anyone of their lawful use of the resource, should instead be one that educates, one that instills respect for the resource, and one that requires responsible use of it. (Ltr# 193, Cmt# 54)

Subconcern # N

#422- The EA does not contain an alternative representing unlimited private boating the alternative that allows the most paddling still contains a total ban on one section of the river, as well as tributaries (Ltr# 193, Cmt# 410)

Subconcern # N

#499- The EA does not contain an alternative representing unlimited private boating which is the status quo on every other river in the region. Failing to include an alternative that represents the accepted management protocol for all other rivers is a significant and unjustified omission and is in violation of NEPA. (Ltr# 193, Cmt# 486)

Subconcern # O

#467- In a Wilderness area natural conditions should prevail. The upper Chattooga River naturally provides high quality boating opportunities during times of high flow and a moderate quality angling experience at low flows. We see no justification in the EA for artificially increasing one use while effectively banning another wilderness use (paddling). The EA is deficient in not having analyzed a true natural wilderness alternative. (Ltr# 193, Cmt# 454)

Subconcern # P

#489- Failing to include an alternative that represents the accepted management protocol for all other rivers is a significant and unjustified omission and is in violation of NEPA. (Ltr# 193, Cmt# 476)

Subconcern # Q

#490- The USFS has failed to respond to our extensive scoping comments, which are included as Appendix 1 in these comments. In fact, of the seven issues that we noted must be addressed by all alternatives in the EA, the USFS has complied with none of them. These seven points are: All alternatives must protect and enhance whitewater boating; Alternatives should recognize high use frontcountry areas and low use backcountry areas as different; Alternatives must include a range of use limits for all users; Alternatives must be based on a capacity for all users and/or individual uses; Alternatives must include indirect limits

prior to direct limits; Alternatives, to the extent they address angling, must address stocking; and Alternatives should consider impacts of management decisions on recreationists, equally with impacts those recreationists may have on one another. By failing to consider the alternatives we presented in our scoping comments, or anything even similar, the USFS has violated NEPA. (Ltr# 193, Cmt# 477)

Public Concern 14

The Forest Service should consider the following regarding the range of alternatives:

- A) The current alternatives consider only a range of immediate direct limits on boating;**
- B) Alternatives should consider equitable limits to all similar uses when necessary, and utilize indirect limits as a primary measure;**
- C) Display the entire range of optimal preferences rather than using an average of optimal preferences that are represented as a full statistical range of data (all comments from 2009 EA comment period);**
- D) Propose a range of alternatives that would protect and enhance whitewater boating in the headwaters (all comments from 2009 EA comment period);**
- E) Alternatives should consider boating in the tributaries (all comments from 2009 EA comment period);**
- F) Applying varied standards to multiple alternatives make comparison difficult (all comments from 2009 EA comment period);**
- G) Alternatives considered should use data from an all users' analysis and not single out boating; and**
- H) The 2009 EA should include a listing of nearby alternatives in the southeast (all comments from 2009 EA comment period).**

Response to PC 14

A range of alternatives were considered and evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. The alternatives range from continue the boating prohibition above Highway 28 to allowing boating opportunities year-round. The alternatives respond to the key issues raised in **Section 1.6** and the effects are discussed in **Chapter 3** of the EA.

A) Recreation effects are discussed in **Section 3.2.1** and include adaptive management and a monitoring plan (**Appendix G**) to manage recreational uses. Data gathered during monitoring would be used to determine if management actions are needed to achieve the desired objectives which include protecting the ORVs. Alternative 8 considers boating without season, reach, or flow restrictions on the main stem of the Chattooga WSR. Permits used on the upper segment would be similar to the permits used on the lower segment of the Chattooga WSR. Indirect measures would be used first and then direct measures as outlined in **Section 2.3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. See **Chapter 1, section 1.6, Key Issues Item C Boating Access and Equitable Treatment of Boating**.

B) **Section 2.3** of the EA identifies how monitoring and adaptive management would be use. Adaptive management would be used to manage resource impacts associated with recreation use and follow established protocols of using indirect measures first followed by direct measures as necessary to achieve the desired condition.

C) Council on Environmental Quality (CEQ) regulations 1502.14, section (a) require the Forest Service to "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their

having been eliminated." Also refer to "CEQs Forty Most-Asked Questions" guidance document to issues related to alternatives (questions 1a and 1b). There is no requirement for the alternatives to represent a full range of "optimal preferences". The alternatives must meet the Chapter 1, **Purpose and Need for Action** stated on pages 1 to 5 of the EA. The alternatives proposed are intended to protect the "Outstandingly Remarkable Values" (ORV) of the Chattooga. This is proposed in a variety of ways across all user groups by varying encounters, group size, closing trails, dispersed camping, parking restrictions and user registrations.

D) The need for the proposed action is stated on pages 1-5 of the EA. In addition, section 1.2 summarizes the proposed action and section 1.3 discloses the decision to be made.

E) See **Section 2.4 Alternatives Considered but not evaluated in detail**, item B in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

F) The range of alternatives developed provides different ways to meet the purpose and need for management of recreation uses on the Chattooga WSR. Alternatives were designed with public involvement. The Forest Service held open houses at the beginning of the process. At these meetings, the results of the data collection and findings in the reports were presented and responses were made to the public's inquiries. See **Appendix F** of the EA for detailed information on the public involvement process.

G) Based on the "Limits of Acceptable Change" process, the public was given the opportunity to provide comments on recreation uses in the upper segment of the Chattooga WSR. See **Appendix F** of the EA for detailed information on the public involvement process.

H) Opportunities for whitewater boating in other areas in the southeast do not meet the purpose and need described in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor (Chapter 1)*. The EA analyzes several "boat free" alternatives (Alternatives 1-3) as well as alternatives with varying levels of boating. The effects of these alternatives are disclosed in Chapter 3 of the EA. One of the reports created during the visitor use data collection effort looked at characteristics of proxy regional whitewater boating rivers (<http://www.fs.fed.us/r8/fms/forest/projects/proxy-river.pdf>). Also, a pair of studies explored "substitutability," "involvement," and "place attachment" to other regional rivers for Chattooga non-commercial whitewater boaters and trout anglers (Backlund, 2002; Hammitt et al., 2004; Bixler & Backlund, 2002). These were documented on page 25 of the Integrated Report (Whittaker and Shelby, 2007).

Sample Public Comment(s) for PC 14:

Subconcern # A

#453- The EA, by considering a skewed range of boating alternatives, does not consider a full range of alternatives and introduces inherent inequity (Ltr# 193, Cmt# 441)

Subconcern # A B

The alternatives in the EA consider a range of immediate direct limits on only paddling. This is arbitrary, capricious, and unreasonable. The EA fails to consider reasonable alternatives and limits on alternatives brought forward in our scoping comments. As we stated in multiple sets of past comments, reasonable alternatives must consider equitable limits to all similar uses, only when necessary, and proposing indirect limits first. The EA fails on all three counts. Even if the false assumption that paddling and angling conflict were assumed to be true, a reasonable range of alternatives would have considered limits to angling as well as paddling, since if anglers were absent there would be no chance of the presumed conflicts. Throughout these comments we will offer additional examples of how the EA fails to consider a reasonable range of alternatives. Singling out direct limits on paddlers as the only variable creates an unreasonable range of alternatives and thus the EA violates NEPA. (Ltr# 168, Cmt# 5)

Subconcern # A B G

#443- The EA, by focusing on boating as the only management variable, does not consider a full range of alternatives and introduces inherent inequity. The EA considers paddling limitations as the only direct management tool, while all other larger and more damaging uses are allowed in every location, in every time, in unlimited numbers. The record of decision on our appeal ordered a user capacity analysis - not a paddling capacity analysis. Thus the EA does not meet the mandate of the appeal decision or of Forest Service guidelines. The USFS has biased the entire EA and left the river corridor and user experiences at risk of harm by analyzing the effects of various levels of paddling without simultaneously analyzing the effects of other use (Ltr# 193, Cmt# 431)

Subconcern # C

#169- The assessment does not show the entire "range" of optimal preferences. The assessment has used an "average" of optimal preferences and represented them as full statistical range of data. (Ltr# 193, Cmt# 162)

Subconcern # D

#348- You must propose a range of alternatives for protecting and enhancing whitewater boating on the Headwaters; (Ltr# 193, Cmt# 338)

Subconcern # E

#399- When the Draft EA is considered in this context, none of the boating alternatives is adequately supported, even on the Lower Chattooga and in the tributaries. Zoning, on the other hand, is specifically endorsed in the Forest Service Directives and the Forest Service's guidelines for management of Wild and Scenic River Areas. (Ltr# 193, Cmt# 387)

Subconcern # F

#432- Applying different standards to different management alternatives makes a comparison of management alternatives virtually impossible and introduces significant bias. For example, alternatives 3, 4, and 5 which severely limit boating have relatively loose encounter standards when compared to alternatives 8, 9, and 10 which have relatively tight standards. Alternatives 8-10 have significantly more encounter standard violations than Alternatives 4-5, however what is less clear is that these violations are largely caused by lower standards - not higher use. Therefore we (and the USFS) can not compare management alternatives on equal footing. (Ltr# 193, Cmt# 420)

Subconcern # H

#541- The EA lacks a listing of the nearby alternatives in the southeast. (Ltr# 193, Cmt# 528)

Public Concern 15

The Forest Service received letters that contained comments that appeared to be a vote but the comment period for the 2011 EA is not a vote-counting process; the most useful comments are those that are unique, substantially different, provide rationale, and suggest specific changes to the EA, and therefore, these comment letters do not warrant further response: Letters 6, 11, 77, 159, and 170.

Response to PC 15

No response is needed

Sample Public Comment(s) for PC 15:

Would prefer #3, but in the interest of compromise would accept #12. (Ltr# 6, Cmt# 1)

Reject the boating lobby's insistence on unrestricted access (Alternative 8 of the EA); (Ltr# 11, Cmt# 1)

Reject the Forest Service partial opening (Alternative 12 of the EA); (Ltr# 11, Cmt# 2)

I have reviewed your latest plan for the upper Chattooga River and I'm not sure I support it. It may be the best deal you'll be able to make, but I still think leaving the river as it is now is the best plan. (Ltr# 77, Cmt# 1)

I strongly emphasize that the right decision is Alternative 8. (Ltr# 159, Cmt# 4)

Alternative 12 is not acceptable at all. (Ltr# 170, Cmt# 6)

Alternative 8—though better, still lacks any true equity. (Ltr# 170, Cmt# 7)

Fisheries

Public Concern 16

The Forest Service should consider the following regarding fishing:

- A) More trash is left behind from fishing versus boating;**
- B) An assessment of fishing between Norton Mill Creek and Greens Creek is needed as this low gradient stretch provides ideal fishing and easy access, and will protect and enhance fishing in North Carolina;**
- C) Fishing in North Carolina remains possible and popular at levels far above those discussed within the 2011 EA and will overlap with boating flow levels;**
- D) The Forest Service has protected part of the South Carolina Chattooga River in order to accommodate their anglers and the 2011 EA should be revised to also protect the North Carolina anglers from boating conflicts by providing an area for anglers to fish without having to purchase an expensive out-of-state fishing license;**
- E) The 2011 EA considers the most difficult access spots for angler capacity and underestimates the ability of the Chattooga River to accommodate angling during higher flows;**
- F) Smaller tributaries cannot accommodate casting due to the overhanging vegetation and do not offer an alternative for fisherman displaced by boating and associated disturbances;**
- G) Permitting boating below the Bull Pen Bridge would preserve angling opportunities in North Carolina;**
- H) Page 110, 119, and 121 of the 2009 EA states “Competition for fishable water would be the same as Alternative 1.” This statement is not accurate (all comments from 2009 EA comment period);**
- I) Use the best available science and/or additional studies regarding boating effects, including spooking fish and how it affects anglers (all comments from 2009 EA comment period);**
- J) The Chattooga River above Burrells Ford provides quality fishing from December through March and permitting boating in this area will affect the quality of fishing (all comments from 2009 EA comment period);**
- K) Analyze the effects from increased boating on fishing (all comments from 2009 EA comment period);**
- L) Justify the 450 cfs flow assessment as the highest optimal level for bait fishing (all comments from 2009 EA comment period);**
- M) Analyze fishing opportunities during high flows above Bull Pen Bridge (all comments from 2009 EA comment period);**
- N) The statement on page 89 of the 2009 EA that "Very little fishing is done from floatable craft" is incorrect (all comments from 2009 EA comment period);**
- O) Fishing should be restricted to protect trout viability if this is truly a prime trout hatchery (all comments from 2009 EA comment period);**

- P) The Chattooga River is a marginal cold water fishery made possible by stocking (all comments from 2009 EA comment period);**
- Q) The 2009 EA assesses fly and bait fishing, yet spin casing represents the majority of anglers (all comments from 2009 EA comment period);**
- R) Best available science does not support statements in the 2009 EA regarding optimal flows dictating angling and correlating to fewer anglers and/or a reduction in overall angler quality (all comments from 2009 EA comment period);**
- S) Reports by Shelby and Vaske 1991, Backlund 2002, Bixler and Backlund 2002, Hammitt, Backlund and Bixler 2004 and Hammitt, Backlund and Bixler 2006 should be considered for the availability of resource substitutes for recreationalists when considering future management on the upper segment of the Chattooga WSR (all comments from 2009 EA comment period); and**
- T) Bait is not permitted above the Bull Pen Bridge (all comments from 2009 EA comment period).**

Response to PC 16

A) In the report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) *Litter on Trails* begins on page 45. From this section, some findings include:

Monitoring was rarely able to determine which types of users were responsible for trash at a site, and this has not been analyzed....Few studies have documented a relationship between use levels and litter. Instead, litter appears to be caused by a small proportion of users and correlated with environmental cues (such as the presence of other litter, general condition of the setting) and the strength of norms within recreating groups” (Cialdini et al., 1991; Schwartz, 1973; Heberlein, 1971).

B) Angling above Bull Pen Bridge was considered in the expert panel report (Berger Group 2007) and the use estimation workshop report (Berger Group and Confluence Research & Consulting 2007), all of which fed into the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and informed the analysis in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. The report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) discusses backcountry angling on pages 19-22.

C) The highest use time of year for backcountry angling is from March through October. See page 29 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and the *Chattooga River Use Estimation Workshop Summary* (Berger and CRC, 2007). Angling above Bull Pen Bridge was considered in the expert panel report (Berger Group 2007) and the use estimation workshop report (Berger Group and Confluence Research & Consulting 2007), all of which fed into the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and informed the analysis in the EA. The report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) discusses backcountry angling on pages 19-22.

D) See item C above. During the “limits of acceptable” change, the delayed harvest area was identified as the most highly used fishing section of the Chattooga WSR. Physical characteristics of the river and proximity to access points and trails create a popular fishing area in the delayed harvest area.

E) Angling was considered in the expert panel report (Berger Group 2007) and the *Use Estimation Workshop report* (Berger Group and Confluence Research & Consulting 2007), all of

which fed into the report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and informed the analysis in the EA. This report also discusses backcountry angling on pages 19-22.

F) The report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) discusses backcountry angling on pages 19-22. Alternatives 1 to 3, 12, 13 and 13A provide a “boat-free” fishing experience in the delayed harvest area. Alternatives that considered season and reach restrictions on boating provide opportunities for anglers to fish without disturbance in the main stem of the river.

G) Angling above Bull Pen Bridge was considered in the expert panel report (Berger Group 2007) and the use estimation workshop report (Berger Group and Confluence Research & Consulting 2007), all of which fed into the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and informed the analysis in the Environmental Assessment. A range of alternatives were considered to reduce conflict and rely on a combination of management techniques that use season, reach and flow restrictions that help to separate users.

H) The Use Estimation Workshop Summary [Berger and CRC 2007]) was used to make estimates about recreation trends in the upper segment of the river. The assumptions in the EA about use could be higher or lower in practice. Therefore, the EA and the decision include provisions for the monitoring of recreation uses and include adaptive management techniques to adjust use to stay within the desired recreation experiences established in the EA for Alternative 13A.

I) Boating conflicts with anglers are disclosed in the recreation section of the EA. Alternative 13A reduces this conflict by establishing a boat-free experience in the most desirable section of the river for fishing (the Delayed Harvest Area). The alternative also has a season restriction for boating that again reduces conflict. Anglers could simply fish during non-boating times of the year. Finally, flow levels would also reduce the potential for conflict. The Whittaker and Shelby report with input from both anglers and boaters helped to establish flow levels that help to separate the various users. The combination of these three management techniques will help to reduce the potential conflict between anglers and boaters.

J) See comment I above.

K) The effects from boating on anglers in the Chattooga WSR are discussed in **Section 3.2.1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* considered the effects on anglers under each of the alternatives. The report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) has evaluated boating interference with anglers on the upper and lower segment of the Chattooga WSR on pages 67-69. The alternatives were designed to display a range of effects that the responsible officials consider in the decision-making process. Additional information is available in the report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007). Cumulative effects consider impacts to the entire Chattooga WSR.

L) The 450 cfs flow was determined to be the upper flow for optimal bait fishing in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) by a series of questions (e.g.: flow level preferences and opportunities, flow information needs, etc.) that were asked of the members of the angler expert panel by the study leaders and documented in the Expert Panel Field Assessment Report (Berger Group 2007c).

M) Angling above Bull Pen Bridge was considered in the expert panel report (Berger Group 2007) and the use estimation workshop report (Berger Group and Confluence Research & Consulting 2007), all of which fed into the report *Capacity & Conflict on the Upper Chattooga*

River (Whittaker and Shelby 2007) and informed the analysis in the EA. The report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) discusses backcountry angling on pages 19-22.

N) The comment "Very little fishing is done from floatable craft" is taken from a reference to a statement in the March 22, 1976 Federal Register Notice. Boating is restricted to certain craft type in Alternative 13A. Alternative 13A does not place any restrictions on fishing from craft. The document *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) was used to inform the effects analysis. In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, there is a discussion on the existing recreation opportunities and recreation effects are described in **Section 3.2.1 Recreation ORV in Chapter 3**.

O) Fishing regulations are controlled by the various state agencies based on river habitat conditions. Impacts to aquatic habitats are described in **Section 3.2.2A, Aquatics**. The fish species diversity of the Management Indicator Community in the Chattooga River watershed has not changed in more than 20 years of sampling the main stem of the river (SCDNR unpublished data).

P) There is natural reproduction of trout in the Chattooga River. It is not entirely hatchery dependent. Stocking of trout was occurring in 1971 and in the 1971 *Wild and Scenic River Study Report, Chattooga River* (referred to as the *Designation Study report*) notes that stocking of catchable size trout was occurring in some of the Chattooga River in all three states. The 1971 *Designation Study* report includes an action plan for fisheries on pages 87-89 and notes that Game and Fish State organization recommend managing Chattooga as a "Wild River fishery"; stocking sub-adults and fingerlings in the wild and scenic sections, stocking any size fish in the recreation sections; and providing vehicular access for stocking in the recreation sections.

Q) Existing opportunities are described in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and considered throughout the effects analysis in the EA and in more detail in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) (also referred to as the integrated report).

R) The report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and public input were used to inform the analysis and effects determinations in the EA.

S) The pair of studies that looked at "substitutability," "involvement," and "place attachment" for Chattooga non-commercial boaters (on the lower river) and trout anglers, along with additional analyses of these two groups were discussed on page 25 of the report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007). Whittaker and Shelby qualified some of the findings in these reports. One problem they noted is that the two groups were sampled differently (boaters via permits from known visits; anglers via census of two local Trout Unlimited chapters). Because a "wider net" was cast across the angler population, it may have included fewer avid Chattooga anglers. In addition, some of the involvement and place attachment variables were statistically but not substantively different (e.g., 4.39 vs. 4.61 on a five point "importance"). Finally, boaters were rating the lower segment of the Chattooga WSR (because they cannot currently boat the upper segment), and it is unclear whether their assessments will apply to the upper segment. Because of these problems, the data was not brought forward into the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

T) True. This was considered in developing the range of alternatives.

Sample Public Comment(s) for PC 16:

Subconcern # A

If the problem is trash left behind, why isn't there a ban on fishing? Paddlers have an easy way of carrying out anything they're able to bring in in the first place. Fishermen and hikers both have to have a way of carrying their trash and it actually takes effort to carry something as opposed to putting it back in a boat to ride along. And no paddling gear is left behind as frequently as fishing line and hooks. And certainly no paddling gear is the danger to people and animals that near-invisible line with barbed hooks is. (Ltr# 97, Cmt# 3)

Subconcern # B-D

Fishing the Chattooga between Norton Mill Creek and Greens Creek was never assessed. This low gradient stretch provides ideal fishing and easy access unlike the gorge section discussed within the recent EA. The valley area is fished at water levels up to 2.5 "[700cfs@Burrells Ford]. Also, the Chattooga just below the iron bridge has provided a low-gradient easy-access river for anglers and does permit bait fishing. This area remains easily fishable up to 2.3 "[600cfs at BF]. Fishing the North Carolina remains possible and popular at level far above those discussed within the EA and will overlap with boating flow levels. In order to provide for diverse interests, the Forest Service has protected part of the SC Chattooga in order to accommodate SC anglers. The revised policy should also protect the North Carolina anglers from constant boat-interruptions by providing an area for those anglers to fish without having to purchase an expensive out-of-state fishing license. By continuing the restriction of boats above Bull Pen, or at least between Norton Mill Creek and Greens Creek, the forest service will continue to protect and enhance the fishing values in North Carolina. (Ltr# 133, Cmt# 1)

Subconcern # C D G

#245- I ask that in reviewing the Environmental Assessment, you consider the impacts to North Carolina anglers caused by basing the assessment on South Carolina data. A policy that starts boating at Bull Pen would allow at least one segment of the river in North Carolina to remain protected. (Ltr# 193, Cmt# 236)

Subconcern # E F G

The topography along the North Carolina Chattooga varies from steep gorges to low gradient banks. Yet, only assessment of the steep gorge areas is included when considering capacity for anglers. By only considering the most difficult access spots, the assessment underestimates the ability of the Chattooga to accommodate angling during higher flows. Fly-fishing the area around Bull Pen Bridge remains acceptable at flows as high as 600cfs, as documented within the Forest Service 2007 report. Many of the smaller tributaries simply cannot accommodate casting due to the overhanging vegetation. These tight tributaries do not offer an alternative for fisherman displaced by boating and associated disturbances. Only the Chattooga still offers an opportunity to enjoy fishing in North Carolina without disturbance. If the proposed alternative was to allow boating only below Bull Pen Bridge, at least some of the North Carolina angling opportunities would remain available year-round. Unlike boaters, anglers are required to purchase expensive out-of-state licenses when fishing in other states. The Sumter Forest Service should continue to offer diverse recreational opportunities in each state, especially during the higher flows. (Ltr# 174, Cmt# 1)

Subconcern # H

#25- Pg 110, 119 and 121 "Competition for fishable water would be the same as Alternative 1." This statement is not accurate. (Ltr# 193, Cmt# 21)

Subconcern # I

#51- The best available science indicates overhead shadows and noise – the actions of boating--will initiate a flight response (spook) in fish. EA statements must "be supported by evidence that the agency has made the necessary environmental analyses" and in this case "utilize, to the fullest extent possible, information (including statistical information) of organizations, and individuals, in order that duplication of effort and expense may be avoided" [42 USC § 4345]. By overlooking the few studies that exist on fish behavior or not conducting additional studies, would not meet NEPA requirements. (Ltr# 193, Cmt# 45)

Subconcern # I

#52- The assessment overlooks the most "relevant factor" which is how passing boaters "spook the fish." The assessment "entirely fails to consider an important aspect of the problem, [and fails to] offer an explanation for its decision that runs counter to the evidence before the agency. (Ltr# 193, Cmt# 46)

Subconcern # I

#53- *The best available science, previous assessments and expert opinions all concur; boating in a small creeks will spook the fish, therefore diminish fishing; how fish will behave to paddling should be included in the final assessment. (Ltr# 193, Cmt# 47)*

Subconcern # I

#56- *The draft Environmental Analysis does not offer any definitive statements on how kayaks impact fish behavior and therefore the ability of anglers to catch them; fish disturbances are not independent of angling and cannot be attenuated. (Ltr# 193, Cmt# 50)*

Subconcern # J

#106- *I must say that on any given nice day from December thru March, I have and will continue to fish the river above Burrell Ford because of the quality of the trout fishing, the insect quantities available for trout, the habitat for trout, the solitude and the quiet remoteness that is there. I fear that these qualities will diminish once the boaters begin running through. Anyone who has fished in an area where boating, including kayaks and canoes, is allowed, will attest that these boats do affect the quality of the fishing and the wilderness experience. (Ltr# 193, Cmt# 99)*

Subconcern # K

#168- *The inaction on the part of the USFS to protect downriver angling from increased floating use has not been considered in this assessment. By not documenting the diminishment of the angling value, the agency avoids scrutiny of such policy, but past inaction does not lessen the agencies responsibility to document the historical trends, past conflicts and effects of passive-management on the quality of recreation throughout the designated Chattooga. (Ltr# 193, Cmt# 161)*

Subconcern # K

#270- *The Assessment also does not document the quality of nearby angling opportunities, or lack thereof, during boatable flows as nearby creeks fill with kayakers. It does not include the numbers of visitors already displaced by the inaction of the USFS to protect the non-boater values on the lower Chattooga or on nearby rivers. (Ltr# 193, Cmt# 261)*

Subconcern # K

#287- *Although this draft discusses potential displacement from the Upper Chattooga from adding boats to the North Fork, it ignores the current level of angler displacement from nearby streams TO the Upper Chattooga during boatable flows. (Ltr# 193, Cmt# 278)*

Subconcern # L

#196- *The 450 cfs flow was justified as the highest optimal level for bait fishing. Yet no one in the expert panel fished with bait at this flow, nor are there any numbers of existing use at these flow levels, just guesses. (Ltr# 193, Cmt# 188)*

Subconcern # M

#205- *Did the analysis include a study of trout fishing above Bull Pen Bridge? Some of this water can be fished often during high water conditions further down stream. This water is much smaller, more delicate and clears faster than the lower river. (Ltr# 193, Cmt# 197)*

Subconcern # M

#240- *I am concerned about the adequacy of the agency's information with respect to angling above the Bull Pen bridge, particularly at higher water levels, and I doubt that season and flow restrictions would minimize conflicts between boaters and existing users there. I fish in all seasons and have found excellent fishing at almost any water level, including higher water. (Ltr# 193, Cmt# 231)*

Subconcern # M

#247- *Angling above Bull Pen was not studied, and is considerably greater than what has been reported. Fishing exists above Bull Pen at just about any water level, year round. (Ltr# 193, Cmt# 238)*

Subconcern # N

#238- *Your statement on page 89 that "Very little fishing is done from floatable craft" is simply not correct. In my fifty years of fishing experience on the Chattooga I have seen wooden dories, home-made rafts, jon-boats, and numerous other floatable crafts used for fishing. Also, that situation has changed, and a wide variety of floatable crafts are manufactured specifically for fishing on rivers like the Chattooga. (Ltr# 193, Cmt# 229)*

Subconcern # O

#241- If this is a truly prime trout hatchery that must be protected, then I find it hypocritical to allow anglers unrestricted access since they have a far greater impact on trout viability than any other recreational user group. (Ltr# 193, Cmt# 232)

Subconcern # P

#246- You continue to maintain that the Chattooga is an outstanding fishing resource. The truth is that the Chattooga is a marginal cold water fishery made possible entirely by hatcheries and costly human intervention. In fact your own studies show that anglers don't even rank the Chattooga tops in the region, yet you failed to acknowledge these studies in your EA. (Ltr# 193, Cmt# 237)

Subconcern # Q

#284- Spin-casting represents the majority of the anglers on the Upper Chattooga, yet the assessment remains overly focused on "optimal" flow levels for fly and bait fisherman. (Ltr# 193, Cmt# 275)

Subconcern # R

#286- The facts and best supporting science do not support many of the statements about angling within the recreational assessment. The premise that "optimal flows" dictate angling use is factually inaccurate and as presented is misleading to the decision maker. The facts do not support the premise that "optimal flows" correlate to fewer anglers or even a reduction in overall angler quality. (Ltr# 193, Cmt# 277)

Subconcern # R

#288- The Best Available Science is ignored and illegally replaced with assumptions and speculation about when anglers fish the Upper Chattooga. (Ltr# 193, Cmt# 279)

Subconcern # S

#509- In a study of anglers, Shelby and Vaske (1991)¹³ indicated that for resource managers, identifying resource substitutes is likely more helpful than identifying activity substitutes. Thus, the USFS should consider the availability of resource substitutes for recreationalists when considering future management on the Upper Chattooga River. These data have been made readily available to the public in the form of a graduate thesis (Backlund, 2002), activity report (Bixler & Backlund, 2002), conference proceedings (Hammitt, Backlund, & Bixler, 2004b)¹⁶, and several refereed journal articles (Backlund, Hammitt, & Bixler, 2006)¹⁷; Hammitt, Backlund, & Bixler, 2004a)¹⁸ however none of these valuable and telling empirical evaluations are mentioned in the EA. (Ltr# 193, Cmt# 496)

Subconcern # T

#537- Bait is NOT permitted on public waters in the Chattooga watershed above Bull Pen Bridge. (Ltr# 193, Cmt# 524)

Subconcern # T

#594- Bait is NOT permitted on public waters in the Chattooga watershed above Bull Pen Bridge. The regulation for that portion is "wild trout waters - single hook artificial lures only", no bait. (Ltr# 193, Cmt# 579)

Public Concern 17

The Forest Service should consider the following regarding fisheries:

- A) During summer months, the trout have a high mortality rate and pollute downstream waters with increased biological waste and bacteria as they decay (all comments from 2009 EA comment period);**
- B) The Chattooga River supports several other fish species at or near the extreme southeastern periphery of their ranges, including longnose (*Rhinichthys cataractae*) and blacknose (*R. atratulus*) dace as well as mottled sculpin (*Cottus bairdi*) (all comments from 2009 EA comment period);**

- C) Boating will affect spawning in the Upper Chattooga River, which contains a sensitive reproduction area (all comments from 2009 EA comment period);
- D) Portage trails will create entry paths for silt, which is detrimental to aquatic life (all comments from 2009 EA comment period);
- E) Water temperatures are a major concern in fisheries protection during times of low water flow caused by persistent drought (all comments from 2009 EA comment period); and
- F) The Chattooga River harbors several fish species and is one of the few, if only, Atlantic slope drainages where mirror (*Notropis spectrunculus*), Tennessee (*N. leuciodus*), and warpaint (*Luxilus coccogenis*) shiners are known to occur otherwise they predominantly occur in the adjacent Tennessee river basin on the other side of the Eastern Continental Divide (all comments from 2009 EA comment period).

Response to PC 17

A) The presumed increased of mortality of trout is outside the scope of this decision. The states are responsible for monitoring water quality and addressing issues related to water quality through permitting and enforcement.

B) In **Section 3.2.2A Aquatics, Subsection C. Conditions As They Exist Today, 3. Aquatic MIS and Management Indicator Communities**, it notes: “The aquatic community serves as a management indicator that is monitored to indicate the effects of management on riparian resources. Fish, crayfish, aquatic insects and mollusks are all components of the community”. Impacts to various aquatic species are discussed in **Section 3.2.2A Aquatics, IV Environmental Consequences** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

C) In **Chapter 3, Section 3.2.2A Aquatics** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, effects from the different alternatives to aquatic species and habitats are analyzed. In sub-section **J. Cumulative Effects for All Alternatives**, some findings include that the fish species diversity in the Chattooga River watershed has not changed in more than 20 years of sampling the main stem of the river (SCDNR unpublished data). Also, Alderman (2004) reported that mussel species were reproducing and have viable populations in the Chattooga River”. It should be note that most of fish species in the Chattooga WSR are spring through fall spawners. However, brook and brown trout usually spawn October-November depending on water temperatures and rainbow trout spawn February-March. Any use in the water may disrupt spawning but anticipated effects would probably be temporary in nature.

D) In **Chapter 3** of the EA, effects to water quality and aquatic habitats are discussed.

E) Droughts and water temperatures are outside the control of the Forest Service. Mitigation measures are designed to maintain the LWD in the main stem and tributaries of the Chattooga WSR. In **Chapter 3** of the EA, effects to LWD and aquatic habitats are discussed.

F) In **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, effects to aquatic species and habitats are discussed in **Section 3.2.2A, Aquatics**. In **Section 3.2.2A, Aquatics, Subsection C. Conditions As They Exist Today, 3. Aquatic MIS and Management Indicator Communities**, it notes that the aquatic community serves as a management indicator that is monitored to indicate the effects of management on riparian resources. Fish, crayfish, aquatic insects and mollusks are all components of the community.

In subsection **J. Cumulative Effects for All Alternatives** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, it concludes that “the alternatives would continue to protect this component of the Biology ORV in the Chattooga WSR Corridor.”

Sample Public Comment(s) for PC 17:

Subconcern # A

#30- During summer months the trout have a high mortality and pollute downstream waters with increased biological waste and bacteria as they decay. (Ltr# 193, Cmt# 24)

Subconcern # B

#39- The Chattooga River supports several other fish species at or near the extreme southeastern periphery of their ranges. Included in this group are longnose (*Rhinichthys cataractae*) and blacknose (*R. atratulus*) dace as well as mottled sculpin (*Cottus bairdi*). (Ltr# 193, Cmt# 33)

Subconcern # C D

#40- The upper river is a more sensitive area for reproduction, especially around the cobble and rocks that are in higher concentrations in the upper elevations. Having boaters clanging and crashing around those areas will prevent the fish from achieving their spawning activities during the day time. As far as we know, fish don't spawn at night and fishing is not disruptive to their spawning action. In addition, portage trails will create entry paths for silt, which is detrimental to aquatic life, which include spawning trout. (Ltr# 193, Cmt# 34)

Subconcern # E

#95- With persistent drought, water flows are at an all-time low. It is during these times of low water that water temperatures become a major concern in protection of trout and the many other species that make up the river system. (Ltr# 193, Cmt# 88)

Subconcern # G

#96- Located at the edge of the Eastern Continental Divide, the Chattooga River exhibits faunal qualities that suggest geologic exchange among major river basins. The Chattooga River, in the headwaters of the Atlantic slope, harbors several fish species that otherwise occur predominantly in the adjacent Tennessee River basin on the other side of the Eastern Continental Divide. These include mirror (*Notropis spectrunculus*), Tennessee (*N. leuciodus*), and warpaint (*Luxilus coccogenis*) shiners. The Chattooga River is one of the few, if only, Atlantic slope drainages where these species are known to occur. (Ltr# 193, Cmt# 89)

Public Concern 18

The Forest Service should reconsider eliminating and/or reducing the stocking of non-native species to reduce the impacts from fishing, to improve conditions for native fish and other aquatic species, and to indirectly limit use prior to instituting direct measures.

Response to PC 18

Stocking of trout is outside the scope of this decision. Stocking of trout was occurring in 1971 and in the 1971 *Wild and Scenic River Study Report*, Chattooga River notes that stocking of catchable size trout was occurring in some of the Chattooga River in all three states. The 1971 *Designation Study* report includes an action plan for fisheries on pages 87-89, which notes that Game and Fish State organization recommend managing Chattooga as a “Wild River fishery”; stocking sub-adults and fingerlings in the wild and scenic sections, stocking any size fish in the recreation sections; and vehicular access for stocking is provided in the recreation sections. The Federal Register, Volume 41, Number 56 – Monday, March 22, 1976 (also known as 1976 Federal Register) not only includes formal descriptions of the wild and scenic river boundaries and classifications but also includes information on the fisheries:

A native fishery will be encouraged. Fish stocking will be permitted at the Highway 28 Bridge, Burrells Ford, Bullpen Bridge, Long Bottom Ford on the river, and Warwoman and Overflow Bridges on the West Ford [sic].

The effects of the different alternatives to the different resources are discussed in **Chapter 3**. Specifically, impacts from the different alternatives to the aquatic community are discussed in **Section 3.2.2A Aquatics**. The fish species diversity of the Management Indicator Community in the Chattooga River watershed has not changed in more than 20 years of sampling the main stem of the river (SCDNR unpublished data).

Sample Public Comment(s) for PC 18:

Ban stocking of non-native species. (Ltr# 91, Cmt# 1)

And why are non-native trout stocked in there in the first place? (Ltr# 97, Cmt# 6)

While the Environmental Assessment provides for no fewer than 14 different use scenarios, all of these scenarios revolve around limiting paddling opportunities in one manner or another. Not a single scenario studies the possible effect of eliminating or reducing the stocking of non-native fish species. Eliminating stocking would likely reduce the impact anglers have on the river while at the same time improving conditions for native fish and other aquatic species. Despite the potential positive impact this scenario might have on returning the river corridor to a more natural state, this possibility is never mentioned or discussed. In a previous round of comments when asked why this issue was not addressed, the forest service stated it was out of scope while providing no reason for not exploring the impact of a significant activity within the river corridor. The validity of this approach can be assessed by looking at the streams in the Great Smoky Mountains National Park, where stocking was discontinued in 1975. According to the fishing FAQs section of the National Park's website: "The only stocking practiced today seeks to restore endangered and threatened native species like the Smoky Mountain madtom and the spotfin chub to waters where they once thrived. Fisheries monitoring activities in the park have clearly shown that stocking is not needed. This information shows that many park streams have 2,000-4,000 trout per mile." Stocked rainbow trout are like the kudzu of mountain streams, outcompeting and driving out native aquatic wildlife. Discontinuation of artificial stocking of non-native species that out compete the native brook trout might improve the survivability of the native brook trout. (Ltr# 150, Cmt# 2)

The EA fails to consider the ecological and recreational effects of stocking. The EA fails to consider the recreational and ecological impacts of the stocking program. Likewise the EA fails to propose to limit stocking as a means of indirectly limiting use prior to instituting direct limits. The EA mentions that the upper portions of the Chattooga are better for fishing, but fails to mention the stocking that causes this condition (page 58). The EA opines on recreation use patterns, resource characteristics, and seasons but fails to mention the significant role of stocking (page 73). The EA casually acknowledges that stocking can cause congestion and crowding (page 85). The EA ponders impacts to countless aquatic species, most or all of which are eaten by stocked trout, however the EA never considers these impacts. Stocking was excluded from the analysis of existing impacts (page 151). The water quality assessment in the EA totally overlooks the impacts of the hatchery on the East Fork. The EA fails to connect the area with the "greatest length of user created trails" with the obvious cause – Delayed Harvest stocking (Page 299, etc). The USFS stocking program significantly increases use. The USFS stocking program is responsible for the near extirpation of native brook trout. The USFS stocking program causes the "potential conflicts" that the EA bans paddling to prevent. Failing to analyze stocking while banning paddling to limit use is analogous to failing to analyze a program that releases bark beetles while mandating timber harvest in response to a bark beetle infestation. The USFS is causing the impact that the EA proposes to manage. Rather than considering limiting the cause, the EA irrationally proposes to eliminate the effect by banning paddling. Doing so fails to consider and implement indirect use limits prior to direct limits and thus violates the FSM and the Appeal ROD. It fails to equitably limit use which violates the Appeal ROD and FSM. It fails to consider a reasonable range of alternatives by ignoring a primary impact, which violates NEPA. (Ltr# 168, Cmt# 24)

Fact of the matter is, you aren't doing anything but making it worse with stocking fish. The non-native species feast on the native Brookies, furthering their demise. When you stock, everyone knows it, and people from all over come and stand around the bend and net scoop fish up and fill the coolers. What a zoo

that is. That "State record trout" was a brood fish just released from the hatchery, some sport this was. It is not World Class if you have to keep putting the big ones in. Elitist Fly fishermen need some pride and actually stand up for the purist version of their sport. Re –establish the Brookies. The Chattooga is number 7 in one and 11 in preferred fly fishing spots in Trout Unlimited's own surveys!!!! (Ltr# 170, Cmt# 4)

My personal favorite is the money spent on "Back the Brookies"let's stock the predators down stream and then kill them off if they get up stream and try to bring back a fish that actually lives here. It can't be just me that thinks this is a colossal waste of energy and time----quit stocking predators. Protect the river and give it a break from this fish insanity you have going on. (Ltr# 170, Cmt# 5)

A focus on 'historical use' of your area is used as a justification for the stocking of non-native fish within portions of the Chattooga and within its watershed. This was a condition at the time of designation. Fish stocking of non-native species is antagonistic in attaining a natural condition; furthermore, it is antiquated resource management. Fred A. Westerman, who was once a president of the American Fisheries Society, wrote in the late 30's that there was a paradigm shift in fishery management, in which the focus that was purely on fish propagation was moving towards a focus on placing fish within their 'natural' environment, causing less environmental impact, and making existing populations more robust. Stocking non-native fish within the Chattooga, as currently allowed, is a reversion to management principles that were considered as 'passe' in the 1930s. Please bring your resource management into the current millennia, and stop this practice. (Ltr# 179, Cmt# 5)

#41- 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. (Ltr# 193, Cmt# 35)

#43- The EA does not address potential harm caused by non-native species introduced for anglers. The stocking of non-native aquatic species is environmentally unsound because non-native trout compete with the native Eastern Brook Trout for food and habitat. Stocking non-native species should be stopped in federally managed wilderness areas. This will effectively reduce the number of anglers attracted to the Upper Chattooga and will more than offset the introduction of the occasional boater. As an added benefit, it will allow the native Eastern Brook Trout to reclaim its rightful place in the river and return the river to its original natural state. If stocking is allowed, it should be with native species only. (Ltr# 193, Cmt# 37)

#134- Stop the environmentally invasive practice of stocking non-native aquatic species (Ltr# 193, Cmt# 127)

#351- Worse yet your supposed "Environmental Assessment" failed to address the significant environmental impacts from the hatchery and the use that stocking attracts to the river. (Ltr# 193, Cmt# 341)

#352- You should eliminate stocking of non native exotic fish. This not only damages the natural ecosystem but actively attracts use. Here seems to be the Agency's perverse logic: The resource is over used and we need to limit visitation to protect the resource so let's stock exotic fish, build a camp ground and parking lot and ban boating. (Ltr# 193, Cmt# 342)

#441- American Whitewater's May 7th, 2007 Comments on the Chattooga Literature Review Report clearly outline numerous proven ecological impacts associated with stocking. We further brought this issue up in our scoping comments and elsewhere in the record and it has not been dealt with in the EA, thus violating NEPA. In addition to the direct impacts of stocking on the ecology of the river the EA also failed to analyze the impacts of the hatchery maintained for this purpose on the East Fork of the Chattooga River. (Ltr# 193, Cmt# 429)

#442- Lastly, Whittaker and Shelby 2007 report on major biophysical impacts such as user created trails, erosion problems, and litter that are focused in intensely stocked areas. One can only conclude that stocking increases recreational use of riparian corridors and thus increases biophysical impacts to those areas (Ltr# 193, Cmt# 430)

Public Concern 19

The Forest Service should reconsider that artificially stocking the Upper

Chattooga River increases recreational use (all comments from 2009 EA comment period).

Response to PC 19

Stocking of trout is outside the scope of this decision. The 1971 *Wild and Scenic River Study Report*, notes that stocking of catchable size trout was occurring in some of the Chattooga River in all three states. The 1971 *Designation Study* report includes an action plan for fisheries on pages 87-89 notes that Game and Fish State organization recommend managing Chattooga as a “Wild River fishery”; stocking sub-adults and fingerlings in the wild and scenic sections, stocking any size fish in the recreation sections; and vehicular access for stocking is provided in the recreation sections. The Federal Register, Volume 41, Number 56 – Monday, March 22, 1976 (also known as 1976 Federal Register) not only includes formal descriptions of the wild and scenic river boundaries and classifications but also includes information on the fisheries:

A native fishery will be encouraged. Fish stocking will be permitted at the Highway 28 Bridge, Burrells Ford, Bullpen Bridge, Long Bottom Ford on the river, and Warwoman and Overflow Bridges on the West Ford [sic].

As outlined in **Chapter 2**, the Biology ORV is divided into three components: fisheries, plants and wildlife. This section analyzes the effects of the alternatives on the fisheries component of the ORV which, at the time of designation, was mostly concerned about the existing and future trout fishery. As science and environmental analysis have improved since the river was designated, so, too have the regulatory and legislative mandates under which the US Forest Service manages the Chattooga River. Today, the agency manages the fisheries component of the Biology ORV not only under the Wild and Scenic Rivers Act and Wilderness Act, but also under several other mandates including the Endangered Species Act and the Forest and Rangeland Renewable Resources Planning Act as amended by the National Forest Management Act of 1976.

Following this legal direction, the effects of the different alternatives to the different resources are discussed in **Chapter 3**. Specifically, impacts from the different alternatives to the aquatic community are discussed in **Section 3.2.2A Aquatics**. The fish species diversity of the Management Indicator Community in the Chattooga River watershed has not changed in more than 20 years of sampling the main stem of the river (SCDNR unpublished data). There is natural reproduction of trout in the Chattooga WSR. It is not entirely hatchery dependent.

Sample Public Comment(s) for PC 19:

#466- While paying lip service to encounter standards and use limits, the USFS preferred alternative artificially increases recreational use by stocking trout adjacent to a Wilderness area and in a Wild and Scenic River, while banning natural floating use. The EA admits that "The angling trends on the Chattooga also depend on stocking and regulation stability" (EA 94), and that "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). (EA 1)." The agency has reported that they support the stocking of over 70,000 exotic game fish annually in the Upper Chattooga River to artificially increase recreational use. At the same time they have banned boating to decrease that use. (Ltr# 193, Cmt# 453)

#478- Without this artificial enhancement the river would just be a good stream to fish. As it is, it is attractive largely because of the stocking program. Even still, anglers do not rate the Upper Chattooga highly among local substitutes, which is a glaring omission from the EA's glowing review of the angling resource. (Ltr# 193, Cmt# 465)

#508- The EA attempts on its first page to declare that the Chattooga River is an outstanding and unique trout fishing resource while boating is just something that used to happen. As it is, it is attractive largely because of the stocking program. Even still, anglers do not rate the Upper Chattooga highly among local substitutes, which is a glaring omission from the EA's glowing review of the angling resource. Furthermore, while the ROD/FEIS claims that "the section of river upstream of Highway 28 is considered

to be the best trout fishing waters in South Carolina," respondents to the Bixler Study disagreed with the statements (Ltr# 193, Cmt# 495)

Public Concern 20

The Forest Service should make corrections to the 2009 EA referencing stocking at Burrells Ford Bridge, as it only occurs during the months of December and January (all comments from 2009 EA comment period).

Response to PC 20

This statement is usually true. Stocking during summer months (July through September) hinges on availability of fish and stream temperatures, but in most years we do stock during those months. Some surplus fish (often spent brood) maybe stocked during January too. Spring stocking typically begins February 15 if the fish are available. It may be delayed until March 1, if there are fewer fish available for stocking.

Sample Public Comment(s) for PC 20:

#539- From page 91: Table 3.3-1. "Burrells Ford Bridge; Stocked May to October. Provides best frontcountry angling opportunity.; Year-round" From page 95: "However, Whittaker and Shelby (2007) also suggests that bait anglers are more likely to be frontcountry users, may be more focused on harvesting fish than a social setting and may have higher use levels during front country stocking season (generally focused on summer)." From page 66 of the Integrated Report: April through October. Actually, none of the above are correct. December and January are the only 2 months that stocking does not occur at Burrell's Ford. (Ltr# 193, Cmt# 526)

Public Concern 21

The Forest Service should consider the following regarding large woody debris retention:

- A) Permit boaters to cut out log jams to assure boater safety as the debris will not be removed just displaced;**
- B) Clarify the need to remove large woody debris to prevent damage to boats;**
- C) Before implementing, conduct an existing inventory of large woody debris as a baseline for monitoring;**
- D) Explain how the removal of large woody debris will be prevented with increased boat use in these sections of the Chattooga River, and disclose the methods of removal;**
- E) The indirect effects of removing large woody debris on the habitat and primary emphasis should be protecting aquatic habitat over boating use;**
- F) Large woody debris is a non-issue because it has little or no ecological value in high gradient bedrock and boulder controlled reaches; studies show that only 1-5 out of several thousand pieces of wood in the Chattooga River were a problem for boaters. On page 154 of the 2011 EA, it acknowledges that some wood removal is acceptable, and portages during the boating test study were conducted on bedrock and wood portages are temporary in high gradient streams due to wood mobility, which makes portage trails around wood a non-issue;**
- G) No restrictions are placed on the removal of large woody debris by non-boaters and it is inequitable;**
- H) Limiting boating based on limited and undocumented effects from the removal of large woody debris on brook trout, while at the same time stocking non-native trout and affecting native species, is not equitable;**

- I) Retention of such should be standardized for all three forests and be based on the primary emphasis standards found in Section 10 of the Wild and Scenic Rivers Act (all comments from 2009 EA comment period); and**
J) Recruitment of such should not be promoted by cutting wood with chainsaws (all comments from 2009 EA comment period).

Response to PC 21

A) LWD removal is permissible only in limited cases and is evaluated on a case-by-case basis by Forest Service personnel. The importance of LWD is discussed in **Section 3.2.2A, Aquatics**. Recruitment can be active (with chainsaw) or passive (natural fall). LWD cut by FS is an entire tree cut into the river from the bank. LWD cut by boaters and campers is wood that is already in the water and may lose its stability as a habitat component when cut.

B) LWD removal is permissible only in limited cases and is evaluated on a case-by-case basis by Forest Service personnel. Alternatives 2, 3, 8, 11, 12, 13, 13A, and 14 manage large woody debris (LWD) recruitment and retention on the upper segment of the Chattooga WSR consistently across all three national forests.

C) *Large Wood in the Upper Chattooga River Watershed, November 2007* was released in January 2008 and was prepared by personnel from the Southern Research Station's Center for Aquatic Technology Transfer (CATT), Francis Marion-Sumter National Forest, and Chattahoochee-Oconee National Forest. These Forest Service personnel conducted an inventory of dead and down large wood (LW) in the upper segment of the Chattooga WSR, West Fork Chattooga River, and two tributaries of the West Fork Chattooga River.

D) Appropriate law enforcement would be taken. The intent is to manage large woody debris (LWD) recruitment and retention on the upper segment of the Chattooga WSR consistently across all three national forests and to assure that no LWD is removed without Forest Service approval.

E) The importance of LWD is discussed in **Section 3.2.2A Aquatics** and the effects from the different alternatives are discussed in **section IV. Environmental Consequences**. In the effects analysis for vegetation (**Section 3.2.2C Botany**) the impacts to plant species from existing and potential trails, portage or river access, were discussed by alternative. The analysis discusses the greater likelihood of portage trails needed within the uppermost reaches of the Chattooga WSR, as existing dead or soon to be dead eastern hemlock trees fall and create strainers across the river. With the greater density of adjacent dead eastern hemlocks and a narrower river width within the Chattooga Cliffs reach and the reach from Bull Pen Road to Ellicott Rock the likelihood of strainers or log jams is high. By allowing boating within these reaches, potential impacts to rare plants, nonvascular species, could result from portage trails. These potential impacts will occur within the best suitable habitat for many of the rare nonvascular plant species. By designating portage trails with implementation of the annual monitoring measures detailed in **Appendix G** impacts to the riparian resource could be avoided or minimized.

F) The importance of LWD is discussed in **Section 3.2.2A Aquatics, III Existing Impacts to the Environment, Item C Large Woody Debris**. In the effects analysis for vegetation (**Section 3.2.2C Botany**) the impacts to plant species from existing and potential trails, portage or river access, were discussed by alternative. *Large Wood in the Upper Chattooga River Watershed, November 2007* was released in January 2008 and was prepared by personnel from the Southern Research Station's Center for Aquatic Technology Transfer (CATT), Francis Marion-Sumter National Forest, and Chattahoochee-Oconee National Forest and discusses the importance of LWD for aquatic habitat in the Chattooga watershed.

G) The removal of large woody debris by any user group is prohibited without FS approval.

H) The importance of LWD is documented in **Section 3.2.2A Aquatics** and *Large Wood in the Upper Chattooga River Watershed, November 2007*. Specifically, impacts from the different alternatives to the aquatic community are discussed in **Section 3.2.2A Aquatics**. The fish species diversity of the Management Indicator Community in the Chattooga River watershed has not changed in more than 20 years of sampling the main stem of the river (SCDNR unpublished data). There is natural reproduction of trout in the Chattooga WSR. It is not entirely hatchery dependent. Restrictions on boating were not directly related to removal of LWD, but user capacities and conflicts and achieving the desired recreation condition. See **Section 3.2.1. Recreation ORV** of the EA.

I) In **Section 1.2 Need for the Proposed Action** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, it discusses the reasons why the Forest Service is moving forward with the proposed action at this time. Specific items include responding to appeal decision direction; providing consistent management across the 3 national forests and responding to requirements in the WSR and WA.

J) Recruiting LWD by falling trees is not proposed in any alternative. This is outside the scope of this decision. The importance of LWD is discussed in **Section 3.2.2A Aquatics, III Existing Impacts to the Environment, Item C Large Woody Debris**. Recruitment can be active (with chainsaw) or passive (natural fall). LWD cut by FS is an entire tree cut into the river from the bank. In the effects analysis for vegetation (**Section 3.2.2C Botany**) the impacts to plant species from existing and potential trails, portage or river access, were discussed by alternative. The analysis discusses the greater likelihood of portage trails needed within the uppermost reaches of the Chattooga WSR, as existing dead or soon to be dead eastern hemlock trees fall and create strainers across the river. With the greater density of adjacent dead eastern hemlocks and a narrower river width within the Chattooga Cliffs reach and the reach from Bull Pen Road to Ellicott Rock the likelihood of strainers or log jams is high. By allowing boating within these reaches, potential impacts to rare plants, nonvascular species, could result from portage trails. These potential impacts will occur within the best suitable habitat for many of the rare nonvascular plant species. By designating portage trails with implementation of the annual monitoring measures detailed in **Appendix G** impacts to the riparian resource could be avoided or minimized.

Sample Public Comment(s) for PC 21:

Subconcern # A

I understand the value of woody debris in streams. In cases where boaters need to cut out a log jam to permit safe passage through a stream segment, I do not believe this adversely affects the health of the stream. The woody debris will simply be flushed down stream longitudinally on a bank or be caught in some other complex bathymetry. Nonetheless, it will be retained in the system. (Ltr# 79, Cmt# 3)

Subconcern # A

#218- The blatant attempt to make boating more dangerous or impossible by prohibiting removal of "large woody debris" apparently came from a Forest Service sycophant's input. The removal ban would be laughably absurd if it were not so dangerous and unscrupulous. It would be appropriate to list the name of the individual suggesting the protection of woody debris against the loss of life of a hapless fisherman, hiker or boater. I think this suggestion is the height of absurdity. (Ltr# 193, Cmt# 209)

Subconcern # A

#244- It is clear from your inventory that there is a surplus of LWD in the headwaters. LWD can function well in a stream without spanning from bank to bank, and completely blocking boat passage. Paddlers would only need to remove LWD that is in the middle of a rapid or poses a life threatening hazard. Removing LWD in these locations increases the safety of the runs without affected the river's ecology. (Ltr# 193, Cmt# 235)

Subconcern # A F J

#242- The boater trials demonstrated LWD was not a significant factor and did not affect boating; 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). 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. (Ltr# 193, Cmt# 233)

Subconcern # A J

#243- Woody debris recruitment should not be promoted, especially with the use of a chainsaw, nor should woody debris be removed from the river unless it is determined to degrade water quality or is an unavoidable danger to the user groups of the Upper Chattooga. (Ltr# 193, Cmt# 234)

Subconcern # B

Under the issue of large woody debris removal, page 22 of the EA states "the removal of large woody debris... when it poses a threat to private property of FS infrastructures" the concern that I have relates to the definition of private property. If an individual was kayaking on the Upper Chattooga and came to large woody debris that could cause damage or press a threat to his private property could they remove the large woody debris that was a hazard to his private property - aka kayak? Please clarify this rather than allow the courts to decide. (Ltr# 139, Cmt# 3)

Subconcern # C

Is there a total inventory now of large woody debris placement to maintain as a baseline to be able to determine what is being removed if boating is allowed. If not this should be completed before any implementation. (Ltr# 139, Cmt# 6)

Subconcern # C

It is a fact, now, that woody debris will be a fact of life in along the Chattooga. The dead Hemlocks will fall and create obstacles to boating. It is clear from the EA that these are also necessary for the health of aquatic life in the river. It is also clear that boaters will continue to remove them, almost certainly by the unauthorized use of chain saws. (Ltr# 141, Cmt# 12)

Subconcern # D

#204- What action would be taken if boaters remove LWD from the river? What actions would be taken against those removing LWD and the boating community? (Ltr# 193, Cmt# 196)

Subconcern # D

#381- The Forest Service fails to explain how LWD removal will be prevented if boating is allowed in additional sections of the River. Apparently, the plan is to have each National Forest develop different rules and enforcement mechanisms for dealing with LWD. This will be confusing to the Forest Service and the public and is administratively unworkable. (Ltr# 193, Cmt# 369)

Subconcern # D

#404- The proposal does not consistently and properly prevent the removal of large woody debris from the river. (Ltr# 193, Cmt# 392)

Subconcern # D

#533- The preservation of LWD in tributaries is very important for increasing habitat complexity for brook trout as stated above, but there are several other reasons why LWD in tributaries has incredible importance in the upper Chattooga's wild trout and native non-trout fisheries. Tributaries such as Reed Creek, lower Kings Creek, Harden Creek, East Fork, Bad Creek and several others play critical roles in the annual cycles of the Chattooga North Fork wild brown trout fishery. (Ltr# 193, Cmt# 520)

Subconcern # D E

Large Woody Debris (LWD) will increase as a result of hemlock die-off. Insufficient attention was given to this significant anticipated change that will alter and stress the entire ecology of the Upper Chattooga, cause additional slope erosion and tree mortality, and change water temperature. Allowing boating on the Upper Chattooga where hemlocks are more common will increase the number and distance of portages, and the temptation to remove LWD, well documented in the Agency's woody debris reports. It is the confirmed habit of some boaters to remove LWD from streams. Removal with chainsaws—also a common

practice—is not allowed in wilderness areas. The Forest Service fails to explain how LWD removal will be prevented if boating is allowed in additional sections of the River. Even with a stated goal in the EA of adopting uniform rules for LWD across the three National Forests, there is no monitoring or implementation mentioned, making the proposal essentially and administratively unworkable. The ecology of stream habitat is greatly improved by the existence of LWD and streamside vegetation. Unfortunately, in order to accommodate boating these elements that are so critical to the ecology of headwater streams are often destroyed and sometimes removed to allow boat passage. In 2008, the Nantahala Forest Service was even petitioned by paddlers to remove woody debris on the Cheoah in order to improve “boater safety” after claiming no improvements were required during the NEPA review. Visitor safety may trump habitat concerns in the Forest Service manual, which would enable the Forest Service to diminish trout habitat. However, by not granting access to boaters now, the Forest Service would be protecting this critical habitat without having to injure boaters and instigate lawsuits. The indirect affect to habitat if boating were allowed must be considered in this EA, and under WSR statutes, primary emphasis must be given to protecting habitat and fauna before accommodating recreational boating (Ltr# 166, Cmt# 25)

Subconcern # D I

#42- Biologically, LWD is critical to the health of the river system and its aquatic and semi aquatic species. Without more resources to enforce this component of the management plan, it is our opinion that that LWD removal will more than likely occur as boaters will invariably remove it to achieve desired paddling destinations. This removal would not be a viable or acceptable and will have adverse impacts on the overall aquatic health of the ecosystem. Removal of woody debris in order to make way for boaters could damage viable systems of ecological importance. LWD recruitment and retention in the Wild and Scenic corridor should be standardized regardless of the National Forest. (Ltr# 193, Cmt# 36)

Subconcern # E I

#248- There is no adequate rule provided or proposed for recruiting the vast amount of large woody debris that will be accumulating in the river as more and more native eastern hemlocks fall into this river. The geologic nature of this reach, where narrow vertical gorges such as the “Alley” will act as bottlenecks, is where rapids will certainly be clogged with strainers in coming years due to the massive die-off of the hemlock trees. This is not to imply that challenge and risk should not be allowed as an accepted and integral part of an extreme sport that has its place in wild reaches. However, it is simply an important factor in a decision to permit a use that will soon be unmanageable. If whitewater boating is allowed in Chattooga Cliffs reach, there will undoubtedly be both biological damage from portages and inevitably search and recovery operations that will cause unacceptable damage to the area. (Ltr# 193, Cmt# 239)

Subconcern # F

#438- The USFS has found that The Upper Chattooga (where wood has never been managed by paddlers) has 4,171 pieces of wood and only 2 wood-related portages. Therefore only 0.02% of wood is potentially a recreational issue. The USFS has generated - and in the EA ignored - conclusive data that shows boating would have no impact on wood in the Chattooga River (Ltr# 193, Cmt# 426)

Subconcern # F-H

The EA fails to clearly state that wood is a non-issue. The EA once again dwells on the fact that there is wood in the Chattooga River and its tributaries as a rationale for imposing paddling limits. The EA proposes to prohibit wood removal which makes wood a moot issue. Wood has little or no ecological value in high gradient bedrock and boulder controlled reaches which makes wood a moot issue. The paddling and wood studies proved that only 1-5 out of several thousand pieces of wood in the river were a problem for paddlers which makes wood a moot issue. The EA on page 154 acknowledges that some wood removal is acceptable which makes wood a moot issue. Wood portages are temporary in high gradient streams due to wood mobility, which makes portage trails around wood a moot issue. Portages during the boating test study were conducted on bedrock which makes wood a moot issue. The EA documents that non-paddlers also remove wood but proposes no limits on non-paddlers making the EA inequitable in its treatment of the issue. The EA claims the value of wood is its benefit to brook trout, yet managers allow significant direct harvest of brook trout, and the USFS has admittedly nearly wiped the species out through the ongoing stocking of non-native trout. Limiting a use based on a miniscule and undocumented effect on brook trout while wiping the species out to benefit another use is not equitable and is arbitrary. (Ltr# 168, Cmt# 37)

Subconcern # G

#97- They move woody debris and rearrange the riverbed to make the habitat for the stocked fish more attractive. Seems moving woody debris should be the same in either case. (Ltr# 193, Cmt# 90)

Subconcern # G

#206- If hiking trails are cleared of fallen trees, then why not water trails where needed?? (Ltr# 193, Cmt# 198)

Subconcern # G

#437- Throughout the EA, "LWD," standing for "Large Woody Debris" is found 93 times. Pages upon pages are devoted to LWD. Yet, every alternative proposes to allow removal of LWD only in limited cases, and never for boating. Based on this decision - LWD is a non-issue. Still the EA considers the impacts that "unauthorized removal" of wood might have. They do not at the same time consider the impact of unauthorized removal of fish, damage to rare species, camping, trail creation, ATV use, or other recreational misdeeds. The USFS selects only boaters as presumed rule-breakers. This is unfair, inequitable, biased, and indefensible. We hereby incorporate those comments as part of our comments on the EA. We have found absolutely no justification for limiting boating based on LWD - and neither has the USFS. (Ltr# 193, Cmt# 425)

Subconcern # G

#439- To limit boating based on concerns about unauthorized removal of LWD is not justified and to do so would be arbitrary and capricious, just as would be the banning of all angling because some anglers might fish without a license. Furthermore, wood removal was shown in the Inventory of Large Wood in the Upper Chattooga River Watershed to be carried out by nonboaters on the Upper Chattooga a logical conclusion because boating has been banned. Thus, any decision to ban or limit boating based on concerns about unauthorized removal of LWD by boaters without banning or limiting other uses known to remove LWD would be inequitable. (Ltr# 193, Cmt# 427)

Subconcern # I

#180- The Friends strongly urge the agency to adopt uniform standards for all three forests regarding policy enforcement and large woody debris ("LWD") management. The removal of any LWD should be based on the "primary emphasis" standards found within section 10 of the Wild and Scenic Rivers Act. (Ltr# 193, Cmt# 172)

Subconcern # I

#524- I believe the LWD recruitment and retention in the W&S corridor should be standardized regardless of the National Forest and should also be consistent with the corridor prescription: It should not matter whether LWD is nearest the GA bank or the SC bank.¹² COMMENT: I also believe LWD management for the Chattooga Cliffs "Wild" segment (entirely in NC) and the LWD management for the West Fork/Overflow "Wild" segment (entirely in GA) must be identical, including protective enforcement. (Ltr# 193, Cmt# 511)

Public Concern 22

The Forest Service should reconsider the effects from boating on fisheries habitat and emphasize protecting and/or enhancing it (all comments from 2009 EA comment period).

Response to PC 22

In **Section 3.2.2A, Aquatics** the impacts from boating on Aquatic Species and Habitat are discussed. Changes in recreational use on the Chattooga Wild and Scenic River (WSR) have the potential to impact aquatic, as well as terrestrial, habitats. The impacts to plants, terrestrial wildlife, and fisheries by each alternative are discussed in **Section 3.2.2 Biology ORV**. All potential scenarios and activities, such as creation of new portage trails, which may affect shoreline and the streambed, were discussed in this analysis. **Section 3.4.2 Water and Riparian Corridor** discusses environmental impacts to the riparian portion of these resources by alternative. Consultation with FWS is part of the process and impacts to T&E species are

addressed. The Biological Evaluation and Biological Assessment have been completed and concurrence on the findings of impacts to threatened and endangered species has been obtained from the US Fish and Wildlife Service. These documents are part of the project record and are available on the Francis Marion and Sumter website (<http://fs.usda.gov/goto/scnfs/upperchattooga>).

Sample Public Comment(s) for PC 22:

#49- Alternatives #4, 5, 8,9,10 proposes developing a mountain stream into a recreational water-trail. This new pathway causes segmentation of critical habitat in remote wilderness areas. (Ltr# 193, Cmt# 43)

#335- I want the Forest Service to manage the upper Chattooga fishery in a more biologically and economically responsible manner. I know the fishery is managed by the states' wildlife agencies, but the Forest Service has oversight responsibility and an obligation to "protect and enhance" the resources. More emphasis should be placed on providing and protecting quality fishing experiences and the unique fish habitats managed by the Forest Service in the southeast. (Ltr# 193, Cmt# 325)

#382- Boaters access habitats that other users are unlikely to disturb. Allowing boaters into these rarely disturbed habitats on the Upper Chattooga will further restrict the habitat available for these threatened species. (Ltr# 193, Cmt# 370)

Heritage

Public Concern 23

The Forest Service should reconsider the importance of the Upper Chattooga River as an invaluable cultural resource and the effects boating would have on this resource.

Response to PC 23

Impacts to cultural resources are considered in *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3**, Section 3.2.4 History ORV.

Sample Public Comment(s) for PC 23:

The Upper Chattooga is one of the few remaining truly wild stretches of eastern river and a renowned biological resource, lying as it does in a Wilderness area at the epicenter of North American biological diversity for many plant and animal groups. Its Wild and Scenic River designation also makes the Upper Chattooga an invaluable cultural resource, at the heart of a vestige of a formerly extensive forested landscape. This area now represents an island in a mosaic landscape in various stages of impact and degradation. Wilderness areas give people in the increasingly crowded eastern US the opportunity to realize profound solitude and contemplation. (Ltr# 124, Cmt# 3)

Laws and Regulations

Public Concern 24

The Forest Service should consider the following regarding authorities:

- A) Wilderness regulations are used for justification to restrict motorized use in the Chattooga corridor when only a few miles of the river and none of the West Fork flow through any wilderness;**
- B) Clarify the issue of zoning and the agency and/or group that has the authority to change the zoning; and**

C) The North Carolina Attorney General has determined that the Chattooga River is legally navigable in that state (all comments from 2009 EA comment period).

Response to PC 24

A) From the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), Guiding legislation or other agency mandates Wild & Scenic Rivers Act on page 8; it notes the following on motorized boat use on the Chattooga WSR:

WSR designation does not necessarily restrict any particular type of use in a corridor, including motorized boats, jet skis, hovercraft, or wheeled vehicles. However, such uses must be consistent with the desired conditions and experiences to be offered in a corridor, which link to OR values. In general, types of use and access routes within river corridors at the time of designation receive “grandfather rights” (continued use). However, if an access route or type of use adversely impacts an OR value, it may be closed or regulated. These issues are addressed through management planning that considers “factors such as impacts (positive or negative) on river values, user demand for such motorized recreation, health and safety to users, and acceptability with desired experiences and other values for which the river was designated.” (IWSRCC, 2002, pp. 4-6; IWSRCC, 2006 p. 49-50).

The 1971 *Designation Study* report did not list motorized boating as a compatible boating use. From the 1971 *Wild and Scenic River Study Report*, Chattooga River, Page 22 “Motorized boat use is impractical because of shallow water and rocks.” The 1971 *Designation Study* report identified allowed recreation uses on page 85 “Restriction in the Act limit types of recreation use, especially in the Wild and Scenic Sections. Compatible uses on the Chattooga River are floating (including rafting, canoeing and kayaking), hiking (including sightseeing, nature study and photography), hunting, fishing and primitive camping. In the 1976 Federal Register Notice (Volume 41, Number 56, March 22, 1977), it mentions that kayaking, canoeing and rafting are “ideal” but notes that “Motorized boat use is impractical because of shallow water and rocks.”

B) WSR act delegates the authority to the appropriate River Manager to make decisions about the appropriate types and amounts of recreation use. In the case of the Chattooga River, the appropriate river manager is the Forest Service.

C) The North Carolina Attorney General appears to be the proper state authority to provide an opinion regarding navigability of the river pursuant to state law. Ultimately, however, the authority to determine navigability resides exclusively with the federal and state courts. North Carolina law provides that a river that can be navigated for “pleasure boating” in its natural condition is navigable-in-fact and therefore navigable-in-law. Such waters are subject to the public trust doctrine, which authorizes the public to use the waters for recreational purposes such as swimming and fishing. The issue of navigability and the rights of the public with respect to this section has not been adjudicated by a court of law. No federal or state agency or authority has officially determined or specifically opined as to whether this section of the river is navigable and thus subject to general public use without permission.¹ According to Forest Service Manual (FSM) 2354.14 - **Navigability of Rivers**, “Most rivers in the country have not been adjudicated as navigable or non-navigable. Consider them non-navigable until adjudicated otherwise.”

Sample Public Comment(s) for PC 24:

Subconcern # A

In the past, the USFS has referenced, and posted by sign, Wilderness regulations as being the justification for such severe restriction on motorized use in the Chattooga corridor. However, this is not a statutory justification for use outside of declared Wilderness. Only a few miles of the Chattooga, and none of the

West Fork, flows through any Wilderness Area; no statutory restrictions preclude motorized use. The four lowest miles of the Chattooga Headwaters, as well as Section II and the West Fork, can accommodate motorized craft without ever entering into the Ellicott Wilderness. (Ltr# 126, Cmt# 3)

Subconcern # B

If my recollection is correct please explain why it does not take additional action by Congress to change the zoning. Does the Forest Service have the authority over the original enabling legislation? Does the Federal Register need to have any change to the zoning published in it? (Ltr# 139, Cmt# 1)

Subconcern # C

#181- I have even had conversations with the office of the NC Attorney General concerning the issue of navigability on the upper reaches of the Chattooga. Their opinion has been given and it was their determination that the Chattooga was in fact "legally navigable" in NC. (Ltr# 193, Cmt# 173)

Public Concern 25

The Forest Service should reconsider that the portion of the Chattooga River proposed to be opened to boating is subject to the provisions in the Wild and Scenic Rivers Act (WSR) and the Wilderness Act, and in the case of conflict between the provisions of these acts the more restrictive provisions shall apply; therefore boating cannot be justified within the constraints of these Acts. In addition, the WSRA required primary emphasis on conservation features over recreational demands; therefore this EA violates the WSRA.

Response to PC 25

Hand powered boating is considered a compatible recreation use in Wilderness Areas. Impacts to recreation uses are considered in *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3, Section 3.2.1 Recreation ORV**. All alternatives in the EA are consistent with the Wild and Scenic Act (WSRA) and the Wilderness Act (WA) (See **Chapter 1, section 1.2 Need for the Proposed Action, item C**). From May 2011. Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council. A Compendium of Questions & Answers Relating to Wild & Scenic Rivers:

Restrictions on public boating access and the implementation of entry permit systems (rationing and/or allocation) are not usually related to designation. Limitations on boating usually relate to the amount of use and/or types of user. Those rivers with use levels or types of use beyond acceptable limits (i.e., resulting in impacts to the values) may necessitate restricted access regardless of designation.

Sample Public Comment(s) for PC 25:

Section 10(a) of the Wild and Scenic Rivers Act (WSRA) imposes a "nondegradation and enhancement policy for all designated river areas, regardless of classification." The portion of the Chattooga that the preferred alternative proposes to open to boating is subject to the provisions of both the Wilderness Act and the Wild and Scenic Rivers Act with respect to both the River and to its immediate environment. In case of conflict between the provisions of these Acts the more restrictive provisions shall apply. In a wilderness, the overarching concept is to preserve natural conditions and wilderness character. The Forest Service's Handbook directs its managers to "[m]anage wilderness toward attaining the highest level of purity in wilderness within legal constraints." "The goal of wilderness management is to identify these influences, define their causes, remedy them, and close the gap ("A") between the attainable level of purity and the level that exists on each wilderness ("X")." Boating cannot be justified within the constraints of these directives. Further, the WSRA requires the Forest Service to administer the Chattooga in a manner that places primary emphasis on conservation features over recreational demands. The EA documents that boating will create new wildlife disturbances, impact fisheries and riparian vegetation, create new and undefined amount of trails and pollute the Chattooga River with increased sedimentation. As a result, the EA improperly places recreation over conservation values. (Ltr# 166, Cmt# 9)

Public Concern 26

The Forest Service should consider the following regarding federal law and/or regulations:

- A) It is illegal to use tax payer's money to prevent the public from using federal land;**
- B) The Wild and Scenic Rivers Act and the Wilderness Act protect and provide for the legal non-motorized use of our nation's rivers and to prohibit such is discriminatory and contrary to their provisions;**
- C) Boaters motive for access is to set a precedent for gaining broader access to other rivers;**
- D) The proposed alternative violates 16 U.S.C. 1281(a) and does not consider effects under 40 § 1502.16 and 40 § 1508.8 as it does not meet the Forest Service's obligation to manage the Chattooga River in a manner that places primary emphasis on conservation features over recreational demands;**
- E) Conservation values found in the case Friend of Yellowstone versus Norton, 2009 must be assessed using the non-diminish standards;**
- F) Per NEPA, alternatives should be compared equitably;**
- G) The current ban on motorized boating is illegal because it was not disseminated in the analysis and open to public review and/or comments;**
- H) To allow boating through the Ellicott Rock Wilderness is inconsistent with the goals of the Wilderness Act;**
- I) To allow boating through the Rock Gorge section of the Chattooga River from Highway 28 Bridge to Burrells Ford would be inconsistent with future designation of this area as wilderness;**
- J) The original 1971 Wild and Scenic River Report specifically mentions that the Nicholson Fields reach is, "shallow and easy for the beginning canoeist" and does not propose prohibiting or limiting whitewater boating along any section of the Chattooga River, yet the preferred alternative would close this reach to whitewater boating;**
- K) The 2011 EA should accurately define the mandate of the Wild and Scenic Rivers Act, which is to protect and enhance the ORVs that led to the designation of the Upper Chattooga River, which includes boating;**
- L) Solitude is a recreational experience and boating is a statutorily protected means of having that experience and placing a higher importance on solitude for one user group over another violates the Appeal ROD, the Wilderness Act, and the Forest Service Manual;**
- M) Permitting boating during all periods of high flow violates the Multiple Use Sustained Yield Act (MUSYA) (all comments from 2009 EA comment period):**
- N) MUSYA 16 U.S.C. 531 is violated by not reviewing multi-use relative values during boatable flows (all comments from 2009 EA comment period);**
- O) The Wild and Scenic Rivers Act mandates that the Forest Service take all necessary actions, up to and including condemnation proceedings, to insure the use of a Wild and Scenic River for the public (all comments from 2009 EA comment period);**
- P) The existing Wild and Scenic classification and the standards outlined under FSH 2309.11 and 2312 should be considered (all comments from 2009 EA comment period); and**
- Q) Any restrictions placed upon the use of the Chattooga River based upon the idea that private land exists in the Chattooga River corridor, especially**

where boating would take place, is contrary to the North Carolina law (all comments from 2009 EA comment period).

Response to PC 26:

A) From May 2011. Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council. A Compendium of Questions & Answers Relating to Wild & Scenic Rivers:

Restrictions on public boating access and the implementation of entry permit systems (rationing and/or allocation) are not usually related to designation. Limitations on boating usually relate to the amount of use and/or types of user. Those rivers with use levels or types of use beyond acceptable limits (i.e., resulting in impacts to the values) may necessitate restricted access regardless of designation.

B) See **Chapter 1** in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.2, C, items 1 to 3.**

C) Not relevant to the decision to be made. See **Section 1.4 Decisions to be Made and Section 1.6 Key Issues** in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

D) **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* discloses impacts to the ORVs and meets the requirements of CFR40 1502.16 Environmental Consequences and 1508.8 Types of Effects: Direct, Indirect and Cumulative.

E) The Forest Service used the "limits of acceptable change" process. See **Appendix F Social Impact Analysis** and various documents in the project record.

F) Per Section 1502.14 Alternatives including the proposed action, agencies shall: (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated. Also refer to "CEQs Forty Most-Asked Questions" guidance document to issues related to alternatives (questions 1a and 1b). There is no requirement for the alternatives to represent a full range of "management alternatives". The alternatives must meet the "Purpose and Need for Action" stated on pages 1 -3 of the EA. The alternatives proposed are intended to protect the "Outstandingly Remarkable Values" (ORV) of the Chattooga.

G) This is outside the scope of the decision to be made. See **Section 1.4 Decisions to be Made** in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

H) Hand powered boating is compatible with wilderness designation. All alternatives meet the intent of **Section 1.2 Need for the Proposed Action** in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. Specifically item C describes legal mandates of the Wilderness Act. As the river administrator, the Forest Service is given the responsibility to protect and enhance the ORVs, to preserve the free-flowing condition, and to protect the water quality of the Chattooga Wild & Scenic River and to protect the wilderness character of Ellicott Rock Wilderness.

I) All alternatives meet the intent of **Section 1.2 Need for the Proposed Action** in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. Specifically item C describes legal mandates of the Wilderness Act. As the river administrator, the Forest Service is given the responsibility to protect and enhance the ORVs, to preserve the free-flowing condition, and to protect the water quality of the Chattooga Wild & Scenic River and to protect the wilderness character of Ellicott Rock Wilderness.

J) Section 10(a) of the Wild and Scenic Rivers Act requires an administering agency to manage each congressionally designated component of the National System in a manner that preserves the river's free-flowing condition, protects water quality and protects and enhances each ORV for which it was designated. The administering agency has broad discretion to manage recreation activities and use so as to achieve the desired recreation experience and protect and enhance ORVs. This discretion may include restricting or prohibiting a recreational activity, a number of recreational activities or, perhaps in rare circumstances, all recreation use within a section (subsection) of the designated component. Through the institution of restrictions or prohibitions in certain sections of the river, the administering agency may balance recreation uses of the river corridor to preserve the river's free-flowing condition, protect water quality and protect and enhance each ORV for which it was designated.

K) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.2 Need for the Proposed Action**. Specifically item C describes legal mandates for the Wild and Scenic River Act and the Wilderness Act.

L) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 1.2 Need for the Proposed Action**. Specifically item C describes legal mandates for the Wild and Scenic River Act and the Wilderness Act. As the river administrator, the Forest Service is given the responsibility to protect and enhance the ORVs, preserves the free-flowing condition, and protects the water quality of the Chattooga Wild & Scenic River and to protect the wilderness character of Ellicott Rock Wilderness. The 1971 *Designation Study* report and the 1976 *Development Plan-Chattooga Wild and Scenic River* provide management direction for the Chattooga Wild & Scenic River corridor. The *Wild and Scenic River Study Report*, Chattooga River, dated June 1971 (which was prepared to study the Chattooga River to see if it met the requirements for inclusion in the Wild and Scenic River System) in describing the "outstanding river qualities" of the Chattooga River the report states that, "the river offers exceptional values of solitude, adventure and awareness, serenity and challenge" (page 108). It goes on to state that "Administratively controlled saturation levels, based on limiting numbers of people to maintain a primitive level of experience, will probably be the most severe limiting factors affecting use of this river." Additionally, analysis may end up showing "the need for design changes in trails or other facilities to disperse visitors and eliminate concentrations, and can suggest needed changes in optimum use levels to maintain a primitive experience within the river boundary" (page 108). The 1971 *W Wild and Scenic River Study Report*, Chattooga River suggests a management emphasis where "Opportunities for compatible recreation uses featuring floating, hiking, primitive camping, fishing, and hunting are outstanding" (emphasis added). Also that "Maintaining the quality of these recreation experiences should command priority over meeting public demands" (page 167). The 1976 *Development Plan-Chattooga Wild and Scenic River*, which was published in the Federal Register on March 22, 1976. The development plan states that "The main attraction of the Chattooga River is its recreation opportunity – the chance to visit a whitewater river and experience solitude, adventure, and challenge." The development plan recognizes that, "Although current levels of all types of use create some problems, uncontrolled future use will probably result in safety hazards and a lowering of the quality of the recreation experience. When the need warrants, this will be prevented by the establishment of regulations limiting size, number, type, etc. to provide optimum use" (page 11850).

M) The MUSYA, Sec. 2 [16 U.S.C, 529] directs the Secretary of Agriculture to "develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom." The statement is misquoted by the commenter, the actual wording is "In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas." The intent of the

Act is for the Forest Service to provide a broad array of natural resource uses and outputs, while protecting the land and resource base, in this case the OR values of the Chattooga Wild & Scenic River. Using flows, reach and season restrictions are ways to naturally separate boaters from anglers while providing use to both groups.

N) The MUSYA, Sec. 2 [16 U.S.C. 529] directs the Secretary of Agriculture to "develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom." The statement is misquoted by the commenter, the actual wording is "In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas." The intent of the Act is for the Forest Service to provide a broad array of natural resource uses and outputs, while protecting the land and resource base, in this case the OR values of the Chattooga Wild & Scenic River. Using flows, reach and season restrictions are ways to naturally separate boaters from anglers while providing use to both groups.

O) Section 6(b) of the Wild and Scenic Rivers Act (WSRA) specifically prohibits the use of condemnation for fee title purchase of private lands if 50 percent or more of the acreage within the boundaries on both sides of the designated river are in public ownership (federal, state, or local government). In addition, Section 6(a) (1) of the Act prohibits acquiring more than 100 acres per river mile within the corridor, which is approximately 50 acres on either side of the river bank. Fee title condemnation is allowed to clear title or to acquire conservation, scenic, or other types of easements reasonably necessary for public access. The objective of Wild and Scenic River designation is to protect and, as possible, enhance the values which caused the river to be designated. Should some proposed or actual use clearly threaten the Outstandingly Remarkable Values which resulted in the river's designation, negotiated efforts will be pursued to remove the threat through local zoning, state provisions, land exchanges, purchases on a willing-seller/willing-buyer basis, and other actions short of condemnation. Purchasing a partial right (easement) or the property in fee title is usually the last resort. If an easement is purchased, the owner will sell certain development rights and receive a payment, yet retain title to the land. Where an exchange, scenic easement, or voluntary purchase cannot be negotiated and an activity (actual or proposed) threatens or significantly degrades river values or the associated area, the government could pursue condemnation so as to protect the river values which led to designation. Condemnation is rarely used by the federal government and is the last option in protecting the values for which the river was designated. (Source: Interagency Wild & Scenic Rivers Council). The issue of navigability and the rights of the public with respect to this section has not been adjudicated by a court of law. No federal or state agency or authority has officially determined or specifically opined as to whether this section of the river is navigable and thus subject to general public use without permission.¹ According to FSM 2354.14 - Navigability of Rivers, "Most rivers in the country have not been adjudicated as navigable or non-navigable. Consider them non-navigable until adjudicated otherwise." The North Carolina Attorney General appears to be the proper state authority to provide an opinion regarding navigability of the river pursuant to state law. Ultimately, however, the authority to determine navigability resides exclusively with the federal and state courts. North Carolina law provides that a river that can be navigated for "pleasure boating" in its natural condition is navigable-in-fact and therefore navigable-in-law. Such waters are subject to the public trust doctrine, which authorizes the public to use the waters for recreational purposes such as swimming and fishing.

P) Section 10(a) of the Wild and Scenic Rivers Act requires an administering agency to protect and enhance the ORVs, preserve the free-flowing condition, and protect the water quality of the Chattooga Wild & Scenic River and to protect the wilderness character of Ellicott Rock Wilderness. Focusing on recreation as an ORV, the administering agency has broad discretion to manage recreation activities and use so as to achieve the desired recreation experience and protect

it and non-recreation ORVs. This discretion may include restricting or prohibiting a recreational activity, a number of recreational activities or, perhaps in rare circumstances, all recreation use within a section (subsection) of the designated component. Through the institution of restrictions or prohibitions in certain sections of the river, the administering agency may balance recreation uses of the river corridor to protect and enhance all ORVs, free-flow and water quality for the entire designated component. Any limitations need to be based on achieving the desired conditions for recreation and protection of non-recreation ORVs, free-flow and water quality. The preferred alternative is designed to enhance boating by expanding the boating opportunities while at the same time protecting the non-boating experience in the upper segment of the Chattooga WSR.

Q) Section 6(b) of the Wild and Scenic Rivers Act (WSRA) specifically prohibits the use of condemnation for fee title purchase of private lands if 50 percent or more of the acreage within the boundaries on both sides of the designated river are in public ownership (federal, state, or local government). In addition, Section 6(a) (1) of the Act prohibits acquiring more than 100 acres per river mile within the corridor, which is approximately 50 acres on either side of the river bank. Fee title condemnation is allowed to clear title or to acquire conservation, scenic, or other types of easements reasonably necessary for public access. The objective of Wild and Scenic River designation is to protect and, as possible, enhance the values which caused the river to be designated. Should some proposed or actual use clearly threaten the Outstandingly Remarkable Values which resulted in the river's designation, negotiated efforts will be pursued to remove the threat through local zoning, state provisions, land exchanges, purchases on a willing-seller/willing-buyer basis, and other actions short of condemnation. Purchasing a partial right (easement) or the property in fee title is usually the last resort. If an easement is purchased, the owner will sell certain development rights and receive a payment, yet retain title to the land. Where an exchange, scenic easement, or voluntary purchase cannot be negotiated and an activity (actual or proposed) threatens or significantly degrades river values or the associated area, the government could pursue condemnation so as to protect the river values which led to designation. Condemnation is rarely used by the federal government and is the last option in protecting the values for which the river was designated. (Source: Interagency Wild & Scenic Rivers Council). The issue of navigability and the rights of the public with respect to this section has not been adjudicated by a court of law. No federal or state agency or authority has officially determined or specifically opined as to whether this section of the river is navigable and thus subject to general public use without permission.¹ According to FSM 2354.14 - Navigability of Rivers, "Most rivers in the country have not been adjudicated as navigable or non-navigable. Consider them non-navigable until adjudicated otherwise." The North Carolina Attorney General appears to be the proper state authority to provide an opinion regarding navigability of the river pursuant to state law. Ultimately, however, the authority to determine navigability resides exclusively with the federal and state courts. North Carolina law provides that a river that can be navigated for "pleasure boating" in its natural condition is navigable-in-fact and therefore navigable-in-law. Such waters are subject to the public trust doctrine, which authorizes the public to use the waters for recreational purposes such as swimming and fishing.

Sample Public Comment(s) for PC 26:

Subconcern # A

Someone in the Forest Service is using tax payers money to break federal law, preventing the public from using federal land (which is paid for and owned by the United States Citizens). (Ltr# 44, Cmt# 1)

Subconcern # B

The U.S. Forest Service recently released a Draft Environmental Assessment aimed at continuing the 35 year-old ban on paddling (canoeing, kayaking, and rafting) on the Upper Chattooga River in North Carolina, South Carolina, and Georgia. The agency is essentially trying to invent a new management practice that excludes paddlers. The area is already protected as a Wild and Scenic River and as a

Wilderness Area. These designations protect my right to legally float our nation's wildest rivers. The U.S. Forest Service must not be allowed to redefine and weaken the Wilderness Act and Wild and Scenic Rivers Act to exclude paddlers. (Ltr# 59, Cmt# 1)

Subconcern # B

The Upper Chattooga River offers a high-quality recreational-paddling experience and would be a popular destination, but the best whitewater sections are off-limits to paddlers. This is a highly-unusual management policy for a National Wild and Scenic River; all recreational paddlers are excluded by the Forest Service from paddling the Upper Chattooga. Paddling, as a recreational activity, is allowed implicitly on National Wild and Scenic Rivers (ref. National Wild and Scenic Rivers website home page: <http://www.rivers.gov>) (Ltr# 59, Cmt# 2)

Subconcern # B

In my opinion, the upper Chattanooga should be accessible for paddling also, as it has been designated as Wilderness and a Wild and Scenic river. I do not think that it is legal or reasonable to deny me or other paddlers the right to enjoy the upper Chattooga or its tributaries. (Ltr# 74, Cmt# 1)

Subconcern # B

"The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection." Denying or limiting use of one type of recreational user that does not negatively impact a National Wild and Scenic River (i.e. Chattooga) physically, biologically, or chemically violates this law. (Ltr# 79, Cmt# 1)

Subconcern # B

#176- By including use stipulations for boaters, the preferred EA is ILLEGAL according to the Wilderness Act. (Ltr# 193, Cmt# 169)

Subconcern # B

#177- Heavily restricting and banning boating in the Chattooga Headwaters is also legally dubious. No other federally managed river has such bans or restrictions on boating. Therefore, this decision is out of step with the management principles of similar federally managed rivers. (Ltr# 193, Cmt# 170)

Subconcern # B

#332- Boaters were enjoying the upper river prior to W&S designation. It is illegal under the National Wild & Scenic Rivers Act to exclude an historic use in the absence of any science or data suggesting impacts to the resource. (Ltr# 193, Cmt# 322)

Subconcern # B

#487- The boating ban contained in the RLRMP violated the Wild and Scenic Rivers Act and the Wilderness Act. (Ltr# 193, Cmt# 474)

Subconcern # B K

The EA fails to protect and enhance the recreation ORV. The EA does not accurately describe the language or intent of the Wild and Scenic Rivers Act and the designation record for the Chattooga that dictate which values must be protected and enhanced on the Upper Chattooga River. Page 14 states that development of ORV's was a post-designation task. This has nothing to do with the direct mandate of the WSRA to protect the values that led to designation and without limiting uses that do not substantially interfere with those values. The EA wrongly claims that the USFS mandate on the Upper Chattooga is to simply protect some recreation somewhere on the river. As we have stated exhaustively in all past comments, it is undeniable that paddling on the entire upper Chattooga was a value that led to designation that must therefore under federal law be protected and enhanced by the USFS (see also next section of these comments). Banning and inequitably limiting paddling is thus in direct violation of the WSRA. In addition, Alternative 12 violates the WSRA specifically by prohibiting multi-day floating opportunities recognized as a value that led to designation. By failing to substantiate the need to seasonally or totally ban paddling to protect the recreation ORV the EA violates the appeal ROD. See also the next section of these comments. (Ltr# 168, Cmt# 12)

Subconcern # C

Make no mistake about the nature of this disagreement: The kayakers fight is not about the Chattooga, but is an attempt to establish a precedent for gaining broader access on other rivers. (Ltr# 71, Cmt# 3)

Subconcern # C

I firmly believe that if the American Whitewater is successful in getting what they want on the Chattooga River, they will use it as a precedent to gain access to other areas now restricted to them in the US. What better argument for them to have and say we have access the wild and scenic Chattooga River. I believe this is a test case for them. (Ltr# 94, Cmt# 1)

Subconcern # C

#64- The proposed management action on the Chattooga will influence the management of rivers across the country and would create a selfishly motivated precedent that would negatively impact rivers, managers, and recreationist. (Ltr# 193, Cmt# 58)

Subconcern # D

The proposed alternative does not meet the USFS obligation to administer the Chattooga in a manner that places primary emphasis on conservation features over recreational demands; this in direct violation of 16 U.S.C. 1281(a). (Ltr# 92, Cmt# 2)

Subconcern # D

Assessing the net effect of expanding boating through the North Carolina Chattooga requires such consideration under [40 § 1502.16]. Further, the EA does not assess nor even list the indirect effects as required under [40 § 1508.8]. Without due consideration of these primary features and conservation values, the assessment could not have possibly prioritized non-use values over recreation; therefore the EA (despite the volume) remains deficient. (Ltr# 92, Cmt# 4)

Subconcern # E

The esthetic, scenic, and scientific features require primary emphasis when administering a WSR. In addition values associated with biology, solitude and water quality, are included as Outstanding and Remarkable Values. The assessment includes plants, wildlife and associated habitat under the Biology value; combined with primary emphasis features, these values have been labeled "conservation values" in [Friend of Yellowstone v. Norton, 2009]. Impacts to these Conservation Values must be assessed using the „non-diminish" standards. (Ltr# 92, Cmt# 3)

Subconcern # E

The EA details that conservation features WILL be impacted by adding boating to the Chattooga Cliffs reach, then justifies the "preferred alternative" by suggesting the proposed alternative has fewer impacts than even more damaging alternatives. When administrating management policy for Wild and Scenic Rivers, agencies are held to a higher standard of review than "impact significance" when assessing primary emphasis features. Justifying a proposed action that will diminish the esthetics and scientific features, less than a more damaging proposal is still a statutory violation of the WSR Act [Friend of Yellowstone v. Norton, 2009]. (Ltr# 92, Cmt# 5)

Subconcern # E

The EA documents that boating will create new wildlife disturbances, impact the fisheries, impact riparian vegetation, impact wildlife, mark the streambed during lower flows, create new and an undefined amount of trails, and pollute the Chattooga River with increased sedimentation, each admittedly diminishing the Primary Emphasis Features. Courts have made clear that the WSR agency has a non-diminish standard with respect to these primary emphasis features, and that congress prioritized these Conservation Values over recreational whims. The agency appears to be ignoring the clearly expressed congressional intent of the WSR Act that prioritized conservation over extreme sports. (Ltr# 92, Cmt# 7)

Subconcern # F

The shell-game comparison used to contrast and assess alternatives is also a violation of NEPA; alternatives are supposed to be compared amongst alternatives, not just against those alternatives that present the proposed alternative most favorably. (Ltr# 92, Cmt# 6)

Subconcern # G

Impacts to other visitors, or wildlife will also be minimal. Like the decision to ban paddle boats from the headwaters, this 35 year-old regulation was not promulgated under a transparent NEPA analysis, nor was it open to the public for review or comments. Therefore the current ban on motorized boating remains illegal. (Ltr# 126, Cmt# 2)

Subconcern # H I

I am writing to inform you that Friends of Georgia (FOG) is still opposed to any Alternative that would open up the Chattooga River's headwaters to boating. Nothing has changed that leads us to believe that lifting the ban is appropriate. We would, in fact, argue that opening the river for boating thru the Ellicott Rock Wilderness is inconsistent with the goals of the Wilderness Act, especially if it leads to commercial boating which we fear would be the next step. We are likewise concerned that allowing boating through the Rock Gorge section of the river, from the Highway 28 bridge to Burrell's Ford, could severely damage this areas currently relatively unspoiled nature and potential for future wilderness designation. FOG has long supported full Wilderness protection for this area and an extension to the Ellicott Rock Wilderness. The Forest Service's highest priority should be protecting the Upper Chattooga's existing biology, geology, history, water quality and, especially, its solitude. (Ltr# 138, Cmt# 1)

Subconcern # H I

Opening the river for boating through the Ellicott Rock Wilderness is inconsistent with the goals of the Wilderness Act. If you were to allowing boating through the Rock Gorge section of the river, from the Highway 28 bridge to Burrell's Ford, you would severely damage this areas currently relatively unspoiled nature and potential for future wilderness designation. By opening the area to boaters, you are opening the area to their vehicles which would further overwhelm this fragile ecosystem. The current use is impacting the fragile ecosystem as already reported as "impaired" in your own Forest Service's Reed Creek/Chattooga River Watershed Conditions report. Opening any of this section to boating will make this impaired situation worse. (Ltr# 140, Cmt# 2)

Subconcern # J

In the Forest Service preferred alternative, all tributaries above highway 28 and the Nicholson Fields reach continue to be completely closed to whitewater boating. This is despite the fact that the original 1971 Wild and Scenic River Report specifically mentions that the Nicholson Fields reach is, "shallow and easy for the beginning canoeist." This section of the river would provide solitude for the beginning paddler that cannot be found on the lower reaches of the river where use is shared with commercial interests. Nowhere in the original report does it propose banning or limiting whitewater paddling along any sections of the Chattooga River. (Ltr# 150, Cmt# 4)

Subconcern # K

The EA fails to accurately define the mandate of the Wild and Scenic Rivers Act. The EA states that "Managing a wild and scenic river corridor requires careful consideration of not only the natural resources, but also of people's values and beliefs, needs and wants, and individual and community connections to the wild and scenic river corridor (page 441)." The EA authors seek to further stretch their own discretion on pages 14 and 15. The EA totally misses the point and ignores the clear statutory language of the Wild and Scenic Rivers Act. The USFS mandate is to protect and enhance the values that led to the designation of each foot of the Upper Chattooga River, which includes paddling. The EA proposes in every alternative to ban paddling and thus violate the WSRA. (Ltr# 168, Cmt# 11)

Subconcern # L

The EA fails to protect and enhance opportunities for solitude in wilderness. Wilderness paddling provides spectacular and unique opportunities for solitude. Severe limits to paddling thus impact those opportunities for solitude, violating the Wilderness Act. The EA ignores the fact that solitude is a recreational experience, and paddling is a statutorily protected means of having that experience in Wilderness. Placing a higher importance on the solitude experience of one group of visitors over another is a direct violation of the Appeal ROD which correctly states that solitude is the same for every visitor. Results showing encounters varying with the amount of paddling permitted is purely the result of the design of the alternatives which inequitably vary only paddling from one alternative to the next. Furthermore the EA contains no estimates or documentation of encounter numbers between paddlers and non-paddlers. Thus, the EA violates the Appeal ROD, the FSM, the Wilderness Act, and is arbitrary and capricious in stating that allowing paddling would decrease solitude. (Ltr# 168, Cmt# 19)

Subconcern # M

#185- The MUSYA requires a high-level of sustainable aggregate recreation output during all periods, including during boatable water flows, at all seasons throughout the resource. The act does not suggest maximization of a single-use during a specific periods in all locations, but rather directs the agency to consider the relative values of each resource output (recreation opportunities) throughout the entire resource and compare those relative values [16 USC sec 2. 529]. Allowing kayakers to monopolize the river during all periods of high-water would violate the MUSY Act mandates. Further expanding kayaking through a popular trout stream, numerous swimming areas and shrinking wildlife habitat would be in direct conflict with this goal and incongruent with agency guidelines. (Ltr# 193, Cmt# 177)

Subconcern # N

#186- This assessment structure violates the MUSYA 16 U.S.C 531 a) by not reviewing multi-use relative values during boatable flows. (Ltr# 193, Cmt# 178)

Subconcern # O

#330- The Wild and Scenic Rivers Act mandates that the Forest Service take all necessary actions, up to and including condemnation proceedings, to insure for the public the use of a Wild and Scenic River. If private owners had a right to the river, which they categorically do not, the Forest Service would be required to take possession of it. (Ltr# 193, Cmt# 320)

Subconcern # P

#336- The existing Wild & Scenic classifications (wild, scenic, recreational) were completely ignored in the study and so were Internal Forest Service standards outlined under FSH 2309.11 and FSM 2312. (Ltr# 193, Cmt# 326)

Subconcern # Q

#203- Second, the plan erroneously designates some land in the river as "private" land and thus treats it differently than other lands located in the river bed. This so-called private land is located within the boundaries of the State of North Carolina. North Carolina recognizes no private ownership of land beneath the navigable waters of the state, regardless of whether or not the flow is constant all year and regardless of the existence of an otherwise valid deed to the property adjacent to the river bed. Any restrictions placed upon the use of the river based upon the idea that private land exists in the river corridor, especially where boating would take place, is based on a severely flawed interpretation of the Laws of the Sovereign State of North Carolina. (Ltr# 193, Cmt# 195)

Miscellaneous

Public Concern 27

The Forest Service should consider the following editorial comments to the 2009 EA:

- A) The 2009 EA references the North Fork of the Chattooga River and there is no such river (all comments from 2009 EA comment period);**
- B) The definition of Chattooga Cliffs needs to be consistent with its historic geographic reference to the site starting near Norton Mill Creek and extending to Bull Pen Bridge; it has never included the stretch up to Grimshawes Bridge (all comments from 2009 EA comment period);**
- C) The Forest Service should use the word boater or floater instead of paddler as they cover the full range of crafts (all comments from 2009 EA comment period); and**
- D) Remove the term user-created on page 9, Table 2.1.4. Alternative 4 "From the user-created County Line Road Trail to the confluence of Norton Mill Creek in North Carolina south to Burrells Ford Bridge December 1-March 1" (all comments from 2009 EA comment period).**

Response to PC 27

A) The portion of the Chattooga WSR that is upstream of the confluence of West Fork is commonly referred to as the North Fork.

B) The names of the river reaches used in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* are derived from a prominent feature of that stretch of landscape. Just as The Rock Gorge itself does not extend for the full length of the "Rock Gorge Reach," we acknowledge the Chattooga Cliffs do not extend for the full length of the so-named "Chattooga Cliffs Reach." These names have been used throughout this process, are established and defined in the *Capacity and Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007, page 23) and again in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* (**Chapter 2**). It will be inappropriate and confusing to all concerned to rename this reach at this point.

C) On pages 22 -25 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), there is a description of potential opportunities, which includes sections on "white-water oriented boating" and "scenic-oriented boating/tubing."

D) County Line Road Trail is not a designated trail. In the past, it was used for logging access.

Sample Public Comment(s) for PC 27:

Subconcern # A

In several locations, the EA references the "North Fork of the Chattooga River." There is no such river. This is a factual error in the EA. (Ltr# 168, Cmt# 35)

Subconcern # B

#139- As recommended in the comments of the Whiteside Cove Association, the definition of "Chattooga Cliffs" needs to be corrected in the final EA to be consistent with its historic geographic reference to the site starting near Norton Mill Creek and extending to Bull Pen Bridge - "Chattooga Cliffs" has never included the stretch up to Grimshawes Bridge (Ltr# 193, Cmt# 132)

Subconcern # C

#520- Some whitewater boaters like to call themselves by the action term of "paddlers" instead of the normal FS terms of "boater" or "floater." I find it interesting that the words "paddler" and "paddling" were not used at all in the 2004 Forest Plan and FEIS. And everywhere else in this EA, the terms "boater" or "floater" and "boating" or "floating" were used....I recommend the FS continue to use the terms "boating" and "floating" because they cover the full range of crafts. (Ltr# 193, Cmt# 507)

Subconcern # D

#528- From page 9: Table 2.1.4. Alternative 4: "From the the user-created County Line Road Trail to the confluence of Norton Mill Creek in North Carolina south to Burrells Ford Bridge December 1 - March 1." I believe the term "the user-created" should be deleted from this statement. (Ltr# 193, Cmt# 515)

Public Concern 28

The Forest Service should consider the immediate need for resource management on the lower segment of the Chattooga WSR (see Letter #171 and the attached photos Exhibit A).

Response to PC 28:

This is outside the scope of the decision. In *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 1, 1.2 Need for the Proposed Action, Item A**, it notes that during the revision of the Sumter National Forest's Land and Resource Management Plan (RLRMP) several visitor impact management issues in the entire river corridor, including refining previously developed boating capacities for four lower river

segments, regulating several aspects of commercial boating on those segments and reaffirming the size and general capacities of recreation infrastructure (e.g., campgrounds, parking lots, miles of designated trails) that facilitate various recreation pursuits were reviewed. The appeal response specifically directed the US Forest Service to “conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate, the LRMP to reflect a new decision based on the findings” (<http://fs.usda.gov/goto/scnfs/upperchattooga>).

Sample Public Comment(s) for PC 28:

Attached as Exhibit “A” are several photographs taken in August 2011 at Earls Ford and Woodall Shoals. These photographs demonstrate an immediate need for resource management attention on the lower Chattooga River. (Ltr# 171, Cmt# 14)

Public Concern 29

The Forest Service should not permit horses along the Chattooga River because of the effects to the resource.

Response to PC 29

Horseback riding is allowed only on designated trails within the Chattooga WSR corridor.

Sample Public Comment(s) for PC 29:

No horses fouling the water and destroying the resource. (Ltr# 189, Cmt# 4)

Public Concern 30

The following comment letters were received containing comments regarding boaters having other rivers and places to kayak, raft, and canoe which are outside the scope of this project: 13, 19, 25, 50, 54, 65, 73, 89, 92, 123, and 193.

Response to PC 30

On page 25 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), sub-section **Opportunity “importance”**, it notes the following:

At the July 2006 public meeting (and on its website), the Forest Service requested stakeholders and the public to provide names of similar rivers to the Upper Chattooga for comparison purposes. While people were able to list multiple streams, many comments highlighted the uniqueness of the Chattooga.

Based on this information from the public, in 2007, the Forest Service completed a proxy river report that includes local rivers that might be similar to the Chattooga WSR above highway 28

...based on the review of literature, guidebooks, websites, emails and interviews. Information was collected for the whitewater boating characteristics of each river as well as how some of these rivers are presently being managed. The whitewater boating characteristics are reflected in the table below. The Forest Service and Confluence Research and Consulting (CRC) talked to several individuals concerning the existing management on many of the rivers. The results of these discussions can be found in the report titled *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

On pages 25-26 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), sub-section **Opportunities conclusions**, there is a summary of findings, which includes the following:

There are probably differences between users engaging in existing or potential recreation opportunities on the Upper Chattooga, but there are also similarities. For example, most appear to value the natural environment, lack of development, lower density recreation, and opportunities for solitude.... High quality versions of most opportunities on the Upper Chattooga are available on other rivers in the region, but this does not diminish the high value that many users place on the Upper Chattooga trips (or potential trips).

Sample Public Comment(s) for PC 30:

This letter is to register opposition to opening the Upper Chattooga River to boating--thus, diminishing its wild and scenic status. Boaters already have ample whitewater access nearby. (Ltr# 13, Cmt# 1)

I must oppose any expansion of kayaking/canoeing in the upper Chattooga, even though I'd love to be running the rapids myself. The accumulative effect of many boaters in this area is more disruptive than that amazing stretch of river should have to bear. And there are just, frankly, other places that can stand it... fun enough, even nearby. ... Knowing the Agency's support of the 36 miles of the Lower Chattooga already offers premium boating I feel there are sufficient areas established for this activity. I'm totally against unrestricted access to the area. (Ltr# 19, Cmt# 1)

The upper reaches of the Chattooga River are the only designated wild and scenic river places in my state of Georgia. If boating of any kind, at any time, under any conditions is allowed above the Route 28 bridge, this special place will be forever changed. There are plenty of rivers that allow plenty of boats to raft the white water in Georgia. Is it too much to ask that this last vestige of wild river be spared? (Ltr# 25, Cmt# 1)

I believe that the boaters already have enough water to use. Please stop any change from coming to this area. (Ltr# 50, Cmt# 2)

I am writing to voice my opinion that the stretch of the Chattooga River from Green Creek in North Carolina to Burrells Ford on the South Carolina-Georgia border should remain unused by boaters. There are already ample river areas which allow boating while not needing to use this portion (Ltr# 54, Cmt# 1)

There are many opportunities for water-based recreation available in the northern Georgia-South Carolina-North Carolina area without making the Chattooga a playground for excitement seekers. (Ltr# 65, Cmt# 1)

I love the beauty and pristine trout fishing on the Chattooga. I've fished in many beautiful states and believe the Chattooga is the best. There are plenty of rafting rivers. Please don't let them take down our only wild river. (Ltr# 73, Cmt# 1)

Many miles of rivers are available to them. (Ltr# 89, Cmt# 2)

According to the EA, forest plans are scheduled to be renewed every 10-15 years. Since the last plan was published in 2004, a new Forest plan is due as soon as spring of 2014. Why is this issue, not combined with the RFEIS and Sumter Forest Plan. Certainly everyone can wait a few more years, since boating remains available below highway 28. (Ltr# 92, Cmt# 32)

There are plenty of other streams and rivers to paddle but few places as unique and remote as the upper sections of the Chattooga. Please do not allow American Whitewater and other paddler groups with their high-power lawyers to shove this thing through. I believe it is only to set precedent so that they can challenge the restrictions on the Yellowstone and other rivers out west. (Ltr# 123, Cmt# 4)

#8- Why wasn't there an alternative to close a few roads, bridges and/or trails to create a greater wilderness corridor? This would create a larger blanket of solitude for everyone. (Ltr# 193, Cmt# 7)

#319- Close a couple of bridges and/or roads to create a more remote wilderness corridor. (Ltr# 193, Cmt# 309)

Public Concern 31

Thank you for your comment. The Forest Service received the following comment

letters that contained comments that were unsupported opinion or a statement of fact with no stated request for action, and therefore, does not warrant further response: 17, 27, and 182.

Monitoring

Public Concern 32

The Forest Service should consider the following regarding adaptive management:

- A) Potential adjustments that may be pursued as required under [36 § 220.7 (b), 2, (iv)] should include monitoring variables pertinent to the expansion of boating, such as conflicts between anglers and boaters, length and location of boater trail proliferation, and accident statistics with established corrective action triggers;
- B) The ability of fines to increase, as needed in the future;
- C) Revision of floating date schedules, as needed to minimize conflicts;
- D) The decision should cover two years at which time the monitoring, enforcement, and resource impacts should be evaluated and if deficiencies suspend all actions associated with the decision until the deficiencies are corrected;
- E) Clarify the term adaptive management, as it can mean more restrictive or can it also mean more permissive (all comments from 2009 EA comment period);
- F) The need for adaptive measures for other user groups will be unknown without monitoring (all comments from 2009 EA comment period);
- G) Including a stipulation that in the event that large woody debris causes the death of a boater the Upper Chattooga River will revert to the 1985 boating policy (all comments from 2009 EA comment period); and
- H) It should not allow any activities outside the scope of the decision, such as increasing time of year, decreasing flow levels, increasing group size etc. and any such actions should require a new decision (all comments from 2009 EA comment period).

Response to PC 32

We do know broad information about how things work in the upper segment of the Chattooga WSR corridor and we know the general use patterns (see the *Use Estimation Workshop Summary* (Berger and CRC 2007)). The assumptions in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* about use and encounters between different user groups may well prove to be higher or lower in practice. However, this information will be monitored and an adaptive management strategy used during implementation. The use of indirect and direct measures is discussed in the **Chapter 2, Section 2.3 Monitoring and Adaptive Management**.

Implementation of the upcoming Chattooga decision will be accompanied by monitoring, including use and encounters. If and when discrepancies are found through monitoring, there will be an adaptive management strategy used to address problems and changes. Additionally, boater-angler encounters can be "asymmetrical" (i.e.: adversely affecting anglers more than the boaters) and hence the potential need for greater restrictions/separation for the boater user group. Backcountry anglers are generally the "sensitive" group in that they will report adverse impacts from boaters, but conversely boaters are generally the "non-sensitive" group since they are

generally willing to share (see bullet number 6 on page 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and **Chapter 3** of the EA, **Section 3.2.1 Recreation ORV**).

A) From **Chapter 2, Section 2.3 Monitoring and Adaptive Management**, there is a description of indirect and direct measures that may be used. FSM 2354.41a, pages 48-50 recommends focusing on indirect measures before using direct measures). Indirect measures generally attempt to redistribute recreational use by encouraging users to visit lower use segments or times, or by changing infrastructure (e.g., reducing the size of some parking lots) to match capacity goals and cue users to use other areas. Direct measures regulate behavior through restrictions or formal use limit systems (e.g., permits); they can ensure a capacity is met, but also may create a more “heavy-handed” management footprint that restricts individual choice. Monitoring would help identify the specific type of use and encounters that are at issue, and develop appropriate regulations or permit system that will address the use or impact problem.

B) Forest plan decisions do not dictate day to day administration, but instead provides broad direction.

C) See Item A above. In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 1** of the EA, **Section 1.3 Proposed Action**, it notes the vehicle counts at access points would be used to monitor whether backcountry or frontcountry use is approaching capacities and correlate these to use-impact relationships in different areas and/or for different types of use. Monitoring may result in adaptive management actions that ensure desired conditions are met. Allow boating opportunities on the main stem Chattooga above SC Highway 28 (upper segment of the Chattooga WSR). Additionally, social impacts (including potential recreation use conflicts) would be managed by using “separation strategies” that include zoning by space (river reach), time (season), and flows.

D) See Item A above.

E) See Item A above.

F) See **Chapter 2, Section 2.3 Monitoring and Adaptive Management** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. From **Chapter 1, 1.6 Key Issues, D. General loss of solitude and related social impacts from potential use increases**, addresses concerns that increased use (regardless of the type) will degrade biophysical resources, opportunities for solitude, a sense of remoteness or other related wilderness or primitive recreation values. . Alternatives 2, 3, 8, 11, 12, 13, 13a and 14 would establish capacities for frontcountry and backcountry areas as well as group size limits. The monitoring/adaptive management strategy would ensure that use would not exceed capacities. Additionally monitoring would be used to detect when use is approaching capacities as well as develop more precise use-impact relationships; adaptive management would in turn trigger actions to keep use levels from exceeding capacities.

G) Impacts to search and rescue are discussed in **Section 3.6.1 Human Health and Safety**. From **section I. Summary of Findings**, it notes that the number of accidents, fatalities and SAR would likely increase if boating is allowed in the upper segment of the Chattooga WSR. Some biophysical resources may be impacted as a result of emergency staff and equipment accessing the area. In particular some reaches have very limited access points with steep, rugged terrain. Pre-accident planning with equipment approval levels may be needed for Ellicott Rock Wilderness.

H) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2, Section 2.3 Monitoring and Adaptive Management**.

Sample Public Comment(s) for PC 32:

Subconcern # A

The EA has not identified potential adjustments that may be pursued under adoptive management as required under [36 § 220.7 (b), 2, (iv)]. The monitoring variables suggested under adaptive management have little to do with the agency's proposed action to expand boating. The only monitoring variable proposed are those suggested by the kayak lobby consultant; these are extremely biased. Variables should include: On-the-river encounters (conflicts between anglers and boaters); these are not included in the assessment or as a monitored variable. Boater trail proliferation is expected and unknown, lengths of user-created trails requires monitoring. Location and lengths of these trails require monitoring. Accident Statistics should be monitored with corrective action triggers established. (Ltr# 92, Cmt# 31)

Subconcern # B C

All recreation activities are not compatible as the USFS certainly knows from years of providing multiple use opportunities for such diverse public segments as motor bikers, mountain bikers, horse riders, hikers, campers, anglers, and hunters. The zoning stipulations in Alternative #12, if properly enforced, should provide good protection for the important values of solitude and remoteness for present and future generations. However, we would suggest that the fines as proposed would not be a significant deterrent to breaking the proposed new rules and should be increased from \$50 to at least \$500. If the proposed fine level is not increased, we recommend that the ability of the USFS to revise those in the future, and also to revise floating date schedules as needed to minimize conflicts be allowed in an adaptive management approach. (Ltr# 127, Cmt# 2)

Subconcern # D

Make a decision covering two years and then evaluate the monitoring, enforcement and resource impacts to determine if what the public and the agency commit to is being fully accomplished. If there are shortfalls close it until weaknesses are corrected, funded or enforced. (Ltr# 139, Cmt# 13)

Subconcern # E

#142- The term "adaptive management" is used in several alternatives but it is not defined in the EA. There needs to be an explanation: Is adaptive management always more restrictive or can it also more permissive and loosen up management controls? The EA needs to be clear on this. (Ltr# 193, Cmt# 135)

Subconcern # E

#519- The term "adaptive management" is used in several alternatives but it is not defined in the EA. There needs to be an explanation: Is adaptive management always more restrictive or can it also more permissive and loosen up management controls? The EA needs to be clear on this. (Ltr# 193, Cmt# 506)

Subconcern # F

#189- The EA notes "adaptive measures" if the need arises in the future for other user groups. That need will be unknown without any monitoring of these user groups. The user capacity analysis documented damage from past inadequate management methods and the need for tracking user numbers by self permitting, yet again this has been ignored in the EA. (Ltr# 193, Cmt# 181)

Subconcern # G

#529- If the final alternative includes some level of boating access, the management plan should have a stipulation that should LWD/strainer cause the death of a boater, the upper Chattooga will revert to the 1985 boating policy. (Ltr# 193, Cmt# 516)

Subconcern # H

#556- From page 115: Alt #8: "Whether those higher encounter levels are sustained could depend on whether boater interest in floating the upper river wanes after the first few years. In addition, the adaptive management approach in this alternative could allow up to five years of exceeded encounter goals prior to implementing direct controls." I need a clarification of "adaptive management". Specifically, adaptive management should not allow any activities outside the scope of the decision, such as increasing time of year, decreasing flow levels, increasing group size, etc. Any of those actions should require a new decision. (Ltr# 193, Cmt# 543)

Public Concern 33

The Forest Service should consider the following regarding implementation:

- A) The three forests should work together to address existing resource degradation from overuse before implementing the proposed action;**
- B) Disclose the detailed management plans for implementation, enforcement, and the associated costs;**
- C) Implement education program to encourage appropriate behavior, thus minimizing impacts to resources (e.g. “leave no trace” or low impact camping practices, encounter etiquette, dispersed use, bank trampling, appropriate distance from wildlife, etc.) (all comments from 2009 EA comment period);**
- D) Addition of River Rangers to aid with enforcement and education (all comments from 2009 EA comment period); and**
- E) Include stakeholder in the implementation, monitoring, and enforcement of the new plan (all comments from 2009 EA comment period).**

Response to PC 33

A) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2, Section 2.3 Mentoring and Adaptive Management** for a discussion of the monitoring and adaptive management strategy that will be implemented once the proposed action is selected. See Appendix A of the DN/FONSI for how the three Forest Plans will be amended to incorporate the monitoring and adaptive management strategy. Existing resource degradation related to user created trails and dispersed campsites is discussed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3, Section 3.2.1 Recreation ORV Affected Environment**. The 2007 *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) discusses the Biophysical inventory that was completed for the Chattooga WSR documenting the existing situation.

B) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Appendix B Implementation** for a table of staffing needed and costs for the three Forests by alternative.

C) The EA **Appendix B** includes estimates of probable projects, activities, additional workloads and agency costs associated with implementation.

D) This option has been considered, but currently there is no funding for this position.

E) The Forest Service would like to develop a volunteer group that could do a range of activities from litter pick-up to monitoring.

Sample Public Comment(s) for PC 33:

Subconcern # A B

Management choices must be realistic in the context of implementation and enforcement capabilities. The Chattooga Corridor is suffering from over-use. A hodge-podge of dispersed campsites, user-created trails, litter, and concentrated boating and fishing exist too close to (or in) the River. The Chattooga River Trail leading from Burrell's Ford Bridge to Ellicott Rock and the spur trail along the East Fork of the Chattooga, which are among the most popular destinations for day-hikers and campers, are showing signs of deterioration. Other areas with significant deterioration, which will only get worse without restrictions on all users, include the many user-created and very beat-down campsites along the North Fork; the large dispersed campsite just above Ellicott Rock where the Bad Creek access trail from Bull Pen Road meets the Chattooga River Trail; the heavily used campsite at the confluence of the Chattooga River Trail and Norton Mill Creek, and the tromped-down series of dispersed campsites leading from Lick Log Falls to the Thrift Lake parking area (an area where the Forest Service proposes to intensify use by making this area the putout area for boaters). All this is evidence of continued insufficient or ineffective management and

enforcement. Forest Service Directives require that management plans for Wild and Scenic Rivers "[i]nclude specific and detailed management direction necessary to meet the management directives." The EA is deficient in describing how implementation and enforcement will be accomplished and, most importantly, financed. While the EA proposes consistent management for the three affected national forests (Sumter, Nantahala and Chattahoochee), and Georgia ForestWatch and Wilderness Watch salute this goal, we believe this coordination effort will be slow given that the Forests are not accustomed to working closely together and that resources are shrinking even as management responsibilities of employees on their own Forests are growing. Before any uses of the River Corridor are changed, the Forests should first attempt to work together to address present shortcomings in Forest Management. Management plans for which there are inadequate means for enforcement are not permitted under the Forest Service's own rules, and selection of an alternative for which there are inadequate implementation resources and financial support would be arbitrary and capricious. Forest Service directives require that regulations for river management be enforceable. Any efforts to distribute visitor use must be supported by adequate administrative capabilities of the managing units. (Ltr# 166, Cmt# 7)

Subconcern # B

#364- Forest Service Directives require that management plans for Wild and Scenic Rivers "include specific and detailed management direction necessary to meet the management directives." The Draft EA is deficient in describing how implementation and enforcement will be accomplished. (Ltr# 193, Cmt# 354)

Subconcern # B

#365- Fanciful management plans for which there are inadequate means for enforcement are not permitted under the Forest Service's own rules, and selection of an alternative for which there are inadequate implementation resources would be arbitrary and capricious. Forest Service directives require that regulations for river management be enforceable. (Ltr# 193, Cmt# 355)

Subconcern # B

#380- The Draft EA does not describe by what mechanism or authority changes will be made to the management of each of the three Forests. The expected sources of funding to support management changes should be identified and their likelihood of materializing discussed. (Ltr# 193, Cmt# 368)

Subconcern # B

#406- The Forest Service proposal for boating does not clearly commit the law enforcement and resource protection personnel necessary to regulate a new, potentially high-impact form of recreation, and to educate the public about the new rules in this part of the river corridor. (Ltr# 193, Cmt# 394)

Subconcern # B

#514- Unfortunately, there was no mention of funds needed for the proper enforcement and education of visitors under Alternative 1. (Ltr# 193, Cmt# 501)

Subconcern # B

#515- However, it is not clear if the materials, equipment and contract costs estimates are included. I believe there should be more discussion in the final EA of these estimated allocations and the funds availability to begin implementation. (Ltr# 193, Cmt# 502)

Subconcern # C D

#565- Education: Education efforts are needed to encourage appropriate recreational behaviors that minimize impacts (e.g. "leave no trace" or low impact camping practices, encounter etiquette, dispersed use, bank trampling, appropriate distance from wildlife, etc). I believe the upper Chattooga needs another "River Ranger" like it had 25 years ago. (Ltr# 193, Cmt# 552)

Subconcern # E

#568- Stakeholder involvement; The stakeholders were engaged in the LAC process. We want to stay actively involved in the implementation, monitoring, and enforcement of the new plan. (Ltr# 193, Cmt# 555)

Public Concern 34

The Forest Service should consider the following regarding monitoring:

- A) Disclose detailed management plans based on user-capacity analysis for monitoring, mitigation, enforcement, additional personnel, and the costs associated with these plans should be reviewed and updated annually with assurances for such given current and future budget constraints and conditions;
- B) Increase the penalty for boating violations and posted at launch points and the second violation should include confiscation of equipment as such penalties would be effective deterrents;
- C) Include user-created riparian trails and mitigation measures before adding new boater trails in the monitoring plan;
- D) A permit process that is required versus voluntary registration to ensure accumulation of accurate data;
- E) Consultation with law enforcement officers regarding the use and effectiveness of forest orders for parking restrictions and the feasibility of all other enforcement issues;
- F) Develop an equitable plan for when use exceeds capacity regardless of type;
- G) The additional law enforcement officers required for monitoring and enforcement would cause a loss of solitude;
- H) Without baseline information and adaptive management, monitoring is used as a mitigation tool for damage control to fragile ORVs that cannot endure anymore;
- I) Boaters can monitor water quality (all comments from 2009 EA comment period);
- J) Enforcement for current regulations is needed (all comments from 2009 EA comment period); and
- K) Time constraints should be added as mitigation measure to the lower segment of the Chattooga WSR (all comments from 2009 EA comment period).

Response to PC 34

A) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2 section 2.3 Monitoring and Adaptive Management** for a detailed explanation of how monitoring and adaptive management will be implemented. See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Appendix B Implementation** for a table of staffing needed and costs for the three Forests by alternative. See the EA **Appendix G Monitoring Plans** for the important monitoring questions that will be addressed. See Appendix A of the DN/FONSI for how the three Forest Plans will be amended to incorporate the monitoring and adaptive management strategy.

B) As shown in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Appendix B** it is anticipated that additional money and staffing will be needed to implement any of the alternatives. Unauthorized boating use will not be permitted.

C) For all alternatives in detail discussed in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* all trails would be designated and designed to mitigate resource impacts first, as well as

enhancing opportunities for solitude. Appendix A of the DN/FONSI adds a desired condition to the three Forest Plans that recreation users use designated trails.

D) In general, management responses to increasing use or impacts would focus on indirect measures first, but direct measures may be utilized if indirect measures are insufficient (FSM 2354.41a, pages 48-50). Indirect measures generally attempt to redistribute recreational use by encouraging users to visit lower use segments or times, or by changing infrastructure (e.g., reducing the size of some parking lots) to match capacity goals and cue users to use other areas. Direct measures regulate behavior through restrictions or formal use limit systems (e.g., permits); they can ensure a capacity is met, but also may create a more “heavy-handed” management footprint that restricts individual choice. If direct measures are needed, monitoring would help identify the specific type of use and encounters that are at issue, and develop appropriate regulations or permit system that will address the use or impact problem. For example, if monitoring shows that competition for backcountry campsites or camp encounters are the impacts that exceed tolerances, a permit system that targets overnight use would make more sense than an “all user” permit system. Similarly, if high use was focused during a specific season, type of day, or segment, permits could be required for those defined times and locations only (e.g., the Delayed Harvest reach on weekends during the Delayed Harvest season).

E) Law enforcement officers have been consulted with throughout this process concerning the feasibility of enforcing the proposals, especially related to the development of **Appendix B** in the EA.

F) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2 section 2.3 Monitoring and Adaptive Management** for a detailed explanation of how monitoring and adaptive management will be implemented.

G) As stated in *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2** alternatives 3, 8, 11, 12, 13, 13a and 14 have the objective to maintain the existing opportunities for solitude. In the EA, **Chapter 3** discloses the effects all alternatives have on solitude.

H) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2 section 2.3 Monitoring and Adaptive Management** for a detailed explanation of how monitoring and adaptive management will be implemented. See Appendix A of the DN/FONSI for how the three Forest Plans will be amended to incorporate the monitoring and adaptive management strategy. A biophysical inventory was completed to assess the existing condition of litter, campsite and trail impacts.

I) DHEC is responsible for monitoring water quality and permitting activities that have the potential to affect water quality. DHEC also enforces the laws pertaining to water quality.

J) The intent is to enforce existing and newly adopted RLRMP standards and guidelines. Refer to **Appendix B** of the EA and **Appendix A** of the DN/FONSI.

K) Considering the application of time constraints to the lower segment of the Chattooga WSR is outside the scope of this analysis (see **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*). However, all of the alternatives in **Chapter 3** of the EA analyze any cumulative effects that may occur on the lower segment.

Sample Public Comment(s) for PC 34:

Subconcern # A

I am concerned about the Forest Service commitment and abilities to properly monitor and enforce any new boating areas. (Ltr# 11, Cmt# 5)

Subconcern # A

Given budget uncertainties, it is unwise for the Forest Service to undertake the additional monitoring responsibilities boating on the Upper Chattooga would impose. (Ltr# 13, Cmt# 2)

Subconcern # A

I appreciate the proposed plan of the Forest Service to rehabilitate the Upper Chattooga corridor by establishing limits on visitor group sized and hope that enough resources are available to do that job. I am concerned that boat traffic on the upper reaches would require monitoring and supervision for which the Forest Service will not have adequate resources to provide. (Ltr# 25, Cmt# 3)

Subconcern # A

I am greatly concerned about how enforcement will occur, especially with respect to boaters running the river outside of the allocated times and flows. All one has to do is look at the online web site Boater Talk to know that boaters already are illegally running the river and indeed view this as a trophy. There must be additional personnel if this option is put into place to ensure the safety of the public. (Ltr# 53, Cmt# 2)

Subconcern # A

I can understand that your are under extreme pressure to change the river plan, and if there were some way to ensure that the planned changes could be enforced, then I might say let it go. However, I have already been passed by kayaks and canoes on the upper river while trout fishing, and I fear that if there is any loosening of the rules governing the upper river, then the boater's will ignore the rules, as they do now, and begin unrestricted boating. If you can figure out some way to enforce the proposed rules, then do it. If not, keep the existing rules. (Ltr# 77, Cmt# 2)

Subconcern # A

I also paddle so I am not adverse to boaters –I oppose allowing access to this particular stretch of water. There will be little to no enforcement for the new rules as there is a known shortage of manpower in the FS and other govt. agencies that might be in the mix. How are you going to oversee what you cannot see in the first place? Restricting parking places to control crowds?? That will not work. I have seen Burrell's area about to bust at the seams with people looking for a place to park. Restricting dates –read the examples above to see that that will not work either. (Ltr# 123, Cmt# 3)

Subconcern # A

In previous correspondence and in person testimony at public meetings I have also raised concerns about the lack of law enforcement personnel throughout the National Forests and particularly in the Chattooga River Wild and Scenic River corridor above the Highway 28 Bridge. I again raise this concern because I have seen nothing from the USFS that would lead me to believe law enforcement will increase as boating usage increases. In fact state budget cuts in Georgia lead me to believe that there will be less law enforcement personnel in the future on USFS lands due to WMA staffing decreases at the state level. How will the USFS keep boaters from removing large woody debris and engaging in thrill seeking activities that endanger both themselves and fishermen during the winter months? Surveys by your own USFS personnel on other nearby mountain streams open to boaters revealed evidence that boaters are currently removing large woody debris to the detriment of fish habitat. (Ltr# 135, Cmt# 3)

Subconcern # A

Although Alternative 12 prevents boating in the Delayed Harvest section of the Chattooga, it does not prevent boating in another section of the Chattooga that has good trout fishing only during the winter and early spring due to rises in temperature. That section is from the bottom of the Gorge area where the trail from the Thrift Lake parking lot leads down to the Chattooga and then down to Reed Creek. This area will be a potential site for boater/angler conflicts particularly at shoal and run sites preferred by both fishermen and boaters. If I am fishing a shoal or a run and another fisherman rudely barges closely into the same area, I am not about to just stand there and take it silently. If a boater does the same thing or endangers my safety I am not going to take his/her abuse either regardless of whether the abuse is the result of ignorance or arrogance. The less boating there is above the Highway 28 bridge the less necessity

there is for law enforcement expenses while more taxpayer revenues can be spent on fish and wildlife habitat improvement. (Ltr# 135, Cmt# 4)

Subconcern # A

The biggest question I have is on the issues of monitoring and enforcement. Monitoring is the cornerstone of how the agency is to manage the river and utilize adaptive management. Yet the monitoring plan consists of four paragraphs on page 37 and 38. There is insufficient detail as to the who, what, where, and how it will be accomplished. In order to do what the agency commits to here please lay out the plan in more detail. The monitoring described in the appendices lacks specific detail (who, when, where, frequency). How often will sampling occur to be statistically valid? Who will do the sampling, existing personnel on the districts already have fulltime jobs. To totally do the monitoring required e.g.. large woody debris removal, trail condition trends, campsite condition trends, conflict, etc. will additional personnel be hired/contracted to complete the monitoring each year? (Ltr# 139, Cmt# 5)

Subconcern # A

Tied to monitoring is enforcement. If the take out is Lick Log how will it be enforced to restrict boaters from floating on down to 28? Illegal boating is already occurring now on the upper Chattooga and in the tributaries. If closures can't be enforced now how will it be seriously enforced at Lick Log? With limited resources for enforcement the take out should be moved up stream to the Burells Ford Bridge. (Ltr# 139, Cmt# 8)

Subconcern # A

Whitewater boaters already have access to the majority of swift rapids in the area, including the entire West Fork of the Chattooga, and all of the Chattooga below the Highway 28 bridge. Overflow Creek all the way to North Carolina is also already open to boating. Given the Forest Service's shortage of personnel to police and protect this fragile and important ecosystem I see no way that adding additional users of any type is helpful. (Ltr# 140, Cmt# 4)

Subconcern # A

Effective adaptive management depends on robust monitoring, and the EA places great faith in the ability of monitoring to prevent harm to the fragile Upper Chattooga environment. The Forest Service must establish and commit to a well defined and detailed monitoring plan that is reviewed and updated annually and that is linked to management. Any alternative that adds boating to new segments of the Chattooga will increase the need for law enforcement and increase the area over which it will have to operate. The EA does not describe by what mechanism or authority changes will be made to the management of each of the three Forests. The expected sources of funding, as mentioned above, to support management changes should be identified and discussed. (Ltr# 166, Cmt# 8)

Subconcern # A

Georgia ForestWatch and Wilderness Watch are particularly concerned that proper steps should be taken to monitor and "adaptively manage" the Upper Chattooga regardless of the alternative chosen. Any new or continued boating access must be contingent upon the receipt annually of the budgetary resources necessary to enforce use rules. The EA at Appendix B (Implementation Strategy and Monitoring Questions) posits that it would require the equivalent of more than three full-time Agency staffers in the first four years of an Alternative 12 proposal at a combined cost of \$280,000, and more than one full-time staffer and \$50,000 in "years 5 and beyond." The problem with this staff-budget construct is that there is no commitment to actually commit the necessary manpower and taxpayer resources to perform what the Agency estimates it would take to properly manage the Upper Chattooga under Alternative 12. We are especially concerned that the three affected National Forests apparently would strive to accomplish these minimal aims without hiring additional staff. Rather, the Note to Appendix B states that "numbers associated with staffing and dollars should not be interpreted as additional staffing. They represent work that will be accomplished with existing staff or additional hires, and may be associated with permanent, seasonal or shared positions. Dollar amounts do not include costs associated with materials, supplies, contracts, fleet, travel or overtime." This truly is astounding! What the U.S. Forest Service is saying in this instance is that it would like to provide for "adaptive management" of new limits and uses on the Upper Chattooga, but cannot commit even to the minimal manpower and dollars estimated necessary to doing so. (Ltr# 166, Cmt# 36)

Subconcern # A

The maximum group size rule is pragmatically unenforceable in such remote locations since multiple different parties of six or fewer might accidentally find themselves in the same spot on the river at the same time. Currently, the river is over a mile by trail from the Whiteside Cover road making enforcement further unlikely on the upper part of the Chattooga Cliffs. At a minimum, making enforcement practical would probably necessitate the extension of a logging road to the river to allow the Forest Service to come and go conveniently and frequently. How could such a new road be justified in the face of the Forest Service's stated plans to close substantial numbers of campsite around Burrells Ford while also calling for the elimination of user created trails without telling the public which user created trails will be closed? To keep such a rule breaking scenario from ever developing would require the full time presence of a law enforcement officer. Such a commitment of personnel and financial resources would exacerbate already difficult budget issues and is unlikely to be appropriately funded. Hence, once boating is permitted, enforcement will largely be a voluntary matter. In other words, it won't exist. (Ltr# 171, Cmt# 34)

Subconcern # A

See the attached "New Record Set on Bull Sluice" (EXHIBIT "C") posted to the Nantahala Outdoor Center blog on Friday, July 24, 2009 lionizing the efforts of one river guide to put 7 different rafts through Bull Sluice within the 30 minutes allocated by the Forest Service rules. If the disdain for stretching rules to the maximum limits is so clear on parts of the river that are supposedly so "carefully regulated" and more easily monitored by the Forest Service, why would we ever expect the spirit or the letter of the rules to be honored on a part of the river that will be largely incapable of being monitored? (Ltr# 171, Cmt# 35)

Subconcern # A

#61- Paddling should be restored as a legitimate activity to the Upper Chattooga Wild and Scenic River and a monitoring plan based on a complete user capacity analysis should be established to evaluate encounters and provide real data to evaluate future management actions that provide the protection and stewardship this river corridor deserves. (Ltr# 193, Cmt# 55)

Subconcern # A

#94- I fear that these "boaters" will take for granted what has been given to them and slowly they will not obey the regulations and they will begin to expand their use of the river further than what is allowed and use outside their season and water flow levels. (Ltr# 193, Cmt# 87)

Subconcern # A

#145- Remarkably, none of the Alternatives that introduce boating discuss implementation of law enforcement measures that mitigate non-compliance with boating regulations. Without a NEPA-compliant prescription for mitigation (i.e. discussion in an EA or other environmental documents) the USFS has not done an adequate environmental analysis. The document is legally, and substantially insufficient in this regard. (Ltr# 193, Cmt# 138)

Subconcern # A

#190- Paddling should be restored as a legitimate activity to the Upper Chattooga Wild and Scenic River and a monitoring plan based on a complete user capacity analysis should be established to evaluate encounters and provide real data to evaluate future management actions that provide the protection and stewardship this river corridor deserves. (Ltr# 193, Cmt# 182)

Subconcern # A

#191- Monitoring as suggested on page 135-136 may do more damage than good and the effects of monitoring (to be announced at implementation) require assessment. (Ltr# 193, Cmt# 183)

Subconcern # A

#237- Over the past year, several areas on the Chattooga have been plagued by theft, vandalism and other types of crime. Enforcement agencies are stretched very thin and with a recommendation that will surely increase visitors, it could be much worse. (Ltr# 193, Cmt# 228)

Subconcern # A

#363- The Forest Service has not demonstrated that adequate resources exist to curtail existing illegal use. Allowing boating on the tributaries facilitates illegal use. (Ltr# 193, Cmt# 353)

Subconcern # A

#562- *If boating opportunities are allowed on the upper Chattooga, there must be a commitment by the FS to enforce the new standards. (Ltr# 193, Cmt# 549)*

Subconcern # A

#564- *Law Enforcement: The upper Chattooga needs increased attention from law enforcement due to the ever-increasing lawless activities (including vehicle break-ins, theft, drug problems, biophysical regulation violations, fish & game violations, etc). (Ltr# 193, Cmt# 551)*

Subconcern # B

In the EA cover letter dated July 15, 2011 you asked for feedback on the EA and preferred alternative. Following you will find my two suggestions: I believe the penalty for boaters poaching-a-run should be increased and posted at put-ins. The fines should be high enough to be a deterrent. This deterrent is especially needed if boaters are expected to takeout and uphill portage at Lick Log Creek (SC side). The boaters are well aware that when they self-register and then poach-a-run above Highway 28, the fine is only \$50 (the same as the fine for a dog off a leash) - - IF they get caught. This is less than the cost of a tank of gas for their car. A weekday raft trip on Section III is \$85. The lowest cost ticket to this year's Clemson-Auburn football game is \$160. In comparison, the USFS - SC fine for fishing without a license is \$150. In Rabun County, some of the State fines for trout fishing violations are posted at Moccasin Creek State Park. For a GA resident trout fishing without a license and trout stamp, the fine is \$155. For a non-resident, the fine is \$290. For continuing to fish after keeping the limit of 8 trout, the fine is \$226. Fines of those amounts and posted in this manner are deterrents. Obviously, a \$50 fine for illegal boating above Highway 28 is too small to be a deterrent to poaching-a-run and interfering with the activities and/or spoiling the backcountry experiences of all other in-stream visitors between the bridges. It appears the Forest Supervisors could issue specific orders that could raise the fine to \$250 or more for illegal boating above Highway 28. The penalty for the 2nd offense should include confiscation of equipment. I believe penalties of this magnitude and posted at the river put-ins would be a deterrent. (Ltr# 51, Cmt# 4)

Subconcern # B

The enforcement of these new zoning requirements is paramount to the success of Alternative #12 along with stringent penalties for breaking the rules for boating above highway 28 bridge. The current fine of \$50 will likely not deter many and that fine should be increased tenfold to \$500 or more. (Ltr# 98, Cmt# 2)

Subconcern # C

Absolutely no monitoring under adaptive management is mentioned with respect to user-created riparian trails. Such direction is negligent given that the user-created riparian have been targeted as requiring mitigation measures, before adding new boater required trails. (Ltr# 92, Cmt# 22)

Subconcern # D

If there is only voluntary registration, you will not receive accurate use information which is a cornerstone of your monitoring. Voluntary registration on different aspects of river use have been attempted in the past with questionable or poor compliance. A permit process that is required will be the only way to get accurate data otherwise you will have under reporting of use from day one. (Ltr# 139, Cmt# 4)

Subconcern # E

Has law enforcement been involved with the IDT to determine if the actions proposed are to have any chance of being enforced? There are no LE folks listed on any team. (Ltr# 139, Cmt# 9)

Subconcern # E

Parking restrictions are another enforcement issue and virtually impossible to enforce along roads and dispersed areas of the forest. Would a forest order be utilized to restrict parking and has law enforcement been consulted as to its ability with our current court system to make this an effective tool that will hold up in court? (Ltr# 139, Cmt# 10)

Subconcern # F

The EA fails to design an equitable monitoring process. Most alternatives, including the USFS preferred alternative include a monitoring and adaptive management component (See pages 38, 39, 107 and 476). This management scheme would monitor uses and when use exceeds capacity the USFS would require a "heavy-handed" permit system. This action may be targeted at whichever group the USFS feels is most responsible for the capacity violation. This process inequitably targets paddlers who in Alternative 12 may have only nine days of paddling opportunities whereas other visitors have 365 days on which to spread out

their use. Also, paddlers will be precisely counted by a permit system whereas other visitors will be counted by parking lot counts, a system vastly less likely to prove a capacity violation. This whole system is set up to inequitably show that paddlers cause capacity violations while non-paddlers do not, even when this is not the case. Alternative 12 is designed to cause actual and artificial capacity violations. This scheme is inequitable, arbitrary and capricious, and inconsistent with the FSM. (Ltr# 168, Cmt# 28)

Subconcern # G

In any case, even if such budget issues could be resolved, and the personnel could be allocated, no matter how competent and diplomatic such enforcement officers might be, the continuous presence of enforcement personnel on the river would further destroy the “esthetic” of solitude that the Wild and Scenic River Act is supposed to be protecting. No matter how extraordinary a job our dedicated law enforcement officers do, it is still a significant disruption of the “esthetic” to be approached by a law enforcement officer when you are trying to enjoy solitude and escape from a sense of urban concerns. I don’t go down to the river to be reminded of freedom lost by being approached by a law enforcement officer every time I am there. (Ltr# 171, Cmt# 36)

Subconcern # H

In fact, inaccurate management assumptions based on insufficient supporting information is fraught throughout the EA including conclusions about future boating use levels, the absence of a comprehensive study of spray cliffs and other biological studies, and the information related to the feasibility and effects to Outstandingly Remarkable Values of solitude, and biological damage from the increased year round access created at Green Creek. Monitoring in the absence of critical baseline information, and adaptive management as a mitigation tool for damage control to fragile ORVs that can tolerate no damage, is flawed and unacceptable. (Ltr# 172, Cmt# 8)

Subconcern # I

#136- Only paddlers can adequately monitor water quality in the Chattooga Headwaters. (Ltr# 193, Cmt# 129)

Subconcern # J

#353- You should enforce your existing regulations regarding campsites, user created trails, litter, etc. (Ltr# 193, Cmt# 343)

Subconcern # K

#535- Mitigation: Because Alternative 4, 5, 8, 9, & 10 are adding boating opportunities in the Chattooga Wild and Scenic River corridor by decreasing the number of boat-free days on the upper Chattooga, there should be mitigation on the lower Chattooga such as “time of day” (e.g. 10 AM to 5 PM) boating restrictions (see page 96 of the Integrated Report). Goal 4 Maintain or restore natural aquatic and riparian communities or habitat conditions in amounts, arrangements, and conditions to provide suitable habitats for riparian dependent and migratory species, especially aquatic species including fish, amphibians, and water birds within the planning area. Perennial and intermittent streams are managed in a manner that emphasizes and recruits large woody debris (LWD). Objective 4.01 Create and maintain dense understory of native vegetation on 1 to 5 percent of the total riparian corridor acreage during the 10-year planning period.” (Ltr# 193, Cmt# 522)

NEPA

Public Concern 35

The Forest Service should reconsider all past actions and/or uses for the past 35 years, including the effects of whitewater boating on the lower segment of the Chattooga WSR, all current actions and/or uses, and any reasonably foreseeable future actions and/or uses associated with the entire Chattooga Wild and Scenic River.

Response to PC 35

The Environmental Assessment, Managing Recreation Uses in the Upper Segment of the

Chattooga Wild and Scenic River, **Chapter 3** addresses the effects of any past, present and reasonable foreseeable future actions associated with the entire Chattooga River corridor through the disclosure of cumulative effects. The history of past actions is also discussed in **Chapter 2** of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

Sample Public Comment(s) for PC 35:

How can the Forest Service rationally draw any projected conclusions about how whitewater running will impact the upper Chattooga without first accounting for how whitewater running has historically impacted the biophysical conditions and the “esthetic, scenic....features” of the lower Chattooga River over the last 35 years? Consequently, the EA fails the requisite standard of having given rigorous exploration and logical evaluation of the reasonably foreseeable impacts associated with lifting the prohibition of boating on the upper Chattooga. 40 C.F.R. § 1502.14(a). (Ltr# 171, Cmt# 4)

The current EA fails to adopt a sufficiently broad geographic scope of review. In order to make any logical projection of how boating will impact the upper segment, the Forest Service must vigorously attempt to evaluate the overall impact (and possible degradation if any) that boating has had on the lower Chattooga River. The Forest Service has over thirty years of history available in this regard. (Ltr# 171, Cmt# 8)

How can the Forest Service rationally draw any projected conclusions about how whitewater running will impact the upper Chattooga without first accounting for how whitewater running has historically impacted the “esthetic, scenic....features” and the biophysical condition of the lower Chattooga River over the last 35 years? (Ltr# 171, Cmt# 12)

The EA states that future Forest Service plans call for the 2012 creation of a new access trail for near the confluence of Green Creek in the Chattooga Cliffs reach. EA at p. 53. This planned trail indicates that it will impact approximately 1 mile of forest. In addition, the EA states that a new parking lot is expected to be constructed at the County Line Road. The EA fails to state where this new parking area, estimated to take nearly 1 acre of land, will be precisely located. The EA contains no assessment of the biophysical impact of such plans although they are reasonably foreseeable at this time. ...The EA is deficient because it fails to adequately explain these reasonably foreseeable future actions and to justify them in the context of the entire user access debate. (Ltr# 171, Cmt# 23)

#45- The EA fails to assess the long-term, negative and cumulative impacts that boating would have on the natural resources of this stretch of Wild and Scenic River. (Ltr# 193, Cmt# 39)

#434- USFS review has consistently found that boating would have no significant or cumulative biophysical impact, yet the EA repeatedly infers otherwise. (Ltr# 193, Cmt# 422)

Public Concern 36

The Forest Service should consider that this assessment contradicts previous published findings and statements, which will mislead the decision makers.

Response to PC 36

The data collected for this assessment is documented in *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007). The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.5 Public Involvement** documents the many opportunities the public was given to provide comments. The Decision Notice explains how responsible officials used the “best available science” in making their decision. The resource specialists considered current scientific information when preparing or submitting information on effects. Forest Service specialists also acknowledge that they may not be aware of some other, relevant information or that there may be scientific uncertainty and risk. The responsible officials consider a variety of information and weigh any trade-offs during the decision-making process.

The project record posted on the Francis Marion and Sumter website (<http://fs.usda.gov/goto/scnfs/upperchattooga>) demonstrates a thorough review of relevant

scientific information, consideration of responsible opposing views and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty and risk. Some of the information that the responsible officials use in determining if they are using the best available science includes; consideration of effects described in the EA; a detailed biophysical survey to document the Chattooga WSR's existing condition; annual monitoring reports which document trends in the condition of the Chattooga WSR and the Ellicott Rock Wilderness; extensive public involvement to collect information on recreation use patterns and the Reference Section of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River* provides a list of additional information.

Sample Public Comment(s) for PC 36:

Many previous public comments highlighting flaws and missing data within previous assessments have been remedied in the 2011 Assessment by misrepresenting collected facts, making erroneous claims and ignoring previous information PUBLISHED by the US Forest Service. I plan to offer my assistance and resources to those parties planning to appeal any Forest Service decision because this revised assessment purposely misleads decision makers by contradicting previous findings and statements published by the USFS within the course of the Upper Chattooga review. (Ltr# 3, Cmt# 1)

Public Concern 37

The following comment letters were received containing comments regarding management of the Chattooga River below Highway 28, which are outside the scope of this project: 126 and 171.

Response to PC 37

See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 1, Section 1.1** last sentence which states "The scope of this decision is limited to the upper segment of the Chattooga WSR, but will be considered within the context of the entire Chattooga WSR." The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3** discloses cumulative effects that may occur to the Chattooga WSR below Highway 28 for all alternatives. Biophysical data used in the analysis was collected below Highway 28 as documented in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

Sample Public Comment(s) for PC 37:

In addition, the Decision did not limit the analysis of to the Chattooga above highway 28, in fact it required the Forest Service to 'adjust or amend' the entire RLRMP for the Sumter forest based on the findings of the analysis and to consider 'nearby rivers'. A review of boating most certainly includes the Chattooga below highway 28. (Ltr# 126, Cmt# 7)

The Forest Service should be criticized because it fails to take into account the best form of evidence for making any projection---namely what has actually happened already on the lower Chattooga. By failing to evaluate boaters impacts on the lower Chattooga over the last thirty years, the Forest Service does not satisfy the legal requirements for making any decision to change the current land use management practices on the upper Chattooga. As the Supreme Court has explained, Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress had not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise. Motor Vehicle Mfrs. Ass'n of the United States v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983). Although the

scope of review is narrow, the agency must nevertheless "explain the evidence which is available, and must offer a rational connection between the facts found and the choice made." Id. at 43, 52, 103 S.Ct. 2856 (internal quotation marks omitted) The intended lifting of the ban on boating on the upper Chattooga does not flow from the logic of examining how boating has already impacted the river. Consequently, the planned change is arbitrary and capricious because none of the alternatives consider a reasoned evaluation of this relevant and critically informative factor. (Ltr# 171, Cmt# 27)

Public Concern 38

The Forest Service should consider the following regarding the NEPA process:

- A) The process is taking too long;**
- B) The 2011 EA contains contradictions to previous management publications, and it does not provide justification for selecting the proposed alternative nor permitting boating access above Highway 28;**
- C) Develop a new equitable EA using an impartial group, which should include that the Chattooga River have unlimited access for boaters while this study is conducted to assess the actual impact of boaters with the first few years excluded as they will likely exceed long-term use;**
- D) Conduct an appropriate visitor use and capacity analysis that equitably includes all uses;**
- E) Prepare an EIS that would thoroughly analyze the effects to all resources from increasing boating on the entire Chattooga River;**
- F) The 2011 EA does not contain substantiated documentation that boating will impact any resources;**
- G) The 2011 EA does not consider impacts from various uses equitably;**
- H) The 2011 EA contains no explanation as to why the original decision and the accompanying Biological Evaluation (BE) were withdrawn;**
- I) Not having a current BE violates NEPA;**
- J) Consider user conflicts in the area between Sliding Rock and Green Creek;**
- K) The final EA should contain additional data that has been collected or document what is lacking in the assessment (all comments from 2009 EA comment period); and**
- L) Consider impacts from current use to all resources (all comments from 2009 EA comment period).**

Response to PC 38

A) No response is necessary.

B) The rationale for selecting the alternative is given in the decision notice.

C) Range of Alternatives, including Alternative 8 which allows unlimited access for boaters are discussed in **Chapter 2, Section 2.2 Alternatives Considered in Detail**.

Data collection methods, including the use of expert panels, are documented in *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

D) A visitor use and capacity analysis was updated for the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* with the results disclosed in **Chapter 3**.

E) A FONSI determination is made in the Decision Notice to determine if an Environmental Impact Statement (EIS) is necessary. **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* discloses the impact alternatives with boating will have on resources.

- F) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3** for the effects the boating alternatives will have on resources.
- G) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River* **Chapter 3, Section 3.2.1 Recreation ORV**.
- H) The reason why the 2009 Decision Notice and Biological Evaluation (BE) were withdrawn was because the Forest Service discovered some inconsistencies between various components of the decision documents, according to Paul Bradley, forest supervisor of the Francis Marion and Sumter National Forests as documented in the December 21, 2009 news release.
- I) An updated BE will be completed before the Decision Notice is signed.
- J) Considering user conflicts in the area between Sliding Rock and Green Creek is outside the scope of the analysis as documented in **Chapter 1** of the *E Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.
- K) The report *Capacity & Conflict on the Upper Chattooga River*, June 2007 documents the data that was collected for the analysis.
- L) **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* documents the impacts current use (i.e. Alternative 1) will have on resources.

Sample Public Comment(s) for PC 38:

The costs of the various alternatives have not been considered thoroughly. The EA avoids this issue in Appendix B, (as also noted above), which states: "Estimates of probable projects, activities, additional workloads, and agency costs are ... considered estimates since the number, location and the rates in which projects are implemented are driven by available funding and additional decisions informed by site-specific analysis in accordance with agency rules and regulations." This is insufficient for purposes of NEPA compliance. Actions must be prioritized and some, such as access requiring trail clearing, road or parking lot construction, or monitoring and enforcement must be made contingent upon the occurrence of another event. While vague estimates are provided for the possible cost of staffing positions for the various alternatives, other costs apparently are not considered, including, but not limited to road and parking lot construction and maintenance, restoration, and equipment for measuring water levels. It is impossible for the Forest Service to make an informed decision, or for the public to meaningfully comment, when so many elements are missing from the analysis. A complete economic effects analysis should have been performed, with all three Forests contributing. (Ltr# 166, Cmt# 18)

Subconcern # A

Yeah, if you keep dragging things out the way you have for the past decade, many of us will be too old and die before we ever get a chance to paddle the Upper Chattooga. (Ltr# 41, Cmt# 1)

Subconcern # B

The 2011 assessment contradicts previous USFS management publications as well as contradicting itself. The EA now totaling nearly 500 pages does not provide the justification for selecting the proposed alternative, nor for allowing expanding access above highway 28 at all. The revised Environmental Assessment has simply become more convoluted and verbose in its attempt to avoid assessment of each alternative's impacts. In place of a concise and objective EA, the published assessment is a justification of the proposed action to expand boating as demanded by a litigious kayak lobby, regardless of the collected facts from previously published agency literature. ... Some of the most ridiculous contradictions in this EA include that: Rare and sensitive species are unlikely to be impacted because rare plants are not often encountered (p.197). Visitor impact on wildlife is minimized, because some species can flee (p.183). Conversely, impacts to other species are dismissed because of their immobility during winter (p.184). The EA suggests swimming in a dry creek (during low flows) is the only time people swim (p.76), contradicting the methodology supposedly used to conduct the flow study. The EA purports fishing is only practical below boat-able flows (p.75). Despite documented conflicts between these user groups, and contradicting the data

collected. The proposed agency policy is “expected to cause fatalities” and accidents [p.466]. A windfall for personal injury lawyers in Southern Appalachia. The Forest Service plans to systematically monitor the demise of rare lichen in a remote part of the river [477] by both visiting the site for monitoring as well as increasing access to the site for boaters. Boaters are expected to magically be transported to the confluence of Greens Creek, since the impacts associated with getting to this location are never assessed. The EA proposes to eliminate many hiking and fishing trails due to resource damage, while simultaneously proposing adding an unlimited number of new boater trails. The EA indicates both boaters and hikers are expected to use, stop and enjoy riverside attraction sites, while the affects of such use are never assessed. The USFS have already documented that “deterioration of streamside conditions can be expected in these locations” within the 1971 WSR congressional Study report p.156. Also, attraction-site impacts are documented below highway 28 within this EA. yet dismissed as inapplicable to Chattooga above highway 28. Visitor encounters will only be measured while visitors are moving along the land trails, not at wildlife observation spots, swim holes, fishing areas or near large rapids or at kayak playspots; thus overlooking over 40% of the time foot-travel visitors spend visiting at, along, or on the Wild and Scenic Chattooga River. The USFS are eliminating, parking, campsites and trails because the resource is overused, while adding a new users (boaters) in limitless quantities. Above are only a few of the contradictions within the EA. However, the most egregious contradictions within the EA are those which misrepresent the recreational flow study (p75-76). Statements regarding recreational flow needs for anglers, boaters and swimmers are purposely misleading and at times outright fraudulent. The expensive recreational flow study information that was collected and published has simply been altered and now magically justifies the agencies preferred alternative. (Ltr# 92, Cmt# 1)

Subconcern # C

A complete and balanced Environmental Assessment needs to be conducted by an impartial group. After more than 5 years of failed attempts, it is clear that the Sumter Forest Service is unable to produce a complete, balanced, or impartial Environmental Assessment. Given that boaters have been unfairly excluded from the river since the arbitrary decision made 35 years ago in 1976, the river should be completely opened to boaters while this study is conducted. This would allow the study to assess the actual impact of boaters instead of a hypothetical and assumed impact. Boaters have been unfairly excluded for 35 years, and entire generations of paddlers have missed the opportunity to boat the Upper Chattooga. This likely means that use in the first few years will likely exceed long-term use and should be excluded from any assessment of long term boating use. An assessment of boater impact after boating has been allowed for at least 2 full years is essential to provide a more accurate level of long-term boating activity. (Ltr# 150, Cmt# 10)

Subconcern # D

I would like to ask the Regional Forester to conduct an appropriate visitor use capacity analysis, including non-commercial boat use, and to adjust or amend, the previous EA to reflect the new analysis. (Ltr# 156, Cmt# 2)

Subconcern # D

#195- Backpackers and naturalist were totally ignored in any attempt of a study at all. (Ltr# 193, Cmt# 187)

Subconcern # D

#273- The Final Assessment should consider the desires of current visitors, assess the lower river and nearby rivers, include a comparison of the relative social and economic values. If some data is unavailable, the lack of data with assumptions should be made available for a transparent review. (Ltr# 193, Cmt# 264)

Subconcern # D

#278- The EA ignores recreational opportunities throughout the resource and on nearby creeks during boating times. It focuses complete attention on boating -with some misrepresentation of angling-and avoids any assessment of the effects boaters will have the quality of recreation for swimmers, birders, day hikers at the river, scenery seekers, tubers, rafters, horseback riders and bikers. It contains factual errors regarding the desired conditions collected as part of the Chattooga Analysis and in other places completely ignores them. It does not assess the Net Recreation Value among alternatives (sum of all recreational values, resource wide). (Ltr# 193, Cmt# 269)

Subconcern # D

#424- Prior to publishing the EA, the USFS created or paid for the creation of several issue-specific reports. Some of these reports are cited in the EA and others are not. These reports were developed unilaterally and contain numerous and serious documented flaws. To the extent that the EA is based on any of these reports, the EA is likewise flawed. (Ltr# 193, Cmt# 412)

Subconcern # E

The Forest Service should have prepared a thorough and detailed Environmental Impact Statement for the proposed change in management. Increasing boating anywhere within the Wild and Scenic River Corridor represents a major federal action capable of significantly impacting the quality of the human environment. Increasing boating in the context of the Hemlock die-off and declining Chattooga water quality would likely not be justified if a complete analysis had been done. (Ltr# 166, Cmt# 15)

Subconcern # E

Why has not this issue been accorded the full treatment of an EIS, instead of this protracted, ludicrously convoluted sub-measure, this mere EA? (Ltr# 185, Cmt# 2)

Subconcern # E

Until a full EIS may be conducted, which treats the entire river, I do not support any alternative or plan that would allow boating in the headwater reaches, or that would allow any intensified "opening up" of the headwaters backcountry areas other than by foot travel only access. (Ltr# 185, Cmt# 4)

Subconcern # E

#395- The Forest Service should have prepared a thorough and detailed Environmental Impact Statement for the proposed change in management. Increasing boating anywhere within the Wild and Scenic River Corridor represents a major federal action capable of significantly impacting the quality of the human environment. Increasing boating in the context of the Hemlock die-off and declining Chattooga water quality would probably not be justifiable if a complete analysis had been done. (Ltr# 193, Cmt# 383)

Subconcern # F

The EA offers absolutely no evidence of any biophysical or social impact of paddlers on the Upper Chattooga River or any similar regional river. The EA cites no peer reviewed studies showing impacts of paddling on rivers. The authors of the EA opine on various potential impacts of paddling, but not for other visitors, which is inequitable. The EA generally concludes that allowing unlimited paddling with a monitoring component would not significantly impact any natural resources including aquatic species (137, 170), fisheries (158), wildlife (172, 173, 191, 208), rare wildlife (197), spraycliff communities (210), old growth (210), botanical resources (210, 222), rare plants (216-218, 222, 351), heritage resources (244), sediment (258, 286), soil (276, 283), solitude (366), Wilderness values (387), and swimmers (101). The EA authors also opine that some insignificant impacts may occur. We challenge the validity and equity of each of these assessments. They have no defensible basis. (Ltr# 168, Cmt# 6)

Subconcern # F L

#435- While the EA's inferred conclusion that paddling will have some level of biophysical impact is based on absolutely no direct evidence (and indeed much evidence to the contrary) the EA's conclusions regarding the impacts of other users are extremely well supported. The EA states "Recent studies have shown that current use is already affecting vegetation along the corridor by trampling and clearing vegetation around campsites, erosion and loss of plants along user-created trails, damaged trees, denuded banks at stream crossings and the potential for damage to rare species in sensitive settings along rock cliffs and gorges." (EA 45) (Ltr# 193, Cmt# 423)

Subconcern # G

The EA fails to consider the biophysical impacts of various uses equitably. The EA discusses at length documented significant impacts of existing visitors (see pages 47, 48, 54), and proposes simple nationally consistent management actions to minimize and mitigate those impacts. While capacity limits are proposed by the EA, no direct or even indirect use limits are immediately proposed to address these significant and well documented impacts. The EA finds on page 65 that "many biophysical impacts can be reduced more effectively by other actions in the management prescription ... rather than adjusting use levels." In fact, the EA proposes to continue to artificially attract visitors, and to continue to cause significant environmental harm through stocking 70,000 exotic trout each year in the river. At the same time, the EA imagines and exaggerates various potential impacts associated with paddling. While none of these impacts were

predicted to be significant, the EA discusses at length how the impacts vary with the amount of paddling allowed under each alternative. For example see page 339. This is of course purely an artifact of how the alternatives inequitably vary only paddling, thus masking the fact that the numbers of visitors is the variable driving impacts, not the number of visitors paddling. An example of this flawed and biased logic can be found on page 343, where the EA states that “All three alternatives [8, 14, and 11] have the potential for more boaters and, therefore, the potential for more [ginseng] collection pressure than the other alternatives.” Obviously boaters have no more interest in ginseng than anyone else, and probably have less. Another example is the presumed impacts to black bears, which anglers and hikers are equally or more likely to disturb, and hunters are allowed to chase, shoot, and kill in the same area. A similar example is presumed impacts to brook trout which the USFS is wiping out through stocking non-native trout, and anglers are allowed to catch and kill. It is unclear if any of the EA’s biased and unfounded claims regarding biophysical impacts have anything to do with the USFS decision to select Alternative 12. They should not, as they are each arbitrary and capricious, wholly unfounded, inequitably applied, and an artifact of an inequitable range of alternatives. (Ltr# 168, Cmt# 34)

Subconcern # G L

#396- The Draft EA does not adequately address the impact of the various alternatives on the entire Wild and Scenic River corridor, Ellicott Rock Wilderness, the Sumter, Nantahala, and Chattahoochee National Forests, and the regional recreation experience. The narrow scope and segmentation of the project (see below) present a misleading view of recreation opportunities in the region. Another type of segmentation leading to inadequate environmental review pursuant to NEPA is the failure to consider the management of the entire River Corridor in developing alternatives. As already discussed, the failure to adequately emphasize the huge amount of boating allowed on the Lower Chattooga leaves the decision-maker with the mistaken impression that there is some deficiency in boating opportunities in the Wild and Scenic River Corridor. (Ltr# 193, Cmt# 384)

Subconcern # G L

#452- By not including other recreationists in the action alternatives the EA is in violation of NEPA. (Ltr# 193, Cmt# 440)

Subconcern # H I

The Forest Service EA does not address the reason for withdrawing the original decision for managing recreation uses in the Upper Chattooga River in 2009. In the original decision, the Forest Service chose to allow boating with no restrictions on the number of boaters allowed, whereas the original EA and accompanying Biological Evaluation (BE) were based on a preferred alternative when boater numbers would be restricted. These documents—the original EA & BE—were withdrawn, and are therefore moot. Consequently, the USFWS and the public do not have a BE for the Upper Chattooga EA, to consider in making comments on the current EA. While the biology of the Upper Chattooga is an extremely important ORV, the fact is that the Forest Service never mentions or addresses this important inconsistency in the current EA. If the USFWS cannot make a determination in the absence of a BE, then it is certainly a violation of NEPA to ask the public to make this important decision and determination without all the important information contained in a BE available. (Ltr# 172, Cmt# 9)

Subconcern # J

Even worse, the area between Sliding Rock and Green Creek is apparently ignored which guarantees conflict between trout fishing and boaters. (Ltr# 188, Cmt# 2)

Subconcern # K

#157- The agency should make the final EA complete by adding the data collected but not included in the assessment or document the assessment shortcomings. The agency should focus on the evidence in front of them not just data from the AW recommended consultant, but also studies, facts and other credible government documentation that is captured within the public record. (Ltr# 193, Cmt# 150)

Subconcern # L

#236- Biophysical impacts related to soil, vegetation, the riparian environment, river bottom, etc. from existing users (trash, fire circles, trampling riparian areas, fishing lines and lures hanging in the trees etc.) is not addressed. Existing uses are not subject to the same analysis as boating. This is a significant technical flaw in the EA that results in an unbalanced assessment of recreational activities. (Ltr# 193, Cmt# 227)

Public Concern 39

The Forest Service should consider the following regarding public involvement:

- A) The public involvement process is one-sided as past comments have not produced any changes or corrections to the document;**
- B) The EA should document the public involvement process's role in creating the controversy and intolerance among users towards boating; and**
- C) Include the public input from the 2005 public meetings that included site-specific visitor preference data in the EA (all comments from 2009 EA comment period).**

Response to PC 39

In **Chapter 1, Section 1.5** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* describes public involvement that has taken place. The public concern document is an analysis of public comments and the agency's response to those comments. A range of alternatives have been developed and reflect new alternatives since the 2009 EA was released. The changes better reflect alternatives based on the key issues. In **Chapter 1, Section 1.5 Public Involvement** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, there is a detailed information on the public meetings, scoping, and comment periods on the two EAs. An extensive public record is posted on the Francis Marion and Sumter website (<http://fs.usda.gov/goto/scnfs/upperchattooga>). All releasable documents have been posted. We do know broad information about how things work in the upper segment of the Chattooga WSR corridor and we know the general use patterns (see the *Use Estimation Workshop Summary* (Berger and CRC 2007)). The assumptions in the EA about use and encounters between different user groups may well prove to be higher or lower in practice. However, this information will be monitored and an adaptive management strategy used during implementation. For more details on adaptive management see **Chapter 2**.

A) **Section 1.5** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* discloses the public involvement process. The Whittaker and Shelby report is an assessment of the capacity and conflict that exists on the Chattooga River. In the 1976 Federal Register Notice, there is a reference to conflict on the Chattooga WSR where boating and angling occur on the same sections of the river.

B) **Section .5** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* describes the public involvement process. All releasable documents are posted on the Francis Marion and Sumter website (<http://fs.usda.gov/goto/scnfs/upperchattooga>).

Sample Public Comment(s) for PC 39:

Subconcern # A

The EA fails to document the unilateral nature of the public involvement process. The EA mentions in several places the many research documents prepared by the USFS and their contractors over the past decade, and stresses the many public meetings and comment opportunities. The EA fails to mention the important point that all documents were published and presented in their final form, and public responses resulted in zero corrections or changes. Thus, the public comment opportunities were a farce. The record built for this EA was built and unilaterally controlled by USFS personnel. It is largely a product of bias and misunderstanding, and has little or no scientific credibility in the manner that it is being used. While experts were hired, they were clearly not heeded. Developing such a flawed and unilateral record is in violation of NEPA, and presenting it as a robust publicly vetted record is simply untruthful. (Ltr# 168, Cmt# 29)

Subconcern # B

The EA fails to document the role of the public involvement process in creating the controversy and intolerance now being managed for. The EA discusses at some length the public meetings and review process over the past decade but fails to mention the only outcome of that process – heightened controversy and intolerance among forest visitors. The agency stated repeatedly in public forums that paddlers would impact other visitors and the landscape, creating fear and anger among non-paddlers. USFS proposals to ban paddlers empowered and entitled non-paddlers. The USFS listened to a few stakeholders concerns and trumpeted that these impact would occur, growing the base of opposition to paddling. At the same time these statements made paddlers defensive and angry that their use was being blamed for impacts that would never occur, and that they were being treated as second class citizens. At every opportunity the USFS made the situation worse by taking sides, presenting false and biased information, and proposing inequitable solutions that favor some people and persecute others. If anything has been learned from this public process it is that this approach resulted in a catastrophic and utterly avoidable failure. Failure to mention this in the EA totally mischaracterizes the nature of the controversy, public sentiments, public comments, and the entire issue. Eliminating the primary driving factor behind the proposed management from the analysis is a violation of NEPA. (Ltr# 168, Cmt# 30)

Subconcern # C

#165- The Chattooga Capacity Analysis initially included all current and potential visitors to the Chattooga Wild and Scenic River. After collecting visitor preferences for the analysis during a 2005 public meetings, the USFS published that the majority of the current visitors preferred a policy that did not expand floating upriver. For reasons still unclear, the USFS has not included this early-collected public input in the draft EA. This action essentially removed the desired conditions of most current visitors by disregarding the only site-specific visitor preference data; this is a blatant abuse of agency discretion. (Ltr# 193, Cmt# 158)

Public Concern 40

The Forest Service should reconsider and redefine the purpose and need to outline the major needs by describing the existing conditions that need to be changed, list the major objectives for each need identified, link each object to a source especially any federal laws, focus listed objectives on achievable tasks, choose one or more indicators for measuring achievements, and link all analysis steps and the final agency decision to both achievement of objectives and the resolution of resource issues (all comments from 2009 EA comment period).

Response to PC 40

The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* contains all the elements described above: 1) The purpose and need is described in **Chapter 1** of the EA and includes the need for change and appropriate laws, 2) **Chapter 2** describes objectives and management direction proposed for each alternative, along with the actions to achieve those objectives, 3) Indicators for achieving the objectives are described in capacities at frontcountry areas and desired encounters in backcountry areas, and 4) Alternatives in **Chapter 2** are tied to key issues and the effects are described in **Chapter 3**.

In **Chapter 1** of the EA, **Section 1.2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* is the **Need for the Proposed Action**, which includes guidance to address the appeal decision on the Revised Sumter Forest Plan; to protect and enhance the Outstanding Remarkable Values, preserve the free-flowing condition, and protect water quality of the Chattooga Wild & Scenic River and to protect the wilderness character of Ellicott Rock Wilderness. From **Section 1.2 Need for the Proposed Action, Item A Action** is needed to respond to an appeal decision on the Sumter Land and Resource Management Plan. As a result of administrative appeals, the Forest Service was directed to reassess the boating prohibition as part of a broader analysis of visitor capacity issues on the Chattooga WSR above highway 28. The Forest Service was specifically directed to

“conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate the LRMP to reflect a new decision based on findings”. As stated in **Section 1.2, item B**, the intent is to establish consistent management direction for the forest plans on the three national forests that contain the Chattooga River drainage. Item C notes that Section 10(a) of the Wild and Scenic Rivers Act requires an administering agency to manage each congressionally designated component of the National System in a manner that protects and enhances the river’s free-flowing condition, water quality and each ORV for which it was designated. The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* has identified Key issues in **Section 1.6**.

Current management effects (which also form the baseline for comparison of other alternatives) are discussed in alternative 1. The report *Capacity & Conflict on the Upper Chattooga River*, June 2007, chapter 2, pages 7-17 describes the "Decision Environment"; **Chapter 3, Section 3.2.1 Recreation ORV, C. Conditions as They Exist Today** describes existing recreational opportunities which are used as baseline.

Council on Environmental Quality (CEQ) 40 CFR, 1502.13 defines purpose and need. Forest Service Handbook 1909.15, 41.21 - Need for the Proposal includes the following direction: "The need for action discusses the relationship between the desired condition and the existing condition in order to answer the question, “Why consider taking any action?” The breadth or narrowness of the need for action has a substantial influence in the scope of the subsequent analysis." The effects of meeting the purpose and need as stated in **Chapter 1** are discussed in **Chapter 3**. The **Decision to be Made** is stated in Section 1.4 of the EA.

The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* analyzes alternatives that continue the boating prohibition (Alternatives 1-3) as well as alternatives with varying levels of boating (Alternatives 8, 11, 12, 13, 13a and 14). The effects of these alternatives are disclosed in the EA. One of the reports created during the visitor use data collection effort looked at characteristics of proxy regional whitewater boating rivers (see project record posted on Francis Marion and Sumter website (<http://fs.usda.gov/goto/scnfs/upperchattooga>)). Also, a pair of studies explored “substitutability,” “involvement,” and “place attachment” to other regional rivers for Chattooga non-commercial whitewater boaters and trout anglers (Backlund, 2002; Hammitt et al., 2004; Bixler & Backlund, 2002). These were documented on page 25 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

Sample Public Comment(s) for PC 40:

#59- This seems to be politically driven. (Ltr# 193, Cmt# 53)

#73- The last sentence in paragraph 3 of this section states, "Advanced whitewater paddlers and creek boaters are interested in experiencing these upper sections which contain very scenic, remote, narrow stretches of river." So, is this a need? It's more like a wish, a dream, a want, a desire, a goal, but certainly not a need. (Ltr# 193, Cmt# 67)

#109- Whitewater enthusiasts and “creek boaters” who are pushing hard for the new access already have miles and miles of challenging white water nearby on the 36 miles of the lower Chattooga, on Overflow and Holcomb Creeks, and on the West Fork, where boating is already legal and permitted. There is no shortage of boating opportunities elsewhere. But in Georgia and especially South Carolina the "big water" trout fishing opportunity is very limited; there are not many areas remaining with the qualities of the upper Chattooga. Why not leave it the way it's been for decades so those seeking a more remote experience will have a place to go? (Ltr# 193, Cmt# 102)

#148- It seems to me the Purpose of this proposal is to meet direction from the Washington Office to not accept the Sumter NF Plan Revision of 2004 (which supported the previously established Sumter NF LRMP of 1985 that also did not allow boating above the Highway 28 bridge) and, therefore the WO issued directive for the Forest to restudy the issue. (Ltr# 193, Cmt# 141)

#153- The Purpose and Need for Action section of the draft EA does not acknowledge the need to review the effects of supplying “additional boating opportunities” against the current policy which limits boating. Public clarification will assist any misconception of the EA’s purpose and highlight the USFS mandates to compare any proposed agency action against current policy. (Ltr# 193, Cmt# 146)

#155- AW published “Mike Crane and John Cleaves then made the point that despite the uncertain origin of the boating ban and lack of public comment at the time (1976), the 1985 plan legally embedded it in the forest plan and that is now the baseline for future analysis.” Apparently everyone is aware of what forms the baseline for an assessment, except for the author/s of section 3.3.1 of this draft assessment. (Ltr# 193, Cmt# 148)

#198- The Purpose and Need are evasive and not truthful (they do not address the reality of why this analysis was initiated) and they lack substance. This is especially true for the Need section. (Ltr# 193, Cmt# 190)

#349- To the extent the USFS wants to consider other management issues you must separate out these important management issues for consideration based on alternatives relevant to those issues and not confound and obfuscate the question relative to boating. (Ltr# 193, Cmt# 339)

#512- I believe the EA fails to fully explain a “need” to providing additional geographic area boating opportunities by allowing boating in the North Fork. (Ltr# 193, Cmt# 499)

#518- This is a “want”, not a “need”. Boaters already have unlimited access to approximately half of W&S Chattooga “upper sections” with the West Fork including Overflow, Holcomb, and Big Creeks. (Ltr# 193, Cmt# 505)

#523- The EA document should make the 1976 and 1985 basis perfectly clear to the public. I have seen no persuasive evidence that adding boating recreation to the North Fork will protect and enhance its backcountry ORVs of solitude and remoteness for present and future generations. Nor have I seen persuasive evidence that adding boating recreation to the Ellicott Rock Wilderness will not diminish the outstanding opportunities for solitude or assist in securing an enduring resource of wilderness for present and future generations. (Ltr# 193, Cmt# 510)

#545- The FS should be considering limiting use of the lower Chattooga and West Fork / Overflow, not opening boating access to more segments of the river. (Ltr# 193, Cmt# 532)

Public Concern 41

The Forest Service should reconsider the purpose and need in regards to the Sumter Land and Resource Management Plan (LRMP) appeal because:

- A) Direction given to the Regional Forester to include all users and any type of recreation in the visitor capacity use analysis was not followed;**
- B) Direction given in the appeal decision requiring the Forest Service to adjust or amend the Sumter Forest LRMP based on the finding of the visitor capacity use analysis and to consider nearby rivers should have included the Chattooga River above the Highway 28 Bridge;**
- C) Omitting motorized boating in the visitor capacity use analysis is arbitrary and capricious and a contradiction to the appeal decision;**
- D) It violates the orders of the appeal decision;**
- E) Direction is given for the Regional Forester to be the Responsible Officer, yet the three Forest Supervisors are listed in the EA as the Responsible Officers;**
- F) Professional judgment is appropriate when supported by logic and rational; however the visitor capacity use analysis does not contain sufficient data as it is based on conflicting sporadic vehicle spot counts conducted by volunteers and there is no data on boating use and therefore, they do not form a reasonable basis for decision making; and**

G) Prohibiting boating has been previously justified by federal ruling and regulations (all comments from 2009 EA comment period).

Response to PC 41

A) The purpose and need for the proposal and is found in **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and includes item A. Action is needed to respond to an appeal decision on the Sumter RLRMP (2004). Capacities and encounters provide equitable consideration to all users; Motorized boating is not considered a compatible recreation use in either the 1971 *Wild and Scenic River Corridor Study Report*, Chattooga River or in the 1976 Federal Register Notice B). In **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.4 Decision To Be Made**, it notes; “Decisions to be made are specific to the upper segment of the Chattooga WSR. Management of the river below Highway 28 was not challenged in the 2004 Sumter RLRMP and is not subject to further review. Management activities are considered within the context of the entire Chattooga WSR and are analyzed in the cumulative effects sections in **Chapter 3**.”

C) From the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), sub-section **Guiding legislation or other agency mandates, Wild & Scenic Rivers Act**, on page 8, it notes the following on motorized boat use on the Chattooga WSR:

WSR designation does not necessarily restrict any particular type of use in a corridor, including motorized boats, jet skis, hovercraft, or wheeled vehicles. However, such uses must be consistent with the desired conditions and experiences to be offered in a corridor, which link to OR values. In general, types of use and access routes within river corridors at the time of designation receive “grandfather rights” (continued use). However, if an access route or type of use adversely impacts an OR value, it may be closed or regulated. These issues are addressed through management planning that considers “factors such as impacts (positive or negative) on river values, user demand for such motorized recreation, health and safety to users, and acceptability with desired experiences and other values for which the river was designated.” (IWSRCC, 2002, pp. 4-6; IWSRCC, 2006 p. 49-50).

The 1971 *Designation Study* report did not list motorized boating as a compatible boating use. From the 1971 *Wild and Scenic River Study Report*, Chattooga River, Page 22 “Motorized boat use is impractical because of shallow water and rocks.” The 1971 *Designation Study* report identified allowed recreation uses on page 85 “Restriction in the Act limit types of recreation use, especially in the Wild and Scenic Sections. Compatible uses on the Chattooga River are floating (including rafting, canoeing and kayaking), hiking (including sightseeing, nature study and photography), hunting, fishing and primitive camping.” In the 1976 Federal Register Notice (Vol. 41, no 56, March 22, 1977), it mentions that kayaking, canoeing and rafting are “ideal” but notes that “Motorized boat use is impractical because of shallow water and rocks.”

D) In **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 1.2 Need for the Proposed Action**, which includes guidance to address the appeal decision on the Revised Sumter Forest Plan; to protect and enhance the Outstanding Remarkable Values, preserve the free-flowing condition, and protect water quality of the Chattooga Wild & Scenic River and to protect the wilderness character of Ellicott Rock Wilderness. From **Section 1.2 Need for the Proposed Action, Item A Action is needed to respond to an appeal decision on the Sumter Land and Resource Management Plan**, it notes that the Forest Service was directed to reassess the boating prohibition as part of a broader analysis of visitor capacity issues on the upper segment of the

Chattooga WSR. The Forest Service was specifically directed to “conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate the LRMP to reflect a new decision based on findings.” We feel the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and the supporting project record meet this direction from the 2005 WO appeal decision.

E) There is no such direction in the *Decision for Appeal* directing the Regional Forester to be the Responsible Official. Forest Supervisors are the responsible officials for signing forest plan amendments.

F) The information collected and analyzed is the best information available and provides sufficient information to make a decision among the alternatives analyzed. In addition, monitoring and adaptive management would be used to determine if the desired effects are being achieved, and if not would allow for direct and indirect measure to be taken by the agency to achieve those objectives. The paramount concern is that ORVs not be degraded but rather that they continue to be protected and enhanced. All the alternatives would meet this objective. The decision notice will reflect the rationale for the decision and will include the results of public comments and information presented in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

The alternatives are designed to meet the Purpose and Need for Action described in **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and the publication *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) was used to frame the alternatives.

The data collected for this assessment is documented in *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007). The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.5 Public Involvement** documents the many opportunities the public was given to provide comments. The Decision Notice explains how responsible officials used the “best available science” in making their decision. The resource specialists considered current scientific information when preparing or submitting information on effects. Forest Service specialists also acknowledge that they may not be aware of some other, relevant information or that there may be scientific uncertainty and risk. The responsible officials consider a variety of information and weigh any trade-offs during the decision-making process.

The project record posted on the Francis Marion and Sumter website (<http://fs.usda.gov/goto/scnfs/upperchattooga>) demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty and risk. Some of the information that the responsible officials use in determining if they are using the best available science includes; consideration of effects described in the EA; a detailed biophysical survey to document the Chattooga WSR’s existing condition; annual monitoring reports which document trends in the condition of the Chattooga WSR and the Ellicott Rock Wilderness; extensive public involvement to collect information on recreation use patterns and the Reference Section of the EA provides a list of additional information.

G) From **Section 1.2 Need for the Proposed Action, Item A Action is needed to respond to an appeal decision on the Sumter Land and Resource Management Plan**, “As a result of administrative appeals, the Forest Service was directed to reassess that decision as part of a broader analysis of visitor capacity issues on the upper segment of the Chattooga WSR. The Forest Service was specifically directed to ‘conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate the LRMP to

reflect a new decision based on findings”. In **Chapter 1 of the EA, Section 1.4 Decision To Be Made**, it notes that the decisions are specific to the upper segment of the Chattooga WSR. Management of the Chattooga WSR below Highway 28 was not challenged in the appeal of the 2004 Sumter RLRMP and is not subject to further review. Management activities are considered within the context of the entire Chattooga WSR and are analyzed in the cumulative effects sections in **Chapter 3.**”

Sample Public Comment(s) for PC 41:

Subconcern # A

Responding to American Whitewater’s 2004 administrative appeal, the USFS published the 2005 Appeal Decision. The Decision 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.” The 2005 Decision acknowledged that “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.” The Regional Forester was directed to consider all users and any type of recreation, not limit assessment to those initiating the appeal. The Decision did not limit the Visitor Capacity Analysis to non-motorized boats, this was an arbitrary decision made by Sumter Forest Service in an arbitrary and capricious manner without public review. The Decision directed the Regional Forester to “ensure that all potential users have a fair and equitable chance to obtain access to the river.” The initial 2007-2008 NEPA scoping did not adhere to the Appeal decision because some users were not represented in the capacity analysis that was conducted in conjunction with, and at times by, American Whitewater. (Ltr# 126, Cmt# 5)

Subconcern # A, F

#486- American Whitewater has reviewed the environmental assessment (EA) titled: "Managing Recreation Uses on the Upper Chattooga River" in detail and offers comments in this document. The EA does not comply with NEPA on very basic levels. The EA does not meet the mandate of the Record of Decision (ROD) for our appeal of the 2004 Revised Land and Resources Management Plan (RLRMP), and fails to contain a user capacity analysis as required by the ROD. The EA is deeply biased and makes many massive leaps in logic with no supporting information. The EA and its preferred alternative violate the Wilderness Act and the Wild and Scenic Rivers Act. American Whitewater does not support the EA or its recommendations. (Ltr# 193, Cmt# 473)

Subconcern # A, F

#495- The EA does not comply with NEPA on very basic levels, and all alternatives violate the Wild and Scenic Rivers Act and the Wilderness Act. The EA does not meet the mandate of the ROD for our appeal of the RLRMP, and is not, nor does it incorporate, a user capacity analysis. The EA is deeply biased and makes many massive leaps in logic with no supporting information. The EA follows closely in the footsteps of the discredited RLRMP in that it offers few facts, many opinions, much discussion, finds no significant impacts of allowing unlimited paddling, and then proposes to ban virtually all boating anyway. Also like the RLRMP, the EA is not equitable in its treatment or proposed management of Wilderness compliant recreational uses. American Whitewater does not support the EA or its recommendations. (Ltr# 193, Cmt# 482)

Subconcern # B

In addition, the Decision did not limit the analysis of to the Chattooga above highway 28, in fact it required the Forest Service to ‘adjust or amend’ the entire RLRMP for the Sumter forest based on the findings of the analysis and to consider ‘nearby rivers’. A review of boating most certainly includes the Chattooga below highway 28. (Ltr# 126, Cmt# 6)

Subconcern # C

By limiting analysis to the kayakers ‘request for relief’, the USFS has conducted their assessment in an arbitrary and capricious manor, in contradiction to the 2005 Agency Remand Decision, and outside of the NEPA statutory guidelines. (Ltr# 126, Cmt# 8)

Subconcern # D

The EA does not meet the mandate of the Record of Decision (Appeal ROD) for our appeal of the 2004 Revised Land and Resources Management Plan (RLRMP). The EA is deeply biased and makes many massive and backwards leaps in logic without any actual supporting evidence. The EA and its preferred alternative violate the Wilderness Act and the Wild and Scenic Rivers Act (WSRA). The EA and its preferred alternative violate the Forest Service Manual (FSM). American Whitewater herein asserts that the EA and its recommendations are illegal and fundamentally unsound. The EA must be withdrawn as deeply flawed, biased, and illegal. (Ltr# 168, Cmt# 1)

Subconcern # D

In April of 2005, the Washington Office of the USFS granted an appeal of the Region 8 Office decision to continue an unlawful ban on paddling the Wild and Scenic Upper Chattooga River. At that time the Regional Office and the relevant Forests embarked on a process designed to create animosity among the public, and to create a unilateral record in support of the boating ban. The process did indeed fuel controversy and animosity, but several attempts at producing a rational defense of the boating ban failed. They failed because there is no rational defense for the boating ban. This most recent attempt to produce an EA succeeds only in being more clearly and exhaustively wrong, biased and unlawful. The EA proposes to significantly exceed the USFS's discretion. The EA violates every order of the related 2005 American Whitewater Appeal Record of Decision (Appeal ROD). At the same time, the EA considers and proposes many reasonable and responsible management components relating to non-paddlers. Paddlers are singled out for illegal, inequitable, and irrational management. (Ltr# 168, Cmt# 2)

Subconcern # D

#492- This decision also violates NEPA because no alternatives to the action were analyzed, and violates the ROD for our appeal decision by replicating the same type of baseless closure on new reaches. 'It is therefore in violation of the ROD for our appeal of the RLRMP, and of the requirements for lawfully adequate EA. (Ltr# 193, Cmt# 479)

Subconcern # E

The EA lists three Forest Supervisors as the "Responsible Officials." The Appeal ROD that ordered this EA was clear: "I am directing 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 (emphasis added)." The EA lists no fewer than eight staff from the Regional Forester's office as authors of the EA. The listed "Responsible Official" must be changed to the Regional Forester to comply with the Appeal ROD. (Ltr# 168, Cmt# 4)

Subconcern # F

*The EA fails to produce sufficient visitor use data. The development of visitor capacities and each alternative are premised on the opinions of a few USFS staffers and conflicting sporadic vehicle spot counts conducted by volunteers. There is no data on paddling use – none. The USFS has had over six years since the Appeal ROD to document use of the Chattooga River corridor and has totally failed to do so. The use estimations stated in **Section 3.2.1** and elsewhere in the EA are complete fabrications that do not form a reasonable basis for decision making. These methods violate Forest Service standards and direction, and result in clear NEPA violations. By failing to provide sufficient information to conduct a visitor capacity analysis they violate the Appeal ROD, and the Wild and Scenic Rivers Act. (Ltr# 168, Cmt# 20)*

Subconcern # G

#179- In their boating prohibition, The Forest Service; without explanation, without fact, without logic, without reason, without science, and without legal merit, has chosen to: 1. Disregard Supreme Court rulings, 2. Ignore the Public Trust Doctrine, 3. Circumvent federal law, 4. fail to recognize states statutes, 5. overlook their own federal-issued manual and handbook, these being the policies and procedures for all Forest Service activities, 6 Failed to heed a directive from a superior compliance officer of the FS that the Chattooga boating ban has "always been unjustified. (Ltr# 193, Cmt# 171)

Public Concern 42

The Forest Service should provide for and consider consistent recreational management practices including monitoring and enforcement for all uses and

issues such as access, user conflict, campsites, trails, large woody debris, group sizes, parking and user registration in the purpose and need to outline the major needs by describing the existing conditions that need to be changed, list the major objectives for each need identified, link each object to a source especially any federal laws, focus listed objectives on achievable tasks, choose one or more indicators for measuring achievements, and link all analysis steps and the final agency decision to both achievement of objectives and the resolution of resource issues.

Response to PC 42

The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* addresses all of these points raised in addition to information contained in the project record. In addition, the August 25, 2009 Managing Recreation Uses on the Chattooga River – Responses to Public Comments provides additional response information relative to this concern statement.

Sample Public Comment(s) for PC 42:

We do support management practices that would limit group sizes for hikers and anglers, reduce environmentally damaging, user-created campsites along the River, limit access to designated trails only, close and/or re-route trails that threaten water quality and/or rare, sensitive plant life, or that create conflict and unneeded encounters. We especially support the aim of the EA to restore and preserve the sense of solitude that the Forest Service rightfully agrees is the key and outstandingly remarkable value of this river. We also agree with the goal of the EA to coordinate and combine monitoring and enforcement efforts to prevent the unnecessary and unauthorized removal of Large Woody Debris from the River, which is so crucial to the aquatic food chain. Finally, Georgia Forest Watch and Wilderness Watch applaud the Environmental Assessment's proposals that would require the three involved National Forests to work together to assess and address existing resource concerns. This has been and continues to be a critical need for effective management of all uses of the National Forests. It is essential for the three Forests to have closer and more efficient relationships, including more uniform regulation and enforcement. As such, we support the Agency's proposals to "provide consistent management on issues such as encounters, campsites, trails, Large Woody Debris, group sizes, parking and user registration." (Ltr# 166, Cmt# 2)

#154- Although "balancing competing activities" is the responsibility of the USFS, a comprehensive and transparent comparative-analysis against current policy is legally required to fairly assess the effects of a proposed agency action on the quality of the visitor experiences. The EA must transparently compare proposed policy against current policy. (Ltr# 193, Cmt# 147)

#156- The Final EA should make clear to the public which hypothesis must be assessed before expanding kayaking upriver. Although some elements within the EA allude to comparison against the current policy the draft does not explain the assessment mandates clearly nor does the assessment prove boats will not significantly impact the social environment. Each section of the final assessment should comply with these NEPA and planning guidelines. (Ltr# 193, Cmt# 149)

#401- 1) Specific management directives and planning are included in the LRMP for each Forest;

2) Uniformity of management, education, monitoring, and enforcement throughout the Wild and Scenic River Corridor is achieved through coordination of the three National Forests;

3) The Forest Service engages with other government agencies and private partners to overcome its budget and personnel limitations;

4) Natural resources and wilderness values are protected as first priority;

5) All visitor use is kept to sustainable levels through limitations on access, not access fees

a) Solitude is guarded so that the exceptional and unique hiking, fishing, heritage and nature study, hunting, camping, picnicking, swimming, birding, and botanizing activities are protected;

b) There is no expansion of boating in the Chattooga Corridor, boating is prohibited on all tributaries in the Upper Chattooga, and boating is limited to sustainable levels in the Lower Chattooga;

- c) No additional road or trail construction in or near the Ellicott Rock Wilderness or the Chattooga Corridor is permitted, and temporary roads are obliterated;*
- d) Access is allowed on existing designated trails only with no creation of new trails;*
- e) Camping is permitted in designated sites only, located at least 0.25 miles from the river, and limited using a first-come, first-served Internet/postal reservation system, and campsites are limited to three or four tents;*
- f) The existing 30-camp campsite and parking lot at Burrell's Ford are maintained as today, and not expanded; and*
- g) Parking is controlled and the number and location of existing parking spaces is maintained but not expanded.*
- 6) Self-registration for any and all visitors is disfavored because it is unreliable;*
- 7) Enforcement is designed and supported so that it is effective, i.e., sufficient authority and resources are available, and any additional uses are made contingent annually on their remaining available; and*
- 8) Adaptive management, keyed to resource availability and responsive to monitoring, is implemented. A "sunset" provision should be included for any more intensive uses that are added (including any new boating and boating on the tributaries of the Headwaters) so that they expire unless it is shown on an annual basis that they are sustainable and that funding is available to enforce the implementing rules. (Ltr# 193, Cmt# 389)*

Public Concern 43

The Forest Service should reconsider the scope of the analysis and/or decision to include the following:

- A) Impacts to private lands that are incorporated within the geographic scope of the project;**
- B) The 1.7 miles of Chattooga River has not been assessed for navigability but are included in the assessment;**
- C) Effects from boating access (put-ins, take-outs, slide-ins), roads, trails, and parking facilities;**
- D) Provide a single, comprehensive, integrated analysis that contains effects to all resources, which includes the entire Chattooga River corridor and the lower segment of the Chattooga WSR and nearby tributaries, even though the section below the Highway 28 Bridge was not challenged in the appeal;**
- E) The section between Grimshawes Bridge and Green Creek as defined in the appeal decision;**
- F) Specifics pertaining to closure and/or modifications to campsites and trails and the impacts associated with these areas;**
- G) Management focus should be on attainment of pre-use and natural conditions; and**
- H) All impacts from uses should be equitable (all comments from 2009 EA comment period).**

Response to PC 43

A) The scope of the decision is defined in **Chapter 1, section 1.1** to include forest service lands within the upper segment of the Chattooga WSR corridor from near the confluence of Greens Creek downstream to the HWY 28 boat launch. Considering impacts to private lands for each of the alternatives is outside the scope of the analysis. Trespass is not encouraged on private lands for any of the alternatives as documented in **Chapter 1, Section 1.7 Other Issues**.

B) *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2, section 2.4, item A Alternatives considered but not evaluated in detail** explains why allowing boating through the 1.7 miles of private land was not considered.

C) Effects from boating access concerning put-ins and take-outs, roads, trails and parking facilities refer to **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. Additional work, such as designating put-ins will require site specific NEPA analysis.

D) Cumulative effects analysis in **Chapter 3** of the EA discloses the effects of all alternatives on the entire Chattooga River Corridor, including below HWY 28.

E) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2, Section 2.4 Alternatives Considered but not Evaluated in Detail, item A Boating through private land on the upper segment of the Chattooga WSR** for a discussion of the rationale why boating was not considered between Grimshawes Bridge and Green Creek of the Chattooga River for any of the alternatives.

F) Specific closure and/or modifications to campsites and trails will require a site-specific NEPA analysis and decision.

G) A range of alternatives are discussed in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and **Chapter 3** discloses the impacts from the alternatives.

H) A range of alternatives has been developed to meet the **Purpose and Need for Action** in **Chapter 1** and **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* discloses the impacts of the alternatives.

Sample Public Comment(s) for PC 43:

Subconcern # A

The EA includes private lands within the geographic scope of review (p.4), yet ignores reassessing the impacts to private lands; this is a violation under NEPA and E0 13352. (Ltr# 92, Cmt# 26)

Subconcern # B

The Forest Service documented streambed ownership (based on the streams non-navigability) in 1971 as required for WSR designation. However, the EA claims that navigability was never “formally analyzed by any federal or state agency or authority”. A review of navigability is synonymous with the review of streambed ownership, and documenting land ownership is a prerequisite for WSR designation; the Forest Service meet their obligation when they published that the streambed was not owned by the State , but rather by the riparian landowner. Congressional approval codified riparian owner rights at the time of designation; changes to that vested right cannot be made without just compensation to the riparian owner [16 § 1284(b)]. The Forest Service cannot rewrite, or renounce, a study that they authored and submitted to congress for WSR approval... without consequence. (Ltr# 92, Cmt# 27)

Subconcern # B

The Forest Service is ignoring their own guidelines which compel the agency to consider rivers non-navigable, until adjudicated otherwise (FMS 2354.14). The agency is compelled to assess the 1.7 mile stretch as non-navigable, even without a judicial determination. Instead, the USFS has illegally avoided re-assessment of the 1.7 miles, while including it within the assessment scope. If the Forest Service plans to alter policy, the previously documented impacts to the current social, economical and physical environment through these 1.7 miles cannot be ignored. (Ltr# 92, Cmt# 28)

Subconcern # C D

The Forest Service has unlawfully artificially segmented its analysis of proposed management activities resulting in an insufficient NEPA analysis. The most serious omission from each of the alternatives--but

particularly those where boating put-ins and take-outs would be necessary--is the lack of any analysis of access roads and trails and parking facilities. For example, apparently there has not been an evaluation of the likely impact on the Nantahala National Forest and adjacent private lands of using the small, existing parking lot on Whiteside Cove Road and nearby user-created trails as the new access trailhead for boaters' access to the river, nor the impact of constructing the "County Line Road Trail" Parking Lot. Similarly, there does not appear to be an evaluation of the effect of boaters putting out at Lick Log Creek and the effects on the rough and tiny Thrift Lake Parking lot at the trailhead leading to the Lick Log area. It is worth pointing out that this lack of coordination in the planning stage does not bode well for the future ability of the three national forests to coordinate management and enforcement on a day-to-day basis. Another type of segmentation leading to inadequate environmental review pursuant to NEPA is the failure to consider the management of the entire River Corridor in developing alternatives. As already discussed, the failure to adequately emphasize and properly analyze the huge amount of boating allowed on the Lower Chattooga leaves the decision-maker with the mistaken impression that there is some deficiency in boating opportunities in the Wild and Scenic River Corridor. To fully understand the context of the management decision being made, this other regional use must be considered. The Forest Service Manual directs that river recreation management be planned and implemented in the context that "considers the resource attributes, use patterns, and management practices of nearby rivers." Boater-oriented and -dominated management prevails on the lower 36 miles of the Chattooga Wild and Scenic River Corridor and nearby tributaries favored by "creek boaters," not to mention on many nearby rivers and streams. If one were to read only the EA, boaters appear deprived; in reality, it is those who wish to enjoy the river and its opportunities for solitude without put-ins, take-outs, slide-ins, portage trails, and boaters scaring fish and wildlife that are lacking opportunity in the Southeast and on the Chattooga. Similarly, the management of the River cannot be understood except in the context of the compromise zoning decision that has stood the test of time for the past 35 years. Any additional boating erodes this delicate balance of trust and resource protection. This compromise has protected the Upper Chattooga from the degradation in solitude and other wilderness values that the Lower Chattooga has suffered. The Forest Service should consider limiting use of the Lower Chattooga, not opening access to more segments of the River. It is true that segments of Wild and Scenic Rivers are to be managed for their specific attributes and the Forest's management goals, but such attributes and goals are not to be considered in isolation. The Forest Service Manual directs that the following be considered in developing prescriptions to manage recreational use of Wild and Scenic Rivers: (1) the capability of the physical environment to accommodate and sustain visitor use, (2) the desires of present and potential recreational users, including their characteristics, and (3) budgetary, personnel, and technical considerations. When the EA is considered in this context, none of the boating alternatives is adequately supported, even on the Lower Chattooga and in the tributaries. As a result, at a minimum, the existing zoning of the Chattooga, limiting boating to the lower reaches, must continue. (Ltr# 166, Cmt# 17)

Subconcern # D

The current EA is flawed. The Forest Service has erroneously chosen to limit the geographic scope of review to the upper Chattooga River. (Ltr# 171, Cmt# 3)

Subconcern # D

The EA justifies its limited geographic scope by asserting that "Management of the river below Highway 28 was not challenged in the 2004 Sumter RLRMP and is not subject to further review." EA Section 1.4 at p5. (Ltr# 171, Cmt# 9)

Subconcern # D

"The WSRA requires a single comprehensive plan that collectively addresses all the elements of the plan--- both the 'kinds' and 'amount' of permitted use-in an integrated manner. "Id. at 1036. The Forest Service should prepare a "single document covering all required elements. "Id. In the case at hand, the Forest Service bifurcates the river into two segments. The Forest Service proposes to suggest management changes for only the upper Chattooga without any analysis of boating on the entire river. Such an approach is neither comprehensive nor integrated. Such an approach is fatally flawed. The Forest Service must make a vigorous evaluation of the impacts (e.g. the degradation (if any)) that boating has had on the "esthetic, scenic...features" of the lower Chattooga over the last thirty years. Otherwise, the Forest Service fails to comply with its legal mandate to make a rational decision based on all important and relevant aspects of the management problem. 40 C.F.R. § 1502.14(a). (Ltr# 171, Cmt# 11)

Subconcern # D

Commercial rafting outfitters and the boating equipment industry have an inherent conflict of interest. They are directly and indirectly making money off of the lower Chattooga River. Consequently, the lobbyists that claim to speak for whitewater boaters might also suffer from a potential conflict of interest. It is unlikely that the boaters would wish to critically evaluate whether or not their recreational activity might be causing direct or indirect degradation to either the biophysical condition or the "esthetic, scenic...features" of the lower Chattooga River. The scope of the EA must be broadened in order to eliminate this potentially fatal oversight. (Ltr# 171, Cmt# 15)

Subconcern # D

In summary, first, the EA clearly identifies a need to close a significant number of camp sites and relocate or close existing user created hiking trails on the upper Chattooga because these recreation features are causing unacceptable biophysical or other degradation to the river. Second, if implemented, the EA acknowledges that these initiatives will adversely impact existing users of the upper Chattooga. Third, in the same document, the Forest Service provides evidence from its own studies that unacceptable user created trails within 20 feet of the river are being disproportionately created in areas where boating is currently permitted on the lower Chattooga. Fourth, if boating is allowed, the Forest Service admits that it expects unapproved portage trails will illegally appear and that large woody debris choking the creeks will be illegally removed in order to make the creek floatable. Nevertheless, the Forest Service concludes it will be ok to introduce boating as a new recreational use on the upper Chattooga because the expected "illegal" and adverse impacts associated with this brand new use can be successfully "monitored" and remediated once they occur. Isn't this like closing the barn door after the cows have escaped? The EA fails to use a broad enough geographic scope of review to evaluate the overall impact of introducing whitewater rafting and kayaking on the upper Chattooga River. (Ltr# 171, Cmt# 26)

Subconcern # D

Why has this EA only considered the headwater reaches and not the entire river? (Ltr# 185, Cmt# 1)

Subconcern # D

#147- We're concerned the EA was too narrowly focused on this relatively short stretch of the Chattooga, and thereby failed to take a more appropriate regional view. At a minimum, the EA should have included the Lower Chattooga, if not the entire river corridor. From the perspective of both biophysical resources and opportunities for solitude, the Ellicott Rock Wilderness and Upper Chattooga River are rare and unique to the region. This is in part due to the fact the area's protective designations (i.e. Wilderness and Wild River), but also because, unlike other Wildernesses and Wild and Scenic Rivers, the Upper Chattooga has been spared from the dramatic rise in boating popularity in the past 30 years. (Ltr# 193, Cmt# 140)

Subconcern # D

#161- Narrow scope of the 2006-7 recreational analysis so that future assessments and adaptive management is broad-based in scope. (Ltr# 193, Cmt# 154)

Subconcern # D

#171- A review of planning requirements indicates that the draft's assessment scope could be improved. The analysis should include all visitors, wildlife impacts, the down-river resource, previous policy, and a more complete economic review. (Ltr# 193, Cmt# 164)

Subconcern # D

#173- The Sumter USFS removed Cashiers Slide Rock from the NEPA review by altering the geographic scope of the EA. (Ltr# 193, Cmt# 166)

Subconcern # D

#222- The Draft EA's Recreational Review (section 3.3-1) remains focused on the Upper Chattooga and continues to narrowly define social impacts within the headwaters only. The best approach would have been for the Forest Service to have conducted a recreation study of the entire Wild and Scenic River portion of the Chattooga River, which would have shown that current policy provides a diverse blend of recreational activities in numerous settings. (Ltr# 193, Cmt# 213)

Subconcern # D

#496- The EA must address the "Chattooga WSR from and to existing access points between and including NC Road 1107 (Grimshawes Bridge) and the Highway 28 Bridge." (ROD pg. 3) First, the EA fails to

analyze the entire length of river required by the ROD. The EA does not analyze the section of river at and immediately downstream of Grimshawes Bridge. Second, the EA, with no analysis, purports to make new extreme management decisions related to Chattooga River tributaries. Such tributaries are outside the scope of the ROD and were neither studied nor properly considered. (Ltr# 193, Cmt# 483)

Subconcern # DF

*Specifically, this EA refers to the necessity of closing numerous campsites in the Rock Gorge reach and the need to either close or alter user created trails throughout the entire upper Chattooga River area. The EA fails to specify which campsites or which user created trails are unsatisfactory or whether they could be made acceptable through repair or mitigation and at what expense. The EA fails to specify if these trails will be rebuilt and if so where---or if not to clarify how their elimination will impact existing users access to the river. It is all something left to be determined in the future---something which is inconsistent with the Forest Service's responsibility to develop a single comprehensive management plan for the Chattooga. *Friends of Yosemite v Kempthorne*, 520 F.3d 1024, 1036 (9th Cir. 2008). The Forest Service should prepare a "single document covering all required elements." *Id.* The Forest Service should not piece meal its land use management plan. (Ltr# 171, Cmt# 22)*

Subconcern # E

The EA fails to consider the portion of river defined by the 2005 Appeal ROD. The EA arbitrarily excludes the section of the Wild and Scenic Upper Chattooga River between the Grimshawes Bridge area and Green Creek from the analysis. It is unclear from the EA if paddling, angling, swimming, or wading is allowed or prohibited by the USFS in this reach. The EA envisions future criminal court challenges resolving the navigability of the reach. Navigability, as mentioned in previous comments, is a moot concept on a Wild and Scenic River. Furthermore, unless the USFS affirmatively states that paddlers are welcome to float through the USFS lands above and below the private lands, the issue of navigability in the private lands will never be resolved. Thus the EA creates a catch-22. Failing to protect and enhance any of the ORV's in this section of river is a violation of the WSRA. Failing to analyze it in the EA is a violation of the Appeal ROD and NEPA. Failing to allow floating in the reach is a violation of the FSM. At the same time paddling on the Chattooga River at and below Grimshawes is excluded from analysis, the EA does consider other uses on this reach (See pages 60, 65, 66). The EA also considers other reaches that are out of scope like the Lower Chattooga (page 139) and the West Fork (page 267). (Ltr# 168, Cmt# 7)

Subconcern # G

The focus of your management plan also places a focus on the maintenance of the management area's 'Condition at time of Designation.' If your management plan is truly for Wild and Scenic, and Wilderness designated areas, shouldn't your management focus be on attainment of pre-use, natural conditions? (Ltr# 179, Cmt# 4)

Subconcern # H

#144- EA and preferred alternative are not equitable or protective of the river because they consider boating to be the only management variable, while other larger more impactful uses are not seriously considered for limits (Ltr# 193, Cmt# 137)

Public Concern 44

The Forest Service should consider the comments that were incorporated by reference or specifically referred to in the following letters: 3, 92, 166, 168, 169, 183, 185, and 193. Letter 193 is from the 2009 EA comments.

Response to PC 44

Comments received during the public comment period for the July 2008 EA are summarized in the August 25, 2009 document, Managing Recreation Uses on the Chattooga River – Responses to Public Comments. The comments supplied at that time were specific to the 2009 EA which

was withdrawn. The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* is completely different from the 2009 EA. For example, new alternatives were developed and previous alternatives were considered but not developed in this version. Effects analysis not only includes analysis of the Outstandingly Remarkable Values but also includes in depth analysis of wilderness and a social impact analysis. The content analysis team reviewed the August 25, 2009 Response to comments and incorporated relevant information into this document.

Sample Public Comment(s) for PC 44:

With this letter please incorporate all previous comments made by the Whiteside Cove Association, and our members, for reconsideration and in order to correct the assessment errors previously highlighted by our association's very detailed responses. (Ltr# 3, Cmt# 2)

With this statement I which incorporate all my previous comments placed in this public record, including my comments made during the now redacted 2009 Environmental Assessment. (Ltr# 92, Cmt# 36)

Georgia Forest Watch incorporates by reference into these comments the following: All comments on this matter submitted by Friends of the Upper Chattooga when Georgia Forest Watch was still a member of that group; Comments of Georgia Forest Watch on this matter submitted to the Forest Service on September 11, 2007 and October 1, 2007 and August 18, 2008 and October 16, 2009 and October 20, 2009 and November 5, 2009 and November 6, 2009 and November 19, 2009 and January 24, 2011; Any and all other comments on this matter, written and verbal, submitted at any time by Georgia Forest Watch on the issues of boating on the Chattooga River and management of the Wild and Scenic Corridor and Comment letter filed by Wilderness Watch on August 18, 2008. (Ltr# 166, Cmt# 3)

In addition to these comments, we hereby resubmit by reference all past comments made by the signatories of these comments regarding the successfully appealed 2004 Revised Land and Resource Management Plan as it related to the management of the Upper Chattooga River. These documents include all comments and correspondence sent from American Whitewater to the US Forest Service between January of 2003 and today, which include but are not limited to comments and appeal of the 2004 LRMP, comments on various USFS assessment documents including the Integrated Report, and comments and appeal of the 2008-2009 Environmental Assessment titled Managing Recreational Uses on the Upper Chattooga River. In addition we hereby submit by reference the complaint and all related documents submitted in Civil Action File No. 8:09-cv-2665 JMC, American Whitewater et al v. USDA Forest Service et al regarding this issue. These comments are intended to clearly reveal the primary elements of the 500 page Environmental Assessment (EA) that most egregiously violate federal law, federal regulations, USFS policy, and the Appeal ROD. (Ltr# 168, Cmt# 3)

I had written a lengthy response, but have reviewed the responses filed by Tom Robertson on his own behalf, and on behalf of the Estate of John Craig Cranston, and concluded he has done a much better job at expressing my concerns than I would have. Please join my concerns to those he has already expressed, and join my name to the questions he has put forth. (Ltr# 169, Cmt# 1)

I wholeheartedly support the comments proffered by the Chattooga Conservancy. The Conservancy's comments are well thought out, do not avoid the realities of existing scientific study and the lack thereof, have an accurate understanding of the importance and mandate to preserve the values that the U.S. Congress sought to preserve by designating the Chattooga River a National Wild and Scenic River, and prudently blend the opportunities for multi-use with the commitment to maintaining the ecological and social values that make the Chattooga a great American resource. (Ltr# 183, Cmt# 1)

For a fuller and more elaborate representation of my views on this particular EA, please reference the comments of Georgia Forest Watch, submitted in response to the request by the USDA Forest Service for comments on the USFS EA released July 15, 2011. (Ltr# 185, Cmt# 5)

#415- Prominent among these claims were that the boating ban contained in the RLRMP violated the Wild and Scenic Rivers Act and the Wilderness Act. Indeed the highest office of the USFS agreed with these claims and others in our appeal. Now, four years later, the USFS has proposed a virtually identical management plan including total bans on floating numerous sections of the Chattooga River and its tributaries. We therefore assert, via reference to our appeal, that the claims made in our appeal are as

relevant regarding this EA as they were regarding the RLRMP. We incorporate our entire appeal, and specifically our arguments relating to law, policy, and regulation as part of these comments on the EA. (Ltr# 193, Cmt# 403)

#423- In addition, the USFS wholly disregarded our comments on specific alternatives and gave no reason for doing so. Perhaps most importantly, the USFS failed to consider the reasonable alternatives presented by American Whitewater in our scoping comments. The alternatives we presented are consistent with river management protocols, USFS precedent and regulations, and with federal law. These are attributes that all of the USFS alternatives lack. By failing to consider the alternatives we presented in our scoping comments, or anything even similar, the USFS has violated NEPA. Our scoping comments are hereby incorporated into our comments and become part of the official record. (Ltr# 193, Cmt# 411)

#497- The EA does not comply with the legal arguments made in our appeal of the Sumter National Forest Revised Land and Resources Management Plan. We therefore assert, via reference to our appeal, that the claims made in our appeal are as relevant regarding this EA as they were regarding the RLRMP. We incorporate our entire appeal, and specifically our arguments relating to law, policy, and regulation as part of these comments on the EA. (Ltr# 193, Cmt# 484)

#500- We have included our comments on these reports as appendices to these comments on the EA. We hereby incorporate our issue-report comments as part of the official record, and part of our comments on the presumed basis of the EA. The related appendices are as follows: Appendix 2. American Whitewater's Comments on the Chattooga River User Capacity Analysis (note that this document was not actually a user capacity analysis). Submitted on August 2nd, 2006. Appendix 3. American Whitewater's Comments on the "Chattooga River History Project Literature Review and Interview Summary". Submitted on April 17, 2007 (Ltr# 193, Cmt# 487)

#501- Appendix 4. American Whitewater's Comments and Suggested Revisions Regarding the Draft Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment Report, dated February 2007, and first made available to the public on April 2, 2007. Appendix 5. American Whitewater's Comments on the USFS Report titled "Capacities on other Wild and Scenic Rivers: seven case studies". Submitted on May 7, 2007. Appendix 6. American Whitewater's Comments on the Chattooga Literature Review Report. Submitted on May 7th, 2007. Appendix 7. American Whitewater's Comments on the USFS Report Titled Capacity and Conflict on the Upper Chattooga River and authored by Shelby and Whitaker. Submitted on July 3rd, 2007. Appendix 8. American Whitewater's Comments on the Inventory of Large Wood in the Upper Chattooga River Watershed. Submitted on March 25, 2008 (Ltr# 193, Cmt# 488)

ORV - Fisheries

Public Concern 45

The Forest Service should reconsider that the removal of large woody debris would degrade the Fishing ORV (all comments from 2009 EA comment period).

Response to PC 45

All Alternatives, except Alternative 1, provide consistent management on Large Woody Debris. The action alternatives allow the removal of large woody debris with the permission of the Forest Service. There should be no indirect impacts from the management of LWD to Region 8 Sensitive aquatic species, Locally Rare aquatic species, MIS and Management Indicator Communities. The importance of LWD is discussed in **Section 3.2.2A, Aquatics**. Recruitment can be active (with chainsaw) or passive (natural fall). LWD cut by FS is an entire tree cut into the river from the bank. LWD cut by boaters and campers is wood that is already in the water and may lose its stability as a habitat component when cut.

Forest Service management direction does not mean that removal could not occur to address safety concerns. There are concerns that LWD could create problems for the passage of boaters where downed trees block the river channel. LWD removal is permissible only in limited cases

and is evaluated on a case-by-case basis by Forest Service personnel. Manage large woody debris (LWD) recruitment and retention on the upper segment of the Chattooga WSR consistently across all three national forests to assure that no LWD is removed to accommodate recreation within the river or stream banks.

Large Wood in the Upper Chattooga River Watershed, November 2007 was released in January 2008 and was prepared by personnel from the Southern Research Station's Center for Aquatic Technology Transfer (CATT), Francis Marion-Sumter National Forest, and Chattahoochee-Oconee National Forest. These Forest Service personnel conducted an inventory of dead and down large wood (LW) in the upper segment of the Chattooga River, West Fork Chattooga River, and two tributaries of the West Fork Chattooga River.

Sample Public Comment(s) for PC 45:

#54- *The removal of LWD degrades the fisheries which is a direct violation of the "protect & enhance" mandates associated with the OR value "biology". (Ltr# 193, Cmt# 48)*

ORV - Recreation Experience

Public Concern 46

The Forest Service should reconsider the effects of year-round boating on the Recreation Experience ORV of backcountry solitude.

Response to PC 46

Impacts to opportunities for solitude are discussed in *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3, Sections 3.2.1 Recreation ORV and 3.7 Wilderness.**

Sample Public Comment(s) for PC 46:

We feel strongly that the Forest Service's "turn them loose, see what happens and make corrections later" alternative is taking an unacceptable and dangerous risk of inflicting irreparable harm to the Outstandingly Remarkable Value of solitude, which currently exists in the Upper Chattooga River backcountry. (Ltr# 172, Cmt# 2)

#569- *Year-round boating will be detrimental to the Outstandingly Remarkable Values (ORV) of backcountry solitude and remoteness for present and for future generations. (Ltr# 193, Cmt# 556)*

#573- *If unrestricted year-round boating is allowed, it will be destructive to the Outstandingly Remarkable Values (ORV) of backcountry solitude and remoteness for present and for future generations. (Ltr# 193, Cmt# 560)*

ORV - Recreation Fishing

Public Concern 47

The Forest Service should clarify the distinction between the Fisheries ORV, which refers to fish in the context of river protection for native fish and the Recreation Fishing ORV, which refers to fishing and includes non-native sport fish of which stocking of non-native sport fish is done. Stocking of non-native trout is being attributed with positive ecological values and they are used as a

Management Indicator Species, yet they are attributed to annihilating the native species.

Response to PC 47

See **Chapter 1, Section 1.7** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. There are descriptions of fisheries and fishing in the C. Biology ORV and E. Recreation ORV that clarifies how fisheries fit within both ORVs. It should be noted that stocking of trout is outside the scope of this decision. The effects of the different alternatives to the different resources are discussed in **Chapter 3**. Specifically, impacts to the aquatic community are discussed in **Section 3.2.1A, Aquatics**. Based on monitoring, trout populations have remained stable.

From **Section 1.1 Need for the Proposed Action** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* it notes that there is a need to protect the unique angling experience above highway 28. Limited trout fishing occurs below Highway 28 because water temperature and habitat changes make it less attractive for trout fishing.

There is natural reproduction of trout in the Chattooga River. It is not entirely hatchery dependent. Stocking of trout was occurring in 1971 and in the 1971 *Wild and Scenic River Study Report*, Chattooga River notes that stocking of catchable size trout was occurring in some of the Chattooga River in all three states. The 1971 *Designation Study* report includes an action plan for fisheries on pages 87-89 notes that Game and Fish State organization recommend managing Chattooga as a “Wild River fishery”; stocking sub-adults and fingerlings in the wild and scenic sections, stocking any size fish in the recreation sections; and vehicular access for stocking is provided in the recreation sections.

Sample Public Comment(s) for PC 47:

The EA fails to properly define, analyze or protect the fisheries ORV. The EA misinterprets the distinction between fisheries ORV and the Recreation ORV which includes fishing. Fisheries refers to fish, and in the context of river protection particularly refers to native fish. Recreation refers to fishing and includes non-native sport fish. The EA blurs this distinction and thus attributes positive ecological values to the recreational impacts of stocking non-native fish. This must be fixed, as it introduces significant bias and confusion in the EA. The impacts that this misunderstanding has can best be seen on page 143 where the EA selects non-native rainbow and brown trout as Management Indicator Species. The USFS stocks 70,000 of these fish each year and anglers partake in significant harvest. The populations of these fish therefore have little to do with natural resource management and therefore they make terrible indicator species. For example, if water quality declines but more fish are stocked then the indicator species would indicate no reduction in water quality. Worse yet, the USFS widely acknowledges that the stocking of these fish is wiping out native species like the brook trout (see past comments). If the EA were to consider these non-native fish appropriately in the recreation ORV it would be clear that they have legitimate recreational value and significant environmental impacts. Hiding these stocked non-native fish in the Biology ORV makes a fair assessment – and appropriate decisions – impossible. On page 151 the EA states that the three important analysis components to protect and manage the Fisheries ORV are trampling, sediment, and wood. This analysis thus arbitrarily and capriciously ignores the largest impact to native biota in the Chattooga River ecosystem – trout stocking. (Ltr# 168, Cmt# 14)

Public Concern 48

The Forest Service should consider that there is no data to support the postulation that boating will impact the goal of protecting and enhancing the Fishing ORV (all comments from 2009 EA comment period).

Response to PC 48

Because angler-boater interactions are generally “asymmetrical,” backcountry anglers are

generally the "sensitive" group in that they will report adverse impacts from boaters. Conversely, boaters are generally the "non-sensitive" group since they are generally willing to share (see bullet number 6 on page 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and **Section 3.2.1 Recreation ORV** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*).

Sample Public Comment(s) for PC 48:

#474- The EA at least infers that allowing paddling to co-occur with angling will somehow impact the USFS goal: to "emphasize, protect and enhance optimal, year-round, high quality trout fishing." The USFS offers no data whatsoever that this is the case. It has not been shown that paddling on the Upper Chattooga would impact the angling experience in any way. As the EA points out on page 95, "The [Whittaker and Shelby 2007] report ... suggests that the highest quality fishing and boating generally occur in different parts of the hydrograph (the exception is bait fishing, which remains optimal through higher flows). The best fishing flows are not the best boating flows and vice versa." (Ltr# 193, Cmt# 461)

ORV - Recreation Horseback Riding, Hunting, and Motorized Use

Public Concern 49

The Forest Service should consider the effects to hunting and potential conflicts that could occur with boaters.

Response to PC 49

In **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 3.2.1 Recreation ORV, B.**

Backcountry Social Conditions, 4. Backcountry Social Conditions and Future Recreation Trends, Items a and b note for the purpose of this analysis that hunters who camp are included in with a. Backpackers and hunter who do not camp are included with **b. Day Hiking**. The effects to the different recreation users from the alternatives are considered in **Section IV.**

Environmental Consequences. A social impact analysis is documented in **Appendix F** of the EA that also considers impacts to recreation users. From the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) (also referred to as the integrated report) on page 22, it notes the following on Hunting:

Hunting occurs in the Upper Chattooga corridor during a defined fall season, but use is apparently light and probably occurs along user-created rather than designated trails. Bear, deer, hog, and turkey are available game species, but none are thought to be abundant. Hunters are probably interested in solitude and the availability of game, as well as the remote and scenic setting. They are unlikely to interact with most other users.

Sample Public Comment(s) for PC 49:

The 2005 Appeal Decision ordered a review of the entire "Chattooga River Management Area (Management Area 2 in the Sumter National Forest (LRMP)). The Decision added that the Regional Forester consider "nearby rivers". Therefore the narrow scope of assessment on only the main stem of the Chattooga above Highway 28 does not meet the requirement of the Regional Forester under the Decision Order. As a result, the EA does not adequately address the impact of the various alternatives on the entire Wild and Scenic River corridor, Ellicott Rock Wilderness, the Sumter, Nantahala, and Chattahoochee National Forests, and the regional recreation experience. The narrow scope and segmentation of the project, as described below, present a misleading view of recreation opportunities in the region. The regional reality is that boaters have near universal access to rivers and creeks in the Southeast and nationwide. There are few places other than the Chattooga where anglers, hikers, birders, hunters, swimmers, nature photographers, botanists and solitude-lovers can enjoy a boater-free experience. NEPA requires the Forest Service not only to evaluate obvious, short-term impacts, but also the longer-term

impacts that “when added to other past, present and reasonably foreseeable future actions regardless of what Forest Service (federal or non-federal) or person undertakes such other actions.” Analysis of cumulative effects must be conducted to address impacts likely to occur if boating is allowed on the Upper Chattooga. Namely, the Upper Chattooga will look and “feel” more and more like the lower Chattooga. And it is “reasonably foreseeable” that boating lobbies and commercial boating outfitters and kayak manufacturers will push over time for expanded paddling, both private and commercial, as is amply shown in the recent boating expansions granted on the Lower Chattooga. Such expansions will reduce the regionally available opportunities for solitude, and habitat for rare species located within the river channel or on the banks, for example. The range of recreational experiences will be flattened at both a River and regional scale by allowing more boating on the Chattooga. Providing access to the River for more boating opportunities will increase the road density and increase the likelihood of new erosion and sedimentation. A good example of a casualty of the too-narrow review is hunting. Hunting is a valued recreation in the vicinity of the more isolated Upper Chattooga. Hunting is not compatible with heavy recreational use by other groups for safety concerns and because wildlife may be driven away. Hunting season overlaps with the preferred alternative’s plan for boater access in the Upper Chattooga, and thus the preferred alternative would create a new conflict between user groups. (Ltr# 166, Cmt# 16)

#540- Unfortunately, the Sumter Forest Plan and draft EA do not consider hunting to be an ORV. Therefore, there is no consideration in the EA of the conflicts that could occur between hunters and boaters on the Upper Chattooga if the area were open to boaters. (Ltr# 193, Cmt# 527)

ORV - Scenery

Public Concern 50

The Forest Service should consider the following regarding the Scenery ORV:

- A) The specific scenery experience referenced in the EA is a boat-based experience quoting the 1971 *Designation Study* as describing “easy canoeing water” and states that “The river provides a constantly changing scene,” “Slow water allows the surroundings to be seen and enjoyed, provides relaxation after the last rapids, and gives time to prepare for the next rapids (see pages 223, 224).” In addition, excluded from this quote in the EA is the following sentence: “The twisting and turning adds interest to the river by creating suspense and anticipation of what is ahead.” Thus, the Scenery ORV is defined, at least in part, as the view from a boat moving downstream;**
- B) Prohibiting boating fails to protect and enhance the scenery ORV and thus, violates the Wild and Scenic River Act and Forest Service Manual.**
- C) There is no basis for the assertion that boat marking on rocks could pose a scenery impact;**
- D) There is no evidence for the assertion that additional portage trails are needed;**
- E) There is no evidence that trash will increase with boating; and**
- F) The effects from newly created portage trails as a result of portaging log jams (all comments from 2009 EA comment period).**

Response to PC 50

A) These quotes are from the 1971 *Wild and Scenic River Study Report*, Chattooga River. However, the 1971 *Designation Study* report did not define the ORVs. From **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 1.7 Outstandingly Remarkable Values**, it notes that ORVs are exceptional qualities that merit the rivers' designation as a wild and scenic river. Often,

ORVs are defined when the river is designated. For some rivers, including the Chattooga, rivers were designated without explicit discussion of their ORVs, so this became a post-designation administrative task to be conducted in accordance with revised interagency guidelines published in the Federal Register in 1982 (47 FR 39454). The Scenery ORV is described in the 2004 RLRMP of the Sumter National Forest in **Management Prescription, 2.A. Chattooga Wild and Scenic River Corridor**.

The scenery along the Chattooga River is exceptional. The scenery plays an important part of the Wild and Scenic River experience. The river is deeply entrenched between high ridges for large stretches of its length. Steep forested slopes on either side of the river give a feeling of seclusion. The river constantly meanders and curves, and there are excellent views along these bends. The seasons change the landscape from the varying soft greens of spring and summer to the patchwork of red, yellow, and orange. The winter finds the leaves stripped away and the patches of green from the white pines stand out against the gray brown hillsides and exposed rock formations. The river itself provides a varying scene from a smooth flowing stream to a river with thundering falls and cascades, raging rapids, enormous boulders, and cliff-enclosed deep pools.

B) See Item A above. All alternatives evaluated in detail are consistent with current laws and regulations. **Chapter 3, Section 3.2. 3 Scenery ORV** discloses effects to scenery from the range of alternatives considered in detail. The Decision Notices made a Finding of No Significant Impact (FONSI) relative to current laws and regulations.

C) In **Section 3.2.3 Scenery ORV** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, under the effects discussion on alternative 8 it notes that boating may also introduce another new impact to scenery: boat markings on rocks. Lower water flows expose more rocks and boulders to scraping by boats. The amount of marking and the degree to which it would impact scenery is difficult to predict given new materials being used in the manufacturing of boats and kayaks. These boat marks could impair the aesthetics of the natural appearing landscape. However, it is important to note that boat markings on rocks were considered a minor concern from the *Capacity and Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

D) From the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) (also referred to the integrated report) on page 36, it notes the following on portaging:

Estimated numbers of boaters are highest for the Ellicott Rock reach (because it has the highest quality whitewater for the length of the run), lower for Rock Gorge (fewer rapids and more flat water), and lowest for Chattooga Cliffs (with potentially difficult access and more portages).

From the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) on page 43, it notes the following on portaging:

During the boater panel fieldwork, boaters scouted or portaged 5 to 7 rapids between Norton Mill Creek and Highway 28. At the flows during the fieldwork, boaters did not pioneer new routes, and were able to stay below the ordinary high water mark (where soils and vegetation begin) in all but one location. However, one might assume that regular boating use (if allowed) might develop five user trails that are above high water for scouting or portaging at some of these areas.

From the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) on page 55, it notes the following on the potential for portaging:

Logs prompted 3 to 5 portages (depending upon boater skill levels) during the expert boating reconnaissance (most on the Chattooga Cliffs segment, but also at Big Bend Falls). But more LWM is likely in the future because the Woolly Adelgid epidemic has killed many hemlock trees in the Chattooga basin and this will probably introduce more LWM into the river.

E) In the report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) **Litter on Trails** begins on page 45. From this section, some findings include:

Monitoring was rarely able to determine which types of users were responsible for trash at a site, and this has not been analyzed....Few studies have documented a relationship between use levels and litter. Instead, litter appears to be caused by a small proportion of users and correlated with environmental cues (such as the presence of other litter, general condition of the setting) and the strength of norms within recreating groups (Cialdini et al., 1991; Schwartz, 1973; Heberlein, 1971).

F) In the effects analysis for soils, water and riparian, water quality, vegetation, and biology (subsections on fisheries, wildlife and botany), the potential impacts from portage trails, new access routes, and campsites were discussed by alternative. The Decision includes monitoring and an adaptive management strategy that includes indirect and direct measures to mitigate recreation impacts. Portage trails in the vegetation zone will be designated under all of the boating alternatives (EA **Chapter 2**) when necessary in order to mitigate disturbances to soils and vegetation. The intent is to mitigate biophysical impacts from boating. From the **Section 3.4.1 Soils, F Alternative 8 Direct and Indirect Effects, item b. Effects from Adding Boaters** “Proper location of designated portage trails rather than allowing user-created portage trails would minimize impacts to areas susceptible to soil erosion. The degree of disturbance within the trail tread would depend on the amount of use and maintenance level. Portage trails would have less time to recover from disturbance because of elevated use levels and more persons (up to four) per raft.”

Sample Public Comment(s) for PC 50:

Subconcern # A-E

The EA fails to protect and enhance the Scenery ORV. The EA proposes to totally or nearly totally ban paddling on the upper Chattooga River. The scenery ORV requires that recreationists be present to experience the Scenery. The specific scenery experience referenced in the EA is a boat-based experience. The EA quotes the 1971 Designation Study as describing “easy canoeing water” and states that “The river provides a constantly changing scene,” “Slow water allows the surroundings to be seen and enjoyed, provides relaxation after the last rapids, and gives time to prepare for the next rapids. (see pages 223, 224)” In addition, excluded from this quote in the EA is the following sentence: “The twisting and turning adds interest to the river by creating suspense and anticipation of what is ahead.” Thus, the Scenery ORV is defined at least in part as the view from a boat moving downstream. By banning and limiting paddling the EA fails to protect and enhance the scenery ORV and thus violates the WSRA and FSM. In addition the EA asserts that boat markings on rocks could pose a scenery impact. There is no basis for this assertion – it is pure conjecture – and is arbitrary and capricious. Lastly, the EA states that allowing an “additional means of accessing remote sections of the river, such as those designated as ‘Wild’” would conflict with the scenery ORV by causing new portage and access trails as well as human waste and trash accumulation. This entire concept is arbitrary and capricious. There is no evidence that portage or access trails are needed, in fact there is evidence to the contrary (the boating trails required no such shore access). There is no evidence that human waste and trash would increase with paddling. Paddling is entirely consistent with a Wild designation. Nothing in the EA even considers directly limiting other uses in these remote areas, even though non-paddling uses are anticipated to increase. The EA arbitrarily assesses impacts to paddlers without proof, while ignoring documented impacts by non-paddlers, and then bans paddling while allowing other uses unlimited use. This is arbitrary, capricious, and violates the FSM, Appeal ROD, and WSRA. (Ltr# 168, Cmt# 13)

Subconcern # F

#57- *Because there is no way to predict in advance where these log jams will occur, it is impossible to say where the portage trails “around log jams in the river” will be. It is therefore equally impossible, in advance, to evaluate the deleterious impacts of these portage trails. These impacts would most likely be of significant concern considering the Chattooga’s rugged terrain, i.e. they would likely be on steep, and on highly erodible soils [EA, p.37, par. 3]. The potential for trampling of rare or protected vegetation is also a concern with these portages. (SEE also, EA, p.38, par.1: “trails that are located on slopes in close proximity to the water are of most concern.”) Concurrent with this activity would be the detrimental effects on scenic values--one of the river’s ORV’s. By necessity, all of these portage trails would be from and to the river. (Ltr# 193, Cmt# 51)*

ORV - River Values

Public Concern 51

The Forest Service should consider the following regarding the River Values ORV:

- A) Alternative 12 does not comply with Section 10 of the Wild and Scenic Rivers Act and will therefore degrade the River Values ORV;**
- B) Comparisons should be made between the impacts of any revised policy against current policy to determine if expanded boating would diminish the River Values ORV (all comments from 2009 EA comment period);**
- C) All aspects of this ORV should be protected (all comments from 2009 EA comment period);**
- D) Limits on all uses are necessary to protect the River Values ORVs (all comments from 2009 EA comment period);**
- E) The existing zoning of user groups should be maintained to protect the River Values ORVs (all comments from 2009 EA comment period); and**
- F) Only lifting the ban on boating if the FS can demonstrate how boating will protect and enhance the River Values ORVs (all comments from 2009 EA comment period).**

Response to PC 51

All alternatives evaluated in detail are consistent with current laws and regulations. **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 3.2 Outstandingly Remarkable Values** details the effects of each alternative to the ORVs and **Section 3.3 Other River Values** analyzes impacts to the free-flowing condition and water quality. The alternatives were developed to meet the purpose and need and to respond to key issues, as described in **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. The alternatives display effects from alternatives that continue the current boating prohibition above the Highway 28 bridge to Alternative 8, which has no zone, season, or flow restrictions for boating downstream of the confluence of Green Creek on the main stem. The Decision Notices made a determination relative to current laws and regulations.

Sample Public Comment(s) for PC 51:

Subconcern # A

“Section 10(a) of the WSRA is interpreted as a “nondegradation and enhancement policy for all designated river areas, regardless of classification” (Wild and Scenic River Interagency Guidelines). Existing uses on federal lands may continue where they do not conflict with river protection. Adverse effects to the ORVs, free-flowing condition and water quality on federal and non-federal lands must be identified in management proposals along with mitigation measures to resolve these potential adverse impacts. To achieve a nondegradation standard, the river-administering agency must document baseline resource conditions and monitor changes to these conditions.” (EA, p.14). If alternative 12 is implemented by the

Forest Service, it will surely result in a degradation of the Outstandingly Remarkable Values of the Upper Chattooga River corridor for all the reasons stated above and that do not comply with Section 10 of the Wild and Scenic Rivers Act, since the obvious adverse affects of this alternative have not been adequately addressed in management decision-making. (Ltr# 172, Cmt# 10)

Subconcern # B

#152- The Environmental Assessment needs to compare the impact of any revised policy against current policy. It must determine if expanding paddle-sport would diminish the outstanding and remarkable values and “special attributes” currently available on the Chattooga’s North Fork. (Ltr# 193, Cmt# 145)

Subconcern # C

#334- All aspects of the “Outstanding Remarkable Values” of Wild and Scenic Rivers should be protected on the entire river, not just in some areas. (Ltr# 193, Cmt# 324)

Subconcern # D

#341- Finally, we would like to point out that limits on all uses are necessary to protect the outstandingly remarkable values of the headwaters. (Ltr# 193, Cmt# 331)

Subconcern # E

#362- The existing segmentation (zoning) of user groups should be maintained in order to protect the ORV s for all user groups, some of which are incompatible with boating. (Ltr# 193, Cmt# 352)

Subconcern # F

#392- The ban on boating should only be lifted if the Forest Service is able to demonstrate that boating would “protect and enhance the values” for which the River was designated. (Ltr# 193, Cmt# 380)

ORV - Purpose and Need

Public Concern 52

The Forest Service should reconsider that because some segments of the Chattooga River are classified as recreational it should be noted that a river’s classification does not represent the values for which it was added to the National Wild and Scenic River System and a recreational classification does not imply that the river will be managed for recreational activities.

Response to PC 52

It is true that the recreation designation along the Chattooga WSR is not the same as the Recreation ORV. On page 3-8 of the 2004 Sumter RLRMP, it notes “The river includes sections designated as ‘wild,’ ‘scenic’ and ‘recreational’”. As part of the river management plan in the Sumter RLRMP, there are management prescriptions that have specific direction to ensure that management activities comply with the designation in **Chapter 3** of the 2004 Sumter RLRMP. These 3 management prescriptions are: **2.A.1. Designated Wild River Segments, Chattooga River; 2.A.2. Designated Scenic River Segments, Chattooga River; and 2.A.3. Designated Recreational River Segments, Chattooga River.** The wild, scenic, and recreation designations indicate the amount of development that is allowed in a particular section. All alternatives meet the designations for the Chattooga WSR.

Sample Public Comment(s) for PC 52:

The Forest Service placed too much import on the desire of boaters to access the River, undermining the statutory directive to first protect ORVs. Kayaking is not an ORV: the 1971 WSR Report described boating in the Headwaters as arduous and with frequent portages. Studies were conducted in a small rubber raft because the participants did not feel that the kayaks or canoes of the day were appropriate. The WSR Report concluded that only some sections of the River were ideal for floating. Upon designation, the Forest Service stated of the Chattooga Cliffs and Ellicott Rock areas that “[b]oth of these sections are in a near natural condition. They include some beautiful but hazardous whitewater that should not be floated.” It is not understandable why these very sections of the headwaters should now be opened to unlimited

numbers of boaters, and at all flow levels, between December 1 to March 1 as proposed under Alternative 12. Because some segments of the River are classified as “recreational,” it should be noted that “[a] river’s classification does not represent the values for which it was added to the National System.” For example, a “recreational” river segment does denote a level of in-corridor and water resources development and does not necessarily mean that the recreation resource has been determined to be an ORV. Similarly, a recreational classification does not imply that the river will be managed for recreational activities.” Even the original WSR Report directed that “[r]ecreation use will be regulated on the basis of carrying capacity of the land and water rather than on demand.” It recognized that the major management challenge for the Chattooga would be to maintain the river in the condition that made it worthy of inclusion in the National Wild and Scenic Rivers System while providing for “a safe and satisfying recreation experience.” The Chattooga was never intended to be laid open for any recreational use sans motor that one might contemplate. (Ltr# 166, Cmt# 12)

Public Concern 53

The Forest Service should reconsider that this proposal fails to uphold the congressional mandate to protect and enhance the esthetic features of the Wild and Scenic Chattooga River.

Response to PC 53

From **Chapter 1, Section 1.2 Need for the Proposed Action**, C. Wild and Scenic River Act, it notes that “...16 U.S.C. § 1281(a) Public use and enjoyment of components; protection of features; management plans 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. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

In **Section 1.7 Outstandingly Remarkable Values, item D. Scenery ORV** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*; it notes the scenery in the Chattooga WSR Corridor has remained largely unchanged since the time of designation. The Scenery ORV may be affected by the alternatives and is analyzed in **Chapter 3. From Section 3.2.3 Scenery ORV, I. Summary of Findings**, it notes “All alternatives would continue to protect and enhance the Scenery ORV of the Chattooga Wild and Scenic River.”

Sample Public Comment(s) for PC 53:

Georgia Forest Watch and Wilderness Watch also bring the Forest Service’s attention to another requirement of the Wild and Scenic Rivers Act that “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 that do not substantially interfere with public use and enjoyment of these values. In such administration, primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic [sic] and scientific features.” Nowhere in this clear and concise administration section is there any mention of a primary recreational emphasis. Georgia Forest Watch and Wilderness Watch further contend that the U.S. Forest Service, with its proposal to open some 16.5 miles of the Upper Chattooga to unlimited boating three months of the year, fails to uphold its clear Congressional mandate to protect and enhance the “esthetic features” of the Wild and Scenic Chattooga River. (Ltr# 166, Cmt# 13)

Esthetic features connote the outward form or appearance of something without any modification having been made; a prominent characteristic of something; a distinguishing mark, part, or quality; anything given special prominence. In the context of the Upper Chattooga, esthetic features, at a minimum, include the human sensations of wellbeing and peacefulness and harmony that derive from having freedom of access to observe and sense the river's unique and undisturbed scenic beauty and solitude inherent in its natural state--a state that should be maintained largely free from human social interaction and manipulation. What that means, in fact, is that the Forest Service should be doing its darnedest to not duplicate on the Upper Chattooga what is already occurring on the lower 36 miles of this river, a section dominated by boating, where boaters have displaced most other visitors. For more than 35 years, the Forest Service has held a firm understanding of the need to protect the special "esthetic" on the upper Chattooga from degradation by utilizing spatial zoning of recreational activities and a prohibition on boating above the Russell Bridge at Highway 28. This, we believe, should continue especially since it is required by this section of the WSRA. (Ltr# 166, Cmt# 14)

I am writing to say that the South Carolina Chapter of the Sierra Club, with 5400 members around our state, is strongly opposed to any alternative that would open the Chattooga River's upper headwaters to boating. This part has been closed to boats for more than thirty years and the ban should remain in place. The reason for the ban is because the Upper Chattooga bisects the Ellicott Rock Wilderness, and Rock Gorge. These areas are the premier wild areas left in the eastern United States. They are one of the few refuges for wildlife, the public, and the best back country trout streams in America. Opening the river for boating through the Ellicott Rock Wilderness is inconsistent with the goals of the Wilderness Act. If you were to allow boating through the Rock Gorge section of the river, from the Highway 28 bridge to Burrell's Ford, you would severely damage this area's currently relatively unspoiled nature and potential for future wilderness designation. By opening the area to boaters, you are opening the area to their vehicles which would further overwhelm this fragile ecosystem. The current use is impacting the fragile ecosystem as already reported as "impaired" in your own Forest Service's Reed Creek/Chattooga River Watershed Conditions report. Opening any of this section to boating will make this impaired situation worse. We believe watershed protection is a cornerstone of the Forest Service Land and Resource Management Plan for our National Forests. Opening this area to boating would seem to us to be in conflict with the goals of that plan as well. Whitewater boaters already have access to the majority of swift rapids in the area, including the entire West Fork of the Chattooga, and all of the Chattooga below the Highway 28 bridge. Overflow Creek all the way to North Carolina is also already open to boating. Given the Forest Service's shortage of personnel to police and protect this fragile and important ecosystem we see no way that adding additional users of any type is helpful. The Forest Service's highest priority should be protecting the Upper Chattooga's existing biology, geology, water quality and, especially, the public's opportunity to have solitude, somewhere. (Ltr# 176, Cmt# 1)

Recreation

Public Concern 54

The Forest Service should disclose how the public will access the Green Creek launch point.

Response to PC 54

Some questions have arisen regarding the designation of the Green Creek put-in. In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, Table 3.1-6 lists past, present and reasonably foreseeable future actions on national forest lands. The Green Creek put-in and associated trails are listed as a reasonably foreseeable future action. This foreseeable future action includes providing access from the Chattooga River trail down to the Chattooga Wild and Scenic River (WSR). There are no plans to provide roaded access down to the Green Creek put-in. The access will be walk-in only, likely along an existing travel way (old logging road). While the Green Creek put-in would probably be located slightly down stream of the confluence of the Chattooga WSR with Green Creek, the exact location would need a site-specific analysis and separate decision. Forest Service

employees have reviewed the area and determined that access down to the Chattooga WSR is feasible. See the Francis Marion and Sumter website (<http://fs.usda.gov/goto/scnfs/upperchattooga>) for an approximate location of the proposed access and Green Creek put-in.

Sample Public Comment(s) for PC 54:

Could one of you inform as to how the public would access the Green Creek put-in spot proposed in the latest EA for the Upper Chattooga boating issue? Is there a public road all the way to the river in that location, or would the boats have to be portaged in? (Ltr# 26, Cmt# 1)

Public Concern 55

The Forest Service should consider the following regarding the Chattooga Cliffs backcountry reach:

- A) Rational used to dismiss boating impact to anglers within this reach contradicts facts and violates the CEQ 1506.5 standards for objectivity;**
- B) No comprehensive study of the biologically rich spray cliffs and other suitable habitats for rare species has been conducted;**
- C) The existing spray cliff study conducted by Pittillo and Zartman was not properly analyzed; and**
- D) There is no basis for prohibiting boating in this area (all comments from 2009 EA comment period).**

Response to PC 55

A) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* **Chapter 3** for a discussion of the **Affected Environment and Environmental Consequences** of the various alternatives considered in the analysis. In particular, refer to the following sections in **Chapter 3**: the Recreation ORV, Biology ORV, Water Quality, Soils, and Water and Riparian Corridor.

B) Within the Chattooga Cliffs reach a botanical survey was completed concentrating on nonvascular species in 2007. Previous botanical surveys have been conducted in different portions of the Chattooga Cliffs reach during the preceding 10-15 years concentrating on various bryophytes, *Lysimachia fraseri*, *Carex manhartii*, and *Peltigera (=Hydrothyria) venosa*. There are no spray cliffs within the Wild and Scenic portion of the Chattooga Cliffs Reach. However there are rock outcrop, grotto and seep communities. These later two communities were surveyed in 2007 since they were visible and/or accessible from the main stem of the Chattooga River. Within this reach of the river corridor nineteen rare plant species were located during the 2007 survey or within the previous 2 years prior to the survey. Fourteen of these species were identified near the river. These include one aquatic lichen, 4 mosses, 8 liverworts, and 1 fern species.

C) The Spray Cliff study conducted in 1995 by Zartman and Pittillo included 21 sites in the upper portions of the watershed and 16 sites in the lower portions of the watershed. Most of the sites, in particular the named spray cliffs, are neither adjacent to the main stem of the Chattooga River nor visible. Thus the likelihood of increasing visitation to these sites from boating recreationists is very low. Two sites identified within the Chattooga Cliffs reach area with the Zartman study includes Ammons Branch grotto and Cane Creek grotto. Both sites were surveyed in 2007. One tracked rare plant species, *Huperzia porophila*, was relocated as was one tracked watch list species, *Heuchera parviflora*. Both *Huperzia porophila* and *Heuchera parviflora* occur in the Cane Creek grotto, but should be unimpacted by the proposed project since it is 0.3 mile from the main stem of the Chattooga River. Two watch list species were previously documented by Zartman at the Ammons Branch grotto, adjacent to the main stem of the river downstream of

Bullpen Bridge. Both of these species are still present at this site; however the NC Natural Heritage Program no longer considers either rare enough to track on their watch list. It is anticipated this grotto will not receive additional visitation other than existing recreationists since it is less visible on the water when boating compared to looking down from Bull Pen Bridge.

D) Alternatives were developed that considered boating in the Chattooga Cliffs Reach (*Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River, Chapter 2*). Boating in the tributaries was considered, but not fully developed (refer to **Chapter 1, Section 1.7 Other Issues item F** and **Chapter 2, Section 2.4 Alternatives Considered But Not Evaluated In Detail**). The issue of navigability and the rights of the public with respect to the private property section has not been adjudicated by a court of law. No federal or state agency or authority has officially determined or specifically opined as to whether this section of the river is navigable and thus subject to general public use without permission. According to FSM 2354.14 - Navigability of Rivers, “Most rivers in the country have not been adjudicated as navigable or non-navigable. Consider them non-navigable until adjudicated otherwise.” The North Carolina Attorney General appears to be the proper state authority to provide an opinion regarding navigability of the river pursuant to state law. Ultimately, however, the authority to determine navigability resides exclusively with the federal and state courts. North Carolina law provides that a river that can be navigated for “pleasure boating” in its natural condition is navigable-in-fact and therefore navigable-in-law. Such waters are subject to the public trust doctrine, which authorizes the public to use the waters for recreational purposes such as swimming and fishing.

Sample Public Comment(s) for PC 55:

Subconcern # A

The agency has failed to explain why its “proposed alternative runs counter to the evidence collected by and before the agency. The USFS admits the remote Chattooga Cliffs is the most ecologically sensitive area, and that this area is only accessible by boat. Yet the preferred alternative would allow unlimited quantities of boating to access to this area. (Ltr# 92, Cmt# 8)

Subconcern # A

The logic used to dismiss paddler impacts to anglers within the Chattooga Cliffs is erroneous, contradicts the collected facts and violates the CEQ standards for objectivity. [CEQ 1506.5]. (Ltr# 92, Cmt# 17)

Subconcern # B C

No comprehensive study of the biologically rich spray cliffs and other suitable habitats for rare species has been conducted in the Chattooga Cliffs Reach. Further, the Forest Service failed to properly analyze the one, existing spray cliff study conducted by Pittillo and Zartman, in stating that no spray cliffs were found in the Chattooga River Corridor when, in fact, the first example in the Pittillo-Zartman study was for Ammons Branch at Bull Pen Bridge. The Pittillo-Zartman study did not explore the Chattooga Cliffs Reach; where many rare plants are likely exist in spray zone habitat that is plentiful (EA, p. 209). In addition, of particular interest is a statement on p. 213 of the EA that states, “Spray Cliff Communities are not impacted because they are not located within the WSR Corridor.” This statement is false, and indicative of the Forest Service’s fragmented and compartmentalized approach, leading to a flawed and insufficient EA for the Upper Chattooga River. Alternative 12 as related to allowing unrestricted boating in the most remote and biologically sensitive reach of the Upper Chattooga is a recipe for disaster. The outstanding biological values of the Chattooga Cliffs Reach are immeasurable. This 4-mile section of the Upper Chattooga should be zoned for no boating, since this use would in all likelihood do irreparable harm to the outstandingly remarkable biological values of the Chattooga Cliffs Reach. (Ltr# 172, Cmt# 4)

Subconcern # D

#267- There is also no basis whatsoever for excluding bans on the Chattooga Cliffs reach or the tributaries. There was no study of the tributaries whatsoever. (Ltr# 193, Cmt# 258)

Subconcern # D

#491- The EA offers no basis or discussion of the upper half of the Chattooga Cliffs Reach and thus does not consider a full range of alternatives or meet the mandate of the ROD. Banning paddling on this reach is without a legal or rational basis and is a significant federal action limiting the public's legal rights. The USFS has neither conducted a user capacity analysis nor even collected any recreational information on the upper half of the Chattooga Cliffs reach on which to base a decision. This decision also violates NEPA because no alternatives to the action were analyzed. (Ltr# 193, Cmt# 478)

Public Concern 56

The Forest Service should consider the following regarding the Ellicott Rock backcountry reach:

- A) Boating should be prohibited in this area and is in violation of the Wilderness Act;**
- B) Boating will produce more campsites, trash, and fire hazards in the wilderness (all comments from 2009 EA comment period); and**
- C) ORVs in this area should be protected by limiting access to a maximum of 6-8 individuals per group on trails and/or in designated campsites, and four anglers per group, and boating should be restricted on those portions where it is taxing the resource capacity (all comments from 2009 EA comment period).**

Response to PC 56

A) **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* describes the range of alternatives developed for managing the upper segment of the Chattooga WSR from continuing the boating prohibition above Highway 28 to allowing boating opportunities in some river reaches. **Chapter 3** of the EA describes the Affected Environment and the Environmental Consequences of all the alternatives from the perspective of their impacts to the Recreation ORV, Biology ORV, Water Quality, Soils, Water, Riparian, Wilderness resources, etc., just to name a few. Allowing boating in the Ellicott Rock Wilderness per se is not a violation of the Wilderness Act. Boating is a conforming use in wilderness areas.

B) This is not expected to be the case (see the 5th bullet on page 49 and the last bullet on page 57 of *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007)). Also refer to the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3, Section 3.2.1 Recreation ORV**. In public comments boaters have shown relatively little interest in multi-day trips on the river. Most whitewater boaters in the Southeast appear to focus on day trips, and the challenging rapids of the upper segment of the Chattooga WSR are easier to negotiate in boats that do not carry camping gear and food.

C) A reasonable range of alternatives (not all possible) have been evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and are responsive to the key issues and meet the purpose and need in **Chapter 1**.

Sample Public Comment(s) for PC 56:

Subconcern # A

I oppose boating on any part of the Chattooga River above the Russell Bridge in SC. There are only 16 miles of the River above the Russell Bridge in SC. This is the only area in SC to enjoy a near wilderness experience. You will put boats through the Ellicott Wilderness area and the rest of the area to the south. The experience hikers and backpackers have will thereby be degraded. The boaters have the River below the Russell Bridge and they boat on the West Fork Chattooga and its tributaries. If you give into them this time they will eventually get access to the entire area anytime they want. Boaters should not be allowed

along the 16 mile section from the Russell Bridge to Ellicott Rock. That part of the River should be for foot traffic only, hikers and fishermen. (Ltr# 49, Cmt# 1)

Subconcern # A

I'm writing to strongly urge you not to allow boating upstream of the Rte. 28 bridge on the Chattooga River. The headwaters of the Chattooga are surrounded by the Ellicott Rock Wilderness, an area I've hiked in on more than one occasion. Although I enjoy whitewater canoeing myself, I believe that allowing boating in this sensitive area would be a clear violation of the 1964 Wilderness Act and would result in harmful and excessive human impacts in a place that deserves to be protected in its' current wild state (Ltr# 57, Cmt# 1)

Subconcern # B

#261- Having boaters on the upper Chattooga will lead to more makeshift campsites and campfires in Ellicott Rock Wilderness Area, which will mean both more trash and increased fire hazards. This will lead to environmental degradation. (Ltr# 193, Cmt# 252)

Subconcern # C

#373- To ensure that ORVs are protected, Georgia Forest Watch suggests limiting access to the Chattooga Corridor within the Ellicott Rock Wilderness to a maximum of 6-8 individuals per group on trails; 6-8 individuals in designated campsites;" and four anglers per group (whether back-country trout fishermen or front-country anglers). Boating should be restricted on those portions of the River where it is taxing resource capacity. (Ltr# 193, Cmt# 362)

Public Concern 57

The Forest Service should consider the following regarding the Rock Gorge and Upper Nicholson Fields backcountry reach:

- A) Prohibiting boating in this section will provide for solitude and a good backcountry experience (all comments from 2009 EA comment period); and**
- B) There is no rationale for prohibiting boating on this reach, especially when some use is permitted in the similar Ellicott Rock reach (all comments from 2009 EA comment period).**

Response to PC 57

A) The US Forest Service has recognized the importance of providing a boat-free fishing experience by including alternatives that provide a "boat-free" experience. In the 1971 *Wild and Scenic River Study Report*, Chattooga River (referred to as the *Designation Study* report) it states that, "Opportunities for compatible recreation uses featuring floating, hiking, primitive camping, fishing, and hunting are outstanding." Also, that "Maintaining the quality of these recreation experiences should command priority over meeting public demands" (page 167). The 1976 Development Plan - Chattooga Wild and Scenic River, published in the Federal Register on March 22, 1976, states that the area upstream of Highway 28 is "the source of some of the best trout fishing in both South Carolina and Georgia (page 11852), and it recognized that "Conflicts have developed on certain sections of the river where floaters and fisherman use the same waters" (page 11849).

B) Several alternatives considered boating in the Rock Gorge and Upper Nicholson Fields Reaches and effects of these alternatives are disclosed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

Sample Public Comment(s) for PC 57:

Subconcern # A

#71- Keeping boating out of the Rock Gorge and the delayed harvest is excellent zoning and will provide for good solitude and a good backcountry experience. (Ltr# 193, Cmt# 65)

Subconcern # B

#468- The EA offers no rationale for banning boating on this reach at all flows at all times of year. The fact that a miniscule amount of use was found acceptable on the admittedly similar Ellicott Rock reach but not on the Rock Gorge reach exhibits the inconsistency of the EA. (Ltr# 193, Cmt# 455)

Public Concern 58

The Forest Service should consider the following regarding boating access to the Chattooga River:

- A) Disclose the specific put-in and take-out locations;**
- B) Road repairs due to roadside parking after heavy rains will be costly to taxpayers and will produce sediment in the river violating the Clean Waters Act and other federal and state laws and should not be considered in available capacity;**
- C) The Chattooga River provides interim opportunities for motorized boating during times of higher flows, which would naturally limit this activity;**
- D) No new infrastructure is needed if all boats were allowed equal access; the boat ramp and parking facilities located on Section II and at Tugaloo Lake already provides the necessary infrastructure to accommodate launching boats;**
- E) Consideration should be given to all resources that could be effected from boaters accessing the river after and/or during heavy rains;**
- F) Access to Green Creek would degrade the wilderness character of this area;**
- G) Access should only be restricted with adequate evidence of the need for such restrictions (all comments from 2009 EA comment period);**
- H) The public should have the right to boat regardless of who owns the land along the river (all comments from 2009 EA comment period);**
- I) Consideration should be given to all resources that could be effected from boaters accessing the river in diverse ways that could cause sedimentation and effect vegetation (all comments from 2009 EA comment period); and**
- J) Access should remain by foot only and on numbered Forest Service trails as is consistent with the original Wild and Scenic River plan (all comments from 2009 EA comment period).**

Response to PC 58

A) As documented in the DN/FONSI specific boater put-ins and take-outs will be designated after site-specific NEPA analysis. In the interim, boaters will start or complete their trip only at existing access points at the following locations:

- a) Within one-quarter mile downstream of the Green Creek confluence;
- b) Within 500 feet of the Norton Mill Creek confluence;
- c) Within one-quarter mile of Bullpen Bridge;
- d) Within one-quarter mile of Burrells Ford Bridge; and
- e) Within one-quarter mile downstream of the Lick Log Creek confluence.

B) Closing roadside parking within 1/4 mile of Burrells Ford has been dropped from the alternatives, except Alternative 2, based on the concerns for public safety. In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 3.1.2 Soils**, under **Existing Impacts to the Environment**, it discusses that parking areas are located close to the river and provide a means for soil to be carried directly to the river

as sediment. Routine road maintenance would be continued regardless of the alternative that is selected and would help control erosion and sedimentation from roadside parking.

C) Motorized boating is outside the scope of this decision and not part of the appeal decision on the Sumter RLRMP (2004). The March 22, 1976 Federal Register also stated that motorized use is not appropriate, as does the Sumter LRMP. Wilderness designation for the Ellicott Rock Wilderness also precludes motorized use.

D) Motorized boating is outside the scope of this decision and not part of the appeal decision on the Sumter RLRMP (2004). The March 22, 1976 Federal Register also stated that motorized use is not appropriate, as does the Sumter RLRMP. Wilderness designation for the Ellicott Rock Wilderness also precludes motorized use.

E) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3**, the sections on Soils and Water Quality for a discussion of impacts from boaters accessing the river. Impacts to soils vary during the seasons. During the winter season, soils are usually moist for a longer duration and are subject to freeze/thaw processes than at other times during the year. These conditions make soils more sensitive to compaction and displacement. Soils that are finer in texture such as the silts and clays are more compacted than the sandy soils. An increase in the number of users, combined with more frequent use, increases soil compaction and displacement on the trail tread during the winter. Erosion and sediment would also increase from exposed soils during the winter due to an increase of rainfall and runoff.

From **Section 3.4.1 Soils, III Existing Impacts to the Environment, B Seasons**, is a discussion on soil moisture and some of the findings include that during the spring, soil moisture begins to decrease when plants start to absorb water from the soil. Spring can be a time of intense precipitation and runoff can cause erosion and sediment to occur in areas with bare soil. These intense precipitation events can lead to high soil moisture which can cause soils to compact and displace more easily. Periods of high soil moisture content during the spring are not as long as the winter period. In the summer, soil moisture is usually low but localized thunderstorms create some intense rain events which can cause bare soil areas to erode. Overall, soils are more impacted during the summer months because this is the season with the most recreation use. The fall months are generally the driest months of the year and soils are generally impacted the least during this period than any other time of year. Leaf fall occurs this time of year which decreases rainfall impact and erosion by covering bare soil with a litter layer. The litter layer maybe removed from the soil surface in high use areas or areas on steep slopes after a heavy rain event. Effects to soils are minimized the longer the litter layer stays on bare soil areas.

In **Section 3.4.1 Soils, IV. Environmental Consequences, A. All Alternatives-Direct and Indirect Effects, 1. Season** there is a discussion on the effects of closing unsustainable campsites and trails and the recovery of vegetation in critical riparian areas and along the riverbank. Closing unsustainable campsites and trails would reduce current recreational impacts that are causing soil erosion and compaction. Over all, recreation use during the different seasons would cause minimal soil disturbance.

In **Section 3.4.1 Soils, IV. Environmental Consequences, F. Alternative 8- Direct and Indirect Effects, 1. All Reaches, b. Effects from Adding Boaters**, there is a discussion on the proper location of designated portage trails. Designated portage trail rather than allowing user-created portage trails would minimize impacts to areas susceptible to soil erosion. The degree of disturbance within the trail tread would depend on the amount of use and maintenance level. Portage trails would have less time to recover from disturbance because of elevated use levels and more persons (up to four) per raft.

In **Section 3.4.1 Soils, IV. Environmental Consequences, F. Alternative 11- Direct and Indirect Effects, 3. Season, b. Effects from Adding Boaters**, there is additional discussion on soil moisture. The write-up notes that recreational boating use levels would increase during the winter and spring seasons when soil moisture is normally at its highest. However, overall use levels are low during this time of year therefore, soil impacts would be minimal. The required flows for boating do not occur very often during the summer and fall seasons. Therefore, if any portage trails were created, they should recover during periods of no boating activity. Over all, recreation use during the different seasons would cause minimal soil disturbance.

In **Section 3.4.1 Soils, IV. Environmental Consequences, F. Alternative 12- Direct and Indirect Effects, 3. Season, b. Effects from Adding Boaters (winter)**, there is additional discussion on soil moisture. The write-up notes that recreational boating use levels would increase during the winter and spring seasons when soil moisture is normally at its highest. However, overall use levels are low during this time of year therefore, soil impacts would be minimal. Restricting boating use to only the winter season allows for the portage trails to have a recovery period. Disturbed areas would likely revegetate during the spring, summer, and fall seasons, which would reduce erosion potential. Compacted areas would not recover as rapidly.

In **Section 3.4.1 Soils, IV. Environmental Consequences, F. Alternative 13- Direct and Indirect Effects, 3. Season, b. Effects from Adding Boaters (winter)**, Recreational boating use levels would increase during the winter and spring seasons when soil moisture is normally at its highest. Allowing boating on the upper segment of the Chattooga WSR only during the winter would allow the portage trails to have a recovery period. Disturbed areas would likely revegetate during the spring, summer and fall, which would reduce erosion potential. Compacted areas would not recover as rapidly.

F) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3**, the sections on the recreation ORV, soils, and water quality for a discussion of the impacts from boating. In addition, constructing a trail to access Green Creek would be done under a site specific analysis (including additional public involvement) to mitigate impacts to the social and natural environment.

G) We do know broad information about how things work in the upper segment of the Chattooga WSR corridor and we know the general use patterns. The assumptions in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* about use and encounters may well prove to be higher or lower in practice. However, this information will be fine-tuned through monitoring and adaptive management during implementation. The upper segment of the Chattooga WSR was open to boating prior to the 1976 River Management Plan. Implementation of the upcoming Chattooga decision will be accompanied by monitoring, including use and encounters. If and when discrepancies are found through monitoring, there will be an adaptive management strategy used to address problems and changes. Additionally, boater-angler encounters can be "asymmetrical" (i.e.: adversely affecting anglers more than the boaters) and hence the potential need for greater restrictions/separation for the boater user group. Backcountry anglers are generally the "sensitive" group in that they will report adverse impacts from boaters, but conversely boaters are generally the "non-sensitive" group since they are generally willing to share (see bullet number 6 on page 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 3.2.1 Recreation ORV**).

H) The federal government has no power to regulate or zone private lands under the Act; however, administering agencies may highlight the need for amendment to local zoning (where state and local zoning occurs). People living within a river corridor will be able to use their

property as they had before designation. (Source: Interagency Wild & Scenic Rivers Council) Wild and Scenic River designation does not change land ownership or grant new privileges to the public on private lands. If the riverbanks are in private ownership, the landowner continues to control their use after designation. Ownership of the bed and bank of a river may be affected by whether the river is determined navigable. However, the Wild and Scenic Rivers Act confers no additional regulatory authority to the river-administering agency beyond its existing authorities. Nor does the Act affect a determination of title to the river's bed and its banks or allow recreationists to trespass on private property.

The issue of navigability and the rights of the public with respect to this section has not been adjudicated by a court of law. No federal or state agency or authority has officially determined or specifically opined as to whether this section of the river is navigable and thus subject to general public use without permission.¹ According to FSM 2354.14 - Navigability of Rivers, "Most rivers in the country have not been adjudicated as navigable or non-navigable. Consider them non-navigable until adjudicated otherwise."

The North Carolina Attorney General appears to be the proper state authority to provide an opinion regarding navigability of the river pursuant to state law. Ultimately, however, the authority to determine navigability resides exclusively with the federal and state courts. North Carolina law provides that a river that can be navigated for "pleasure boating" in its natural condition is navigable-in-fact and therefore navigable-in-law. Such waters are subject to the public trust doctrine, which authorizes the public to use the waters for recreational purposes such as swimming and fishing.

I) Trails located along the river provide access. Portage trails and put-ins/take-outs in the vegetation zone would be designated under all of the boating alternatives (EA **Chapter 2**) when necessary in order to mitigate disturbances to soils and vegetation. The intent is to mitigate biophysical impacts from boating. Effects of portage trails on soils are disclosed in the soils section in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

J) All proposed alternatives in the EA are consistent with the Wild and Scenic Rivers Act. The intent is to protect and enhance the Chattooga River's outstandingly remarkable values (ORVs) by having designated (numbered) trails only. Previous management actions in the corridor have already closed roads that were causing substantial erosion and sedimentation.

Sample Public Comment(s) for PC 58:

Subconcern # A

Also, there is no mention of where boats can be put in or taken out. Be specific. (Ltr# 39, Cmt# 3)

Subconcern # A

#391- It is unclear from the Draft EA how boaters are expected to access put-ins and take-outs. Will this be by foot or motorized vehicle, or some combination of the two? Where will this County Line Road Trail parking lot be? Will it really be one acre in size? How far might boaters drag kayaks through the Forest? The Draft EA is not clear on these issues. It is most crucial that the impact of these roads and parking areas on the Chattooga sedimentation be discussed. Anticipated use and any re-design of County Line Road Trail (and any other trail or road substantially impacted by any of the alternatives) and any associated parking lot should have been discussed, particularly with regard to the impact of the trail/road itself on sedimentation, and also with regard to the traffic patterns any change in use or re-design may cause. (Ltr# 193, Cmt# 379)

Subconcern # B

The current EA acknowledges that roadside parking after heavy rains (when boaters will use the river) will likely lead to road bank failures and costly repairs. This will not only be costly to the taxpayers of Jackson County, NC, but will also produce sediment (pollution) into the river in direct violation of the Clean Waters

Act, the WSR act, and NC state water laws protecting ORW waters. Environmentally damaging parking cannot be considered available capacity. (Ltr# 92, Cmt# 34)

Subconcern # C

The Chattooga Wild and Scenic River was designated to protect and enhance opportunities for public recreation. Mistakenly, the 1976 Chattooga Development Plan published that “motorized use is impractical because of the shallow water and rocks.” (id FR 11849). Justified by faulted logic, the USFS banned access of motorized craft to any section of the Chattooga River in 1977. Similar to the complaints from American Whitewater, this 35 year-old statement is inaccurate. The Chattooga has always provided interim opportunities for motorized boating during times of higher flows, this natural flow regime would also limit motorized boating to those brief times that flows were high enough to accommodate motorized boating. Because of these natural limits, motorized boating use will be minimal. (Ltr# 126, Cmt# 1)

Subconcern # D

No new infrastructure is needed if all boats were allowed equal access. The boat ramp and parking facilities located on Section II and at Tugaloo Lake, already provide the necessary infrastructure to accommodate launching boats onto the Chattooga. These are public boat ramps that were built to accommodate boating for citizens using taxpayer dollars, restricting access to only groups suing the Forest Service would be arbitrary and capricious. (Ltr# 126, Cmt# 4)

Subconcern # E

How does the USFS plan to deal with the impact to this highly sensitive ecosystem of boaters accessing the river after heavy rains? No consideration is given in the EA to resource impacts after heavy rains. The Chattooga River above the Steel Bridge is one of the most fragile ecosystems in the entire Appalachians. Indeed, some of the trails that run through this terrain are home to rare and exotic plant species that are particularly susceptible to uprooting when displaced by foot traffic after heavy precipitation. Because this section of the Chattooga is unnavigable in low water and has extremely steep ledges and drops in high water, boaters will only attempt trips after heavy rains. Not only will this action result in likely rescue missions, but all activity will take place when the roads and trails are most easily eroded. The EA claims that use of these roads is the primary source of sediment into the river, while simultaneously increasing use of the roads at the time when sediment run-off is most likely. Furthermore, the Forest Service handbook recommends unpaved roads be closed while susceptible to erosion, while the proposed policy expands access during these time the roads are most likely to erode into the stream. Unlike hikers who park once, boating requires shuttling between access points, often doubling and tripling road and trail use per visitor. How can the Forest Service reconcile such contradictory policy? (Ltr# 136, Cmt# 2)

Subconcern # F

Boating is a different activity by orders of magnitude. Whereas hikers and anglers, who can move quickly with their minimal gear, or campers who are relatively stationary, can move to designated trails with relative ease, boaters have a lot of gear, and won't be able to access egress points when the necessity comes on them such as in quickly rising waters. With the closing of user-designated trails, this only gets more complicated. The agency's preferred proposal to initiate boating at or just below the confluence of the Upper Chattooga and Green Creek is fraught with problems, and likely would forever destroy the wildness of that area. (Ltr# 141, Cmt# 4)

Subconcern # G

#182- You acknowledge that USFS has not fulfilled its duty to assess conditions in the area, but you then turn the presumption of access on its head by claiming that boaters cannot be allowed on this section until an environmental assessment has been done. The ROD requires the opposite presumption. You must ALLOW access in these circumstances, and may restrict access “only with adequate evidence of the need for such restrictions.” ROD at 6. (Ltr# 193, Cmt# 174)

Subconcern # H

#202- public should have the right to float on public Wild and Scenic Rivers regardless of who owns the land along the river (Ltr# 193, Cmt# 194)

Subconcern # H

#331- Floating on waterways that are National Wild and Scenic Rivers should not be prohibited regardless of who the landowners are along the river. (Ltr# 193, Cmt# 321)

Subconcern # I

#311- Some boaters get a thrill out of getting into their boat and sliding down the bank into the river. This creates areas that funnel water and promotes erosion of the river bank and concentrates drainage from the surrounding river bank. It also kills all vegetation where the boats slide down. (Ltr# 193, Cmt# 301)

Subconcern # I

#312- Dragging boats up and down the bank is as destructive as cattle drinking in the river. (Ltr# 193, Cmt# 302)

Subconcern # J

#385- Access to the Chattooga River Corridor should remain by foot only and only on numbered Forest Service trails. This is consistent with the original Wild and Scenic River plan for the Upper Chattooga which says that "[t]here will be no construction of new roads. All existing roads will be closed and stabilized at the corridor boundary" for wild areas (Ltr# 193, Cmt# 373)

Public Concern 59

The Forest Service should not permit commercial boating on the Upper Chattooga River.

Response to PC 59

Commercial boating is not considered in any of the alternatives. See EA **Chapter 2**.

Sample Public Comment(s) for PC 59:

Please help us preserve the Upper Chattooga River at South Carolina and Georgia. We all enjoy this river and want to keep it as wild as possible to help protect wildlife and the environment. I hear that another 8+ miles of river may be opened up to public/commercial use. Please do not allow this. (Ltr# 15, Cmt# 1)

Feel free to ban commercial rafting. (Ltr# 85, Cmt# 2)

To further buttress this point, if solitude seeking were a fundamental and irreplaceable concern of the whitewater running experience among the overall user group, why doesn't the American Whitewater Association's lawsuit demand more restrictive commercial permitting on the lower Wild and Scenic Chattooga to eliminate the excessive number of folks (40,000 to 70,000 per year) using the river? This would reduce the number of unacceptable interpersonal encounters that degrades the sense of solitude on the lower Wild and Scenic Chattooga. Why not prohibit all commercial whitewater rafting on the lower Chattooga in order to restore the balance of solitude that the self-guided kayakers assert that they need from the upper Chattooga? (Ltr# 171, Cmt# 7)

Do not degrade this outstanding resource by allowing commercial activity of any kind. (Ltr# 189, Cmt# 3)

Public Concern 60

The Forest Service should not permit local outfitters to rent boats for use on the Upper Chattooga River (comment from 2009 EA comment period).

Response to PC 60

The prohibition of commercial boating is continued in all alternatives. However, activities on private land are outside the scope of this analysis.

Sample Public Comment(s) for PC 60:

#583- To further protect the resources, add the stipulation that local outfitters should not be allowed to rent boats (inflatable or hard boats) for use on the upper Chattooga. (Ltr# 193, Cmt# 570)

Public Concern 61

The Forest Service should reconsider that the 2011 EA attributes significant use to scenic boating and boat-based angling when no such use has occurred historically, and including this type of use only in Alternative 8 arbitrarily and capriciously clouds the real effects of that alternative and therefore, fails to analyze a reasonable alternative suggested by the public and violates NEPA.

Response to PC 61

See the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) (also referred to as the integrated report) pages 23-24, 37, 40, 79, 81-82, and 96 for a discussion of scenic boaters.

Sample Public Comment(s) for PC 61:

The EA attributes boating use to a group that does not exist, scenic boating. The EA attributes significant use to "scenic boating" and "boat-based angling." These uses are figments of the USFS imagination. No such boaters filed comments requesting access to these reaches. No such use has occurred historically. Including this use only in Alternative 8 arbitrarily and capriciously clouds the real effects of that alternative. Paddlers for a decade have requested an alternative that addresses use beginning and ending only at the bridges, and only in whitewater craft. By ignoring this proposal the USFS is failing to analyze a reasonable alternative put forward by the public. This violates NEPA, and is clearly arbitrary and capricious attempt to exclude Alternative 8. (Ltr# 168, Cmt# 36)

Public Concern 62

The Forest Service should consider the following regarding whitewater boating on the Chattooga River:

- A) Disclose the assessment that is associated with restricting whitewater boating when no restrictions on boating exist in North Carolina;**
- B) Prohibiting dragging boats;**
- C) No construction of additional trails to create new access points; no boating above Highway 28 unless the Highway 76 USGS gauge is greater than or equal to 3.0 feet at some point on the day that the boating takes places; boating parties should be kept to six people or less; no inflatable crafts that are designed to hold more than 2 people; and no more than 50 boaters should be allowed per day, which could be enforced by having a sign-in log in addition to the permit so that other potential boaters would know when the limit has been reached;**
- D) Unauthorized boating will increase and promote an enforcement challenge and threat to resources;**
- E) Boaters may choose to repeatedly run certain spots, which would further elevate the potential for undesirable encounters and displacement;**
- F) The appeal decision did not limit the analysis to non-motorized boats, therefore the Forest Service needs to explain this decision (all comments from 2009 EA comment period);**
- G) Boating should be permitted as it is an important form of recreation (all comments from 2009 EA comment period);**
- H) Skill levels will limit the number of boaters (all comments from 2009 EA comment period);**
- I) The commercial use of the lower segment of the Chattooga WSR should not be used to justify resource degradation (all comments from 2009 EA comment period);**
- J) A study was not conducted to assess the effects of boating to support prohibiting this activity (all comments from 2009 EA comment period);**

- K) Large amounts of boating are permitted elsewhere during boatable periods, therefore there is no deficiency in boating opportunities (all comments from 2009 EA comment period);**
- L) Include an inventory of all whitewater boating on or nearby the Chattooga watershed (all comments from 2009 EA comment period); and**
- M) Degradation to shoreline and streambed structure from boaters (all comments from 2009 EA comment period).**

Response to PC 62

A) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3** for an analysis of the impacts associated with allowing boating.

B) While this usage may occur if boating is allowed, it is doubtful this activity will be widespread. People generally carry their boats due to the steep terrain and vegetation, such as rhododendron thickets.

C) A range of alternatives were developed and are described in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. Their impacts are analyzed and discussed in **Chapter 3**. In addition, any new construction of trails or access points would be done under a site specific analysis (including additional public involvement) in order to mitigate impacts to the social and natural environment.

D) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3** for an analysis of the impacts associated with allowing boating. Unauthorized boating use will not be permitted.

E) Easily accessible rapids (especially those close to roads) on some rivers have become popular “locational play-boating” or “park and surf” boating areas where boaters repeatedly run the same rapid. If non-boaters such as swimmers or anglers also used those sites, the potential for undesirable encounters and displacement would increase. However, the four reaches of the upper segment of the Chattooga WSR do not appear to offer notable play-boating opportunities. Although there are two substantial rapids at road accessible locations (Sliding Rock near Grimshawes Bridge and the rapid at Bull Pen Bridge), neither was identified by the panel as a suitable for play-boating. Based on January 2007 boater panel discussions, primary characterizations of all the upper segment of the Chattooga WSR boating opportunities included “an exploratory creek run, with unique slot canyon” (Chattooga Cliffs), or a “high gradient creek run” with Class 4 read-and-run rapids (Ellicott Rock), or a “medium difficulty creek run” (Rock Gorge). None mention playboating possibilities. Most panel boaters also used (and recommended future boaters use) “creek boats” on the Chattooga rather than play-boats, recognizing the most common character of the rapids.

F) From the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), sub-section **Guiding legislation or other agency mandates, Wild & Scenic Rivers Act**, on page 8, it notes the following on motorized boat use on the Chattooga WSR:

WSR designation does not necessarily restrict any particular type of use in a corridor, including motorized boats, jet skis, hovercraft, or wheeled vehicles. However, such uses must be consistent with the desired conditions and experiences to be offered in a corridor, which link to OR values. In general, types of use and access routes within river corridors at the time of designation receive “grandfather rights” (continued use). However, if an access route or type of use adversely impacts an OR value, it may be closed or regulated. These issues are addressed through management planning that considers “factors such as impacts

(positive or negative) on river values, user demand for such motorized recreation, health and safety to users, and acceptability with desired experiences and other values for which the river was designated.” (IWSRCC, 2002, pp. 4-6; IWSRCC, 2006 p. 49-50).

The 1971 *Designation Study* report did not list motorized boating as a compatible boating use. From the 1971 *Wild and Scenic River Study Report*, Chattooga River, Page 22 “Motorized boat use is impractical because of shallow water and rocks.” The 1971 *Designation Study* report identified allowed recreation uses on page 85 “Restriction in the Act limit types of recreation use, especially in the Wild and Scenic Sections. Compatible uses on the Chattooga River are floating (including rafting, canoeing and kayaking), hiking (including sightseeing, nature study and photography), hunting, fishing and primitive camping.” In the 1976 Federal Register Notice (Vol. 41, no 56, march 22, 1977), it mentions that kayaking, canoeing and rafting are “ideal” but notes that “Motorized boat use is impractical because of shallow water and rocks.”

Only non-motorized recreation is allowed within wilderness areas. From the Wilderness Act, PROHIBITION OF CERTAIN USES (c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area. The Sumter Forest Plan Standard #84 states that "No motorized boats or crafts are allowed on the wild sections."

G) In **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.2 Need for the Proposed Action, Item A**, it notes the US Forest Service agreed to reassess the boating prohibition as part of a broader examination of visitor capacity issues on the upper segment of the river (USFS, 2005). The appeal language directed the US Forest Service to “conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate, the LRMP to reflect a new decision based on the findings” (<http://fs.usda.gov/goto/scnfs/upperchattooga>).

H) In **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.2 Need for the Proposed Action, Item A**, it notes the that the US Forest Service agreed to reassess the boating prohibition as part of a broader examination of visitor capacity issues on the upper segment of the river (USFS, 2005). The appeal language directed the US Forest Service to “conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate, the RLRMP to reflect a new decision based on the findings” (<http://fs.usda.gov/goto/scnfs/upperchattooga>).

I) In **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.2 Need for the Proposed Action, Item A**, it notes that the 2004 Sumter Revised Land and Resource Management Plan (RLRMP) addressed several visitor impact management issues in the entire Chattooga WSR corridor, including refining previously developed boating capacities for four lower river segments, regulating several aspects of commercial boating on those segments and reaffirming the size and general capacities of recreation infrastructure (e.g., campgrounds, parking lots, miles of designated trails) that facilitate various recreation pursuits.

J) In **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.2 Need for the Proposed Action, Item A**, it notes that the US Forest Service agreed to reassess the boating prohibition as part of a broader examination of visitor capacity issues on the upper segment of the river (USFS, 2005). The appeal language directed the US Forest Service to “conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate, the RLRMP to reflect a new decision based on the findings” (<http://fs.usda.gov/goto/scnfs/upperchattooga>).

K) See Item J above.

L) On page 25 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), sub-section **Opportunity “importance”**, it notes the following:

At the July 2006 public meeting (and on its website), the Forest Service requested stakeholders and the public to provide names of similar rivers to the Upper Chattooga for comparison purposes. While people were able to list multiple streams, many comments highlighted the uniqueness of the Chattooga.

Based on this information from the public, in 2007, the Forest Service completed a proxy river report that includes local rivers that might be similar to the Chattooga WSR above highway 28:

....based on the review of literature, guidebooks, websites, emails and interviews. Information was collected for the whitewater boating characteristics of each river as well as how some of these rivers are presently being managed. The whitewater boating characteristics are reflected in the table below. The Forest Service and Confluence Research and Consulting (CRC) talked to several individuals concerning the existing management on many of the rivers. The results of these discussions can be found in the report titled *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

On pages 25-26 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), sub-section **Opportunities conclusions**, there is a summary of findings, which includes the following:

There are probably differences between users engaging in existing or potential recreation opportunities on the Upper Chattooga, but there are also similarities. For example, most appear to value the natural environment, lack of development, lower density recreation, and opportunities for solitude.... High quality versions of most opportunities on the Upper Chattooga are available on other rivers in the region, but this does not diminish the high value that many users place on the Upper Chattooga trips (or potential trips).

M) The Forest Service is following direction in the 2005 appeal decision. In **Chapter 1** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.2 Need for the Proposed Action, Item A**, it notes that the US Forest Service identified several additional visitor impact concerns on the upper segment of the Chattooga, while recognizing that boating issues could not be resolved without a comprehensive review of all recreation uses and impacts in the Chattooga WSR Corridor. *Capacity and Conflict on the Upper Chattooga River* integrated findings from several documents, analyses, workshops and studies involved in this review (Whittaker and Shelby 2007, also referred to as the Integrated Report). Several visitor impact issues, including: litter, expanded “user-created” trails and campsites, increased backcountry encounters between users that may diminish solitude, potential conflict between different types of users and potential congestion at frontcountry areas or facilities were noted. The integrated report also notes that Chattooga use is “likely to increase at

the rate of population increases for the region, which may exceed 20% over the next decade” (Whittaker and Shelby 2007). The forests are seeking to take appropriate action now to reduce existing or prevent future unacceptable impacts to the river’s values from increasing use levels, and thus preserve the river’s free-flowing condition, protect water quality and protect and enhance the river’s outstandingly remarkable values in addition to protecting its wilderness characteristics.

Sample Public Comment(s) for PC 62:

Subconcern # A

The proposed alternative eliminates restrictions on boating in North Carolina, without assessing the associated impacts of such action. Where in the EA are the restrictions on boating in North Carolina? If there are none, where is the assessment associated with the elimination of the current boating restrictions? (Ltr# 92, Cmt# 24)

Subconcern # B

It's true that a minority of boaters drag their boats. I think making putting a ban on boat-dragging would be a wonderful idea. It really seems that so few people drag boats in the first place and the ones that do drag would honor a drag-ban. But if boat dragging really did turn out to be a problem, which I doubt it would, there are solutions to that. Some places use a pair of close-together hand rails (like those you see on stairs) that paddlers can place their boat across and walk to the river without the boat touching the ground or having to be carried. (Ltr# 97, Cmt# 2)

Subconcern # C

Given that, there are several compromises that can be made to allow access to boaters and the other traditionally allowed river users (fishermen and hikers). To protect the resource, the following criteria must be adhered to: No construction of additional trails to create new access points; No boating above Hwy 28 unless the Hwy 76 USGS gauge is ≥ 3.0 feet at some point on the day that the boating takes places; Boating parties should be kept to six people or less; No inflatable crafts that are designed to hold more than 2 people (i.e., no rafts, only inflatable kayaks); and No more than 50 boaters should be allowed per day – this could be enforced by having a sign in log in addition to the permit so that other potential boaters would know that the limit had been reached. If these restrictions are kept in place and enforced, the resource will be protected and the wilderness experience of other river users will be kept to an acceptable level. It is time to admit the no boating clause on these upper sections was done in arbitrary manner and that there acceptable uses on these sections other than just fishing and hiking. The primary goal should be to protect the resource, not just the current human experience. These restrictions allow both. (Ltr# 120, Cmt# 1)

Subconcern # D

The Preferred Alternative will encourage the expansion of existing unauthorized boating. The EA fails to consider the likely increase in unauthorized boating on the Upper Chattooga that will result if any boating is allowed. Were the Chattooga opened for some boating use, unofficial guidebooks and information on the Internet and by word of mouth about its course would become more commonplace. A known river is available to more skill levels because challenges can be anticipated. Also, as the River becomes more familiar to some boaters who use it legally, they may want to run it on other days of the year when it is illegal to do so. Anyone familiar with boating on the Lower Chattooga knows what unregulated (or unmanaged) boating is likely to look like: it would be comparable to Section 4 of the Lower Chattooga, where maximum use can exceed 180 boaters a day in the summer and reach as high as 100 boaters a day from January through April. Even “low use” days see anywhere from 10 to 50 boaters a day. This demand is particularly out of proportion to the boating proposed in Alternative 12, which sets no limits on the number of boating trips per day or the numbers of boaters that would be permitted on the Upper Chattooga or the possibility of boaters establishing new campsites along the more remote stretches of the headwaters. This will present a significant enforcement challenge and threat to the resource. The Forest Service must consider the likely increase in illegal boating under any alternative allowing boating in segments of the River where it is currently prohibited. If any part of the Upper Chattooga is opened to legal boating, some boaters will be spurred to greater use of the River, whether legally or not. As the River becomes more

familiar to some boaters who use it legally, some will likely want to run it on other days of the year when it is illegal to do so. If boaters become familiar with Headwaters sections, their desire to float it will also grow, and at least a few can be expected to give in to the temptation to float it on days when it is not permitted. Under no circumstances should the use of inflatable kayaks and tandem kayaks, as proposed under Alternative 12, be permitted, and illegal use should be severely fined. Inflatable craft are rented routinely to the public by commercial outfitters, and would introduce an inappropriate commercial element to the Upper Chattooga, particularly since it is the stated aim of the “preferred Alternative” to “prohibit commercial boating on the upper river.” To the extent any boating is allowed, such boating must be limited to single capacity hard boats to discourage use of more remote and technical segments of the River Corridor by less experienced boaters and will decrease the need for rescue and search-and-recovery efforts. (Ltr# 166, Cmt# 29)

Subconcern # D

#366- The Draft EA fails to consider the likely increase in unauthorized boating on the Upper Chattooga that will result if any boating is allowed. (Ltr# 193, Cmt# 356)

Subconcern # E

Boaters may choose to repeatedly run certain spots on the upper Chattooga. This further elevates the potential for undesirable encounters and hence displacement. There is no mention in the EA of this encounter problem or how it might be resolved. (Ltr# 171, Cmt# 31)

Subconcern # F

#69- The appeal decision did not limit that analysis to human-powered boats, why did the USFS make this arbitrary decision? (Ltr# 193, Cmt# 63)

Subconcern # G

#81- A new points we need to emphasize regarding the Headwaters of the Chattooga is that the anthropological and cultural evolution of the pirogue, dug-out, canoe, kayak, and sea-kayak are all culturally evolved as an adaptive behavior directly resulting from the need to travel, fish, and hunt in order to survive. It is illogical and contrary to the laws of nature to separate the essence of an adaptive creation, the kayak, from its actual intended use, which is as a fishing and hunting craft. Private boating on the Headwaters of the Chattooga is a logical human response to a genetic predisposition for boating, fishing, and hunting. A sound cultural basis directly links the world- wide co-evolution of these small types of personal boats with subsistence fishing, hunting, and travel, and they have been in continuous use worldwide for at least 12,000 years. It would be a crime against nature to deprive man of the use of publicly owned rivers for boating and fishing in such a small and unobtrusive conveyance as a kayak. (Ltr# 193, Cmt# 74)

Subconcern # G

#347- You must acknowledge the results of the boating study which clearly demonstrates that boating remains an important and outstanding form of recreation on the Headwaters that must be protected and enhanced under the law. (Ltr# 193, Cmt# 337)

Subconcern # H

#121- In reality, only a handful of boaters have the skills to paddle the upper reaches of the Chattooga, therefore limiting the population. (Ltr# 193, Cmt# 114)

Subconcern # I

#135- Using a commercially-rafted stretch of river (i.e. the lower Chattooga) as validation that allowing paddling (a fully Wilderness-compliant form of travel) on remote and hard-to-access (due to distance or variable flow) streams will cause resource degradation is absurd. (Ltr# 193, Cmt# 128)

Subconcern # J

#149- The USFS failed to complete a competent study of boating and its effects in the Chattooga Headwaters to support any ban or restrictions. (Ltr# 193, Cmt# 142)

Subconcern # K

#150- The assessment’s failure to adequately emphasize the huge amount of private boating allowed elsewhere during boatable periods leaves the decision-maker with the mistaken impression that there is

some deficiency in boating opportunities in the Chattooga Wild and Scenic River Corridor. (Ltr# 193, Cmt# 143)

Subconcern # L

#269- The assessment does not include an inventory of all whitewater boating nearby or even within the Chattooga watershed; it should. 64% already allows unlimited paddling. (Ltr# 193, Cmt# 260)

Subconcern # M

#304- The agency should consider the degradation of the shoreline structure, and streambed structure that will occur as those boats clang and bang about. (Ltr# 193, Cmt# 295)

Public Concern 63

The Forest Service should consider the following regarding campsites:

- A) Camping should be eliminated within 500 feet of the Chattooga River to reduce impacts;**
- B) Boating will result in the creation of campgrounds and increased visitors, resulting in resource degradation;**
- C) Campsites should be improved;**
- D) Reclaim poorly placed campsites to prevent further resource degradation;**
- E) The preferred alternative should contain camping limitations that prohibit riverside camping by boaters;**
- F) The elimination of frontcountry campsites near Burrells Ford could displace campers and cause overuse in more sensitive areas;**
- G) Campsites should be restricted and/or rotated to allow areas to recuperate from overuse (all comments from 2009 EA comment period);**
- H) Camping should be prohibited within ½ mile of all bridges and roads (all comments from 2009 EA comment period); and**
- I) Rehabilitation of campsites should be consistently implemented on all three Forests (all comments from 2009 EA comment period).**

Response to PC 63

A) A reasonable range of alternatives was developed and analyzed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, including campsite designation in most of those alternatives. The intent behind designating campsites is to mitigate environmental and social impacts. Existing campsites may be selected for designation if not causing environmental impacts. Those that are not would be reconstructed if possible, or permanently closed and rehabilitated. New campsites might be constructed to replace campsites that would be closed and rehabilitated. Management actions related to designated campsites would require site-specific decisions.

B) No new roads, campgrounds, or parking areas are planned (except for possibly new sustainable backcountry campsites to replace unsustainable ones – see the response to Public Concern 63A above). In fact parking lot capacities in the corridor will remain the same, or even decrease under Alternative 2. Regarding backcountry camping by boaters, this is not expected to be a big issue (see the 5th bullet on page 49 and the last bullet on page 57 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007)). Also refer to the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3, Section 3.2.1 Recreation ORV**. Additionally, in the public comments boaters have shown relatively little interest in multi-day trips on the river. Most whitewater boaters in the Southeast appear to focus on day trips, and the challenging rapids of the upper segment of the Chattooga WSR are easier to negotiate in boats that do not carry camping gear and food.

C) A reasonable range of alternatives was developed and analyzed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, including campsite designation in most of those alternatives. The intent behind designating campsites is to mitigate environmental and social impacts. Existing campsites may be selected for designation if not causing environmental impacts. Those that are not would be reconstructed if possible, or permanently closed and rehabilitated. New campsites might be constructed to replace campsites that would be closed and rehabilitated. Management actions related to designated campsites would require site-specific decisions.

D) Same as the response to Public Concern 63A and C above.

E) A reasonable range of alternatives was developed and analyzed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, including campsite designation in most of those alternatives. A reasonable range of alternatives was developed and analyzed in the EA, including campsite designation in most of those alternatives. The intent behind designating campsites is to mitigate environmental and social impacts. Existing campsites may be selected for designation if not causing environmental impacts. Those that are not would be reconstructed if possible, or permanently closed and rehabilitated. New campsites might be constructed to replace campsites that would be closed and rehabilitated. Management actions related to designated campsites would require site-specific decisions. Regarding backcountry camping by boaters, this is not expected to be a big issue (see the 5th bullet on page 49 and the last bullet on page 57 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007)). Also refer to the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3, Section 3.2.1 Recreation ORV**. Additionally, in the public comments boaters have shown relatively little interest in multi-day trips on the river. Most whitewater boaters in the Southeast appear to focus on day trips, and the challenging rapids of the upper segment of the Chattooga WSR are easier to negotiate in boats that do not carry camping gear and food.

F) The slight reduction in the number of campsites at the Burrells Ford walk-in campground is not expected to cause over-use in other parts of the Chattooga corridor. In addition, there is presently a higher supply of campsites than what is dictated by demand based on empirical observations.

G) The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* analyzed restricting campsite use to designated sites, but did not analyze rotating campsite use - this management technique was not brought forward in the EA.

H) The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* did not analyze banning camping within 1/2 mile of all bridges and roads - this was not an issue brought forward in the scoping process. The Sumter RLRMP does prohibit "dispersed" camping within 1/4 mile of a road.

I) In **Appendix B – Implementation**, under the “Designate Campsites” section, steps are outlined for all three Forest to take in evaluating and designating campsites: Inventory and map (GPS) all campsites; Develop criteria for recommending which campsites will be designated; Scoping and NEPA; Close, rehabilitate, and sign closed sites; Monitoring and enforcement. Projects are implemented based on available funding and decisions are informed by site-specific analysis in accordance with agency rules and regulations.

Sample Public Comment(s) for PC 63:

Subconcern # A

The camping along the river must be reduced due to intense impacts to the resource. It is worn out and has happened since I started visiting the area 25 years ago. Most of this is from college kids camping in the spring on the weekends. I suggest eliminating camping within 500 feet of the river. (Ltr# 39, Cmt# 1)

Subconcern # B

It's not that I'm against boating per say. Where I see the danger is along with this plan there will be creation of more in roads and established camp grounds which will allow even more of the "tourist" types that could care less about the ecosystem that is established there. I don't want to see the Chattooga end up like what I saw in the Congaree. Everywhere I looked in that river I saw massive amounts of trash such as beer cans, Styrofoam coolers and such along the banks and sunk in the river. (Ltr# 54, Cmt# 2)

Subconcern # B

I feel that opening up the last truly wild and scenic area of the river will cause the loss of such a natural treasure. I usually take five to six backpacking/camping trips there each year in Either NC, GA, and SC. My biggest fear to opening more sections is the ecological impacts that will surely come with this. The way I see this plan, it will have to include more in roads and campgrounds, which will give greater access to these areas to the "tourist" crowd. These people have no clue what leave no trace means. I already pack out more than I take in when visiting the sections which have easier access. I really feel that if it becomes even more accessible I will begin to see things similar to what I see when I hike in Congaree National Park. This would include but is not limited to trash along the banks of the river and old beer cans submerged in the river itself. It would truly break my heart to see the Chattooga River end up this way. (Ltr# 55, Cmt# 1)

Subconcern # C D

I am in support of any erosion control measures, improving campsites (and removing ill-sited campsites) and any enhanced measures to sanction those who leave garbage or refuse near the river. (Ltr# 82, Cmt# 4)

Subconcern # E

The Preferred Alternative does not contain adequate camping limitations. Any boating alternative must prohibit riverside camping by any boaters, as this would exacerbate the existing problem occasioned by user-created campsites up and down the Upper Chattooga corridor. (Ltr# 166, Cmt# 33)

Subconcern # F

By application of the laws of supply and demand, the elimination of frequently used front country campsites near Burrells Ford could either entirely displace existing campers or alternatively push these campers farther upstream into the less congested Ellicott Wilderness or Chattooga Cliffs back country areas. This could introduce the unintended consequence of additional pressure on these more sensitive areas of the river. The further diminishment of the esthetic of solitude and the consequential unnecessary introduction of the risk of overuse constitutes the unintended consequence of driving up use in these more remote areas of the river. (Ltr# 171, Cmt# 25)

Subconcern # G

#226- Restrict or rotate campsite use, allowing areas to recuperate from over use. (Ltr# 193, Cmt# 217)

Subconcern # H

#227- Ban camping within 1/2 mile of all bridges or roads. (Ltr# 193, Cmt# 218)

Subconcern # I

#549- Replacement campsites will likely be constructed outside the 50-foot zone and not as many campsites would be constructed as close to one another. Under this alternative, competition for campsites may increase if user demand is not met due to the agency closing campsites and decreasing the overall number of campsites throughout the upper river corridor." The same rehabilitation should be consistently implemented throughout the entire W&S corridor including the lower river, West and North Forks, regardless of whether the offending campsite is in SC, GA, or NC. (Ltr# 193, Cmt# 536)

Public Concern 64

The Forest Service should consider the following regarding conflicts between users:

- A) Permit boating only during non-peak trout fishing times to minimize boater/angler conflict;**
- B) Designate hiking and other trails as one-way traffic only to reduce the amount of visual contact;**
- C) Apply the same logic used to support a boat-free experience for anglers for an angler-free experience for boaters;**
- D) Prohibit boating to prevent boater/angler and boater/other user conflicts;**
- E) Boater/angler encounters will not be significant due to the distance and type of rapids on this section of the Chattooga River;**
- F) Boaters are limited by hydrology when flows are high and conditions are generally unfavorable for angling so boater/angler conflict is minimal, if not nonexistent;**
- G) Education is needed rather than access restrictions for avoidance of conflicts;**
- H) There are no documented boater/angler and/or other user conflicts and no studies have been done that documents these conflicts;**
- I) The public record substantiates existing user/boater conflict;**
- J) Boating will displace anglers and will then increase angler/other users encounters;**
- K) Boater skills required to run this type of whitewater will limit the amount of boaters and therefore limit the number of boater/angler encounters;**
- L) Boating should be permitted if and/or even though there will be boater/angler and other use conflicts (all comments from 2009 EA comment period);**
- M) Consider boater/hunter conflict (all comments from 2009 EA comment period);**
- N) Consider boater/hiker, birder, camper, and swimmer conflicts (all comments from 2009 EA comment period);**
- O) The encounter standards are subjective (all comments from 2009 EA comment period);**
- P) The encounter standards were derived from studies in other places that are unlike the Chattooga (all comments from 2009 EA comment period);**
- Q) Data should include contributions from all types of recreation in exceeding encounter standards (all comments from 2009 EA comment period); and**
- R) The Forest Service created the boater/angler conflict by instituting a policy that gives preference to anglers (all comments from 2009 EA comment period).**

Response to PC 64

A) A reasonable range of alternatives (not all possible) have been developed (see **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*) and are responsive to the significant issues and meet the purpose and need for the EA. The alternatives developed for managing the Upper segment of the Chattooga WSR range from no boating, to some boating in some river reaches during certain times of the year, to year round boating with no flow restrictions (Alternative 8). **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* describes the affected environment and analyzes the environmental consequences of all the alternatives.

B) This is not practical due to the length of the trails. Generally one-way designations are used for short, loop trails.

C) The asymmetrical impacts from boating on angling is a consideration for providing a boat-free experience for fishing. In **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 3.2.1 Recreation ORV, Sub-section C. Potential Recreation Use Conflict on the Upper Chattooga 1.Types of Potential Conflict on the Upper Segment of the Chattooga WSR item b. Face-to-Face Conflict**, it notes that some anglers claim that boats passing interferes with their activity (e.g., may require wading anglers to move away from boats, fish in a different part of the river, or stop fishing for a short period because of their perception that a passing boat may have spooked fish and lowered fishing success). While fishing etiquette discourages anglers from approaching or passing another angler in the channel, but boaters have little choice but to pass an angler to complete their trip. In contrast, boaters experience few interference impacts from passing an angler (unless the angler is blocking the channel); their activity is simply less affected by the encounter.

D) The range of alternatives includes a variety of boating opportunities in order to display a range of effect on other recreation users in the upper segment of the Chattooga WSR. A reasonable range of alternatives (not all possible) have been developed (see **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*) and are responsive to the significant issues and meet the purpose and need for the EA. The alternatives developed for managing the upper segment of the Chattooga WSR range from no boating, to some boating in some river reaches during certain times of the year, to unlimited boating (Alternative 8). **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* describes the affected environment and analyzes the environmental consequences of all the alternatives.

E) A reasonable range of alternatives (not all possible) have been developed (see **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*) and are responsive to the significant issues and meet the purpose and need for the EA. The alternatives developed for managing the upper segment of the Chattooga WSR range from no boating, to some boating in some river reaches during certain times of the year, to unlimited boating (Alternative 8). **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* describes the affected environment and analyzes the environmental consequences of all the alternatives, including the level of anticipated encounters and conflicts between user groups, especially between anglers and boaters. As mentioned earlier, boater-angler encounters can be "asymmetrical" (i.e.: adversely affecting anglers more than the boaters) and hence the potential need for greater restrictions/separation for the boater user group (see bullet number 6 on page 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and **Chapter 3** of the EA, **Section 3.2.1 Recreation ORV**).

F) See the EA, **Chapter 3, Section 3.2.1 Recreation ORV Existing Impacts to the Environment, Flow-Dependent Activities: Angling, Swimming and Boating**. In that section (and in *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007)) flow range bars show that the highest quality fishing and boating generally occur in different parts of the hydrograph in the upper three reaches (the exception is bait fishing, which remains optimal through higher flows). Therefore, the best fishing flows are not the best boating flows, and vice versa.

G) In general, management responses to increasing use or impacts would focus on indirect measures first, but direct measures may be utilized if indirect measures are insufficient (FSM

2354.41a, pages 48-50). Indirect measures generally attempt to redistribute recreational use by encouraging users to visit lower use segments or times (education), or by changing infrastructure (e.g., reducing the size of some parking lots) to match capacity goals and cue users to use other areas. Direct measures regulate behavior through restrictions or formal use limit systems (e.g., permits); they can ensure a capacity is met, but also may create a more “heavy-handed” management footprint that restricts individual choice. See **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 2.3 Monitoring and Adaptive Management**. See the **Rationale for Decision** in the Decision Notice.

H) See **Section 3.2.1 Recreation ORV** in **Chapter 3** of the EA, the section on “Existing Impacts to the Environment” and the subsection entitled “Potential Recreation Use Conflict on the Upper Chattooga.” Additionally, language regarding conflict between boaters and anglers is documented in the Federal Register of March 22, 1976 (see **I. Affected Environment** in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 3.2.1 Recreation ORV**, subsection **Condition at Time of Designation**).

I) Based on public comments made throughout the Limits of Acceptable Change process; there is evidence of potential recreation use conflict on the upper segment of the Chattooga WSR regarding boating use. Even as stakeholders may dispute the precipitating reasons for the March 22, 1976 Federal Register boating prohibition, some forest users and local residents clearly value boat-free recreation experiences on the upper segment of the river, and either 1) oppose removal of the boating prohibition, or 2) support strong restrictions on boating to minimize impacts on other users. In contrast, some boaters clearly 1) support re-opening the upper segment to boating, 2) prefer indirect management actions to address any impacts boating use might cause, and 3) request equitable access if restrictions are necessary (See the “Potential Recreation Use Conflict on the Upper Chattooga” subsection in the “Existing Impacts to the Environment” section in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 3.2.1 Recreation ORV**).

J) The **Environmental Consequences** subsection of **Section 3.2.1 Recreation ORV** in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* discusses the impacts to anglers and other users from allowing different levels of boating on the upper segment of the Chattooga WSR (ranging from no boating, to some boating in some river reaches during certain times of the year, to unlimited boating in Alternative 8). Displacement of recreationists (including anglers) is also discussed in this section.

K) Estimates of the number of whitewater boaters that would venture out on the upper segment of the Chattooga WSR at various flow levels are discussed in **Section 3.2.1 Recreation ORV** in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, and also in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) pages 36-37, and pages 81-83. This information is in turn discussed in the Environmental Consequences of **Section 3.2.1 Recreation ORV** in the context of social impacts (potential encounters and conflict) among existing and potential recreationists in the upper segment of Chattooga WSR corridor.

L) A reasonable range of alternatives (not all possible) have been developed (see **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*) and are responsive to the key issues and meet the purpose and need for the EA. The alternatives developed for managing the upper segment of the Chattooga WSR range from the continuing boating prohibition, to some boating in some river reaches

during certain times of the year, to year-round boating with no flow restrictions (Alternative 8). **Chapter 3** of the EA describes the affected environment and the environmental consequences of in each of the alternatives.

M) Hunters are included in the analysis and considered either as hikers/backpackers and/or anglers for purposes of the analysis. The EA bases its discussion on conflict on pages 86-89 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) the section entitled **Distinguishing Capacity & Conflict**. This issue is also discussed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3, Section 3.2.1 Recreation ORV**.

N) **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* analyzed social impacts (encounters and conflict) among all existing users and potential new users in the corridor in **Section 3.2.1 Recreation ORV**. Some users (e.g.: hikers, backpackers and anglers) were used as proxy for others (e.g.: birders, swimmers, hunters). See **Appendix D** of the EA for the assumptions and calculations of encounters.

O) Refer to the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Appendix D** for the analysis of encounters, including assumptions and disclaimer.

P) Refer to the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Appendix D** for the analysis of encounters, including assumptions and disclaimer, as well as the Use Estimation Workshop results (Berger and CRC 2007).

Q) **Appendix D** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and the Use Estimation Workshop results (Berger and CRC 2007) are the sources for the various use encounter estimations and assumptions.

R) Focusing on recreation as an ORV, the administering agency has broad discretion to manage recreation activities and use so as to achieve the desired recreation experience and protect and enhance the ORVs. This discretion may include restricting or prohibiting a recreational activity, a number of recreational activities or, perhaps in rare circumstances, all recreation use within a section (subsection) of the designated component. Through the institution of restrictions or prohibitions in certain sections of the river, the administering agency may balance recreation uses of the river corridor to protect and enhance all ORVs, free-flow and water quality for the entire designated component. Any limitations need to be based on achieving the desired conditions for recreation and protection and enhancement of ORV's, preserve free-flowing conditions and protect water quality. As mentioned earlier, boater-angler encounters can be "asymmetrical" (i.e.: adversely affecting anglers more than the boaters) and hence the potential need for greater restrictions/separation for the boater user group (see bullet number 6 on page 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3 Section 3.2.1, Recreation ORV**).

Sample Public Comment(s) for PC 64:

Subconcern # A

I feel that the upper section is the best for fishing. Having been there, I can't imagine that the river is large enough in that section to accommodate boaters paddling the river while having fishermen fish the river. I feel that we have a real gem of a fly fishing habitat in that section, and that it would be tough to balance the two activities. The rest of the river is so great for boating, I don't think it's necessary to open the upper section to it as well. If there are going to be limits placed on people using the area at one time, then it

definitely needs to be limited usage since that area is the best for fishing/camping. It would be a shame to see that area be taken over by boating and thus limiting the ability for fishermen to take advantage. I don't feel that the entire river has to be accessible. At the very least, if the boating could only be allowed during non-peak trout fishing times, that would be the best compromise. (Ltr# 5, Cmt# 1)

Subconcern # B

Hiking and all other trails could all be designated "one way traffic only " to reduce the amount of visual contact while hiking. Hikers cause erosion and oft times litter. Horseback riders create similar problems but far worse erosion and are totally abhorrent destroyers of the wilderness when seen by hikers. Canoers and Kayakers cause no erosion [except at access points which can be mitigated], always go one way and typically spend less time in a given area [faster speeds] than hikers and horseback riders. To say that no hiker or horseback rider wants to see a kayak is similar to you or I not wanting to share their wilderness experience with ANYONE let alone someone that's not committed to the same method of transportation through these protected areas. However, if protecting the wilderness area is the prime concern of the USDA Forest Service, then paddlers create less problems to the environment than any other type of personal access. Of course you could just say NO ONE can use the wilderness areas. (Ltr# 33, Cmt# 1)

Subconcern # C

Why do fishermen and other users deserve a "paddler-free" experience on the Upper Chattooga? Here's another: By whatever logic you answered the previous questions, why cannot paddlers have a "fisherman-free" experience on the Upper Chattooga? In other words, what scientific justification do you offer for giving one user group rights to exclude another? (Ltr# 35, Cmt# 1)

Subconcern # C

So, there's a ban on paddling one of our rivers? Why? If the problem is wear and tear on the trails, why are only paddlers banned? Surely hikers and fishermen impact the trails and streambed more by walking on it than paddlers do by floating over it. (Ltr# 97, Cmt# 1)

Subconcern # C F

I do not understand the conflict between anglers and whitewater boaters in this area. Having worked and played in many streams in the Great Smoky Mountains National Park, which is an International Biosphere Reserve, I do not understand limiting one group of recreational users. Wilderness and wild river users of all kinds generally are good environmental stewards and promote conservation of pristine wilderness and rivers. Whitewater boaters are limited in the use of the river by hydrology. In "leaves-off" season, there are more flows for boating. Also, when flows are high and boaters are on the river, conditions are generally unfavorable for angling as trout and other fish are seeking hydraulic refuge and have reduced visibility from increased turbidity for predation. In the Smokies, in all rivers except perhaps the 4th order Little River, anglers and boaters are rarely on the river at the same time. When they are on the same reach at the same time, all the boaters I have been with are courteous to anglers and attempt to stay out of the way of the anglers and not disturb trout in the reach being fished. (Ltr# 79, Cmt# 2)

Subconcern # D

As I walked the Bull Pen Road/Horse Cove Road Bridge over the Upper Chattooga in the Ellicott Rock Wilderness area, I saw, with a smile of satisfaction on my face, a man and his dog sitting in peace, undisturbed, upstream on rocks at the river's edge. This idyllic scene, forever etched in my memory, will cease to be a possibility if you allow kayaking lobbyists to ruin these last remnants of wilderness. For all of us, just knowing there is a sanctum untouched like this, gives us spiritual sustenance. Please, please preserve it (Ltr# 38, Cmt# 1)

Subconcern # D

I believe the lower Nantahala (a tailwater trout river since 1942 and another one of the America's 100 Best Trout Streams) was selected as one of the 5 rivers for the national competition because of the high quality of the fishery and the challenge of the social conflict and interference of non-compatible river recreation (a sign of the times). The video and the comments by Pedro and Karl confirm that that angling and boating do indeed take place at the same time and place in the same water flow rate. The comments by Kevin Colburn and Garrick indicate that the conflict is the angler's fault and that he should have been somewhere else. That type of conflict on area streams is the reason there has been angler displacement; some of those anglers were displaced to the boating-free Chattooga North Fork. Kevin Colburn describes displacement as "normal recreational judgment." In his opinion, user conflicts "are imaginary: have never occurred,

do not occur elsewhere” as long as other visitors are displaced. Before 1970, the lower Chattooga AND the Nantahala (plus all other area streams) were boating free. It was only due to the wisdom of the Forest Service planners 35 years ago that the Chattooga North Fork was zoned as a place where present and future generations can experience backcountry solitude, remoteness and wildness that is free of user conflicts. (Ltr# 90, Cmt# 1)

Subconcern # D

When the Chattooga River was first designated as a Wild and Scenic River, the officials of that day were wise to keep one section of the river free from boating to preserve a true wilderness setting for hikers and anglers alike. This is the one and only stretch of the Chattooga River where trout anglers can enjoy a peaceful and serene day of fishing on one of the most beautiful rivers in the nation. Allowing boating on the upper Chattooga will ruin the ability for anglers to enjoy peaceful and productive wilderness angling experience. As you are aware, the river is very narrow in this upper stretch, and thus one cannot have an enjoyable day of fishing if they constantly have to dodge waves of kayaks and canoes coming down river. The very essence of what makes fly fishing for trout on the upper Chattooga would be gone forever if you allow recreational boating to occur there. It should be noted that the boating community has long enjoyed use of the remainder of the Chattooga River downstream of Highway 28, and we at NGTO fully support the continued use of the remainder of the Chattooga River downstream of Highway 28 for recreational boating. (Ltr# 104, Cmt# 2)

Subconcern # D

I know that the presence of kayakers negatively impacts the angling experience. I believe this impact will be particularly negative on the upper Chattooga, an area unique for its seclusion and wilderness nature. The unique nature of the upper River, as a fishing destination, must be emphasized. There are many beautiful fishing destinations in the southern Appalachians, but none have the qualities of the upper Chattooga. The presence of boaters on this water will detract from this highly unique wilderness fishing experience. With this said, I am sympathetic to paddlers that are also keenly interested in experiencing this unique stretch of river, and can understand their frustration with the long closure. (Ltr# 105, Cmt# 1)

Subconcern # D

I am a kayaker and I greatly enjoy it. I would even like to paddle the upper Chattooga, BUT I am also a botanist and ecologist who knows that is not the best use of that section of the river. Not all boaters respect nature, therefore they would trample much of the lush, unique, and special vegetation of the headwaters. Also, there needs to be some section of the river where hikers and/or fisherman can go and not be disturbed by the boating community. As awesome as it may be to boat the upper section (s) of the Chattooga it is my strong opinion that access should not be granted. (Ltr# 108, Cmt# 1)

Subconcern # D

In previous correspondence and during in person testimony at public meetings I have detailed rude, unsportsmanlike, and potentially life threatening close calls I have personally experienced on streams in North Carolina and Georgia due to rafters and kayakers (Ltr# 135, Cmt# 2)

Subconcern # D

#62- If unrestricted boating is allowed on the upper Chattooga, there will be a large number of angler-boater encounters and there will be a precedent for allowing the return of other vehicular activities that were present prior to 1976 (horseback riding, trail motorcycles, bicycles, 4X4 motor vehicles, etc.) in the upper Chattooga corridor. (Ltr# 193, Cmt# 56)

Subconcern # D

#119- The same pools at the base of rapids and falls that a creek boater would love are the ones sought by swimmers and anglers. (Ltr# 193, Cmt# 112)

Subconcern # D

#122- I personally have written to you and testified at public meetings about the conflicts I have had with boaters while fishing on the Nantahala River, Moccassin Creek, and Holcomb Creek. (Ltr# 193, Cmt# 115)

Subconcern # D

#123- Obviously a kayak hurling off a drop and into the pool would ruin trout fishing and could endanger swimmers and anglers. (Ltr# 193, Cmt# 116)

Subconcern # D

#129- Anglers, hikers, or campers can get away from each other and find solitude elsewhere on the river. This not true of encounters with boaters because they keep coming down the river and in some instances will stay in one place and go up and down runs being actively fished by someone who may have driven hours and walked miles to fish that run. (Ltr# 193, Cmt# 122)

Subconcern # D

#130- Anglers, hikers, or campers can get away from each other and find solitude elsewhere on the river. This not true of encounters with boaters because they keep coming down the river and in some instances will stay in one place and go up and down runs being actively fished by someone who may have driven hours and walked miles to fish that run.

This is an extremely technical section of rivers, so it will only be accessed by the highest level of boaters and will not become highly used like section II, III, or IV (Ltr# 193, Cmt# 123)

Subconcern # D

#212- The last concern is that boaters should be banned from the headwaters because fishermen have an expectation of solitude and may resort to violence (if your history of the start of the ban is any indicator) to enforce their right to solitude on "their" river. This is an unfortunate situation, but boaters should not be restrained from recreation opportunities because other users can't restrain themselves. (Ltr# 193, Cmt# 204)

Subconcern # D

#221- I think it is very important that the FS continue to be able to use this management tool to avoid potential conflicts and give all stakeholders an opportunity to have the type of experience they desire. Boating through an area that I am fishing may not degrade the boater's experience, but it sure will degrade mine! Not to mention the prospect of dealing with streams of trash, clothing, broken equipment etc. from casual boaters that underestimate the level of difficulty in some of the backcountry areas of the river. (Ltr# 193, Cmt# 212)

Subconcern # D

#233- But where there is boating, there is more noise, more litter, and more soil erosion due to access of more people in larger groups, and it is just not as good for a quiet day of hiking or fishing. (Ltr# 193, Cmt# 224)

Subconcern # D

#250- Boating and fishing on this section of this river are not compatible uses due to the small size of the river and the fact that boaters will need to float where the trout hold. Boating activity will interfere with fishing activity. (Ltr# 193, Cmt# 241)

Subconcern # D

#251- Unlimited, unregulated boating at any time above Hwy 28 is unacceptable because it will disrupt the experience of many other backcountry trout fishermen, require new facilities and user access that will inevitably degrade water quality and scenic quality, and create a management nightmare for the FS and DNR. For example, there is no way that a casual boater or tuber should attempt to float the Big Bend Falls and Rocky Gorge areas and only highly competent kayakers should even consider attempting them at optimal water levels. Common sense would require that these areas be portaged, which will lead to degraded conditions in and around these areas and a requirement for more rangers to patrol these areas. (Ltr# 193, Cmt# 242)

Subconcern # D

#265- There will certainly be conflicts between boaters and other river users, especially anglers, if the river is opened up to even more boating than that allowed in alt. 4. I have fished the Chattooga for almost 40 years and have personally had boaters float over rising trout that I was fishing for, and put them down, ruining my day. This is not right -- it is an example of different interests not being compatible. I have had this happen to me on other rivers as well, including the Chattahoochee and the Nantahala. (Ltr# 193, Cmt# 256)

Subconcern # D

#266- Boating interference has become commonplace and some anglers have been displaced one at a time from other trout rivers (e.g. Chattahoochee and Toccoa Rivers in GA: Davidson, Tuckaseegee, and Nantahala Rivers in NC) to the Chattooga North Fork to avoid disturbance, conflict and interference. When anglers come to the upper Chattooga, they discover something else that they never experienced on the other rivers, solitude and remoteness. (Ltr# 193, Cmt# 257)

Subconcern # D

#289- Neither "On-river encounters" or "on-trail encounters" include "At river encounters". (Ltr# 193, Cmt# 280)

Subconcern # D

#326- If unrestricted year-round boating is allowed in the Wilderness, the effect will be damaging to the enduring resource of Wilderness and the opportunities for solitude. If unrestricted boating is allowed, there will be warm water boating that conflict with swimmers; the sounds created will diminish the wildness, peace, and tranquility. If unrestricted boating is allowed, it will cause considerable interference with bird watching. (Ltr# 193, Cmt# 316)

Subconcern # D

#546- Boaters may also interfere with anglers' goals when the number, behavior or frequency of boaters disturbs fish which in turn, may affect fishing success (Whittaker and Shelby 2007)." This is the only mention I could find in the EA about fish or waters being disturbed by boats and paddling. (Ltr# 193, Cmt# 533)

Subconcern # D

#547- "The conflict from existing users as well as potential users is real and does not exist to this extent on other rivers." Maybe not to this extent, but it does exist. In this part of the country, where boating interference has become common place in recent years, some anglers have been displaced one at a time from other trout rivers. (Ltr# 193, Cmt# 534)

Subconcern # D

#548- From page 103: "Currently, goal interference, and the resulting face to face conflict between existing users and boaters, is mostly "perceived" as there is no on-the-ground mixing of these uses." There has been plenty of "on-the-ground mixing of these uses." I have experienced encounters with boaters "poaching-a-run" on several occasions on the upper Chattooga. And I have experienced boater interference on the lower Chattooga, West Fork and on other rivers nearby (e.g. Nantahala, Davidson, Tuckaseegee, Chattahoochee, etc.) and on several rivers out west (in MT, WY, CO, etc.). (Ltr# 193, Cmt# 535)

Subconcern # D

#575- Rude behaviors - exacerbate the level of interference: If unrestricted year-round boating is allowed on the upper Chattooga, there will be a large number of angler-boater encounters. (Ltr# 193, Cmt# 562)

Subconcern # D

#584- Allowing unrestricted boating for 3 to 5 years will cause numerous encounters, interference, and conflict in the DH section alone, not to mention backcountry and Wilderness segments. (Ltr# 193, Cmt# 571)

Subconcern # E

Please do not allow additional boat usage of the upper Chattooga River. Having hiked and fished this area for more than fifty years with my family, it remains as one of the few wild and pristine areas left in the Southeast for everyone to enjoy. Everyone knows what boating would do to the quiet solitude of the area, as well as the fishing quality. (Ltr# 50, Cmt# 1)

Subconcern # E

This section of the Chattooga, due to its distance and type of rapids will not receive a significant impact due to the numbers of paddlers. This is not an issue of coexistence. Except for sharing the parking lots, paddlers and fishermen would not be hindrance either party while enjoying their respective sport. The ironic thing is, there is a stronger argument for prohibiting fisherman and hikers than for denying access to paddlers. The time is now to right a wrong. Too much time, too much money has been spent on an issue

which should have resolved years ago, without acrimony, for the best of all nature loving persons. (Ltr# 61, Cmt# 1)

Subconcern # F

In my boating experience the planets practically have to be aligned for the timing and logistics to work out well enough to paddle upper sections of rivers that need the required amount of water. Another misconception a lot of the fisherman seem to have is they think it will turn into a circus with commercial rafting companies. I've boated the lower section several times and don't think I've ever seen a raft out there so I'm not sure why they think the upper section which runs far less frequently would become a zoo. (Ltr# 85, Cmt# 1)

Subconcern # F

One area that the study focuses on in great detail is conflict between boaters and those who fish on the river. In many rivers throughout the southeast, these two user groups use the same river corridor without significant conflict. On rivers such as the Tellico, Little Pigeon, Nolichucky, Watauga, Big Creek, and Wilson Creek, these user groups find a way to share a resource without significant conflict. In the case of the Cheoah River, anglers and boaters worked together to establish a management plan for the river that resulted in a healthier river that both groups can enjoy. How can these user groups share the resource? In most cases, the conditions which are favorable to fishing (low flows) are not favorable to paddling (high flows). These groups choose which days to use the resource on their own without a strict set of rules because there is very little natural overlap. In the study, it becomes readily apparent that any time where boaters may have even a remote chance of using the resource when an angler may be present, the paddler is banned from using the resource. (Ltr# 150, Cmt# 3)

Subconcern # F

I wish to add my support to your allowing boating on the headwaters of the Chattooga River. There is really little conflict between boaters and anglers because the levels of the river adequate for boating are too high for good fishing. From some of the comments I've seen over this issue, there are a lot of anglers who need to do a lot of growing up and stop acting like selfish spoiled brats. As our population increases, this kind of conflict is going to be more and more common. What you do about this specific issue will have influence on how future conflicts are handled. Wouldn't you prefer to have your handling of this issue be a model of how future conflicts are handled rather than a source of future bad decisions and all the aggravation and expense that that will involve? (Ltr# 154, Cmt# 1)

Subconcern # F

The claim that there would be conflicts with fishermen along the river is unfounded. On the days that there is adequate flow for paddlers, there would be a small number of fishermen on the river as the flow would unsuitable for fishing. An example would be the North Fork of the French Broad River. I have never seen a fishermen along the banks fishing when the water flow is high enough for paddling. Please open the Upper Chattooga to paddlers throughout the whole year without any limitations and settle the differences between outdoor groups (Ltr# 180, Cmt# 2)

Subconcern # F

Overflow Creek is a clear demonstration that there is no actual conflict between paddlers and fishermen, whatever conflicts some fishermen harbor in their minds. The water goes up, a few paddling parties run Overflow. The water goes down, and Overflow belongs to the fishermen and hikers. My wife and I have hiked in to see Overflow twice, at relatively low water, and there actually were few people fishing. (Ltr# 184, Cmt# 2)

Subconcern # G

It has been my experience that paddlers are just as environmentally conscious as other user groups and more so than some (hiking and camping Boy Scouts, for example). Hikers use existing trails, fisherman often use trails to get to the river and often create more "fisherman's" trails along the bank where they then wade (which is not desirable) and paddlers float downstream on water, leaving no trace except footprints on the existing trail perhaps a little impact on the rocks where they put in and took out. I see paddlers carrying, not dragging, their boats on the trail so, essentially they are hikers and the hiking trails are already there. Maybe we are misplacing our concern. An individual sport itself doesn't do impact but the individuals do and I've certainly seen my share of large running groups or hiking groups spread out off the

trail creating loads of impact, not to mention noise, thus negatively affecting my experience. Education may be what is needed, not access restrictions on some groups but not others (Ltr# 93, Cmt# 1)

Subconcern # G

#105- The only possibly valid consideration raised are that paddlers will temporarily cause trout to "go down" (not bite) and that fishermen do not want to see kayakers. Assuming these are valid considerations, both can be dealt with by inconveniencing all users (kayakers and fishermen), instead of implementing an almost total ban on kayaking. (Ltr# 193, Cmt# 98)

Subconcern # H

I, along with my fellow paddlers, understand the concerns of other users of the river, including environmental impact and solitude. We exercise our concerns on numerous other creeks and rivers in the Southeast and my personal experience of nearly 30 years of paddling is that I have never had a negative encounter with other uses of the river. I am a fisherman and, as such, diligently exercise restraint when I encounter other fisherman, regardless if I am fishing or kayaking. When kayaking, my encounters with other fisherman on the river have been extremely rare. This includes great fishing streams like the lower Chattooga, Overflow, Moccasin Creek, West Prong of the Pigeon, Big Creek of the Smokies, Panther Creek and Upper Tallulah. The primary reason for the rarity of encounters is that the water flows that are optimal for boating do not overlap with those that are optimal for fishing. The rare encounters that I have had over the years have all been very positive and never negative. (Ltr# 159, Cmt# 2)

Subconcern # H

Public resources are meant to be shared. There are times when it's appropriate to exclude one user group for the benefit of other user groups. The current ban on paddling the upper Chattooga is not one of those situations. The exclusion of user groups should only take place when a user group is engaged in an activity that has a serious environmental impact or somehow prohibits another user group from using the resource. Whitewater kayakers do neither of these things. They make little noise and have very little environmental impact. Kayaking is literally the least intrusive way to enjoy the Chattooga River. Boaters stay in the river bed 99% of the time, disturbing virtually nothing. Angler's frame the argument implying that seeing a single paddler would ruin their experience. I can relate to an angler's desire to see no one else on the river but that's not a realistic expectation in a public resource. As long as kayaking is not physically interfering with the anglers there isn't any justification for dividing the resource. (Ltr# 160, Cmt# 51)

Subconcern # H

The EA fails to reach a logical conclusion regarding conflicts. The EA fails to document a single recreational conflict between paddlers and non-paddlers on the Chattooga or any other similar stream, and openly admits that no studies have done so (page 82). Thus, the decision to severely limit and/or ban paddling to prevent conflicts is arbitrary and capricious and a violation of the WSRA, the Wilderness Act, and other laws and regulations (see past comments). In an attempt to document conflicts from over 35 years ago, the EA on page 57 unethically combines two quotes from two totally different sections of the 1976 Federal Register development plan. The first half of the quote, which is highly questionable in its validity, is from the "Fishing" section and notes that conflicts have occurred but does not note a location of the supposed conflicts. The second half of the quote is from the Development Plan section and refers to Nicholson Fields. The clear and unethical intent of the EA is to state that these supposed conflicts occurred in the Nicholson Fields Reach, which is absolutely not documented in the 1976 plan. Lacking any documented conflicts the EA sets about inventing future potential conflicts. See pages 81-84, 96-104, and 357-362. This attempt fails completely to pass any straight face test or equitability test. No such conflicts exist anywhere else so it is unreasonable to assume it would spontaneously occur here. As pointed out elsewhere in these comments actual encounters and therefore potential conflicts between paddlers and anglers are not estimated in this report, though the chance of an angler seeing a paddler in a given year is less than 0.06%, making any management of conflicts ridiculous, arbitrary, and capricious. Even if one were to accept the EA premise that unacceptable conflicts will occur when paddling is allowed, and no reasonable person would ever accept this, the entire management response is not equitable or ethical. Specifically, these imaginary conflicts could be limited or eliminated by limiting or banning zero-tolerance angling, yet the EA fails to consider a single alternative limiting this use. A ban on zero-tolerant angling would still allow normal anglers (likely 99.9% of anglers) to enjoy the river as well as paddlers, and would likely only impact an extremely small group of people. Zero-tolerance anglers could also adopt a tolerant attitude and would be welcome to enjoy the river. They could likely fish the river for decades and never see

a paddler, even if paddling were unlimited, as a reward for foregoing their intolerant status. While the EA struggles to define and escape the term “equitable,” it is inescapable that banning paddling to prevent conflicts that will never occur to benefit zero-tolerant anglers is not equitable. Considering limits only on paddlers when limits to anglers would do an equally good job of eliminating conflicts is not equitable. The conflict analysis violates at least the Appeal ROD, the WSRA, the FSM, and NEPA. It is clear that the EA confuses desires with conflicts: the presumption being that a small group of intolerant anglers desire a river without paddlers so therefore conflict will ensue if paddlers are allowed to float the river. Perhaps many Wilderness users secretly desire to have no one but themselves and their closest friends in a given Wilderness area, but that does not mean that conflict ensues when they meet another group. They likely smile, say hi, and continue their hike, paddle, or ride. Paddlers have a statutorily guaranteed place in Wilderness and on Wild and Scenic Rivers just like hikers and anglers, and in every single case share the resource. To equate base desires with conflict is just wrong and arbitrary. (Ltr# 168, Cmt# 27)

Subconcern # H

The “conflicts”, the only documented conflicts, are from the days of “Deliverance” when the locals hated all things that had to do with the Federal Government coming in and disturbing their God Given right to use and abuse whatever they wanted to.; i.e.. Like washing trucks in the river. Seems the Feds had as much trouble as any “new people”. Rangers were threatened as much as the fancy city slicker fly fishermen. The local raft companies had rafts slashed in the dark of night. Hikers, Fishermen, Boaters and Rangers all met equal disdain from the locals. There has been no other documented conflict, just urban legend and a Forest Service perpetuated perception of dislike between boaters and fishermen. (Ltr# 170, Cmt# 3)

Subconcern # H

#83- Forest Service has come to the conclusion that boaters are, and will always be, the soul instigator of conflict. Where is the proof? For decades, local boaters have regularly “poached runs” in the Upper Chattooga. Yet, the Forest Service has not reported a single case of conflict with any other user groups. For decades, boaters have run neighboring Overflow Creek, which is considered a prime fishing location. Yet, the Forest Service has not reported a single case of conflict with any other user groups. For decades boaters have shared the, heavily traveled, lower reaches of the Chattooga River with all user groups and even that does not have significant reports of conflicts. (Ltr# 193, Cmt# 76)

Subconcern # H

#86- 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. (Ltr# 193, Cmt# 79)

Subconcern # H

#108- Paddling, fishing, and hiking have co-existed on Overflow Creek and the West Fork for many years without significant problems. The paddlers are on Overflow when the water is high, and the fishermen and hiker/waders are there when Overflow is low. The experience on Overflow, and for that matter on the Chauga, the Chattahoochee above Helen, the Jacks and the Conasauga, all show that water levels lead to self-management of use without significant conflict by paddlers, fishermen, and others. (Ltr# 193, Cmt# 101)

Subconcern # H

#112- The Upper Chattooga is a public river that has never been open to boating. Limiting boating without extended user trials (opening it for a certain period of time during which scientific study is undertaken) or empirical evaluations of impacts (sociological/ecological) is both WRONG and UNJUSTIFIED. Without empirical analyses, there is no evidence that conflict between boaters and anglers would occur on the upper river. (Ltr# 193, Cmt# 105)

Subconcern # H

#255- First, the EA assumes that user conflicts will occur between boaters and other users if boaters are allowed on the upper river. However, the EA provides no hard evidence that this will happen. It discusses

conflicts that occurred long ago, when the boating ban first went into effect, but provides no recent data, and does not cite any evidence of recent conflict on other rivers in the region. Furthermore, there is reason to think that encounters between different user groups will be less than is assumed in the EA. Fear of user conflict, without some legitimate expectation that it will occur, is not an adequate basis for excluding one user group from the river. (Ltr# 193, Cmt# 246)

Subconcern # H

#456- Instead of providing any actual evidence of user conflicts the USFS simply opines about user conflicts in a "qualitative discussion of the existing or potential level of goal interference for each alternative..." (EA 103). A qualitative discussion did not adequately justify the decision to ban boating in the RLRMP and it will not adequately justify it in this case. A decision to ban a use based on a qualitative discussion of user conflicts that are not occurring, have never occurred, and are not likely to occur is arbitrary and capricious. (Ltr# 193, Cmt# 443)

Subconcern # H

#473- The USFS does not even try to justify their claim that conflicts will occur if boating is allowed. The EA then asks readers to accept that these conflicts will be so severe that one use must be totally eliminated. (Ltr# 193, Cmt# 460)

Subconcern # H

#475- Furthermore, and perhaps most importantly, the EA offers no evidence that any impact would occur even if a paddler does float by an angler on the Upper Chattooga River. (Ltr# 193, Cmt# 462)

Subconcern # H L

#472- First and foremost, there are no conflicts to minimize between boaters and anglers. Boating and angling co-occur on 213 river reaches in North Carolina, 142 in Georgia, and 80 in South Carolina (www.americanwhitewater.org). None of these 435 rivers - not a single one - has a limit on the number of private boaters allowed to float the river. None of these rivers - not a single one - has a documented conflict between anglers and boaters. There is no documentation of conflicts on the Chattooga either - merely a prediction that conflicts may occur. (Ltr# 193, Cmt# 459)

Subconcern # I

The significant public record demonstrates that existing users of the upper Chattooga have zero tolerance for boating because of the adverse impact on the overall "esthetic" of the upper Chattooga. Since the "esthetic" of the river is a subjective concept, but one which must receive the highest level of protection, the Forest Service should give careful consideration to the public record comments of existing users of the upper Chattooga River as to their belief that the "esthetic" will be irreparably harmed. It would be arbitrary and capricious to introduce a policy change that flies in the face of this testimony on the public record. (Ltr# 171, Cmt# 28)

Subconcern # J

If a boater or boaters runs through two or three fisherman's beat, once displaced, each of these fisherman will move up or down the river to find an undisturbed stretch which will increase the odds of unsatisfactory encounters with other fisherman, hikers, picnickers---another entirely foreseeable but unintended consequence of allowing boating on the upper Chattooga. This problem is not considered by the EA. (Ltr# 171, Cmt# 32)

Subconcern # K

Any paddler will tell you that a very small percentage of paddlers have the desire or skill to run this whitewater jewel, therefore preventing a heavy volume of boaters from ever being encountered on the Upper Chattooga. Flows that allow kayaking this section occur when fishing is highly inadvisable and unsuccessful, therefore naturally preventing conflicts between user groups. Lastly, from my experience, paddlers are much less destructive to the natural environment than other users that would be allowed under the current FS proposal. (Ltr# 187, Cmt# 2)

Subconcern # L

#249- In large part because most of a boater's time is spent on the water where no impact can be detected, and they move through an area quickly rather than staying in one spot for long periods of time. Paddlers also tend to leave very little behind because they only come into an area with the gear they need. This is in direct contrast to fisherman in particular who regularly leave lures, fishing line (hooks get caught on logs

and lines break, leaving behind monofilament that can be dangerous to birds in particular), packaging from a variety of fishing accessories, and more, plus food and beverage remnants that are the result of spending many hours in one area. (Ltr# 193, Cmt# 240)

Subconcern # L

#461- The EA equates 1) the impact on non-boaters of the mere lack of a guaranteed boat-free experience while they are enjoying the Upper Chattooga, with 2) the impact on boaters of being totally excluded in their recreational opportunities forgone assessment. The EA insinuates that even if an angler or hiker never sees a boater but thinks they might, they are impacted as much as a paddler who completely forbidden from enjoying the river. In addition, the preferred alternative still contains a total ban on paddling a large majority of the river as well as tributaries - and therefore entire reaches are forgone. Many paddlers will be forced to forgo paddling even the sections that is allowed in the preferred alternative because of the limited permits and administrative hurdles. (Ltr# 193, Cmt# 448)

Subconcern # M

#254- The EA does not consider conflicts between hunters and boaters. (Ltr# 193, Cmt# 245)

Subconcern # M

#397- Hunting is not compatible with heavy recreational use by other groups for safety concerns and because wildlife may be driven away. Hunting season overlaps with the preferred alternative's plan for boater access in the Upper Chattooga, and thus the preferred alternative would create a new conflict between user groups. (Ltr# 193, Cmt# 385)

Subconcern # N

#290- A discussion of encounters at attraction sites are mentioned within section 3.3.1 but no encounter data between hikers-boaters or birders-boaters are included within the assessment. These proposed indicators are short sighted and completely biased for evaluating the expansion of boats onto the North Fork. Not one of these indicators measure impact boating will likely have to current users. (Ltr# 193, Cmt# 281)

Subconcern # N

#298- Any Alternative with boating should avoid disturbances during critical nesting periods and minimize the overall number of disturbances each day Yet the Chattooga draft EA does not include the indirect impact boats would have on the people who photograph, view and enjoy the riparian and aquatic wildlife. (Ltr# 193, Cmt# 289)

Subconcern # N

#511- There was no discussion of the conflicts that also occurred between campers and boaters or between swimmers and boaters. Boating activity has also displaced some birders from the lower river (see #133 comment). The EA has a brief discussion of "recreation opportunities foregone on the lower river" (on page 112), which I believe needs to be expanded. (Ltr# 193, Cmt# 498)

Subconcern # N

#570- Bird watching interference: If year-round boating is allowed, it will cause considerable interference with bird watching. (Ltr# 193, Cmt# 557)

Subconcern # N

#571- Swimming: Allowing warm weather boating will create in-stream swimmer-boater encounters, especially in the frontcountry the same as it does in the lower river. "Boat-free" swimming is a unique value of the upper Chattooga. (Ltr# 193, Cmt# 558)

Subconcern # O

#296- The encounter standards assessment zones appear subjective (Ltr# 193, Cmt# 287)

Subconcern # P

#297- The proposed encounter standards were based on studies from other places that are completely unlike the Upper Chattooga. (Ltr# 193, Cmt# 288)

Subconcern # Q

#449- We should also note that the these figures introduce significant bias and limit the public and the agency's understanding of the role recreational uses play in encounters by not showing the contributions of

all individual types of recreation in exceeding encounter standards. For example, how would encounters change if boating were allowed but hiking, camping, hunting, or fishing eliminated? Figures 3.3-1 and 3.3-2 should include categories for each individual type of recreation. (Ltr# 193, Cmt# 437)

Subconcern # R

#477- The EA makes the obvious finding that USFS managers have created the current disagreements and hard feelings about how the Chattooga should be managed. By instituting a policy that gave privileged access to one user group while removing another they essentially created a microcosm of prejudice. (Ltr# 193, Cmt# 464)

Public Concern 65

The Forest Service should consider the following regarding the desired recreational experience:

- A) Some activities listed as components of the Chattooga Recreational ORVs from the 2004 FEIS are not included within this recreational assessment (all comments from 2009 EA comment period);**
- B) The term disturbance-free river should be used to define the desired experience instead of boat free; and**
- C) Flow restrictions for boating would still result in diminished recreational values (all comments from 2009 EA comment period).**

Response to PC 65

A) Existing opportunities in the upper segment of the Chattooga WSR corridor are described in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and considered throughout the effects analysis in **Chapter 3** and in more detail in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

B) The impacts of boating (disturbance) on existing recreational users are disclosed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. All existing users are represented by hikers, backpackers and anglers (see Appendix F in the EA).

C) Refer to subsection **Recreation Use Patterns: Flow-Dependent and Flow-Enhanced Activities** in **Section 3.2.1 Recreation ORV** of **Chapter 3** for a discussion of how flows mitigate impacts between different types of recreational users. This information is in turn folded into the effects write-up in **Chapter 3** and contrasting the impacts of the various alternatives.

Sample Public Comment(s) for PC 65:

Subconcern # A

#280- Some activities listed as components of the Chattooga Recreational Values from the 2004 FEIS are not included within this recreational assessment. (Ltr# 193, Cmt# 271)

Subconcern # A

#281- Nature-study – one element of the recreation value-does not appear to have been included in the recreational assessment. (see appendix on birds) (Ltr# 193, Cmt# 272)

Subconcern # B

#291- The draft EA uses the term “boat free” verses “disturbance free river” to define the desired experience. Most anglers, swimmers and hikers are not opposed to boats but rather the disturbance caused by boating. Whether it be spooking fish for anglers, flushing wildlife for birders, invading solitude for foot-travelers, intruding on the river scenery for waterfall-viewers, or distressing swimmers, the effect to the quality of the recreation experience caused by adding boats (the agency action) is the WSR definition of the “visitor capacity”; most of the current visitors have been excluded from the assessment. (Ltr# 193, Cmt# 282)

Subconcern # C

#302- The impact which alterations in management policy would have on backpackers and day hikers remains undocumented. Flows simply are not relevant to the majority of NC Chattooga visitors. Therefore adding kayaking under water level restrictions would still result in diminishment of many recreational values. (Ltr# 193, Cmt# 293)

Public Concern 66

The Forest Service should consider the equitable treatment of boaters because as presented it is arbitrary and capricious; biased; contrary to the Wild and Scenic River Act; discriminatory; illegal; insulting; has no rational justification; unacceptable; unreasonable; is a waste of taxpayers' money; will set a negative precedent; and the appeal decision confirms if use is limited, it must be limited equitably.

Response to PC 66

A reasonable range of alternatives (not all possible) have been developed (see **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*) and are responsive to the key issues and meet the purpose and need for the EA (see EA, **Chapter 1, Section 1.6 Key Issues, item C**). The alternatives developed for managing the upper segment of the Chattooga WSR range from continue boating prohibition below the confluence of Green Creek, to some boating in some river reaches during certain times of the year, to year round boating with no flow restrictions (Alternative 8). **Chapter 3** of the EA describes the affected environment and analyzes the environmental consequences of all the alternatives. The term equitable is defined as fair and just in a particular circumstance and does not mean equal. Other factors may be considered when allocating access (e.g., Which group is causing impacts?, Are impacts asymmetric?, Are some recreation opportunities rarer or less substitutable if lost?). Boater-angler encounters can be "asymmetrical" (i.e.: adversely affecting anglers more than boaters) and hence the potential need for greater restrictions/separation for the boater user group. Backcountry anglers are generally the "sensitive" group in that they will report adverse impacts from boaters, but conversely boaters are generally the "non-sensitive" group since they are generally willing to share (see bullet number 6 on page 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River, Chapter 3, Section 3.2.1, Recreation ORV*).

Sample Public Comment(s) for PC 66:

As evidence of why your stance is just plain wrong, I submit that Tim's Ford Lake in Tennessee has an active trout release/stocking program on the river that issues from Tim's Ford and that there are no regulations restricting canoes or boaters of any type from paddling the river - even while trout fishermen are fishing the same river. It certainly appears to me that you have allowed an influential, small, privileged sub-group to dominate the use of this natural resource that should be reasonably open to all citizens. I urge you to reconsider your latest proposal and recognize that private boating is a recreational need that you should make further efforts to support. Your efforts to date are patently discriminatory, unfair, obviously biased and need to be changed. (Ltr# 14, Cmt# 1)

I am upset at the continued discrimination of whitewater boaters on the upper Chattooga. At least some boating is being allowed during the 6 week period, but no other user groups are discriminated against. Are the fisherman, hikers or other user groups limited to when the area can be used (no). (Ltr# 20, Cmt# 1)

I am disappointed that the Forest Service continues to spend taxpayer money to discriminate against boaters. This stance has no rational justification other than a desire to maintain the status quo, which favors other groups with entrenched interests. (Ltr# 22, Cmt# 3)

Their analysis is not reasonable because they treat paddlers inequitably and irrationally. (Ltr# 36, Cmt# 5)

The sole reason for this exclusion is the rather bizarre claim that the mere sight or thought of boaters ruins the outdoor experience for other river users. Now I admit that I'm sometimes annoyed or frustrated by people I encounter while on public land. But the land IS public, and my preferences don't give me the right to exclude others. It seems that the U.S. Forest Service is using its vast resources to invent a new management classification that excludes paddlers from areas protected as a Wild and Scenic Rivers or as Wilderness. They should be managing the river for all wilderness-compliant users rather than banning one activity for the exclusive benefit of another. (Ltr# 40, Cmt# 2)

It would be nice for local communities to use the river for all interest, not just hiking and fishing. It seems to many individuals in the boating community that the forest service is choosing whatever the leaders of it prefer or what the people who are paying them under the table prefer. (Ltr# 44, Cmt# 2)

I would also ask you to consider all of the users (canoeists, kayakers, anglers, hikers) equally as you determine a use plan. I don't understand a clear rationale for holding part of the river for one group and not another. I would understand keeping the river closed on some days for only one group or another, but keeping one or another of the groups out of an individual section does not seem to be supportable by any of the data provided in the report. (Ltr# 47, Cmt# 1)

I firmly believe that ALL Wilderness and Wild and Scenic Rivers should remain open to whitewater paddling as the sport has NO negative impacts on the waterways. In fact, avid outdoorsmen and whitewater boaters like myself play an important role in cleaning up trash from our waterways. I believe this river should be open to non-motorized use from its headwaters down to its lower reaches. (Ltr# 56, Cmt# 1)

The revised paddling ban on the Upper Chattooga is a very prejudice and somewhat insulting to everybody in the Southeastern kayak community. Boaters are singled out as the only people who cause some disturbance to other enjoyers of the outdoors, when in reality, boaters stay in the same place for the shortest amount of time. Fishermen stay in one spot for a long time and hikers not only are slower than boaters but they also disrupt the flora and fauna more than boaters. How is it logical that the only people who have basically no impact on the natural surroundings and simply float by them instead of breaking or stepping on plants or actually removing and potentially eating animals from their natural habitat are the only people who are not allowed to be in this place? Also, very few boaters are capable of boating this section of river and with the current flows, it is only boatable a handful of days of the year when the flows are higher than most other people will be out and enjoying the river, so the chances of boaters actually seeing others is very low. (Ltr# 58, Cmt# 1)

The US Forest Service analysis is not reasonable because it singles out paddlers for inequitable treatment. The combined recreational use of the Upper Chattooga as a trout fishery and as a paddling venue is feasible, and there are many benchmarks available for comparison. As one example of established compatibility, I offer the Hiwassee River in the Cherokee National Forest in East Tennessee. It is a state scenic river which allows highly-rated trout fishing (wading and boat) and whitewater paddling. (Ltr# 59, Cmt# 4)

I recently arranged a boating trip down the Chattooga with my friends. It had been a dream of mine for some time to enjoy a canoe-camping trip down this beautiful, historic river. I was shocked when I arrived to discover how limited the boating access was. we were only "allowed" to navigate a short section of river. I have never experienced this before on a public waterway. (especially a protected Wild and Scenic River!!) I am a twenty-year veteran canoeist, and a leave-no-trace instructor. I couldn't think of a reason in the world why I shouldn't have the right to complete my dream of floating down this river in its entirety. (Ltr# 60, Cmt# 1)

Please do not allow the Forest Service to waste taxpayer dollars to exclude a historically significant user group. This sets a horrible precedent which could affect and exclude users of all stripes nationwide. (Ltr# 60, Cmt# 4)

In dozens of trips on foot and by boat along all sections of this gorgeous river I have never seen one instance where boaters impeded the pursuits of anglers, yet have seen almost every time where anglers, locals and campers have abandoned sharp hooks, broken bottles, trash, plastic, ruptured inner tubes, ruptured angling floats, rods, clothing, toilet paper, improperly snuffed fires, ugly (and illegally) harvested wood and countless other embarrassing evidence. Likewise I have never seen, nor hear tell of USFS

policing or cleaning these areas or issuing fines to the abusers. Yet, for unexplained, unjustifiable reasons boaters are chosen for exclusion to this area. (Ltr# 62, Cmt# 2)

The analysis conducted appears to treat paddlers inequitably and irrationally, compared to other recreational users. (Ltr# 63, Cmt# 3)

I am writing to support the ending of the ban on boating in the upper Chattooga. There is no reason that one outdoor enthusiast should be allowed in that area but not another. There is no evidence that boating harms the environment any more than other forms of outdoor recreation, and furthermore, the times when boating would occur (during high water events after it rains) are only when most other enthusiasts including anglers are not around. This ban is discriminatory and the entire upper Chattooga watershed should be opened for all outdoor enthusiasts, and no special treatment should be shown. (Ltr# 67, Cmt# 1)

I am a longtime resident of the Chattooga area and I encourage you to allow boaters access to the current restricted areas for several reasons. The areas that boaters are currently allowed to use have been maintained and respected by boaters and the upper sections would be no different. The impact of boating in this area would be far less than the recreations currently allowed such as camping and fishing. Allowing boater's access would bring another group of individuals to support the upper reaches of the watershed through time, effort, and finances. It seems unfair to me that a federal agency would deem one recreational activity more important than another. (Ltr# 68, Cmt# 1)

Although it is not a section of river that I would be likely to ever paddle, I do hope the USFS will open the Upper Chattooga to boaters. Kayaking is about as LNT as you can get. We don't create trails or trample sensitive plants. Most of the time, access is at roadways or trails already open to other users. Hiking, backpacking, fishing, and other land based pursuits require trails cut into the land, displacing plants, trees, rocks, and even animals. If one group is to be preferred to another group, I would think that the boaters would be the preferred group because they cause the least damage to the area. I am not suggesting that any group be banned/prevented from using the Upper Chattooga drainage. It is a beautiful area that I am happy to have experienced (hiking). Please let reason prevail over the loud (at times abusive) voices of the fishermen who would keep the river to themselves and prevent other users equal access to public lands. (Ltr# 70, Cmt# 1)

I believe that other portions of the river suggested for boating should be opened as suggested. I believe that extending the time period into the fall and spring for boating at the suggested water levels would be a much better approach in order to provide boaters a fair opportunity to use the river in less frigid times of the year, but during water levels that are not prime for fisherman. Ultimately, allowing more "boatable days" is the most reasonable and just thing to do. (Ltr# 82, Cmt# 2)

I recently got wind of new legislation being considered that would put a ban on boating the Chattooga River. I strongly urge you to rethink enacting such an irrational and harmful law. Boaters are among the most appreciative and environmentally conscientious group of outdoor enthusiasts, and to take away their right to enjoy one of the most beautiful and scenic rivers in the country would be unjust and simply illogical. Not to mention, it would work against the integrity of the US Forest Service and its objectives to protect and it is completely unjustified to put excessive restrictions on boaters while allowing unlimited access by other, potentially more destructive, visitors. (Ltr# 84, Cmt# 1)

Alternative 8 is better, but I am a kayaker and not a scenic boater or boat based angler and I do not see how these constituents should affect my use of the river. (Ltr# 87, Cmt# 2)

Why have whitewater kayakers been singled out? We value the ecology of the area, leave little to no trace, and give back to the land in our donations. ... Do the right thing. Allow us the right to boat the upper Chattooga. (Ltr# 87, Cmt# 3)

Allow boating year round, at all water levels, including the tributaries. Treat all users equally. (Ltr# 91, Cmt# 2)

I've heard comments that kayaking is an extreme sport and therefore doesn't belong on the upper Chattooga. That is a biased and ignorant statement. Wild and Scenic access guidelines do not specify that "extreme" sports are excluded. Who is to make that judgment anyway? One could easily argue that fishing is extreme, it is injuring or killing innocent creatures just trying to live a peaceful life in the water, but it hasn't been restricted. Trail running can be dangerous and those running are not out for a meditative walk

but for a more 'extreme' experience that they don't get on a gentle hike but there is no restriction on the speed that one can travel on the trail. (Ltr# 93, Cmt# 2)

User groups should be able to co-exist and some tolerance needs to be learned. We are all there for the same thing, to appreciate and enjoy the woods, and all it has to offer, in our own way. Paddlers would, regardless of legal restrictions placed upon them, only paddle the river when the water is higher and floatable for a boat. These higher water times are short and often during or following a period of excessive rain, which makes the water conditions less desirable for fisherman; a win-win situation for both parties. Wilderness would not be protected if people didn't have passion to do so. That passion grows when they experience a place and they can't do that if they aren't allowed in. We need responsible and wise access guidelines that are fair and not based on historical use but contemporary values and equitability. (Ltr# 93, Cmt# 3)

Nothing should give one individual or one group anymore privilege over another when it comes to something we all collectively own as Americans. (Ltr# 95, Cmt# 3)

All of the problems I've heard about make sense. But why are paddlers singled out as the one group of people that are banned when they have the least impact on the environment of them all? And paddling doesn't even require the expenditure of resources that fishing does in terms of fish stocking. (Ltr# 97, Cmt# 5)

I have paddled the Chattooga River since Deliverance came out in 1972. Since then I have paddled most of the original 8 Wild and Scenic Rivers of the US, and a hundred other rivers. Nowhere else are they trying to limit paddling for the benefit of fishermen. We can live in harmony. I have nothing against fishermen. They should have nothing against me. Please change your policy to allow boating on all of the Chattooga. (Ltr# 99, Cmt# 1)

Conversely I believe that fisherman should not interfere with the right of boaters to use the rivers for their enjoyment. In my experiences on the Chattooga there didn't seem to be enough private kayakers nor fisherman to bother each other. The upper section should be seen and admired by all. From a boat it would be a spectacular view of God's creation. No restrictions should be placed upon boaters wishing to float any portion of the Chattooga. There is plenty of river for all to find peace and solitude in their own way. (Ltr# 100, Cmt# 1)

Why should a wild and scenic river be limited to fishermen, hikers and hunting? Boaters are entitled to the same rights as all others. Environmental impact is a high concern of a majority of boaters that I know. Many of my boating friends as well as myself are the ones who want to protect and preserve our wilderness area that we visit by cleaning up trash that fishermen or others may leave. My vote is to allow boating on all sections of the Chattooga at all times. It is a crime to discriminate against boaters or any others in this beautiful area intended for use by the public. (Ltr# 125, Cmt# 1)

The concept of a Wild and Scenic River designation includes the concept that paddlers should be able to paddle the entire river as a multi-day trip if desired. The US Forest Service analysis is not reasonable because it singles out paddlers for inequitable treatment. (Ltr# 132, Cmt# 3)

I might add on behalf of our taxpaying and political active membership, that we completely object to the waste of taxpayer dollars this continuing prohibition on the simple act of floating down a river, not to mention the resistance your office has provided to the fair and equitable use of our nations resources. (Ltr# 137, Cmt# 1)

I would like to submit comments regarding access to the Chattooga River. As an avid kayaker and nature enthusiast, I am disappointed to have restricted access to the Chattooga. I'm an avid fly fisherman as well and am surprised that I'm able to commercially access sections of the Chattooga if I chose to fish or hire a fishing guide, yet I can't enjoy the river from the comfort of my own boat. This is equally our land as Americans and the restriction of access is unnecessary. The whitewater club that I belong to, the Atlanta Whitewater Club, is full of enthusiasts with a similar outlook. We have river cleanups several times a year to keep our rivers beautiful. I know that myself and this club would respect every inch of the Chattooga that we're granted access to. Please consider giving us the access we deserve (Ltr# 146, Cmt# 1)

While the new Environmental Assessment presented this year excels at generating an enormous volume of paper, it continues to violate the spirit of "land of many uses" by unfairly scrutinizing paddlers while

failing to address the serious impact already present from other user groups. The document glazes over and minimizes the impact from existing user groups. While it does propose a reduction in campsites and user created trails, it does not make any serious attempt at determining the existing impact. Impacts from hikers and anglers who trample riparian areas blazing trails to the river are also largely ignored in this assessment. The impact of fishing lines and lures left hanging in trees is not addressed. Perhaps the most glaring oversight is that no assessment has been made of the impact of stocking this wild and scenic river with non-native fish species. These non-native fish undoubtedly impact native plants and animals within the Chattooga corridor yet this impact goes completely unmentioned in the environmental assessment. The sound of the helicopters used to stock tens of thousands of exotic fish species in a wild and scenic river corridor and its impact on river users is never discussed. The impact of those who wade into the river to fish or swim is also not determined by this environmental assessment. Does wading through a riparian corridor for 6 hours fishing have a greater impact on plants and fish than floating over the same section of the river in a boat? This EA makes no serious attempt to assess the impact of anglers on the Chattooga headwaters. (Ltr# 150, Cmt# 1)

The 1971 Wild and Scenic River Assessment presented to congress describes the Upper Chattooga as follows: "Enormous boulders, some over 50 feet high with trees growing on top, rise from the river bed. In many places sheer rock outcrops and cliffs rise 400 to 600 feet above the river. The Chattooga Cliffs, a series of these outcrops continues along the river for two and one half miles. Rafting or some method of floating is the best method to see this portion of the river, for many of the pools are 10-20 feet deep and impossible to wade by hikers and fishermen. The sheer rock cliffs and dense vegetation along the shoreline make it extremely difficult to hike on foot." If some method of floating is the BEST method to see the Upper Chattooga, why does the Forest Service ban this activity for the vast majority of the year? The pictures in the assessment further underline the importance of paddling – paddlers are pictured multiple times, including a drawing on the cover of the report. No other river users are pictured in the report. A better solution would be a fair and equitable approach that allows all users the same level of access. If floating is the BEST use of the river, other uses should be considered secondary and their use restricted to prevent interruption of floating the river. (Ltr# 150, Cmt# 7)

The new assessment further adds a new and unwarranted idea in an attempt to justify a near total ban on paddling. The report states: "Anglers spend most of their time near the river and usually fish a small section of the stream where they are likely to be passed by nearly all boaters present on that day. When these encounters occur, impacts on users are also more likely to be asymmetric (more adverse for anglers than for boaters)." This completely unfounded assertion is used throughout the assessment to justify a near total ban on paddling. As a paddler, I can state that my wilderness experience is disturbed by anglers. Their presence is seen not only when I pass them on the river, but when I see monofilament line snagged in the trees and branches along the river bank. Their presence disturbs me when I see their hooks and flies snagged in the same trees and branches, when I hear helicopters circling above to deposit non-native fish into the river, when I see their trails dig into the banks of the river, or when I don't see native species that have been displaced by the stocked fish. The difference between paddlers and anglers in this scenario is that after a 35 year ban, paddlers understand what it is like to be unfairly denied use of the resource. Paddlers are willing to share the resource despite being disturbed and affected by other users. It is the height of selfishness for a small group of anglers to demand banishment of another group. If anglers are unwilling to share the resource, it is their access which should be restricted. A more fair and equitable solution would be to allow boaters to decide for themselves when the weather and level is conducive to paddling. This would allow paddlers to make the decision of when to paddle, much as hikers decide when to hike along the river, and similar to anglers who are also able to decide when to fish along this scenic public resource. (Ltr# 150, Cmt# 8)

Let us paddle (Ltr# 152, Cmt# 1)

It's very discouraging to read the comment from groups banning the kayakers as they try to paint all kayakers as someone trying to drag coolers down the river. That would never happen on the headwaters. The headwaters are a difficult section of river to kayak and one that very few people will even achieve the skill to paddle. Also, this is a "creeky" and narrow section of the river, so people complaint of it being like the Ocoee filled with rafts is totally unfounded. Rather its a section that if boating was allowed above the Highway 28 bridge, it will still be a wilderness. In addition, if there are going to be limits on visitors, it

needs to be all visitors. The current analysis is totally unreasonable because they treat paddlers inequitably and irrationally. (Ltr# 153, Cmt# 1)

DO IT RIGHT! Stop the continuous delays, stop the "preferred alternative" delays, and most importantly stop the biased, arbitrary, and capricious Upper Chattooga regulations that ban a single user group from the Upper Chattooga. No other Wild and Scenic River has this kind of discrimination against one user group. It continues to astonish that the Forest Service would pander so blatantly to one user group while so obviously discriminating against another. Doing the wrong thing for a long time is still doing the wrong thing. Open the Upper Chattooga to boating and do it without the sham studies and the artificial, biased, and deeply flawed studies that do not fairly and honestly evaluate the real relative impacts (almost none) that boaters would have on the Upper Chattooga. (Ltr# 157, Cmt# 1)

I see that none of the alternatives in your assessment give equal treatment and consideration to all user groups, and additionally, that all the alternatives actually discriminate unfairly and unnecessarily against paddlers. While paddlers cause the least impact on the environment of any user group, they would have the most restrictions imposed upon them of any user group. Your assessment fails to justify this treatment in any way. (Ltr# 161, Cmt# 1)

I urge the Forestry Service to open the Upper Chattooga to boating. I personally think this catering to the fishing groups is setting bad precedent for all users of the forest. I am also very offended by the direct attacks by fishing groups stating that kayakers would damage the delicate environment. The truth is known the level of kayakers who would or could kayak the Upper Chattooga also care about the pristine environment as strongly as the same fishing groups. Please end these selfish attitudes and allow fair sharing for responsible users of the forest and river. Please settle the matter and not allow this bickering to continue. The Forest Service has wasted untold hours and money on a non-issue. (Ltr# 162, Cmt# 1)

I am writing in support of lifting the ban of private boaters on the reaches of the upper Chattooga. I have been both fly fishing and kayaking/canoeing since the age of 12 and fail to see the logic in preferring one over the other. Furthermore, I regularly kayak and fly fish the Hiwassee river in reliance, Tennessee and this waterway allows for boating and fishing and it is a wonderful relationship and place to visit. There are no issues among fishermen and boaters and most fishermen aren't fishing once the water is high enough to float a kayak or canoe (or tubes, which are common on the Hiwassee). Lastly, the whitewater users need a higher flow of water to get down the upper Chattooga. These higher flows would not be of use to any knowledgeable or experienced fishermen as the fish hold down and become that much more finicky until the levels drop. I have fished extensively in both state/national forest and in the Great Smoky Mountain National Park and can demonstrate to anyone this fact. So I really don't understand the positions taken by TU and NFS. There is no sensible reason to discriminate against one set of users other than politics. There can be compromise in this situation where both parties benefit and can use the water without conflict. These are public lands and should be open to all taxpayers who are willing to use them responsibly. (Ltr# 165, Cmt# 1)

I have never experienced a conflict paddling these restricted areas, and the reason is a fact of nature. The conditions for the pursuit of paddling and fishing are mutually exclusive. Fishing is terrible on the days when the river level is good for kayaking, and any intelligent paddler (there are a few of those!) stays off the river when the levels are great for fishing. Removing the restrictions will not create a crowd of paddlers to these sections, because paddlers understand the difficulty of these rapids, and the rarity of adequate river levels. The current restrictions are probably illegal, and will be eventually judged to be so, as a result of the current legal actions. The U.S.F.S. should anticipate this, knowing that they are employed to serve the public, the tax-paying citizen. (Ltr# 167, Cmt# 1)

Why are you so vehemently against allowing equitable use with normal policy procedures that work for every other National Forest? After 12 years and millions of wasted dollars, all of which would have been better served doing far better things, you still cannot PROVE anything with factual scientific data. (Ltr# 170, Cmt# 2)

Lifting the ban would be inequitable. Introducing whitewater kayaking would grant a marginal benefit to a small subset of a single-user group while unfairly and irreparably harming the "esthetic, scenic....features" of the river for a multitude of other diverse and less intense user groups. These other

user groups merely seek to protect their esthetic sense of solitude, natural scenery and spontaneity of access. (Ltr# 171, Cmt# 5)

Boating has less environmental impact than virtually any other activity in the watershed. Boats leave ripples. Boaters do of course use access trails, as do all users. We do not typically use trails that run along the river. Boaters are legitimate users of the Wild and Scenic area. The fact that other users might prefer not to see boaters does not change that. Segregation is no longer acceptable in America. I believe that natural user preferences of water level will minimize conflict between boaters and fishers. Any other conclusion should be based on data from an extended trial period. If, against my expectations, there is excessive conflict, the two groups should be treated equally. Boaters should not be denied river time to a greater extent than fishers. Long term, I believe all will prefer minimum interference by the USFS. Threats and acts of violence by one user group against another should be dealt with as the serious offenses that they are. (Ltr# 173, Cmt# 1)

I believe some groups should be more restricted in order to preserve the area for generations to come; however, I also believe that all user groups considered and studied should receive equal treatment from a government agency that we all support. (Ltr# 178, Cmt# 1)

Of the various user groups under consideration for the Chattooga, the boaters/kayakers/canoeists are the group which has the least impact on the area. We are primarily IN the water, not on shore any more than we have to be. We are not the folks who litter the banks with fish bait containers, beer/alcohol (boaters don't drink while boating, due to dangers of hypothermia), or lead sinkers and the like. As a group, boaters are very conservation-minded and would leave the least impact there. It astounds me that this very group is the one targeted by the forest service to NOT be allowed our legal, rightful, opportunity to enjoy this resource. (Ltr# 181, Cmt# 1)

Paddlers should have equal access with all other users to all portions of the Chattooga Wild and Scenic River. Discrimination against paddlers will not ultimately hold up in court. Therefore, please quit wasting taxpayer dollars in attempting to draw out the process. (Ltr# 187, Cmt# 1)

#14- The second flawed premise in the EA is that boaters should bear the full burden of preventing any conflicts that would occur. The EA places this burden on boaters by virtually banning boating access, while placing no limits on access for other users. This allocation of responsibility is particularly unfair considering boaters are generally quite tolerant of user groups. Limits on all uses are necessary to protect the outstandingly remarkable values of the headwaters. (Ltr# 193, Cmt# 12)

#21- The Alternative presented continues the practice of discriminating against certain user groups and I cannot accept any alternative or proposal that does that. Nothing short of a policy that allows equal access for anyone who wishes to enjoy the Chattooga or any other USFS-managed area is acceptable. (Ltr# 193, Cmt# 17)

#23- Preferred alternative includes a total ban on 2/3 of the upper river, a ban on tributary boating, and allows only 0-6 days of limited boating on the remaining reach – while allowing all other wilderness conforming existing uses in unlimited numbers. This is not equitable and not acceptable! (Ltr# 193, Cmt# 19)

#63- Choosing to uphold a boating restriction on the Chattooga will set a negative precedent that could affect millions more Americans across the country. (Ltr# 193, Cmt# 57)

#66- The USFS preferred alternative includes a total ban on 2/3 of the upper river, a ban on tributary boating, and allows only 0-6 days of limited boating on the remaining reach - while allowing all other wilderness conforming existing uses in unlimited numbers.. This is not equitable and not acceptable. (Ltr# 193, Cmt# 60)

#99- Boating is not significantly different from fishing in terms of creating portage trails along the bank and around large woody debris or steep drops. This argument in itself does not warrant a boating ban. (Ltr# 193, Cmt# 92)

#100- Remember, every other user group, not boaters, is responsible for the current damage. Would it not make sense to limit their access? In addition, having zero proof or evidence that boating would harm the river corridor; does it not make sense to allow boating until proven otherwise? Innocent until proven

guilty. Due process of the law. Heard of those concepts? They're only some of the principles that the fabric of this nation is made up of. (Ltr# 193, Cmt# 93)

#103- All impacts of boating were painted in a VERY negative light, whereas the continued impact of all fishing related activities were glossed over. (Ltr# 193, Cmt# 96)

#120- In the study, it becomes readily apparent that any time where boaters may have even a remote chance of using the resource when an angler may be present that the angler is given unfair preference. (Ltr# 193, Cmt# 113)

#124- Recognizing that boating is a legitimate form of recreation where it is appropriate, it must be noted that if it seems unfair for some sections to be open to boaters and fishers while some are open only to fishers, it must be noted that the activities of fishermen do not interfere with boating. In contrast, the activities of boating on waters of the size of the upper sections of the Chattooga would totally disrupt a fisher's recreation for a major portion of a day. (Ltr# 193, Cmt# 117)

#197- Even a cursory review of the EA reveals a strong bias against boating. Throughout, the EA treats the existing profile of user types and levels as the baseline for the upper river, and makes no serious effort to reexamine whether this profile is fair or sustainable. Instead, it presupposes that the existing user profile will remain unchanged, and then asks and answers the wrong question: Can boating can be added to the existing user profile without adversely affecting the resource or the user experience of existing users? (Ltr# 193, Cmt# 189)

#207- The EA arbitrarily singles out "fishing" as a best use of these waters to be supported, ignoring other best uses including secondary and primary recreation (for the waterbody segment in North Carolina) which includes boating uses. This 'weighting' of one use, and subsequently one user-group, is unfounded particularly in light of the fact that all of these uses were considered to contribute to the value of naming this segment as a National Wild and Scenic River segment which also subsequently contributed to its designation as a North Carolina Outstanding Resource Water. (Ltr# 193, Cmt# 199)

#229- This seems inequitable and unacceptable to single out one user group for exclusion from a public forest and Wild and Scenic waterway. (Ltr# 193, Cmt# 220)

#268- I, as a private, self-guided whitewater paddler, have been displaced exclusively to the lower river since 1976 where I must contend with some 40,000 commercial users a year! Where's my opportunity as a paddler for the cherished back country experience and solitude provided by the upper Chattooga River? (Ltr# 193, Cmt# 259)

#328- Unjustified restrictions and bans are illegal according to the Wild and Scenic Rivers Act and the Wilderness Act. Restricting and banning boating without similar measures being applied equally to other user groups is simply unfair and discriminatory. Boaters deserve equal protection under the laws. (Ltr# 193, Cmt# 318)

#329- Nothing in the Wild and Scenic Rivers Act supports discrimination in favor of one user group against another. While it is true that anglers consider the upper reaches of the Chattooga River to be unique, offering pristine environmental conditions, beauty, and solitude, those very characteristics are among those that whitewater paddlers seek and enjoy. To maintain this public resource for the benefit of fishermen, and the exclusion of paddlers, has no basis in fact, law, or public policy. (Ltr# 193, Cmt# 319)

#356- I don't claim to know the "capacity" of the Chattooga River for boating use but I do know it is not zero! It is far greater than zero. Any decision that bans or limits boating is simply not defensible based on the data in the record. (Ltr# 193, Cmt# 346)

#357- You cannot make a decision to continue the illegal boating ban based purely on local public sentiment (or outcry) over this issue. This is not a local issue and this is not a private resource. This is a National Wild & Scenic River! (Ltr# 193, Cmt# 347)

#419- The EA, the alternatives, and the preferred alternative are not equitable. Each alternative proposes to radically limit or ban paddling use while other uses are virtually unlimited. The preferred alternative is predicted by the Forest Service to allow only six days of boating, and acknowledges that only 3 of them would actually be available to paddlers. Three days of paddling versus 365 days for other uses is not equitable. Even worse, the preferred alternative totally bans boating on two thirds of the river, while

allowing other uses unlimited access. In addition the only boating that is allowed is in the winter while other uses are allowed year round access. (Ltr# 193, Cmt# 407)

#420- Inequity and bias permeates the EA, and is stated up front in section 1.1.2. The need for action states that "The unique angling opportunity that exists on the upper Chattooga needs to be carefully managed" whereas "Opportunities on the upper Chattooga for whitewater floating need to be evaluated as an enhancement to the whitewater boating recreation experience and its effects evaluated." Angling is painted as something "unique" to be "managed" whereas boating is seen as an "enhancement" which needs to be scrutinized. This is not equal treatment and forms the basis for the entire flawed EA. In the end, angling is not limited at all and boating is virtually banned. (Ltr# 193, Cmt# 408)

#421- Boating is addressed as a binary question of whether or not to institute the harshest possible management or not: "Should there be additional boating opportunities in the Chattooga River Corridor (above Highway 28)?" This is misleading in itself, as the word "additional" implies that there is already some boating, when in fact there is none. All other recreation, including larger and more damaging uses, are addressed only through considering indirect limits in the case that boating is allowed. This difference can only lead to inequitable treatment of user groups. The EA does not ask, "should there be hiking, camping, angling, or stocking," nor does it ask "what is the capacity for each of these individually, or collectively." (Ltr# 193, Cmt# 409)

#444- "Although [dispersed and developed recreation opportunities] can have potential impacts to riparian corridors, they are allowed because the majority of forest users prefer to recreate in or near bodies of water. (EA 29). The EA's answer is essentially that some recreational impacts are OK because recreation is generally good for society - except apparently paddling. This double standard permeates the EA and is arbitrary and capricious. (Ltr# 193, Cmt# 432)

#447- Figures 3.3-1 and 3.3-2 exemplify the EA's misdirected focus on management of only paddling. (Ltr# 193, Cmt# 435)

#448- The bias of the EA is perhaps nowhere more obvious than Figures 3.3-1 and 3.3-2. These figures label impacts of non-boaters as "boating does not cause standards to be exceeded" while labeling boating's potential contribution to standards as "boating causes standards to be exceeded." Instead, the labels should read: "non-boating uses' contribution to days of standards exceeded," and "boating's contribution to days of standards exceeded." This is critical for two reasons. First, the EA attempts to focus attention exclusively on the (miniscule) role of paddling on causing encounters, while ignoring the (massive) role that existing users play in causing encounters. Second, the EA ignores the fact that no one person, group, or recreational type of use "causes" encounters: encounters occur when two individuals or groups meet. (Ltr# 193, Cmt# 436)

#488- The Record of Decision on our appeal confirms that if use is to be limited it must be limited equitably. The EA, the alternatives, and the preferred alternative are not equitable. (Ltr# 193, Cmt# 475)

Public Concern 67

The Forest Service should consider the following regarding the Bullpen Road Bridge frontcountry area:

- A) Prohibit boating above this area;**
- B) No trails should be built above the bridge;**
- C) Permit boating below this area and restrict by flow levels; and**
- D) Fly fishing is acceptable at flows as high as 600 cfs in this area.**

Response to PC 67

A) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2** for alternatives that prohibit boating above Bullpen Bridge, and **Chapter 3** for the analysis of these alternatives.

B) Any trail construction would be done under a separate and site specific analysis (including additional public involvement) to mitigate impacts to the social and natural environment.

C) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2 section 2.4 Alternatives Considered But Not Evaluated In Detail** for alternatives that allowed boating below Bullpen Bridge restricted by flow levels (Preliminary Alternative 7 and Alternative 5).

D) See the discussion of **Flow-Dependent Activities in Section 3.2.1 Recreation ORV in Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, and the Flow Issues chapter in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

Sample Public Comment(s) for PC 67:

Subconcern # A

Although some trout waters in South Carolina above Highway 28 are protected; no provision is made for anglers in North Carolina particularly above the iron bridge at Bull Pen. (Ltr# 188, Cmt# 1)

Subconcern # A B

The Chattooga River is beautiful and already has many people using it for recreation. The area above Bull Pen Bridge has many rare species and needs to be protected from the addition of trails, traffic, noise, and hoards of people. I do not feel that accessing this area is necessary. There is already too much noise, "recreation" and humanity all around it. Solitude and quiet are too hard to come by! (Ltr# 72, Cmt# 1)

Subconcern # A C

I believe that allowing some boater access from Bull Pen Bridge and South is both vital and fair. Being equal parts boater and fisherman, it is not justifiable to support a policy where some recreational users (fisherman) can use these sections of the river, while others (boaters) cannot. However, I would not support any boating above Bull Pen Bridge. This section of the river is very narrow and gorged in. The type of boating possible in this area only appeals to a tiny fraction of all boaters and is not worth the extra impact on the surrounding natural areas. (Ltr# 82, Cmt# 1)

Subconcern # A-C

I have lived, hiked and boated in this area since 1986 and first boated and hiked in the area in the mid-70s. I believe that there should be no boating above the Bull Pen Bridge and that another trail above the bridge should not be built. I believe that the amount of boating proposed on the stretches below Bull Pen is too minimal. The water flows are a limiting enough factor and to limit the time to only three months is too little. Boaters are a very low impact use since most of their travel is on the water. The entire area from Bull Pen road down to Hwy 28 should be open for boating with Long Bottom being the exit for the Rock Gorge due to the concrete ramp and good parking. I had thought that all of the river should be open until I river hiked the stretch above Bull Pen Bridge a few weeks back and now I think not. I certainly don't think another trail should be added. (Ltr# 31, Cmt# 1)

Subconcern # B

I support the Chattanooga's conservancy view - we do not need an access trail into the last remaining reach of the Chattooga River above Bull Pen Bridge. (Ltr# 80, Cmt# 1)

Subconcern # C D

The topography along the North Carolina Chattooga varies from very steep gorges to low gradient banks. Yet, only assessment of the steep gorge areas is included when considering capacity for anglers. By only considering the most difficult access spots, the assessment underestimates the ability of the Chattooga to accommodate angling during higher flows. Fly-fishing the area around Bull Pen Bridge remains acceptable at flows as high as 600cfs, as documented within the Forest Service 2007 report. Many of the smaller tributaries simply cannot accommodate casting due to the overhanging vegetation. These tight tributaries do not offer an alternative for fisherman displaced by boating and associated disturbances. Only the Chattooga still offers an opportunity to enjoy fishing in North Carolina without disturbance. If the proposed alternative was to allow boating only below Bull Pen Bridge, at least some of the North Carolina angling opportunities would remain available year-round. Unlike boaters, anglers are required to purchase expensive out-of-state licenses when fishing in other states. The Sumter Forest Service should

continue to offer diverse recreational opportunities in each state, especially during the higher flows. (Ltr# 109, Cmt# 1)

Public Concern 68

The Forest Service should consider the following regarding the Burrells Ford Bridge frontcountry area:

- A) Fishing access in this area during designated boating times needs clarification;**
- B) Boating should be limited to December through January to allow for angling;**
- C) Prohibit boating below this area to minimize monitoring and enforcement; and**
- D) Restrictions are needed for this area to maintain its integrity (comment from 2009 EA comment period)**

Response to PC 68

A) There are no restrictions on fishing other than the fishing regulations promulgated by the respective State Department of Natural Resources (DNR) in each of the three states in question.

B) A reasonable range of alternatives (not all possible) have been evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and are responsive to the key issues and meet the purpose and need in **Chapter 1**. An alternative that limited boating to the months of December to January was not considered.

C) A reasonable range of alternatives (not all possible) have been evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and are responsive to the key issues and meet the purpose and need in **Chapter 1**.

D) In the effects analysis for soils, water and riparian, water quality, vegetation, and biology (subsections on fisheries, wildlife and botany), the potential impacts from portage trails, new access routes, and campsites were discussed by alternative. The Decision Notice includes monitoring and an adaptive management strategy that includes indirect and direct measures to mitigate recreation impacts.

Sample Public Comment(s) for PC 68:

Subconcern # A

I am still confused as to the access to the river. If the boaters can use the river from NC to Burrells Ford during the designated times does this preclude the anglers from the river during those periods/times? For instance I prefer to fish (wade) the river during the week as I am retired and I do not have to put up with as much of the people as are there on the weekends. I also like to fish in the winter, will I have to give up my right to the river during the boating times or can I take my chances and fish whenever I want, weather permitting etc.? Just asking. (Ltr# 7, Cmt# 1)

Subconcern # B

Allowing boats until March 1 on the section below Burrells Ford will ruin a great deal of good trout fishing in this section. A number of good hatches begin in February of most years and earlier if it is a mild winter which is very likely on this water. A better solution would be to keep all boating in the December thru January timeframe. This is all mid-day fishing this time of the year when the temperatures get comfortable for insect hatches and trout fisherman. There would be serious conflict if boaters were rolling thru at the same time, this is a narrow river thru these sections. Burrells Ford is the starting point for a great many trout day trips both up and downstream in February and of course the Delayed Harvest water is fished hard even in January/February (this is a year around trout fishery). (Ltr# 10, Cmt# 1)

Subconcern # C

Remove boating from the decision below Burrells Ford Bridge. Monitoring, enforcement, and finding room in the budget will be more likely with a decision of smaller proportions. The uses will float to 28 Bridge rather than take out Lick Log. (Ltr# 139, Cmt# 12)

Subconcern # D

#230- The area above the Highway 28 bridge has become inundated with hikers, fishermen, and just people enjoying the scenic beauty. How can we guarantee that the least environmental impact possible will be provided when it is obvious that we cannot truly control the actions of certain individuals who use this section now, as evidenced by the need to close or restructure "user created campsites and trails." At some point this area will have to become further regulated to maintain its integrity especially at Burrells Ford Bridge. (Ltr# 193, Cmt# 221)

Public Concern 69

The Forest Service should consider the following regarding the Highway 28 Bridge frontcountry area:

- A) Prohibit boating above this area to preserve the recreational experience and solitude;**
- B) No trails should be built above this area; and**
- C) Permit boating above this area, as directed by the Wild and Scenic Rivers Act.**

Response to PC 69

A) A reasonable range of alternatives (not all possible) have been evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and are responsive to the key issues and meet the purpose and need in **Chapter 1**. Some of these alternatives continue the boating prohibition above the Highway 28 Bridge.

B) Any trail construction would be done under a separate and site specific analysis (including additional public involvement) to mitigate impacts to the social and natural environment.

C) A reasonable range of alternatives (not all possible) have been evaluated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and are responsive to the key issues and meet the purpose and need in **Chapter 1**. Some of these alternatives consider boating opportunities above the Highway 28 Bridge.

Sample Public Comment(s) for PC 69:

Subconcern # A

I oppose any boating above the highway 28 bridge. I also am a whitewater kayaker but I believe this area is as inappropriate for this type of recreation as would mountain biking on the Appalachian Trail. (Ltr# 12, Cmt# 1)

Subconcern # A

The Forest Service should draw a line at the Route 28 bridge (the lower-most boundary of the Upper Chattooga area) to safeguard it for continued use by hunters, hikers, anglers, campers, picnickers, nature lovers, birders, botanists, and those who prefer solitude in one of the last remaining wild places in the entire Southern Appalachians and Southeast. (Ltr# 18, Cmt# 2)

Subconcern # A

I urge the Forest Service to save this wild and scenic river, at least the last little bit of it and choose an Alternative that does not allow boating above the Route 28 bridge. (Ltr# 25, Cmt# 4)

Subconcern # A

I still strongly support a no boater above Hwy 28, but will accept the preferred alt if it is enforced. (Ltr# 39, Cmt# 2)

Subconcern # A

We are opposed to all alternatives being considered presently or in the future that would allow boating of any kind in the main stem or the tributaries of the Chattooga River above the Highway 28 bridge within the Chattooga Wild and Scenic River Corridor. (Ltr# 48, Cmt# 1)

Subconcern # A

Prohibiting all boating north of the Highway 28 bridge offers a fair balancing of competing recreational interests because it protects the essential “esthetic, scenicfeatures” of the river for the largest number of users while constituting the least intrusive solution that still affords each recreational user group an opportunity to engage in their preferred activity on that particular portion of the river best suited for their recreational activity. Such a solution also allows for the greatest number of recreational uses without destroying the harmony of the individual river segments by preventing incompatible recreational uses from overlapping. Spatial zoning to protect all recreational users access to those respective segments of the river truly most “....in harmony with, the nature of the individual segments” constitutes a management objective clearly spelled out by the Forest Service as early as 1976 (Federal Register, Vol. 41, No. 56—Monday, March 22, 1976, p. 11849) Zoning affords each recreational user group an opportunity to pursue their passion on that part of the river whose physical characteristics are most in harmony with the pursuit of that recreational activity. (Ltr# 171, Cmt# 30)

Subconcern # A

If necessary, in order to protect its management discretion, the Forest Service should litigate the merits of its ban on boating above Highway 28 to the highest court in the land. (Ltr# 171, Cmt# 37)

Subconcern # A B

I would strongly urge that rafting NOT be permitted above the 28 bridge, and that additional access trails to facilitate rafting north of the 28 bridge NOT be developed. (Ltr# 23, Cmt# 1)

Subconcern # C

I'm strongly opposed to the recent U.S. Forest Service assessment that continues to bar paddlers from all sections of the Wild and Scenic Chattooga River upstream of the Highway 28 bridge except in unusual circumstances. (Ltr# 40, Cmt# 1)

Subconcern # C

The management of the Upper Chattooga upstream of highway 28 should not be an exception to the intent of the National Wild and Scenic Rivers System. Recreational use of these rivers is specifically mentioned in the following description of the act which created the System: “The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.” - <http://www.rivers.gov> (Ltr# 59, Cmt# 3)

Subconcern # C

I am an avid kayaker on the Chattooga. My river experience has been that kayakers and canoeists protect the Chattooga environment better than most campers. We respect fishermen and paddle as far from their position as possible. I would like to see the section above 28 Bridge opened to non-motor boating so that awareness is more available to the usage of that section of The Chattooga. In other words, us kayakers would be eyes for misuse of that section of river (Ltr# 102, Cmt# 1)

Public Concern 70

The Forest Service should consider the following regarding the loss of solitude and related social impacts from the potential increase of use:

- A) The unique fishing experience that anglers seek will be spoiled;**
- B) Solitude can be found by going earlier in the day or getting away from the major access points and should not be used as justification to deter visitation or for the revision of parking arrangements;**

- C) Prohibiting boating for the preservation of solitude and not applying the same standard to other uses is inequitable (all comments from 2009 EA comment period); and**
D) Streamside experiences for solitude will be eliminated (all comments from 2009 EA comment period).

Response to PC 70

A) Alternatives 1-3 considered continuing the boating prohibition above highway 28 on the Chattooga WSR. The range of alternatives was developed in order to display the range of effects on recreation users in the upper segment of the Chattooga WSR. An alternative that provides an "angler free" experience for boaters was not considered because angler-boater interactions are generally "asymmetrical." Backcountry anglers are typically the "sensitive" group in that they will report adverse impacts from boaters, but conversely boaters are generally the "non-sensitive" group since they are generally willing to share (see bullet number 6 on page 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), and see **Section 3.2.1 Recreation ORV** for background information on conflict in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*).

B) The 1971 *Wild and Scenic River Study Report*, Chattooga River notes concerns about overuse in the future and the potential loss of solitude, serenity and challenge. Page 108 in the 1971 *Wild and Scenic River Study Report*, Chattooga River outlines the benchmark for the recreation ORV:

The river offers exceptional values of solitude, adventure, and awareness, serenity, and challenge. Administratively controlled saturation levels, based on limiting numbers of people to maintain a primitive level of experience, will probably be the most severe limiting factors affecting use of this river.

In the **Appendix F, Social Impact Analysis**, it notes the following:

Information from the LAC process indicates that opportunities solitude is one of the most valued, if not the most valued quality of the recreation experience in the upper segment of the Chattooga WSR Corridor. Solitude is also a component of the Recreation ORV, as well as part of the Wilderness Act goal of "outstanding opportunities for solitude." The public indicated that these opportunities are not only highly valued in the backcountry, but also at the greatest risk of being lost. People expressed concern that overuse could lead to a loss of opportunities for solitude and remoteness.

The various alternatives establish frontcountry capacities that prevent crowding and congestion in the frontcountry from increasing during the high-use season by establishing a limited number of designated parking spaces. In the backcountry, capacities are also established and will be monitored to ensure they are exceeded and that opportunities for solitude are protected.

C) The various alternatives establish frontcountry capacities that prevent crowding and congestion in the frontcountry from increasing during the high-use season by establishing a limited number of designated parking spaces. These visitor capacities are designed to provide opportunities for solitude in the backcountry and are not based on the type of recreation use. The term equitable is defined as fair and just in a particular circumstance and does not mean equal. Other factors may be considered when allocating access (e.g., Which group is causing impacts?, Are impacts asymmetric?, Are some recreation opportunities rarer or less substitutable if lost?). Boater-angler encounters can be "asymmetrical" (i.e.: adversely affecting anglers more than boaters) and hence the potential need for greater restrictions/separation for the boater user group. Backcountry anglers are generally the "sensitive" group in that they will report adverse impacts from boaters, but conversely boaters are generally the "non-sensitive" group since they are

generally willing to share (see bullet number 6 on page 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 3, Section 3.2.1, Recreation ORV**).

D) Alternatives 1-3 considered continuing the boating prohibition above Highway 28 on the Chattooga WSR. The action alternatives were developed in order to display the range of effects on recreation users in the upper segment of the Chattooga WSR. Refer to boating and other recreation uses on the opportunities for solitude in section **3.2.1 Recreation ORV, Chapter 3** of the EA.

Sample Public Comment(s) for PC 70:

Subconcern # A

We understand that other interests for the use of the upper 20 miles of the Chattooga River seek unrestricted access to that part of the river, Unfortunately such access would spoil the unique fishing experience and solitude that trout anglers seek. The continued zoning restrictions in Alternative #12 will hopefully resolve most of these differences and serve to minimize conflicts in the future. (Ltr# 98, Cmt# 3)

Subconcern # A

All other rivers that include boating as a recreational activity did not provide the experience of solitude that we value so much. Therefore I desire to preserve the experience of solitude on the upper segment of the Chattooga River. (Ltr# 103, Cmt# 1)

Subconcern # A

Allowing boating access to the upper river – above Burrell’s and down to Hwy. 28 would be a mistake and would end that solitude in my opinion. (Ltr# 123, Cmt# 1)

Subconcern # A

Solitude is not adequately protected in any of the alternatives given projected increases in recreational use and the absence of persuasive and adequately financed enforcement measures. The need to “get away from it all,” particularly with the growth of urban development, is increasing. Quiet and solitude are extraordinarily fragile and increasingly valuable. Recreational activities should not be permitted to overwhelm solitude. It is possible to protect solitude in the portion of the River Corridor transecting the Ellicott Rock Wilderness and its protection is required by the Wilderness Act. Opening the Headwaters to boaters erodes the compromise that has worked for more than 35 years to the satisfaction of all but a small, elite group of boaters bent on pushing an extreme sport into one of the last truly wild places in Southern Appalachia. Nearly 70,000 people float the Lower Chattooga each year under current zoning; protecting solitude does not compromise the opportunity to paddle in the Southeast. (Ltr# 166, Cmt# 11)

Subconcern # A

#131- Fishermen, hunters, birdwatchers, and other wildlife enthusiasts limit their use of areas like the Chattooga River simply because of the aforementioned need for solitude. That is not a need that whitewater boaters share. (Ltr# 193, Cmt# 124)

Subconcern # A

#264- There is major conflict between boaters and fishermen on the Chattooga. It is impossible to have solitude on the areas that are now open to boating. (Ltr# 193, Cmt# 255)

Subconcern # A

#293- Adding new users during the more popular seasons WILL impact solitude. (Ltr# 193, Cmt# 284)

Subconcern # A

#393- Opening the Headwaters to boaters erodes the compromise which has worked for more than 30 years and which has been satisfactory to all but a small elite group of boaters. Nearly 70,000 people float the Chattooga each year under current zoning; protecting solitude does not compromise the opportunity to paddle in the Southeast. (Ltr# 193, Cmt# 381)

Subconcern # A

#579- If unrestricted year-round boating is allowed, the sounds created by groups of up to 6 boat (up to 24 boaters maximum) will diminish the wildness, peace, and tranquility. (Ltr# 193, Cmt# 566)

Subconcern # B

I do not recall ever seeing a fisherman or hiker/wader except near the major access sites, Bullpen Bridge, Burrells Ford, the Big Bend road approaches, and highway 28. Frankly I find your talk about "seeking solitude" rather contrived, similar to the false-minded Clemson survey conducted on the lower Chattooga. People who want solitude can easily find it, even at Five Falls, by just going earlier in the day, or getting away from the major access points. So, if you think the parking arrangements need revision, don't justify it as a way to promote "solitude" by deterring visitation. Paddling the Headwaters, at those rare times when the water level is high enough, is not going to detract significantly from anyone's solitude. And as you know, it isn't going to affect fishing, hiking, or camping. After an initial surge of the curious, there will be few paddlers running the Headwaters even when the water is high, because paddlers will prefer to run other, more action-oriented streams such as Overflow Creek. (Ltr# 184, Cmt# 1)

Subconcern # C

#128- Where on the entire Chattooga River are fishermen excluded to provide "solitude" and "uniqueness" of experience for boaters? (Ltr# 193, Cmt# 121)

Subconcern # C

#220- Nowhere on the river do you manage the resource with any regard what so ever to the solitude and wilderness experience of the private, self-guided, paddler. (Ltr# 193, Cmt# 211)

Subconcern # C

#231- On page 96 you reference a "need for solitude" for anglers and hikers, but fail to include paddlers, who also desire a high degree of solitude, which is not available on the lower section of the Chattooga because of the guided raft trips allowed by the Forest Service. (Ltr# 193, Cmt# 222)

Subconcern # D

#303- Therefore streamside opportunities for solitude during boatable flows will be eliminated for foot travelers if the USFS sets policy to increase access to boaters above the lower 2/3rds of the corridor. (Ltr# 193, Cmt# 294)

Subconcern # D

#374- Existing boating opportunities are sufficient both regionally and on the Chattooga. On the Chattooga alone, boating dominates more than 60% of the corridor. On the other hand, opportunities for other recreational experiences (fishing, hiking, nature photography, swimming, hunting, solitude, bird-watching) on and along a whitewater river or stream of any significant size are limited. (Ltr# 193, Cmt# 363)

Public Concern 71

The Forest Service should consider the following regarding new access points, portage trails, and parking areas:

- A) Effects from and the need for improving and/or expanding parking to all resources and the costs associated with these improvements;**
- B) Consider effects of sedimentation from new river access points to all resources;**
- C) Creation of new trails for boating access should be given the same equitable treatment as those for other uses;**
- D) Disclose the specifics for access to Green Creek, including associated costs;**
- E) Include all of the alternative sites that have been added in recent years in the analysis;**
- F) Disclose the specifics for construction of a new access road and parking lot on the County Line Road, including associated costs;**

- G) Consider the effects from new access points, portage trails and parking areas to private property;
- H) The Green Creek access will cause trespass on private property and is unsuitable;
- I) Clarify how boaters will access put-ins and take-outs;
- J) New access must remain by foot and only on numbered Forest Service trails, as this would be consistent with the original Wild and Scenic River plan;
- K) Disclose specifics for access at Whiteside Cove Road, including associated costs;
- L) Portaging is done over bedrock, thus there will be no impacts;
- M) Lower flows require less shore access as rapids can be scouted by boat and become easier to traverse and it allows for easy portaging within the river channel;
- N) Damage resulting from portage trails that will be mitigated and/or corrected with adaptive management present unacceptable risk to ORVs;
- O) Consider restricting access at Big Bend Road for put-in and take-out at Lick Log;
- P) Consider restricting access to the Bull Pen Bridge (all comments from 2009 EA comment period);
- Q) North Carolina law prohibits any fishing activity from impeding any form of navigations (all comments from 2009 EA comment period);
- R) Consider the Crane Creek Road for access (all comments from 2009 EA comment period);
- S) Eliminate all roadside parking within ¼ mile of all bridges (all comments from 2009 EA comment period);
- T) Portage trails will cause more user-created campsites (all comments from 2009 EA comment period);
- U) There should be signage at the Burrells Ford Bridge take-out that includes all restrictions (all comments from 2009 EA comment period); and
- V) Close and reclaim the County Line Road/Trail and parking should remain at Whiteside Cove Road (all comments from 2009 EA comment period).

Response to PC 71

A) No alternative considered expanding the parking areas. Alternative 2 considered reducing capacities. Alternative 15 considered increasing capacities, but were not evaluated because the desired condition described by the public in the fall 2005 public meetings included not increasing capacities.

B) Potential sedimentation effects were analyzed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, specifically in **Section 3.3.2 Water Quality**.

C) Any new trails would require a site-specific analysis including consideration of legal mandates in the Wild and Scenic River Act.

D) Some questions have arisen regarding the Green Creek put-in. In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, Table 3.1-6 lists past, present and reasonably foreseeable future actions on national forest lands. Green Creek designated put-in is listed as the reasonably foreseeable future action. This foreseeable future action includes providing access from the Chattooga River trail down to the Chattooga Wild and Scenic River (WSR). There are no plans to provide roaded access down to the Green Creek put-in. The access will be walk-in only. While the Green Creek

put-in would probably be located slightly down stream of the confluence of the Chattooga WSR with Green Creek, the exact location would need a site-specific analysis and separate NEPA decision. Forest Service employees have reviewed the area and determined that access down to the Chattooga WSR is feasible. **Appendix B** provides an estimate on increased workloads and costs.

E) No response is needed.

F) This is a foreseeable future action. The district has proposed creating a small parking area that would replace parking that was lost when the county road was widened. The parking area is outside the corridor. No new access roads would be allowed under this decision.

G) Trespassing on private property is illegal.

H) Trespassing on private property is illegal.

I) As documented in the Decision Notice/FONSI, specific boater put-ins and take-outs will be designated after site-specific NEPA analysis. In the interim, boaters will start or complete their trip only at existing access points at the following locations:

- a) Within one-quarter mile downstream of the Green Creek confluence;
- b) Within 500 feet of the Norton Mill Creek confluence;
- c) Within one-quarter mile of Bullpen Bridge;
- d) Within one-quarter mile of Burrells Ford Bridge; and
- e) Within one-quarter mile downstream of the Lick Log Creek confluence.

J) Any new trails would require a site-specific analysis and decision and would be consistent with the Wild and Scenic River Act. Only foot trails were considered in the alternatives.

K) No alternatives considered in detail analyze increased parking on national forest land. Alternative 15 considered increasing visitor capacity but based on public input and their desired recreation experiences this alternative was not considered in detail.

L) The need for portage trail and their impacts are analyzed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, specifically, **Section 3.2.1 Recreation ORV**.

M) The need for portage trail and their impacts are analyzed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, specifically, **Section 3.2.1 Recreation ORV**.

N) See Item L above

O) As documented in the Decision Notice/FONSI specific boater put-ins and take-outs, will be designated after site-specific NEPA analysis. In the interim, boaters will start or complete their trip only at existing access points within one-quarter mile downstream of the Lick Log Creek confluence.

P) A range of alternatives were analyzed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and their effects are disclosed in **Chapter 3**. Various management actions were considered (limit group sizes, self-registration, mandatory or no registration, and zone, season and flow restrictions). To ensure consistency among the three national forests, direction on the removal of LWD will be included in the forest plan amendments. Several public comments have expressed concerns about allowing boating in the Chattooga Cliffs reach. The specific public concerns about the impacts of boating in this reach include the highly diverse biological conditions in this reach, fears about increased

trespassing on private land, and potential impacts to the opportunities for solitude. Impacts to these resources areas are analyzed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

Q) We are unsure of the state statute being referenced. However, the following statute does exist: "If any person shall obstruct the free passage of boats along any river or creek, by felling trees, or by any other means whatever, he shall be guilty of a Class 1 misdemeanor." Applicability of this statute to the Chattooga River has not been established.

R) Only put-ins on NFS lands were considered.

S) Closing roadside parking within 1/4 mile of Burrells Ford has been dropped from the alternatives, except Alternative 2. The objective for Alternative 2 was to increase solitude. Burrells Ford area provides the easiest access to Ellicott Wilderness and has the greatest volume of roadside parking. By eliminating roadside parking, opportunities for solitude could be increased, especially in the wilderness area. In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 3.1.2 Soils, Existing impacts to the Environment**, it discusses that parking areas are located close to the river and provide a means for soil to be carried directly to the river as sediment. Routine road maintenance would be continued regardless of the alternative that is selected and would help control erosion and sedimentation from roadside parking.

T) There is a requirement for portage trails and campsites in Alternatives 2, 3, 8, 11, 12, 13, 13a and 14 to be designated in order to limit impacts to the biological, physical and social resources in the Chattooga WSR corridor above highway 28.

U) **Appendix B Implementation** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* mentions "Install permit boxes and signage". Exact wording of the signage and the amount of any fines are not forest plan decisions. Wording in the permit would include restrictions.

V) No alternatives in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* propose opening County Line Road/Trail for public vehicular access.

Sample Public Comment(s) for PC 71:

Subconcern # A

I also have deep concerns about improving or expanding parking in the upper reaches – I see this as leading to dreadful unintended consequences. (Ltr# 24, Cmt# 3)

Subconcern # A

The EA does not include consideration for the parking capacity at the proposed new access site. [40 § 1508.25 (Ltr# 92, Cmt# 16)]

Subconcern # A

The Whiteside Cove parking lot, where boaters would park to begin their portage to the river, is so small that hikers and other pedestrian visitors will compete with the boaters that would come to this area under the Alternative 12 proposals. (For comparison, it is not unusual to encounter as many as dozen or more boater vehicles at the ingress and egress points along Overflow Creek Road when "creek paddlers" use that similarly challenging whitewater.) This will encourage boaters and hikers to park at the privately owned Summer Chapel, and use the more direct (but unauthorized) user-created trail that would serve as a quicker and more direct link to the Chattooga River Trail, one which has a precipitous, steep hillside feature to the river. This is but one of those user-conflicts that are to be avoided. (Ltr# 141, Cmt# 5)

Subconcern # A

#26- The assessment's conclusion of parking capacity is illogical. The plan will decrease supply of parking, while it increases demand for parking during the busy Spring-Summer-Fall seasons. The assessment claims

decreasing supply while increasing demand will have no effect on parking. While winter boating in #4 may have little impact on supply/demand of spaces, Alternative #5 and #8 would quickly surpass parking capacity and Alternative #10 (March boating) may result in similar capacity issues ; an objective assessment of parking requires inclusion into the final EA. (Ltr# 193, Cmt# 22)

Subconcern # A

#102- Parking lots would be built for the boaters, which would also add eyesore, litter, mud runoff, and other negative factors to this beautiful area. (Ltr# 193, Cmt# 95)

Subconcern # A

#308- Does it make sense to try to artificially restrict use of an area by reducing the number of parking spaces at that area? It seems to me that by reducing the amount of parking, people will park along side of the road creating more erosion and runoff problems than limiting the size of parking lots. Having adequate parking to suit the use of the area only makes sense as run off from the parking lot would be easier to control and policing of the parking lots should be easier than having cars spread out all along the highway. (Ltr# 193, Cmt# 298)

Subconcern # A

#386- The anticipated location of parking areas, and the likely impact of this decision, was not discussed in sufficient detail such that substantive comments could be made—apparently because the Forest Service has not yet thoroughly examined the issue internally. Consideration of transportation, parking and access is critical because the availability of parking and ease of access can impact the amount of use of a whitewater river. (Ltr# 193, Cmt# 374)

Subconcern # A F

#239- The impact from use, parking needs and designation of County Line Road or the spur trail off the Chattooga River Trail requires an explanation. Opening this “trail” to boater use will lead to demand for a parking area and conversion of the “trail” to a drivable road. (Ltr# 193, Cmt# 230)

Subconcern # A J

The Preferred Alternative improperly proposes the expansion of roads and new access trails. Access to the Chattooga River Corridor must remain by foot only and only on numbered Forest Service trails. This restriction is consistent with the original Wild and Scenic River plan for the Upper Chattooga, which says that “[t]here will be no construction of new roads. All existing roads will be closed and stabilized at the corridor boundary” for wild areas. However, Alternative 12 proposes to create a brand new boater access somewhere below the Upper Chattooga’s confluence with Green Creek, and separately, in the long-term project plans of the Nantahala-Pisgah National Forest, proposes to create a new parking lot and road to the corridor via the so-called “County Line Road Trail.” (Rather, this user-created trail should be decommissioned if the tenets of Alternative 12 are followed). Building a road or a parking area, or creating a new access path to the River, to accommodate a very few elite boaters cannot be justified. This type of user must walk in, as other wilderness users must. Nevertheless, the EA suggests that access for several of the alternatives will be provided by trails and roads not on the transportation atlas. Parking lots are also indicated. The anticipated location of parking areas, and the likely impact of this decision, was not discussed in sufficient detail such that substantive comments could be made—apparently because the Forest Service has not yet thoroughly examined the issue internally, or is leaving it to subsequent and unlawfully separate NEPA studies and actions. Consideration of transportation, parking and access is critical because the availability of parking and ease of access can impact the amount of use of a whitewater river. Transportation and access may have the largest impact on resources of any element of any of the alternatives. Further, failure to include a thorough discussion of transportation, including associated costs, is a violation of NEPA. (Ltr# 166, Cmt# 34)

Subconcern # B

The EA does not provide information regarding the impact associated with creating a new river access point into an ecologically sensitive portion of the Chattooga [40 § 1508.8]. A finding that such use is non-significant would contradict other statements made within this EA. (Ltr# 92, Cmt# 15)

Subconcern # B

#310- Regarding impromptu portage trails around log jams or other features a boater might seek to avoid for safety or lack of adequate flows, the nature of the river--often steep and difficult to access—as well as the nature of portages--go around or drown--would often require these portages to be on very steep terrain. The attendant resource damage would typically be much greater than that caused by a hiker/fisher because of the need to return the craft to the water, rather than having to carry it greater distances. (Ltr# 193, Cmt# 300)

Subconcern # B

#314- The assessment should consider 1) the Underestimation of portage needs, 2) Its' failure to recognize the fragile state of the resource during boatable flows and 3) The inconsistency in riparian management policy. (Ltr# 193, Cmt# 304)

Subconcern # B

#530- I question if the above brief statements constitute complete environmental assessment of the effects of boating traffic on these 7 put-ins and 8 take-outs sites for the alternatives that provide boating opportunities in the upper Chattooga. (Ltr# 193, Cmt# 517)

Subconcern # B D

The Environmental Assessment (EA) is fatally flawed, both as to its process and as to its content, because, among other things, it does not consider the impacts associated with the new Greens Creek put-in. In fact, the document barely mentions the entrance and impacts, except in passing. By contrast the EA retains in the updated document the leftover (and presumably now obsolete) access at Grimshawes, as if it were the major entrance at the upstream end of the Chattooga Cliffs reach. Grimshawes is quite remote from the proposed put-in point at Greens Creek -- over 2.5 miles away. Therefore, all of the statistics and discussions of that entrance presented in the EA are entirely irrelevant to the alternatives now under consideration. And, the EA offers no similar studies for the Greens Creek location. (Ltr# 147, Cmt# 10)

Subconcern # B F

#252- Ironically, the County Line Road “trail” designation and put-in for boaters would result in an increase in encounters in one of the last two remaining remote sections of the river corridor. This designation would also surely result in new user created trails off of the County Line Road “trail” much like the braided network of trails at the Three Forks on Overflow Creek, where increased use as a result of designating the Three Forks Trail has resulted in major resource damage. (Ltr# 193, Cmt# 243)

Subconcern # B F

#340- The preferred alternative proposes to limit encounters to preserve the wilderness experience and resource damage by not designating new trails in the Chattooga Cliffs reach. Yet, the Forest Service proposes to designate the County Line Trail as a put-in-point for whitewater boating. (Ltr# 193, Cmt# 330)

Subconcern # B F I

The Chattooga, which should be pristine, is ranked below average in comparison to other watersheds on the Forest because of sediment problems. Increasing dispersed recreation will increase sediment—something the Forest Service has demonstrated its inability to control under even current use conditions. Adding another use, and users with the ability to reach currently hard-to-access areas of the Forest, such as islands and remote riverbanks, will exacerbate this problem. Many boaters drag boats when portaging or for long distances when approaching waterways. These boaters also slide down riverbanks to enter the water, making boaters a significant source of sediment compared to other users. Boaters tend to use Rivers at higher flow. It is at these times during and subsequent to precipitation events that the River and its tributaries are most vulnerable to sedimentation from increased use. It makes no sense to intensify uses during these times when the River is already degraded due to sedimentation. It is unclear from the EA how boaters are expected to access put-ins and take-outs. Will this be by foot or motorized vehicle, or some combination of the two? Where will the “County Line Road Trail” parking lot be? Will it really be one acre in size? How exactly would boaters be expected to portage their craft to the new Green Creek Access point? How far might boaters drag kayaks through the Forest? The EA is not clear on these issues. It is most crucial that the impact of these roads and parking areas and new trails on Chattooga sedimentation be discussed. Anticipated use and any re-design of a Green Creek Access trail and/or the so-called “County Line Road Trail” (and any other trail or road substantially impacted by any of the alternatives) and any associated parking lot must be evaluated and discussed, particularly with regard to the impact of

the trail/road itself on sedimentation, and with regard to the traffic patterns any change in use or re-design may cause. (Ltr# 166, Cmt# 26)

Subconcern # B I

#368- The Forest Service has unlawfully artificially segmented its analysis of proposed management activities resulting in an insufficient NEPA analysis. The most serious omission from each of the alternatives--but particularly those where boating put-ins and take-outs would be necessary--is the lack of any analysis of access roads and trails and parking facilities. (Ltr# 193, Cmt# 358)

Subconcern # C

In regards to creating a trail to access a put in for kayakers being destructive to the environment, well how much complaining occurred when the environment was "destroyed" to put in an access trail for hiking, biking, camping, and fishing? Here is a simple idea: why not remove the access trail for fishing, hiking, camping and biking so that everyone including kayakers does not have a trail? That is fair isn't it? If an individual truly stands behind their beliefs that there is a negative impact to the environment by creating a new trail they would agree. There is actually a term used for it called zero trace hiking and camping. No trail, no sign that a person was ever even there. The Earth, this Nation, the states of Georgia and South Carolina, and the Chattooga River is for all of us to share, enjoy and protect and we each do it in our own way as individuals and sometimes as groups. (Ltr# 95, Cmt# 2)

Subconcern # C

#276- Existing trails within the riparian zone that accommodate current users will be closed but new trails to accommodate boating will be built and designated, AND additional user-created portage trails required -in ever shifting locations within the riparian zone-to accommodate boating will be added into the system. 27. This proposed trail policy is that Boaters get new trails of ever changing location and unlimited quantities, while other users get BANNED from many river sites. (Ltr# 193, Cmt# 267)

Subconcern # D

The EA proposes boating initiates at Greens Creek, without providing the details on how boats will arrive at this location. Without assessing the impacts associated with paddlers influx to the confluence of Greens Creek, it is impossible to comment on the proposed new access point. (Ltr# 109, Cmt# 2)

Subconcern # D

The last mile downhill to the Green Creek access point is described as "mostly an old road bed going down the river," according to Nantahala District Ranger Mike Wilkins, who made public a map of this proposed access. Nothing could be further from reality. The "old roadbed" is totally overgrown with both underbrush and tall trees, and presents as an impassable and steep gully heading downhill. In sections, it is so deeply entrenched and cut down to bedrock as to have morphed into an ephemeral stream, with attendant sedimentation heading toward the Upper Chattooga. An angler's rough trail also heavily covered by underbrush and downed trees and limbs, switchbacks over the old roadbed and does reach a smallish, steep rock jutting into the Upper Chattooga. It, too, is eroded down to bedrock along some portions and is visibly causing erosion downstream. The Green Creek Access proposal is a recipe for building a new trail access "in the reasonably foreseeable future" (EA, page 53) at an undetermined cost that would inevitably kill more wildness in this area. It does not appear to be well thought out. (Ltr# 141, Cmt# 6)

Subconcern # D

The EA depicts the Greens Creek entrance way as a "secondary road" located mostly on private property all the way to the mouth of Greens Creek (Figure 2). This leads to the question of whether the Forest Service intends to condemn a right of way for the public use. Moreover, there actually are roads that exist along the route shown, but they extend only for about one-third of the length. Part of this entrance way seems to be my driveway and its extensions through property belonging to the Cranston Family Partnership. Does the US Forest Service intend to provide any new road access at the Greens Creek put-in? If so, where will it be located and what are the details of the facilities? (Ltr# 147, Cmt# 12)

Subconcern # D

The undated map and brief description titled "Potential Green Creek Access" that was distributed on August 5, 2011 attempts to offer some clarification, but fails in that regard, because it is incomplete and raises additional questions. The document is not presented as an amendment to the EA, but as the basis for

a “reasonably foreseeable future action,” as if the changes to the area do not rise to the level of importance that might influence the selection of an alternative in this EA. I believe that it does so rise, and complete analyses of the new put-in and its vicinity should be considered in this EA. (Ltr# 147, Cmt# 13)

Subconcern # D

The write-up states that the Greens Creek put-in “would probably be located slightly downstream of the confluence of the Chattooga WSR and Green Creek, the exact location would need a site-specific analysis and separate decision.” Depending on which “exact location” is selected, this issue might be pivotal in the current decision process. For example, if the route shown at the upstream (northeast) side of the crosshatched area on the map were to be utilized, it could follow an existing logging road and meet the river at an easy launch site with minimal impact. Routes elsewhere would be much steeper and difficult. Why does the US Forest Service not consider the effects of the new Greens Creek put-in in the Environmental Assessment? (Ltr# 147, Cmt# 14)

Subconcern # D

The map introduces further confusion. It does not show the present trail head and parking at all, nor the first mile or so of the trail itself. To my relief, it does not show the “secondary road” on my property to the mouth of Greens Creek as the EA does, but it does show a road from the Whiteside Cove Church (actually schoolhouse) through other private property. Does this mean that there will be a new access point from Whiteside Cove Road at that location? In addition, the map shows an access road to the river on the east side of Greens Creek through private lands (through the Cranston Family Partnership driveway and around Potato Knob on the Rust land). (Ltr# 147, Cmt# 15)

Subconcern # D

The EA proposes boating initiates at Greens Creek, without providing the details on how boats will arrive at this location. Without assessing the impacts associated with paddlers influx to the confluence of Greens Creek, it is impossible to comment on the proposed new access point. (Ltr# 174, Cmt# 2)

Subconcern # D

Ironically, the Forest Service asks for comments on this proposal to push boating up to Greens Creek without providing the public with any detailed information on the location of the new trail and/or parking facilities, and only provided to those so requesting a trail map terminating 100 yards from the river and 250 yards below Greens Creek. The paucity of information regarding this new access raises numerous questions. Where is the new trail? What parking facilities would be needed? Is the proposed site suitable for access? Where is the cost/benefit analysis of extending a new trail up river to Greens Creek from the current trail? What are the direct, indirect and cumulative effects of this part of the agency’s proposed alternative? And the obvious question, how can the public comment on a proposal it knows so little about? (Ltr# 175, Cmt# 3)

Subconcern # D

#160- The draft EA is inconsistent with the upper put-in. Some sections of the EA state the upper put-in will be “4/10 of a mile below private property” others state “just below private property”. This needs clarification. (Ltr# 193, Cmt# 153)

Subconcern # D F K

There are several significant problems and issues with the new Green Creek access, not the least of which is that the Agency has issued two different maps of this proposed access. The first, made public by Nantahala Ranger Mike Wilkins at the behest of the Sumter National Forest Supervisor, starts at the existing Forest Service parking lot on Whiteside Cove Road. The second, quietly added to the Sumter website with no public notice on August 5, shows the access emanating from private property at Whiteside Church (also known as the Summer Chapel) on Whiteside Cove Road. There are problems with either proposed access. The Whiteside Cove parking lot, where boaters would park to begin their portage to the river, is so small with only room for about seven or eight vehicles. As a result, hikers and other pedestrian visitors would bump into the many boaters who would come to this area under the Alternative 12 proposal. The second map proposes to have access coming from private lands at the Summer Chapel along a user-created trail behind the church. There is no public parking available at this location. Whatever access point on Whiteside Cove Road is used, the last mile downhill to the river access below Green Creek is described as “mostly an old road bed going down the river,” according to Wilkins, in a private e-mail communication with Georgia Forest Watch of July 18, 2011. Nothing could be further from reality. The

“old roadbed” is totally overgrown with both underbrush and tall trees, and presents as an impassable and steep gully heading downhill. In sections, it is so deeply entrenched and cut down to bedrock as to have morphed into an ephemeral stream, with attendant sedimentation heading toward the Upper Chattooga. An angler’s rough trail, also heavily covered by underbrush and downed trees and limbs, crisscrosses the old roadbed and does reach a smallish, steep rock jutting into the Upper Chattooga. It, too, is eroded down to bedrock along some portions and is visibly causing erosion downstream. The Green Creek Access proposal is a recipe for building a new trail access “in the reasonably foreseeable future” at an undetermined cost that would inevitably kill more wildness in this area. It does not appear to be well thought out, especially since the affected soils seem to be both steep and highly erodible. Similar problems arise with the proposal to construct a new parking lot on the so-called “County Line Road Trail” somewhere between Whiteside Cove Road and the boundary of the Wild and Scenic River corridor (as proposed in recent Schedules of Proposed Actions (SOPA) issued by the Nantahala National Forest). This so-called trail road is a user-created trail. It is not a designated Forest Service trail or road. The Agency’s continuing efforts to make it so adds to the NEPA segmentation problem mentioned above – and would obviously create a new potential river access for boaters not permitted under the current preferred Alternative 12. Both potential boater access points must be analyzed and clarified -- and their construction costs estimated -- and brought back for public review before any final decision is issued in this matter. (Ltr# 166, Cmt# 35)

Subconcern # D N

The EA contains no specific maps of the proposed trail where the Green Creek access would be built. In addition, the new access trail would encourage year-round use by all user groups. The Forest Service also states that boating in the Chattooga Cliffs Reach would likely result in numerous portage trails, where damage control would be dealt with after the fact with “adaptive management.” This would present unacceptable risks to ORVs in the Chattooga Cliffs Reach. (Ltr# 172, Cmt# 6)

Subconcern # E

Select the no boating alternative as many alternative sites have already been added in recent years e.g. Tallulah Gorge, Tallulah River, and West Fork. Were these addressed in the EA as additional opportunities? (Ltr# 139, Cmt# 11)

Subconcern # F

A similar problem arises with the Agency’s continued decision to list construction of a new access road and parking lot on the so-called County Line Road, which, if one is to believe Alternative 12, should be closed and decommissioned as a user-created trail. Yet, the SOPA (Schedule of Proposed Actions) for the Nantahala-Pisgah National Forest (of July 1, 2011) continues to list this project for eventual construction. The Agency suggests that only a parking lot will be built at this location (EA, p. 53 and 88) and that its only purpose is to “simply replace parking spaces lost when a state road was widened.” Actually, there are just as many parking spaces (about three) along the side of Whiteside Cove Road at this location as there were before North Carolina Department of Transportation paved the road. (Ltr# 141, Cmt# 11)

Subconcern # F

#306- County Line Road "Trail", a "user-created" trail according to the Draft EA, would become an even more significant access route to the river than it is now. It is currently a source of sediment into the river, as the Draft EA states, due to it being poorly “engineered”. This area is already highly used and bringing in groups of boaters who have to carry their boats and gear from parking areas for several miles to the river will have a big impact. (Ltr# 193, Cmt# 297)

Subconcern # F

#343- The County Line Road "put-in trail" proposition seems to be the result of simply moving the proposed put-in downstream to the next feasible put-in below Grimshawes Bridge, as a result of the decision to retract the Grimshawes Bridge option from consideration as a put-in. (Ltr# 193, Cmt# 333)

Subconcern # F

#388- County Line Road Trail is not currently a road or a trail. It does not appear on the roads atlas for the Nantahala National Forest.²⁴ As such, it cannot be used for access and existing road density in the Forest is too high to add County Line Road (or any other road) to the system. (Ltr# 193, Cmt# 376)

Subconcern # F

#389- The cost of constructing and maintaining County Line Road as a system road cannot be justified. Pisgah/Nantahala is unable to adequately fund the management needs of existing roads (Ltr# 193, Cmt# 377)

Subconcern # F

#402- The record reveals a lack of consideration or discussion by the Forest Service of the biological, economic, and management impacts of the construction and maintenance of a road where the so-called County Line Road Trail is now. (Ltr# 193, Cmt# 390)

Subconcern # F

#425- All alternatives addressed in the EA propose a ban on the upper half of the Wild and Scenic Chattooga Cliffs reach without any rationale, analysis, or justification. The EA simply states that "The County Line Road Trail was chosen as the uppermost put-in since it provides more suitable access to the river than is available farther upstream." "Suitable" is not defined, nor is there any explanation of the seemingly absurd conclusion that a long hike carrying a kayak or canoe is more suitable than putting in at a road bridge with a parking area? There is no discussion of the basis for this decision. (Ltr# 193, Cmt# 413)

Subconcern # F

#527- From page 8: Alternative #4: "The County Line Road Trail was chosen as the uppermost put-in since it provides more suitable access to the river than is available farther upstream. "This is confusing. Actually it is neither a FS designated "road" nor is it a FS designated "trail". I believe it is another undesignated trail that serves a need to disperse backcountry visitors and reduce encounters. I believe the FS should express intent to designate it a trail for "foot travel only". (Ltr# 193, Cmt# 514)

Subconcern # G

More specifically, the EA considers neither the environmental, "backcountry," nor "frontcountry" effects of the new launch trail and site. On the "frontcountry" subject, for instance, the USFS states that no new parking will be developed and relies on that fact to limit access and usage. The EA fails to present or consider the impacts to adjacent private property. What will be the environmental, backcountry, and frontcountry impacts of the new Greens Creek launch trail, site, and support facilities? (Ltr# 147, Cmt# 11)

Subconcern # H

I would like to know the opinion of the USFS planners about the suitability proposed main put-in at the mouth of Greens Creek, as included in the preferred Alternative 12. Is the Greens Creek location a suitable and practical site for boating access? I submit that it is not. I have walked the Cranston Family and US Forest Service lands at the mouth from time to time over the past 40 years, most recently on the weekend of August 27, 2011; and can confirm that the lands along the right bank of Chattooga River in this reach are so steep as to be nearly impossible to traverse as a pedestrian, and certainly unusable as a boat launching area. There are cliffs along the boundary line common to Cranston and USFS that all but assure that public users would trespass on the private Cranston Family lands to get around them. Based on first-hand observations in the field, the nearest feasible site for practical boating access is located downstream at the fringe of the area that is shown cross-hatched on the map attached to the August 5, 2011 separate documentation posted as explanatory to (but not included in) the Environmental Assessment. How can the US Forest Service choose such an impractical boating "put-in"? How can the US Forest Service designate a boating put-in so unsuitable for the purpose that it will almost certainly assure that trespassing on our adjacent private property will occur? Will the US Forest consider moving the Greens Creek put-in downstream to the feasible site described above? (Ltr# 148, Cmt# 1)

Subconcern # L

The EA fails to clearly state that portage trails are a non-issue. The EA attempts to qualitatively predict impacts of portaging. During the on-water paddling assessment all portaging was done on bedrock, which the EA acknowledges on page 106. Thus, the only evidence that the USFS has regarding portage impacts shows that there will be none. The USFS proposes to actually create a small amount of portage trails, which would have impacts that are no different to angling and hiking trails. Wood portages are incredibly rare and transient, allowing quick recovery of any disturbed soil or vegetation. The only reasonable outcome of considering the potential impacts of portaging is that there will be no significant impacts. The EA however fails to reach such a conclusion. (Ltr# 168, Cmt# 38)

Subconcern # L

#79- The environmental impacts of boaters have been overestimated; those impacts can be minimized with minimal use of Forest service resources to manage access points and, if necessary, short portage trails. Floating on the water itself leaves virtually no impact on the environment. (Ltr# 193, Cmt# 73)

Subconcern # L M

#101- Whitewater boaters will only leave the river at access points and at a few rapids along the corridor to scout. Short established trails could easily be constructed along these rapids if necessary. In contrast, fisherman will walk primarily off trails to access fishing pools! (Ltr# 193, Cmt# 94)

Subconcern # M

The EA mischaracterizes the effects of low water on portages. The EA anticipates that low water conditions may cause more portages and thus more shore use by paddlers (see 197 and 276). This is not accurate. Typically, lower flows require less shore access because more rapids can be boat-scouted and many rapids become easier to paddle. Even more importantly, low water conditions allow relatively easy and desirable portaging within the river channel. This is a factual error in the EA that introduces bias against paddling in certain alternatives at certain flows. (Ltr# 168, Cmt# 39)

Subconcern # O

I was surprised by the emphasis put on the last section of the Headwaters, from below Rock Gorge to highway 28. I've been in or next to those waters several times, and have never seen more than a few people fishing. That was on weekends. But if you want to reduce paddler impact, then arranging for paddlers to carry in from Big Bend Road and to take out at Lick Log Falls would leave both the section just below Burrells Ford and the section below Lick Log free for fishing, for the few who are fishing when the river is high enough for paddling. (Ltr# 184, Cmt# 4)

Subconcern # P

#10- I am not suggesting that people should not be allowed to take risks, yet the prohibition of the removal of down woody debris is a matter of common sense. There is currently access at the Cane Creek Road below the log jam, but it would be better to put in at the Bull Pen Bridge and set the Chattooga Cliffs reach aside from the inevitable overuse that would follow new access. (Ltr# 193, Cmt# 9)

Subconcern # Q

#209- In the state of NC there is no conflict- there is a state statute already in place that prohibits any fishing activity from impeding any form of navigation. (Ltr# 193, Cmt# 201)

Subconcern # R

#223- The simple fact that the Cane Creek Road located immediately downstream from the County Line Road, and which would be a more feasible put-in, was never even mentioned in the Draft EA, reflects the arbitrary nature of the EA. (Ltr# 193, Cmt# 214)

Subconcern # S

#225- Eliminate all road side parking within 1/4 mile of all bridges. Not just create an additional parking area a distance from the bridge. (Ltr# 193, Cmt# 216)

Subconcern # T

#232- Boating will lead to portage paths around obstacles and new access routes to the river, and more user-created campsites. (Ltr# 193, Cmt# 223)

Subconcern # U

#526- I believe the upper put-in site and especially the Burrell's Ford Bridge take-out should have signage on the river with "no boating above" and "no boating below the bridge" respectively. This is in addition to normal signage with permitting, seasons, minimum flows and group size restrictions. I believe the fine amounts for violations should be increased and posted at all put-in and take-out sites (see # 208 comment). (Ltr# 193, Cmt# 513)

Subconcern # V

#563- I believe the County Line Road/Trail must never be opened for access by private vehicles. I understand there are plans to use it as a temporary roadway (with gate) for hauling logs back to Whiteside Cove Road during the upcoming White Bull Timber Sale. I feel strongly that this temporary access road should be closed, blocked, and replanted after the sale and designated "Foot Travel Only". I believe visitor

parking should remain at the Whiteside Cove Road. The ORVs of the Chattooga Cliffs segment are too sensitive and unique to provide easier access. (Ltr# 193, Cmt# 550)

Public Concern 72

The Forest Service should disclose how the restrictions on boating at the Slide Rock Swimming Area will continue under the new management plan.

Response to PC 72

Boating is not proposed through the Sliding Rock area in any of the alternatives analyzed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

Sample Public Comment(s) for PC 72:

I have heard that through closure orders, the Slide Rock Swimming Area has been protected from boats interfering with those who swim and play there. I am thankful that Forest Service management has restricted boating at Slide Rock and at the Pisgah Forest sliding rock swimming area. The safety of the children is of primary importance. This local swimming opportunity is way more enjoyable for families and visitors when they are assured of that safety. Will boating at the Slide Rock Swimming Area remain restricted following the new Environmental Assessment currently proposed by the Forest Service? Please advise as to how the restrictions on boating at the Slide Rock Swimming Area will continue under the new management plan. (Ltr# 134, Cmt# 1)

Public Concern 73

The Forest Service should evaluate the impacts to swimming compared to existing impacts and ensure the safety of swimmers regardless of season or time (all comments from 2009 EA comment period).

Response to PC 73

Effects to recreation users are analyzed in *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River, Chapter 3, Section 3.2.1 Recreation ORV*.

Sample Public Comment(s) for PC 73:

#29- Page 97 of the Assessment included "swimmer-boater" in the definition of ON-river encounters. Alternative #5 and #8 which allow summer boating would result in swimmer-boater encounters. Adding swimmers into the encounter calculation similar to anglers is appropriate. (Ltr# 193, Cmt# 23)

#216- The agency's final decision should ensure the safety of swimmers in the Upper Chattooga and should insure that the desired conditions from all users collected in 2005 during the LAC be incorporated into the final EA. (Ltr# 193, Cmt# 207)

#263- On page 102 you indicate that "some swimmers anticipate goal interference from boaters". I have NEVER encountered a swimmer on the headwaters or on Overflow Creek and the idea that they would be endangered by boaters is absurd. After thirty four years of intensive boating and swimming activity at the Bull Sluice rapid on Section III I know of no incidence where a swimmer was ever injured by a boater. Please don't waste out time on this kind of junk. (Ltr# 193, Cmt# 254)

#282- Swimming is mentioned but not assessed. Alternatives #5 and #8 could have catastrophic consequences to swimmers on the Upper Chattooga. Hunters were mentioned without any full discussion. Scenic Boating was defined as an activity based on rapid difficulty not flow levels during warmer seasons. Boating on the Upper Chattooga did not consider tubing, rafting or motorized craft. (Ltr# 193, Cmt# 273)

#292- *The recreational analysis did not study swimming in the recreational flow study, therefore predictions on when people swim are completely speculative. Implying that swimming flows do not coincide with boater flows is not based on any facts presented within this assessment. (Ltr# 193, Cmt# 283)*

#299- *Flows: Limiting kayaking to proposed flows will not protect swimming and wading visitors. Since no high-water data on swimming was ever collected during the Chattooga Study, any comments on, or reviews of, swimming flows remains speculative. (Ltr# 193, Cmt# 290)*

#300 - *Using agency guidelines for analysis under FSM 1973.4, the agency should evaluate the new users' (kayakers') impact on current users (swimmers), and assess the impact any revised policy might have compared to existing conditions. In this case, the existing users are the swimmers. (Ltr# 193, Cmt# 291)*

#301- *Under NEPA guidelines [42 USC § 1502.14] alternative 5 and 8 must include the effect unrestricted summer boating WILL have on swimmers and their associated safety. (Ltr# 193, Cmt# 292)*

#337- *The USFS are directed to "Segregate boating sites from swimming sites 16 U.S.C. § 1281 requires the agency limit activities that "substantially interfere with public use and enjoyment" of protected values, and swimming is a protected O.R. value. (Ltr# 193, Cmt# 327)*

Public Concern 74

The Forest Service should consider the following regarding trails:

- A) No new trails should be constructed to protect the sensitive river environment;**
- B) Not new trails should be constructed above Bull Pen Bridge or in the Big Bend section from Nicholson Ford Road to Big Bend Road to protect the sensitive river environment;**
- C) Opening new trails for boating access is inconsistent, inequitable and contrary to current management direction to close numerous trails due to cost restraints and to improve conditions along the river;**
- D) Additional specific information regarding the Green Creek access trail location is needed for the public comment;**
- E) Information regarding the suitability of the area for the proposed new trails should be disclosed;**
- F) The costs associated with developing and maintaining all proposed new trails and how such will meet Best Management Practices should be disclosed;**
- G) Impacts from existing boating trails are greater than hiking trails and should be disclosed;**
- H) New scouting, portage and access trails would violate state and federal laws and regulations and would conflict with Best Management Practices for riparian zones;**
- I) The trail assessment is underestimated and highly suspect as it was conduct by a boating lobby's preferred consultant using the lobby's methodology;**
- J) No new trails should be constructed at the confluence of Green Creek to protect the sensitive river environment;**
- K) Boater do not impact trails from dragging their expensive boats as it is rarely if ever done;**
- L) Portage trails should be prohibited to protect rare species;**
- M) Effects from all proposed new and/or user-created trails to all resources should be disclosed;**
- N) Information in Tables 3.1-1, 3.1-8, 3.1-4, 3.1-9, 3.4.1-3 and 3.4.1 should be combined to compare and assess the effects for new and/or user-created**

- trails on the lower and upper Chattooga segments and a study should be conducted to determine if boating is responsible for the creation of user trails (see table in letter 171);**
- O) user-created trails should be closed with only a few well designed trails converted to sanctioned Forest Service trails (all comments from 2009 EA comment period); and**
- P) Some of the existing undesignated trails on old roadbeds should remain open to hiking (all comments from 2009 EA comment period).**

Response to PC 74

A) The action alternatives proposed trail construction, reconstruction or designation of existing user-created trails to address resource issues. In addition, alternatives 8, 11, 12, 13, 13A and 14 propose designated put-in and take-outs for boaters. Put-ins and take-outs as well as other access points may use existing trails, construct new ones or designate some existing user-created trails if they meet Forest Service design specifications. Analysis by resource specialists has evaluated the potential for trails and recreation access in certain areas. Specific locations would be decided through additional NEPA analysis and documentation.

B) The EA has disclosed resource impacts of the various alternatives on resources in all reaches of the upper segment of the Chattooga WSR including potential trail construction.

C) The EA has evaluated the potential for new trails. Additional NEPA would be done before changes in trail management are implemented on the ground.

D), E), G), H), J) and M) Additional NEPA would be done once a specific trail route is proposed. Impacts from proposed boater put-ins and take-outs including any needed trails would be disclosed and documented in the appropriate NEPA and supporting documents. NEPA requires all proposals affecting the environment to be compliant with existing laws and regulations

F) Costs of implementing the alternatives are disclosed in Appendix B, Implementation.

I) The analysis in the EA was informed by the best science and is documented in the project record.

K) This is opinion. No comment is needed.

L) Impacts of portage trails are discussed in 3.2.2C and 3.5 of the EA.

N) A biophysical assessment has been completed for the entire Chattooga WSR. Data is presented by reach and includes user-created and designated trails. Since there currently is no boating above Highway 28 the user created trail system has developed as a result of existing users. Impacts from proposed boater put-ins and take-outs including any needed trails would be disclosed and documented in the appropriate NEPA and supporting documents.

O) and P) The biophysical assessment indicates the condition and location of user-created trails. All action alternatives intend to manage the trail system to meet resource objectives and to minimize impacts on the ground.

Sample Public Comment(s) for PC 74:

Subconcern # A

Please don't open new trails into the Upper Chattooga, we need to preserve and protect this wonderful river. (Ltr# 69, Cmt# 1)

Subconcern # A

Please leave it as it is.....without another trail to the Chattooga in NC. The Chattooga River needs to be protected from any additional disturbance. We all know that trails built anywhere lead to lots of people using those trails and then you have water runoff that deposits silt and dirt into the water. This is

detrimental to the native trout and aquatic insects that they feed on. Please do not do this. It is not needed; it is a plan leading to destruction of a beautiful pristine place. I have picked up trash on the Chattooga and have seen firsthand how people treat easily accessed mountain streams and it isn't pretty. Please, no new trails on the Chattooga River. (Ltr# 130, Cmt# 1)

Subconcern # A

No new trails as there are existing ones that can suit all users. (Ltr# 189, Cmt# 2)

Subconcern # A

#158- That twice the amount of user-created trails is found along the heavily boated section below 28 only proves that boaters also impact the riparian zones. (Ltr# 193, Cmt# 151)

Subconcern # A

#208- If new roads or trails are permitted in the Chattooga Cliffs reach, it would result in a host of new uses including shuttle people, photographers, sightseers coming to watch, etc., etc. (Ltr# 193, Cmt# 200)

Subconcern # A C

Not only the river will be invaded but also the fragile areas of endangered plants. You cannot haul canoes and rafts to the river without making a trail-a very wide trail. This will open the areas to be used for portaging to trampling many plants, shrubs and trees with erosion of the soil to follow. This debate is not just about allowing some paddlers to have access to yet another part of the Chattooga but also about the natural ecosystem that needs to be protected. The forest service has stated that it will monitor the trails and the number of paddlers and how are they going to do this? They can barely handle the maintenance of roads, trails, and camp grounds now. The economy is not getting any better and I do not see that the US government is going to provide them with additional funds in the near future. They, in fact, will probably have a major budget cut for the next several years. (Ltr# 111, Cmt# 1)

Subconcern # A C

No new trails should be constructed to facilitate a new user group's access until after existing user created trails have been carefully studied and where possible rehabilitated and remediated in order to preserve existing users continued access to special places on the river. Otherwise, once again, the unintended consequence of such policy decisions will be the crowding out of various non-boating users. (Ltr# 171, Cmt# 24)

Subconcern # B

I am opposed to any new trails being built in above Bull Pen Bridge or in the Big Bend Section (From Nicholson Ford Road to Big Bend Road - the "Rock Gorge" Section) of the River. These Sections represent some of the last high quality ecological areas because they have not been opened to widespread access and corresponding abuse. It only makes sense to leave some areas of the river remote and undisturbed for those who want a true wilderness experience. It should also be noted that limiting access helps support wildlife, both riparian and terrestrial. Access to other portions of the river is already substantial. (Ltr# 82, Cmt# 3)

Subconcern # C

Previous Forest Service policy closed many access roads and trails severely restricting access to the Chattooga Cliffs reach; since 1971 over twelve miles of these trails and roads have been closed under the auspice of protecting the sensitive river environment. Some of these river access trails („user-created trails“) were closed as recently as 2007 during a recent Chattooga Trail reconstruction project. According to this EA, and the 1985 FEIS, these trail closure and access restrictions “improved conditions along the river“. Further, this EA acknowledges the need to close additional hiking trails, because some trails are damaging the resource and are inconsistent with Wild and Scenic River management policy. Simultaneously, the agency is also proposing to expand the trail system and access for one special interest group, kayakers. This preferential treatment designed specifically to benefit kayakers is inconsistent with, and contrary to, Forest Management policy. Such bias trail design does not treat all visitors equitably nor does it meet the standards for objectivity. (Ltr# 92, Cmt# 9)

Subconcern # C

The bottom line is that the agency is currently closing ATV trails and other trails because of unacceptable resource damage and insufficient funding to correct the damage. These trails were used by thousands of people. Please explain in the social section of the EA how the agency, on the one hand closed areas to thousands of users due to resource impacts and no budget, and is now making a decision to allow boating

of a very, very small number of people in the absence of a sufficient budget and staffing to take care of existing uses, and in the absence of a very specific and detailed plan (monitoring) created prior to any decision on the boating issue. I believe there is a legal question and an unanswered management issue here as to in essence opening a new trail (boater trail) when on the other hand the agency is closing trails off the system they can't afford. Agency prevailing can do prerogative and management judgment/discretion should not be used as general terms to ignore this issue as the actions are connected by having trail closures occurring on the same forests where this addition to the system is being considered. While geographically separated they are connected by being on the same forest/district/budget/personnel. (Ltr# 139, Cmt# 7)

Subconcern # D

The EA does not provide sufficient information for the public to comment on the Green's Creek access trail location; therefore it is impossible to comment on this proposal. The trail map provided terminates 100yards from the river and 250 yards below Greens Creek, providing no river access at all. This is a Violation under [40 § 1502.21]. (Ltr# 92, Cmt# 12)

Subconcern # E

The EA did not provide information regarding the suitability of the area for these new trails which is a connected action, a similar action and a cumulative impact to the proposed alternative [40 § 1508.25] (this trifecta is an agency record!) . The USDA has already published this area is unsuitable for such recreational uses specifically during the times boaters will visit the area; this information was previously submitted to the USFS during previous public comment periods. (Ltr# 92, Cmt# 13)

Subconcern # F

The EA does not provide the cost of developing or maintaining all the new trails, nor how these user-created and undefined trails could possibly meet Forest Service Best Management Practices for building trails within a riparian zone. A violation under [40 § 1508.25] and [40 § 1508.8]. (Ltr# 92, Cmt# 14)

Subconcern # G

The effects of downriver boating trails has already been reported as being far worse than the hiking trails above 28 requiring mitigation; yet, the forest service ignores such foreseeable impacts within this assessment. [40 § 1502.21]. (Ltr# 92, Cmt# 18)

Subconcern # H

New scouting, portage and access trails (many of which will be user-created) would violate NC laws, WSR laws, NEPA mandates, contradict the NCRS recommendations, and conflict with Forest Service Best Management Practices (BMPs) for managing riparian zones. (Ltr# 92, Cmt# 21)

Subconcern # I

The scouting and portage trail assessment is hugely underestimated, distorted and highly suspect; the trail review was conducted by the kayak lobby's preferred consultant using the kayak lobby methodology. (Ltr# 92, Cmt# 23)

Subconcern # J

I am writing to express strong opposition to the Forest Service plan to develop a new access trail in the upper Chattooga River basin, at the confluence of Green Creek and the Chattooga River, between Highlands and Cashiers, NC (as discussed in the Seneca Daily Journal on 8/5/2011). Please leave at least some portion of this wonderful area to hikers seeking a truly wild and scenic landscape, as opposed to having this section also over-run by thrill seeking paddlers. (Ltr# 96, Cmt# 1)

Subconcern # K

I am unsure where the idea of a potential conflict comes from. I did read a concern, and where it came from escapes me, that boater cause a disproportionate impact on access trail because they drag their boats up and down the trail. I must say, I have never such behavior the typical cost of a whitewater boat is typically in the range of \$900-1200. Most paddlers do not want additional punishment to their boats. I think the place one could best observe the truth, of this statement, would be to go the Upper Green/Green Narrows put-in/take-out. The parking area is a half mile, up the mountain, from the river. I have never seen anyone dragging their boats, although the hike up is a beast! (Ltr# 131, Cmt# 1)

Subconcern # L

Many rock features are barriers to boating. The usual solution is to portage, which means creating pathways to drag the boat from one place to another. This invariably damages the vegetation and creates erosion. Just as with rare species, the EA already addresses that there will be damage. Boating is an environmental damage activity, particularly in this section of the river. (Ltr# 141, Cmt# 10)

Subconcern # M

The EA fails to conduct any similar evaluation of the erosion impacts of the user created trails and campsites on the lower Chattooga River. Only on the upper Chattooga River does the Forest Service state there will be a need to close campsites and user created trails. (Ltr# 171, Cmt# 16)

Subconcern # M

#275- All alternatives proposing additional boating include access for tandem boats and boaters of all skill level; the recreational analysis did not include less-skilled kayakers or tandem crafts. Since portage needs are based on an individual's skill level and boatability, the additional trails needed for less skilled paddlers and bigger boats remains undocumented in the current draft EA. (Ltr# 193, Cmt# 266)

Subconcern # M

#387- Failure to include a thorough discussion of transportation is a violation of NEPA (Ltr# 193, Cmt# 375)

Subconcern # N

To demonstrate how the Forest Service might have attempted vigorously to synthesize and evaluate this information, the information/metrics scattered throughout the EA in Tables 3.1-1 (p.47), 3.1-8 (p.48), 3.1-4 (p.49), 3.1.9 (p.54), 3.4.1-3 (p. 284) as well as references contained within the narrative of 3.4.1 Soils (p.259-285) can be combined into a single chart in order to compare the lower Chattooga and upper Chattooga segments. Significantly, on those sections of the river where boating is currently permitted, the EA evidences that user created trails within 20 feet of the river as a percentage of designated trails within 20 feet of the river are much higher in every reach as compared to the individual reaches on the upper Chattooga—with the exception of the Nicholson Fields reach. The Nicholson Fields reach may be anomalous because the EA states there are zero designated trails within 20 feet of the river. EA at p.49 Table 3.1-4. As reflected on relevant topographic maps, the Nicholson Fields constitutes a relatively flat geographic area where trail remediation should not be difficult. (Satolah, GA 1961 topo). The majority of documented erosion sites in the 2007 bio-physical inventory are located proximate to the Russell Bridge in what is a wide and flat area (approximately 1000 feet wide from rivers edge) (Comparing the Satolah, GA, 1961 topo with the Forest Service's Upper Chattooga River Visitor Capacity Analysis Data Collection Reports p. 6, electronic file name 165_07_05_xx_bio-physical-20070601.pdf.) This biophysical inventory suggests that there are extensive user created trails within 20 feet of the river---implying degradation by the current recreational users of the Nicholson Fields area. However, this may be misleading. In fact, a careful review of the 1961 topo map demonstrates that these inventoried user created trails are primarily the descendants of jeep and foot trails that long pre-existed the Wild and Scenic River designation. Given the known importance of the Nicholson Fields and the special management of its trout fishery by SCDNR, it seems incredulous that some of these user created trails within 20 feet of the river could not be remediated to function as designated trails. Without sufficient detail about all of the trails in the Nicholson Fields reach, it is impossible to know if the raw data presents a misleading picture with respect to the Nicholson Fields reach. However, from Highway 28 to Highway 76, user created trails within 20 feet of the river are 315% of designed trails. From Highway 76 bridge to Tugaloo, the percentage rises to 550%, while the West Fork indicates that user created trails within 20 feet of the river are 3370% of designated trails within 20 feet of the river. In contrast, user created trails on the ecologically sensitive Chattooga Cliffs reach constitutes a mere 28% of designated trails, the Ellicott Rock reach 65%, and the Rock Gorge 82%. Step back the analysis of user created trails as a percentage of designated trails to within 100 feet of the river and the difference in metrics becomes more significant as follows: From Highway 28 to Highway 76 (150%); Highway 76 to Lake Tugaloo (612%); West Fork Chattooga (6,500%); Chattooga Cliffs (17%); Ellicott Rock (46%); Rock Gorge (38%); Nicholson Fields (86%). What does this difference mean? Clearly, where boating is taking place in addition to other uses, unidentified users of the river corridor are disproportionately creating their own access points to the river without regard for the impact of their

actions on soil and bank erosion. The identities of the users who are creating these informal trails and the intensity of use are unknown because the Forest Service has not attempted to capture this information for the purposes of this EA. However, the lower Chattooga is dominated by boaters. At a minimum the Forest Service should determine through careful study if boating has been responsible for the creation of these inappropriate user trails because this information would be essentially relevant to any estimate of how boating might impact the upper Chattooga. (See table in letter 171) (Ltr# 171, Cmt# 17)

Subconcern # N

The EA further fails to clarify if these user trails within 20 feet of the lower Chattooga River are now being used primarily for portage purposes by boaters. A review of various whitewater enthusiasts blogs clearly demonstrates that information is being shared among the boating community encouraging the use of specific trails without regard for whether or not these trails are designated portage trails. See the attached Exhibit "B" from the Georgia Tech Outdoor Recreation website:

<http://www.orgt.gatech.edu/whitewtr/rivers.html>

In that particular forum, Chattooga River Sections III and IV are discussed and boaters are advised to use various "Walk Out points" some of which are user created portage trails. Further reference made to "Evacuation Maps of the Chattooga" on file at the triangle that further catalogs and encourages boaters to use non designated trails for portage and evacuation. This suggests that significant unmanaged impact and degradation of the river could be determined to correlate with boating on the lower Chattooga. Knowing this information would be absolutely relevant and essential to projecting what impact boating will have on the upper segment. Such a synthesis has not even been considered by the Forest Service EA in evaluating what impacts the introduction of boating will have on the upper Chattooga. In fact, the EA assiduously avoids any effort to evaluate or quantify the degradation associated with any of these user created trails on the lower Chattooga. (Ltr# 171, Cmt# 18)

Subconcern # N

#274- The Assessment does not compare the location of current trails against the required new boater portage trails in the context of managing WSRs based on the 1976 classifications established under WSRA sec 2(b). (Ltr# 193, Cmt# 265)

Subconcern # N

#531- I believe the EA should assess the reason the lower river has 45% more per river mile than the upper river of user created trails within 20 feet of the river (Upper @19 miles has 393 ft/mile and the Lower @ 36 miles has 571 ft./mile). Is the reason associated with boating? (Ltr# 193, Cmt# 518)

Subconcern # O

#87- Permanently close user-created trails. A few well "designed" and well used trails could be converted to sanctioned Forest Service trails. (Ltr# 193, Cmt# 80)

Subconcern # P

#521- Some of the existing undesignated trails on old roadbeds should remain open to hiking (Ltr# 193, Cmt# 508)

Subconcern # P

#522- Here is a list of the old roads in the backcountry that I'm recommending NOT be closed to hiking, but rather inspected, improved as needed, and left as old foot-travel roads (or else be designated as trails). (Ltr# 193, Cmt# 509)

Public Concern 75

The Forest Service should consider the following regarding trespass on private land:

- A) Boating through private land upstream of the Green Creek confluence is considered trespassing;**
- B) Wading/fishing a stream through private property, without express permission of the landowner, is trespassing;**

- C) Private property used for roadside parking along the Whiteside Cove Road and at Grimshawes Bridge has been considered in the capacity analysis;
- D) When the existing parking lot is full, private property along the Whiteside Cove Road and/or the gravel road to the cemetery will be used, therefore considered trespassing and blocking easements;
- E) The 2011 EA changes the historic definition of Chattooga Cliffs from extending up to Norton Mill Creek to a definition that would include the reach all the way up to Grimshawes Bridge, which provides pretext for further litigation attempts to extend this recreation playground onto private property;
- F) Assess private property rights for all action alternatives;
- G) Include the following statement “whereby the Forest Service agrees to increase awareness of private land along the corridor to reduce trespass and resource damage caused by such trespass,” which is consistent language found in other river management plans;
- H) Federal guidelines compel the agency to consider rivers non-navigable until adjudicated otherwise. Therefore, impacts to private property based on non-navigability should be assessed;
- I) Action that will impact private property, property owners, or leaseholders requires due consideration by the agency, and the Constitution requires that any action that would substantially damage those recognized rights requires due compensation;
- J) Request an answer through the appropriate channels and directed to the appropriate agency to settle the issue of navigability;
- K) Minimizing access and/or use of the Upper Chattooga River to private landowners leaves the river's future in a much less secure position (from 2009EA comments); and
- L) Boaters are capable of passing through private property without committing trespass (from 2009EA comments).

Response to PC 75

None of the alternatives encourage trespass on private lands. Refer to the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 1.7 Other Issues, item E and Section 2.4, item A**. The US Forest Service does not encourage trespass on private lands; boating use under consideration in alternatives 8, 11, 12, 13, 13A and 14 focuses on use downstream of Green Creek.

Navigability and public access rights on this reach have not been formally analyzed by any federal or state agency or authority, nor has its navigability been adjudicated by a court of law. Public access rights and navigability are complex topics, and the outcome of a formal analysis or adjudication for the upper segment of the Chattooga WSR is uncertain. According to FSM 2354.14- Navigability of Rivers, “Most rivers in the country have not been adjudicated as navigable or non-navigable. Consider them non-navigable until adjudicated otherwise.” Until decisions about boating are made for the sections of the river with private land along them, or public access rights on this reach are determined, the US Forest Service considers this decision to be beyond the current scope of analysis (Refer to *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Chapter 2, Section 2.4 Alternatives Considered but Not Evaluated in Detail, Item A**).

Sample Public Comment(s) for PC 75:

Subconcern # A B

I agree and support the FS position that boating through the private land upstream of the Green Creek confluence would be trespassing. I also believe wade-fishing a stream through private property, without express permission of the landowner, is trespassing and subject to legal prosecution. (Ltr# 51, Cmt# 2)

Subconcern # A B

#201- Under no circumstances should access be granted onto or through private property. Private property rights must be respected in any decision the Forest Service makes. (Ltr# 193, Cmt# 193)

Subconcern # C

The 2011 EA appears to have included private property (specifically roadside parking) along Whiteside Cove Rd in NC within the "available capacity" for public use. The only roadside parking considered in the entire analysis is at Grimshawes Bridge, and most of that area is privately owned. All other bridges only count paved parking as available parking in the capacity plan. This inconsistency makes the claiming of private property in a capacity analysis a clear abuse of agency discretion. (Ltr# 92, Cmt# 33)

Subconcern # C

#200- Despite our posting of no trespassing signs on our property, we have seen an increase in trespass occurrences since the USFS mistakenly included our property in the recreational analysis and we have had to increase efforts to protect our property from trespassers. The family views the agency's inaction in addressing our repeated property concerns as at best apathy towards, and perhaps more likely active encouragement of, unlawful activity. (Ltr# 193, Cmt# 192)

Subconcern # D

I would like to add that I own 692 feet of frontage on Whiteside Cove Road across from the existing parking lot, and 628 of frontage adjacent to the USFS parking area. When that parking lot will not accommodate all of the hikers and kayak users who wish to access the trail at that point, IS THERE ANY DOUBT THAT THEY WILL PARK ON MY PRIVATE PROPERTY OR THE NARROW GRAVEL ROAD TO THE CEMETERY, THAT ALSO SERVES AS THE ONLY ACCESS TO THE ROBERTSON CABIN AND QUEEN CABIN? Please note that I own to the middle of Whiteside Cove Road, and the DOT has an easement to use and maintain the road. This easement does not include illegal parking and destruction of my property. HOW WILL THE USFS PREVENT THIS? IF THIS PROBLEM OCCURS, WHAT RECOURSE SHOULD WE TAKE? CALL A TOW TRUCK? CALL THE USFS? PUSH THE VEHICLES OFF MY PROPERTY WITH MY TRACTOR? CALL THE SHERIFF OR THE FEDERAL MARSHALL WHEN A CONFRONTATION OCCURS? (Ltr# 169, Cmt# 2)

Subconcern # E

In prior comments, the Rust family (Family) and the Whiteside Cove Association (WCA) pointed out numerous errors and inconsistencies in the Forest Service's prior proposals and 2009 environmental assessment. The Forest Service simply ignored those comments and repeats these same errors in its 2011 EA. For example, the Family and WCA previously pointed out how the Forest Service has mischaracterized previously published statements and referenced data associated with publicly-owned lands as if they also apply to the private section. The 2011 EA changes the historic definition of "Chattooga Cliffs" from one extending up to Norton Mill Creek to a definition that would include the reach all the way up to Grimshawes Bridge, apparently in order to lay a pretext for further litigation attempts to extend this recreation playground onto private property. These geographic shifts from previous Wild and Scenic River documentation create considerable confusion within the voluminous EA and are used to misapply data erroneously to the private reach. At this point, there is no need to re-submit these comments at length as they are already in the public record that the Forest Service has repeatedly ignored. (Ltr# 175, Cmt# 1)

Subconcern # F

The Forest Service would also trample on private property rights. Whereas the EA states that the "Forest Service does not encourage trespass on private lands" (p. 12), the practical effect of the EA is to do just that – encourage trespass. First, as mentioned above, the Forest Service avoided reassessment of how each alternative would impact property rights with some of the alternatives appearing to invite trespass. Indeed, this failure to evaluate carefully and document the effect of its actions on property rights violates

the Constitution, NEPA, the Wild and Scenic River Act, Executive Orders 12630 & 13352, and other applicable law. (Ltr# 175, Cmt# 5)

Subconcern # F

#428- It is worth noting that the USFS specifically addressed the question of "How will the Forest Service be handling the question of private lands within the Upper Chattooga Corridor?" in a frequently asked questions document posted to their website. Nowhere in the EA does such documentation exist, and its failure to do so renders the entire EA illegal and inadequate. (Ltr# 193, Cmt# 416)

Subconcern # G

The EA fails to include language consistent with that found in other river management plans, whereby the Forest Service agrees to "increase awareness of private land along the corridor to reduce trespass and resource damage caused by such trespass," also as previously requested. (Ltr# 175, Cmt# 7)

Subconcern # G

#199- Therefore, we recommend inclusion of language in the final EA similar to that found in other River Management Plans whereby the Forest Service agrees to "increase awareness of private land along the corridor to reduce trespass and resource damage caused by such trespass." We also recommend that the Forest Service clearly post all Forest Service boundaries and make clear to the public that it remains illegal to float the Chattooga River above the designated float zone at all times. (Ltr# 193, Cmt# 191)

Subconcern # H

The EA states "navigability and public access rights on this reach have not been formally analyzed by any federal or state agency or authority, nor has its navigability been adjudicated by a court of law." This professed ignorance of any formal analysis is remarkable in light of the fact that it was the Forest Service's legal duty to document ownership (including title to the riverbed) before and after WSR designation and to provide such information to Congress and other federal agencies for review and approval. The agency made an initial determination that the Chattooga in North Carolina was non-navigable in 1971, and that the riparian owner would therefore own the streambed under North Carolina law. Then, it published this conclusion with citation to the relevant opinion of the North Carolina attorney general, and sent this determination and conclusion to other agencies and Congress for review, and ultimately approval, at the time of Chattooga WSR designation. Notably, the Forest Service now claims that a judicial ruling is required before completing analysis, while simultaneously resisting such adjudication by filing (in federal court in the 2009 AW complaint proceeding) a motion to dismiss the Family's request that the court make a final adjudication that this stretch is non-navigable. In doing so, the Forest Service is ignoring its own guidelines which compel the agency to consider rivers non-navigable, until adjudicated otherwise, and to include in its environment assessments the impact to private property based on non-navigability. (Ltr# 175, Cmt# 8)

Subconcern # I

Taken together, the Forest Service's anti-private property statements and actions speak much louder than its boilerplate statement that it does not encourage trespass on private lands. The agency cannot simply take an idle role with respect to private property within a Wild and Scenic corridor. The agency is required to work with landowners and to have documented boundaries between public and private lands. Action that will impact private property, property owners, or leaseholders, requires due consideration by the agency, and the Constitution requires that any action that would substantially damage those recognized rights requires due compensation. (Ltr# 175, Cmt# 9)

Subconcern # J

*My last issue to raise was with your description of navigability issues in **Chapter 2**. You state that "Public access rights and navigability are complex topics..." and that FSM2354.14 directs you to "consider a waterway non-navigable until adjudicated otherwise." Concerning boating within the upper reaches, you state "Navigability and public access rights on this reach have not been formally analyzed by any federal or state agency or authority, nor has its navigability been adjudicated by a court of law." My response, is that you cannot fall back on the non-navigable directive, due to current allowances for navigation. With a conflicting issue, you, as an agency, can request an answer for the issue using appropriate interagency communications. As an Executive Branch agency, you have an available option to get an answer to these questions through communication channels with the Department of Justice. You have had plenty of time to reach findings on both navigability and trespass. If you wish to utilize FSM 2354.14, you would have to*

apply non-navigability equitably throughout your management area, which you have refused to do. With due respect, your review team has had more than ample time on this management plan to include a response to this issue. Please do not present the use of an agency directive into consideration when you have the capacity to provide a legitimate answer to issues that can be otherwise addressed. (Ltr# 179, Cmt# 6)

Subconcern # K

#58- As a long time environmentalist, I strongly believe that one of the best ways to protect and preserve unique resources and ecosystems is to responsibly share them with others. The more people who are exposed to the outstanding and distinctive beauty of the Chattooga and who are allowed to enjoy it, the more people will actively advocate for the river's continued protection into the future. Minimizing access and use of the upper Chattooga to private landowners leaves the river's future in a much less secure position. (Ltr# 193, Cmt# 52)

Subconcern # L

#260- Your directive assumes boaters are incapable of passing through private property without committing trespass. Let me assure you that boaters successfully do so thousands of times a day all over the country. (Ltr# 193, Cmt# 251)

Public Concern 76

The Forest Service should consider the following regarding tributary boating:

- A) Disclose the plans for implementation of restrictions during periods of when boating is allowed on the main river;**
- B) Clearly identify if the West Fork is considered a tributary, and if so this closure should have been identified earlier in the process;**
- C) Prohibit boating in the tributaries;**
- D) To ban paddling on these tributaries and exclude them from the analysis is arbitrary and capricious and is in violation of the scope of the analysis dictated by the appeal decision;**
- E) Permit boating in the tributaries without restriction;**
- F) Prohibit boating in the tributaries outside the wild and scenic corridor, such as the East Fork (all comments from 2009 EA comment period); and**
- G) Disclose the rationale for prohibiting boating in the tributaries (all comments from 2009 EA comment period).**

Response to PC 76

A) **Appendix B** details implementation.

B) No changes are proposed for the management of West Fork.

C) See **Chapter 2, Section 2.4 Alternatives Considered But Not in Detail, item B. Boating in the Tributaries above Highway 28**. The boating prohibition is continued in the tributaries in the Chattooga WSR corridor above Highway 28.

D) See **Chapter 2, Section 2.4 Alternatives Considered But Not in Detail, item B. Boating in the Tributaries above Highway 28**.

E) See Item C above

F) This is beyond of the scope of this decision. See Item C above

G) See Chapter 2, Section 2.4 Alternatives Considered But Not in Detail, item B. Boating in the Tributaries above Highway 28. The boating prohibition is continued in the tributaries in the Chattooga WSR corridor above Highway 28.

Sample Public Comment(s) for PC 76:

Subconcern # A

Where in the Environmental Assessment (EA) does it say that boaters may NOT use tributaries of the Chattooga? Since Greens Creek flows through the lake on our property and our house overlooks the lake, this is a great concern for us. The EA clarifies that “because boating is not currently permitted on the main-stem, it also is not permitted on the tributaries inside the wild and scenic river corridor”. However, nowhere within the EA are the tributaries protected from boating during periods where boating would be “allowed” on the main stem. How will the USFS implement tributary boating restrictions –critical to the protection of key habitat – in a new management policy? (Ltr# 136, Cmt# 1)

Subconcern # A C

The Environmental Assessment must prohibit boating on tributaries. Current management allows boating on some tributaries of the Upper Chattooga outside the Wild and Scenic River corridor, such as the East Fork. We concur with Alternative 12 that this access must be prohibited. Enforcement, preservation of peace and quiet and solitude, sedimentation, and excessive use all remain issues if boating is allowed on these tributaries. We agree with the EA that boating in the tributaries should not be considered “because of concerns regarding large woody debris, native brook trout restoration, vegetation removal, increased encounter levels, user-created trails, as well as enforcement and management issues.” The EA clarifies that “because boating is not currently permitted on the main-stem, it also is not permitted on the tributaries inside the wild and scenic river corridor.” However, we do not see anywhere in the EA where tributaries will be closed under the new plan during periods where boating would be allowed, or on the tributaries within Sumter’s Management Area #2. Please advise how the Forest Service will implement tributary boating restrictions -critical to the protection of key habitat – in any new management policy. Further, the Forest Service has not demonstrated that adequate resources exist to curtail existing illegal use. Allowing boating on the tributaries facilitates illegal use (Ltr# 166, Cmt# 30)

Subconcern # B

Does this legally close the West Fork to boating? The decision indicates that tributaries are closed to boating. If the West Fork is considered a tributary by hydraulic definition, then it should be closed to boating. Was this closure of the West Fork identified as an effect earlier in the process? (Ltr# 139, Cmt# 2)

Subconcern # D

The EA fails to provide any basis for banning paddling on tributaries. The EA excludes the tributaries of the Upper Chattooga River from the analysis, yet bans paddling on them. This is the very definition of an arbitrary and capricious action and is a direct violation of the WSR, FSM, and NEPA. The USFS proposes to take the most extreme management action possible against the public based on a paragraph of completely unfounded and irrational discussion. There is no basis for this action. The USFS cannot both exclude the tributaries from the EA and ban paddling on them. To do so is arbitrary and capricious. Creating this arbitrary ban is also in violation of the scope of analysis dictated by the Appeal ROD. (Ltr# 168, Cmt# 33)

Subconcern # E

I believe that paddling should be allowed on all of the Chattooga and its tributaries, without restriction. (Ltr# 173, Cmt# 2)

Subconcern # F

#375- Current management allows boating on some tributaries of the Upper Chattooga outside the Wild and Scenic River corridor, such as the East Fork. This boating access also should be prohibited if boating is prohibited on the main river stem. (Ltr# 193, Cmt# 364)

Subconcern # G

#429- The EA introduces a totally new concept - a ban on floating the tributaries of the Upper Chattooga - in all the alternatives. There is no discussion of the rationale for this decision. Banning paddling on these reaches would impact paddlers. These new floating bans have the same flaws that the previous ban in the

RLRMP had. There is no basis for them whatsoever. Thus, this new decision is arbitrary and capricious. This decision also violates NEPA because no alternatives to the action were analyzed, and violates the ROD for our appeal decision by replicating the same type of baseless closure on new reaches. (Ltr# 193, Cmt# 417)

Public Concern 77

The Forest Service should consider the following regarding use on the upper and lower segments of the Chattooga WSR:

- A) Continue with current boating restrictions on the upper segment of the Chattooga WSR to protect the sensitive river environment and existing uses;**
- B) Permit boating with appropriate limits on group size and encounters on the upper segment of the Chattooga WSR;**
- C) Allow multi-day trips and/or a permit for this type of use should be issued;**
- D) Extend the season for boating by two months and all sections should be open at the same time;**
- E) Prohibit all boating, including commercial use on the Chattooga River;**
- F) Permit occasional boating, but do not limit boating entirely;**
- G) Permit use of non-motorized, single, or tandem craft regardless of time of year, water level or section of river;**
- H) The EA should state that it is illegal to float the Chattooga River outside of the proposed float zone and times;**
- I) No other users have been displaced in the lower segment of the Chattooga River by policy or restriction (all comments from 2009 EA comment period);**
- J) Permitting boating in the upper segment of the Chattooga WSR will commercialize this segment of the river (all comments from 2009 EA comment period);**
- K) Conduct a complete inventory or recreational opportunities to determine the effects of, need for, and associated costs for recreational opportunities (all comments from 2009 EA comment period);**
- L) Prohibit horseback riding and biking in the upper segment of the Chattooga WSR corridor (all comments from 2009 EA comment period);**
- M) Before any new recreational use may be added to the upper segment of the Chattooga WSR, management for the values for which it received these designations must be accomplished (all comments from 2009 EA comment period);**
- N) Consider place bonding (all comments from 2009 EA comment period);**
- O) Add a table to the EA that includes a Characteristics column of the Existing Recreation Opportunities of the lower segment of the Chattooga WSR, including West Fork/Overflow (all comments from 2009 EA comment period);**
- P) Most backcountry anglers use spinning or spin cast tackle (77 percent), while the remaining 23 percent use fly fishing gear (all comments from 2009 EA comment period);**
- Q) The bar for fly fishing was developed by an angler whose experience was with regulated flow releases from impoundments where this type of bar is logical; this does not apply here (all comments from 2009 EA comment period);**
- R) If unrestricted boating is allowed at any water level that will be a precedent for allowing the return of other vehicular activities that were present prior**

- to 1976 (horseback riding, trail motorcycles, bicycles, 4X4 motor vehicles, etc.) in the Upper Chattooga corridor (all comments from 2009 EA comment period); and**
- S) This backcountry float may be attractive to a large number of boater-anglers (all comments from 2009 EA comment period).**

Response to PC 77

- A) A range of alternatives was developed that manages encounters/solitude and conflict among the various recreation user groups by using a combination of permits, season, flow, and zone restrictions (**Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*). The alternatives range from no additional boating opportunities to year-round boating with no flow restrictions on the main stem in the upper reaches of the Chattooga WSR. The effects of these alternatives are discussed and analyzed in **Chapter 3** of the EA.
- B) All alternatives that allow boating (Alternatives 8, 11, 12, 13, 13a and 14) have limits on group size and establish capacity estimates to limit encounters and minimize conflict (See **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*).
- C) None of the alternatives prohibit multi-day trips. In public comments boaters have shown relatively little interest in multi-day trips on the river. Most whitewater boaters in the Southeast appear to focus on day trips, and the challenging rapids of the upper segment of the Chattooga WSR are easier to negotiate in boats that do not carry camping gear and food (*Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007)).
- D) The range of reasonable alternatives includes continuing the boating prohibition above Highway 28 to year-round boating with no flow restrictions on the main stem downstream of the confluence of Green Creek. The alternatives display effects to users and the resources from a variety of boating options. Alternatives were developed to meet the purpose and need described in **Chapter 1** in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Alternative 13A was developed to respond to this alternative and extends the boating season by two months. However, the IDT considered not allowing boating in the area downstream from Lick Log Creek in order to provide boat-free fishing opportunities in the Delayed Harvest Area.
- E) and J) Commercial boating is prohibited and not proposed in the action alternatives in the upper segment of the Chattooga WSR.
- F) The alternatives range from no additional boating opportunities to year-round boating with no flow restrictions on the main stem in the upper reaches of the Chattooga WSR. The effects of these alternatives are discussed and analyzed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.
- G) Alternative 8 as described in **Chapter 2** of the EA considers this option.
- H) Restrictions on boating will be a condition of the self-registration permit.
- I) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 1 section 1.6 Key Issues item C Boating access and equitable treatment of boating**.
- K) Biophysical inventory was completed as documented in the *Capacity & Conflict on the Upper Chattooga River*, June, 2007.

- L) Existing opportunities are described in the EA and considered throughout the effects analysis in the EA and in more detail in the integrated report titled *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).
- M) The impacts on existing recreational uses have been evaluated and are found in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.1 Recreation ORV**. The impacts of the various alternatives relative to the ORVs have also been evaluated.
- N) The pair of studies that looked at "substitutability," "involvement," and "place attachment" for Chattooga non-commercial boaters (on the lower river) and trout anglers, along with additional analyses of these two groups were discussed on page 25 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007). Whittaker and Shelby qualified some of the findings in these reports. One problem they noted is that the two groups were sampled differently (boaters via permits from known visits; anglers via census of two local Trout Unlimited chapters). Because a "wider net" was cast across the angler population, it may have included fewer avid Chattooga anglers. In addition, some of the involvement and place attachment variables were statistically but not substantively different (e.g., 4.39 vs. 4.61 on a five point "importance"). Finally, boaters were rating the lower segment of the Chattooga WSR only (because they cannot currently boat the Upper segment of the Chattooga), and it is unclear whether their assessments will apply to the upper river. Because of these problems, the data was not brought forward into the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.
- O) In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3** cumulative effects address the lower segment of the Chattooga WSR. Information on the lower segment of the Chattooga WSR River was included in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).
- P) The monitoring and adaptive management strategy is described in more detail in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. As discussed in the Recreation ORV analysis (**Section 3.2.1**), recreation use and social impact data for the upper segment of the Chattooga WSR is limited. Although a few studies have been conducted in parts of the corridor, and monitoring, workshops or logic-based calculations have informed impact analyses as part of this planning process, precise estimates of use, social impacts and use-impact relationships are approximate. Recreation monitoring would allow the agency to address these data shortcomings over time.
- Q) The assumptions in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* about use and encounters between different user groups may well prove to be higher or lower in practice. However, this information will be monitored and an adaptive management strategy used to address problems. These adaptive management strategies are described in **Chapter 2** of the EA.
- R) Opening up the Chattooga Wild & Scenic River to additional activities will require additional public involvement and environmental analysis.
- S) Recreation use trends are discussed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.1 Recreation ORV**. Assumptions in the EA about use levels and encounters between different user groups may prove to be higher or lower. However, this data will be fine-tuned through monitoring and adaptive management during implementation.

Sample Public Comment(s) for PC 77:

Subconcern # A

Please leave the restrictions on the upper river as far as boating is concerned. There is plenty of boating and excitement for boaters along the lower part of the river, without taking adding more river miles and in the process taking away certain privileges for hikers and anglers in the upper section. (Ltr# 9, Cmt# 1)

Subconcern # A

Support a continued balance of uses, which offers boating on the lower 36 miles of this river, while leaving the Upper Chattooga as is, protected for the benefit of future generations; and the boaters already have a wealth of nearby challenging whitewater to paddle, including Overflow and Holcomb creeks and on the West Fork of the Chattooga, where boating is already legal and permitted. (Ltr# 11, Cmt# 4)

Subconcern # A

I urge you to refuse opening the Chattooga River to further whitewater boating and confining these activities to the area below Route 28 bridge, or the lower third of the beautiful Chattooga River. Whitewater boating is a lot of fun, but there is plenty of room for both low-impact hiking and camping and more intrusive activities like boating if we use this priceless resource wisely. (Ltr# 16, Cmt# 1)

Subconcern # A

A balanced approach seems best. With boaters already allowed on the lower 38 miles of the Chattooga, it seems only reasonable to protect the upper reaches for all the many non-boating user groups: hunters, hikers, fisherman, naturalists, picnickers, campers, etc., as well as for future generations of them! (Ltr# 25, Cmt# 2)

Subconcern # A

I can assure you that MUCH more damage is done by fishermen and foot campers attempting river access that any spot highly used by boaters. The sections in question are already capable of self-regulating, as well, in that the low water levels appropriate for fishing are incompatible for boating, and the high level needed for boating result in water undesirable for (and even dangerous for) anglers. Moreover the amount of garbage (lost hooks, discarded fishing-line and broken glass), foliage impact and deforestation are clearly the refuse of locals and fisherman, much more sedentary in their activities than boaters. As well, anglers have access to dozens of smaller, more remote waterways that boaters will never have access or want of. The Upper section is a highly technical river, usable by only a very small portion of boaters, and the boating ban stands in stark contrast to the National Wild and Scenic Rivers Act stated purpose of maintaining the quality and character of the natural river, while preserving the river for recreation. (Ltr# 62, Cmt# 1)

Subconcern # A

I am writing to say I support the Forest Service's ban on kayaking on the upper section of the Chattooga River. I am fearful of the impact the increased traffic will have on the river and surrounding area. Kayakers already have many miles of access from section 2 to 4. Please leave the upper section for fishermen & hikers. (Ltr# 66, Cmt# 1)

Subconcern # A

I think that the upper section of the Chattooga should continue to be protected. It is not necessary to be rafting on that part of the river. (Ltr# 75, Cmt# 1)

Subconcern # A

This e-mail is in opposition to allowing boating on any currently "closed to boating" sections of the Chattooga River. (Ltr# 76, Cmt# 1)

Subconcern # A

This is to advise that I oppose all boating, canoeing, kayaking, etc. on the upper Chattooga River. (Ltr# 78, Cmt# 1)

Subconcern # A

In case of the Chattooga, it seems that this upper section is better left to the fishermen and those who prefer a more secluded and peaceful experience. I don't understand why we would want to encroach on the upper Chattooga for boating. (Ltr# 81, Cmt# 1)

Subconcern # A

We are writing to voice our concern about opening the upper Chattooga headwaters to kayakers. We are oppose to letting this happen. ... This section of the river is too rough and would only be attempted by thrill seekers. My experience with these people is that they do not protect the flora, fauna and beauty of a wild section of unspoiled beauty. (Ltr# 89, Cmt# 1)

Subconcern # A

I've enjoyed myself and have no opposition per se to rafting, kayaking, or canoeing, but think it more reasonable to confine these activities to the extensive lower reaches of the Chattooga. (Ltr# 96, Cmt# 2)

Subconcern # A

We fully support kayakers and canoeist continued use of the stretch of the Chattooga River downstream of Highway 28, but we remain strongly oppose any change to the current restrictions in place for boating on the upper Chattooga River. (Ltr# 104, Cmt# 3)

Subconcern # A

I am quite satisfied with the boating opportunities in sections 2, 3, and 4, and would like the upper section preserved year round as a limited access and use area. New access is unnecessary and would be detrimental to the wilderness quality of the area and could be a threat to rare species. (Ltr# 113, Cmt# 1)

Subconcern # A

I am totally opposed to allowing boating at any time of the year on this section of river. This section of river is very fragile environmentally, and would not make a safe route for boaters because of large rock formations in the river itself. The plants and vegetation along and on the rocks in the river would not sustain to repeated foot and boat traffic. Furthermore, any wild woods camping sites would not sufficiently accommodate any masses of boaters, without causing serious damage to the river shoreline ecosystem. To sum up, my position is in opposition to any form of boating on the upper Chattooga River. (Ltr# 119, Cmt# 1)

Subconcern # A

The upper part of the Chattooga does not need to be added to the roller coaster environment. It deserves to be kept peaceful and serene as it is legally designated to be.

The environmental analysis did not adequately considered the noise pollution the boaters will bring to the upper portion of this precious river and watershed. (Ltr# 191, Cmt# 1)

Subconcern # A

Prohibit boats above Highway 28. (Ltr# 192, Cmt# 1)

Subconcern # A

#65- In a time when an influx of boating traffic has been crowding rivers everywhere, especially in wild and scenic rivers, there is a desperate need for areas and sections of rivers that are free of watercraft of all sorts and limited only to foot travel. Only a very small number of those rivers are coldwater trout streams as perfect for the wading fly fisherman as the Upper Chattooga is. (Ltr# 193, Cmt# 59)

Subconcern # A

#67- If boating is allowed on the sections of the river where it currently is not, it will create a "slippery slope" -- which will eventually lead in a few years to opening the entire river to boating. (Ltr# 193, Cmt# 61)

Subconcern # A

#72- The Forest Service must use good management principles, including the use of zoning, to regulate users in the case of a scarce resource. The outstanding backcountry values that the Upper Chattooga provides deserve special protection status. And zoning is a legitimate, established, and essential forest management tool. (Ltr# 193, Cmt# 66)

Subconcern # A

#110- The current system does not discriminate against any person because it does not prevent access to the Upper Chattooga River to anyone, only the means of transportation for gaining access. Anyone can currently enjoy the ORVs offered by the Ellicott Rock Wilderness Area, for example, however no one currently can access it by boat, ATV, mountain bike or horseback. This protects the solitude of the Wilderness Area and is good stewardship. (Ltr# 193, Cmt# 103)

Subconcern # A

#113- First, the plan categorically recognizes that anglers and hikers/campers have a greater right to access the river than whitewater kayakers/canoists. The proposed plan recognizes solitude as a core value of the river and seeks only to preserve it for anglers and hikers, despite the fact that an angler is just as capable of disrupting the solitude of a boater as the reverse. The fact that prior studies have revealed that boaters and anglers and hikers would seldom interact on the river further reveals the plan's illogical stance. (Ltr# 193, Cmt# 106)

Subconcern # A

#166- Expanding kayaking upstream on the Chattooga WSR just further duplicates kayaking opportunities available in the local region during high flows; this at the expense of the Chattooga's unique high-water experience currently available to non-boaters. (Ltr# 193, Cmt# 159)

Subconcern # A

#262- Lastly, the Chattooga is the only stream in the area that is being managed to lessen the disturbances created by boating. Allowing any additional boating should be assessed with the understanding that this will eliminate the only option available to anglers to enjoy their recreation at boatable water levels. (Ltr# 193, Cmt# 253)

Subconcern # A

#277- The special attributes of the Upper Chattooga currently includes an excellent fishery, remote and undisturbed riparian habitat (2004 FEIS details the "critical" need to preserve riparian habitat and the associated ecosystem) and the remoteness found in the Upper Ellicott Wilderness (which was designated to protect the resource from overuse (see Wilderness in my Appendix). These special attributes carry higher relative-values than does expanding kayaking upstream; management policy should be prioritized accordingly. (Ltr# 193, Cmt# 268)

Subconcern # A

#358- Choosing not to visit a certain place is not displacement it is simply a personal choice. (Ltr# 193, Cmt# 348)

Subconcern # A

#479- Thus the only empirical evidence relating to the importance of the upper Chattooga as an angling resource strongly disagrees with the EA's premise, conclusions, and preferred alternative. (Ltr# 193, Cmt# 466)

Subconcern # A

#513- The EA did mention the uniqueness of the upper Chattooga fishing experience on pages 1, 2, 7 and 101. However, it did not mention the uniqueness for all the other "foot travel only" backcountry visitors. (Ltr# 193, Cmt# 500)

Subconcern # A

#544- Solitude and undisturbed waters are important expectations for all backcountry anglers, regardless of angling method they decide to use. (Ltr# 193, Cmt# 531)

Subconcern # A C

To me this is a basic right that anyone should be allowed to paddle the ENTIRE Chattooga and its tributaries, and be able to make it a multi-day trip, (Ltr# 64, Cmt# 1)

Subconcern # B

Support the Agency's new efforts to rehabilitate the Upper Chattooga corridor and establish appropriate limits on visitor group sizes and encounters in efforts to maintain a sense of solitude; (Ltr# 11, Cmt# 3)

Subconcern # B

I support the agency's new efforts to rehabilitate the Upper Chattooga corridor and to establish appropriate limits on visitor group sizes and encounters in efforts to maintain a sense of solitude in one of the last remaining wild places in the entire Southern Appalachians and Southeast. (Ltr# 18, Cmt# 3)

Subconcern # B

I absolutely support your new efforts to establish limits on visitor group size and the general rehabilitation of the Upper Chattooga corridor. (Ltr# 19, Cmt# 2)

Subconcern # B

I believe kayaking and canoeing should be allowed on the Upper Chattooga River. It was designated a wild and scenic river to be enjoyed by recreational users. You are unfairly and arbitrarily eliminating a user group who does not impact the resource in any significant way. Please use a fair approach for all users of this resource. (Ltr# 32, Cmt# 1)

Subconcern # B

What a waste of time and money! Drop the boating ban and move on already. The entire Chattooga should be open to paddling with no restrictions. Use is naturally limited by water levels. (Ltr# 34, Cmt# 1)

Subconcern # B

Paddling should be allowed on all Wilderness and Wild and Scenic rivers, including the upper Chattooga. (Ltr# 36, Cmt# 1)

Subconcern # B

My final point regarding the management of the Upper Chattooga and its tributaries, is that in reality there will not be a high volume of boaters because access is difficult/limited in many areas and the high level of difficulty (up to class IV and V) in negotiating many of the rapids on these streams. To conclude, I fully recommend and support permitting access and use of the Upper Chattooga and its tributaries to open boaters all year long. Boating will be controlled by hydrology and level of boating competence. (Ltr# 79, Cmt# 4)

Subconcern # B

I am writing to voice my opposition to the Forest Service's continued ban on kayaking the Upper Chattooga River. (Ltr# 86, Cmt# 1)

Subconcern # B

I would very much like to have the opportunity to paddle this section of the Chattooga River.

I would do so in a manner that I think would enhance the enjoyment it provides to fisherman. I urge you to enact a management plan that balances the needs of all potential recreational users of this wonderful asset. (Ltr# 155, Cmt# 1)

Subconcern # B

I ask that you allow whitewater canoeing and kayaking on the sections of the Chattooga River that are currently closed to boating. Boating on these sections would not impact the trout fishing or degrade the environment. (Ltr# 158, Cmt# 1)

Subconcern # B

I'm sending this comment because I believe paddling should be allowed on all wilderness and Wild and Scenic rivers, including the upper Chattooga. I am very frustrated by the fact that I am excluded from enjoying the river in my mode of choice (kayak). I see no reason to favor one user group over another, especially when paddlers have a minimal impact on the land because for the most part we are only in the water. (Ltr# 177, Cmt# 1)

Subconcern # B

Why should paddlers be banned from a river that is protected as a Wild and Scenic River under federal laws that is meant to allow all users to enjoy the river? I think paddlers should be able to enjoy the spectacular upper reaches of the Chattooga without any restrictions. Fishermen and hikers say that if the river is opened to paddlers, they will flock to the waterway in huge numbers, create damage to the river and its surroundings and also conflict with fisherman by ruining the natural peaceful setting. Fishermen create more damage along the river by wading in and out the river creating new trails, eroding the

shoreline, and damaging the bottom of the riverbed with their boots. Hikers camp along the river and leave their trace behind with trash and destroyed vegetation from their campsites. The only trails paddlers use are the trails to the put in, take out and the occasional need to scout and portage an unsafe rapid. I don't see any trails along Section 3 and Section 4 created by paddlers that damage the river and its surroundings. The paddlers that will come to paddle the river will do so in small numbers as it requires exceptional skills and lower number of days of reliable flow to run the sections included in the waterways north of Highway 28. (Ltr# 180, Cmt# 1)

Subconcern # B

I wish to express my support to reopening the Chattooga River upstream of GA Hwy. 28 at Russell Bridge to private boating without limitation, as is lawfully permitted in the eastern United States on all other rivers flowing through U. S. Forest Service lands. I see no reasonable justification for limiting boater's access, though future studies might convincingly provide such. There is no human use of the Chattooga Headwaters which promises less physical impact on the river and its riparian environment than private boating, and there is no public group which is more interested in preserving the wilderness character of the headwaters area and able to do so more than experienced river boaters. (Ltr# 186, Cmt# 1)

Subconcern # B

#138- In many ways, paddling is the best and lowest impact way to access this area. This was true in 1971 when the Chattooga Study Report declared when speaking of the Chattooga above Highway 28: "Rafting or some method of floating is the best way to see this rugged portion of the river. Many of the pools and canyon-enclosed sections are 10-20 feet deep and impossible to wade by hikers and fishermen." (Ltr# 193, Cmt# 131)

Subconcern # B

#480- The EA lacks even the most basic description of the Upper Chattooga River as a boating resource. The reaches that the USFS allowed to be paddled during the one-time, two day assessment were rated very highly by paddlers, and all the same scenery and solitude opportunities appreciated by anglers are also appreciated by boaters. Perhaps the main difference is that the experience of boaters is of a natural river, where as artificially stocked fish are critical to angler's experiences. The USFS has no basis to claim that the Upper Chattooga provides an angling experience that is any more unique, powerful, or important than a paddling experience. To make such a claim - especially on page 1 - is inequitable and arbitrary and capricious. (Ltr# 193, Cmt# 467)

Subconcern # B C

Also, if this section where opened to boating it would allow some of the longest multi-day trips in the southeast. It would be a wonderful resource that provides an experience that just can't be found anywhere else in the region. (Ltr# 160, Cmt# 2)

Subconcern # B C

#132- The length of the Chattooga River which is suitable to paddling and largely undeveloped is unique in this part of the Southeast. Opening the entire Chattooga to paddling would provide a river that could be completed over several days while camping. This is an appealing idea to those boaters, who, like myself, enjoy a wide range of outdoor activities which include hiking, fishing, and camping in addition to boating. (Ltr# 193, Cmt# 125)

Subconcern # C

Paddlers should be able to paddle the entire river as a multi-day trip if desired. (Ltr# 36, Cmt# 4)

Subconcern # C

Multiday trips should be allowed, even if only by permit. (Ltr# 56, Cmt# 2)

Subconcern # D

Allowing boating as desired outcome. The season for boating should be extended by 2 months. All sections should be open for floating at the same time. (Ltr# 52, Cmt# 1)

Subconcern # E

My "vote" is to ban all boat traffic, commercial or otherwise, from the river. From my standpoint, it is disgusting to see a plastic object like a kayak violating the natural beauty of this rare stream. So, I am

against any further degradation of this wild area from an expansion of the stretches where paddling is permitted. (Ltr# 65, Cmt# 2)

Subconcern # F

Occasional boating - okay, unlimited boating - no! (Ltr# 110, Cmt# 1)

Subconcern # G

I would encourage that the upper Chattooga be open to paddlers for more than just a few days a year. Paddlers take great care of our wild and scenic rivers. If you want to close it to commercial traffic then so be it. But I would ask that you allow private boaters full access. (Ltr# 151, Cmt# 1)

Subconcern # G

I am writing to support the right to paddle the upper Chattooga River in unmotorized, single or tandem craft regardless of the time of year, water level or the section of river. I would like the right to be able to paddle the entire section of the river, from Green Creek to the lake, in a single day as such an opportunity to paddle this length of continuous whitewater does not exist elsewhere in the Southeast. (Ltr# 159, Cmt# 1)

Subconcern # G

I do not support any sort of ban or limitations on private party boating on any part of the Chattooga. I'd like to see the entire Chattooga River opened up to canoeing & kayaking without restrictive boating level or date / seasonal requirements. There won't be huge problems with other users not floating the river, there won't be huge trail erosion or trash problems caused by boaters. All of the concerned parties can use the area and get along without issues. Please manage the Chattooga area such that it is equally open to all user groups & doesn't single out a specific boating user group with unfair restrictions. (Ltr# 163, Cmt# 1)

Subconcern # H

The EA fails to clarify, as previously requested, that it will remain illegal to float the Chattooga River outside of the proposed float zones and times. Any recreational restriction is established in nullity, effectively establishing no restriction at all. (Ltr# 175, Cmt# 6)

Subconcern # I

#92- You must explicitly acknowledge that all private, noncommercial users, except paddlers have unlimited and unfettered access to the entire length of the Chattooga Wild and Scenic River. Not one single angler, hiker, birder, hunter, nature lover, or solitude seeker has been displaced from the Chattooga River below highway 28 by any USFS policy or restriction, (Ltr# 193, Cmt# 85)

Subconcern # J

#93- Allowing boaters and rafter into this area will soon commercialize it just as the Davidson River has been turned into a Disney World attraction for summertime tubing. (Ltr# 193, Cmt# 86)

Subconcern # K

#151- Either a complete inventory or recreational opportunities, or the acknowledgement of lack thereof, is required for the final Environmental Assessment to meet planning mandates. (Ltr# 193, Cmt# 144)

Subconcern # K

#167- Limited geographic focus could result in a suboptimal management policy based on inadequate data. Nearby kayaking "runs" within the Chattooga watershed provide numerous and varied recreational opportunities for whitewater sport; the effects of expanding boating onto the Upper Chattooga must include assessment of the spectrum of currently available setting and unique opportunities currently available throughout the watershed. (Ltr# 193, Cmt# 160)

Subconcern # K

#359- The Draft EA and the process from which it emerged are inadequate as a matter of both law and fact because they considered the effects of, and need for, recreation on the Upper Chattooga in isolation from the rest of the Wild and Scenic River Corridor and region. The Forest Service Manual directs that the following be considered in developing prescriptions to manage recreational use of Wild and Scenic Rivers: (1) the capability of the physical environment to accommodate and sustain visitor use, (2) the desires of present and potential recreational users, including their characteristics, and (3) budgetary, personnel, and technical considerations. The Draft EA and preferred alternative do not adequately address these issues. (Ltr# 193, Cmt# 349)

Subconcern # K

#360- The Forest Service Manual instructs the agency to "[e]stablish appropriate levels of recreation use and developments to protect the values for which the river was designated." The Forest Service Manual directs that river recreation management be planned and implemented in the context that "considers the resource attributes, use patterns, and management practices of nearby rivers." (Ltr# 193, Cmt# 350)

Subconcern # L

#283- Horseback riding and biking is mentioned but not assessed. Horse riding, a wilderness compliant activity, is restricted from using this area. Bikes, a human-powered activity is also excluded from the Upper Chattooga. (Ltr# 193, Cmt# 274)

Subconcern # M

#372- Zoning is specifically endorsed in the Forest Service Directives' in recognition of the differing needs of user groups. Zoning has protected wilderness uses on the Upper Chattooga for over thirty years. Allowing boating on the Upper Chattooga will diminish the experience of those who already have been squeezed out of the Lower Chattooga due to overuse by boaters, and will spread the impacts of excessive boating access to another part of the River Corridor. Before any new recreational use may be made of one of these areas, management for the values for which they received these designations must be accomplished. (Ltr# 193, Cmt# 361)

Subconcern # M

#394- "[a] river's classification does not represent the values for which it was added to the National System. For example, a 'recreational' river segment does denotes a level of in corridor and water resources development and does not necessarily mean that the recreation resource has been determined an ORV. Similarly, a recreational classification does not imply that the river will be managed for recreational activities." (Ltr# 193, Cmt# 382)

Subconcern # N

#510- The EA fails to consider the concept of place bonding, even though the USFS provided funding to study this concept amongst Trout Unlimited anglers and private boaters who recreate on the Chattooga River and the data are readily available. In the current controversy over the Chattooga River, it is easy to see how the various user groups have developed strong levels of attachment and belonging to the river and its corridor and why it is important to assess such levels of attachment. It is equally important to recognize the impacts of denying this experience to some users. (Ltr# 193, Cmt# 497)

Subconcern # O

#536- I believe that it would be useful to include a table with a "Characteristics" column of the "Existing Recreation Opportunities of the lower Chattooga including West Fork /Overflow." (Ltr# 193, Cmt# 523)

Subconcern # P

#538- It may be true that a "higher proportion - - - use flies rather than spinning gear" in the Chattooga Cliffs segment, but I doubt that is true in the Ellicott Rock Wilderness segment. Bait is allowed in the entire Wilderness segment. In the 1987 Backcountry Anglers Creel Survey, from the NC Line to Big Bend Falls (omitting the Burrell's Ford segment), most backcountry anglers used spinning or spin cast tackle (77%), while the remaining 23% used fly fishing gear (Ltr# 193, Cmt# 525)

Subconcern # Q

#543- The bar for "Fly-Fishing" has 3 zones: Low acceptable/Optimal/High acceptable. The consultant that devised this table and bar (Doug Whitaker) told the anglers on the panel that his experience was with regulating flow releases from impoundments where this type of bar is logical. Anglers told the consultant that flow (cfs) didn't mean anything to anglers; anglers were familiar with "level". Finally the consultant reluctantly accepted the angler's condition and began to talk about flow and corresponding levels. Evidently with his experience with being able to adjust impoundment releases, he didn't understand the enjoyment of low flow "sight" fishing with flies. (Ltr# 193, Cmt# 530)

Subconcern # R

#581- Precedent: If unrestricted boating is allowed at any water level that will be a precedent for allowing the return of other vehicular activities that were present prior to 1976 (horseback riding, trail motorcycles, bicycles, 4X4 motor vehicles, etc.) in the upper Chattooga corridor. (Ltr# 193, Cmt# 568)

Subconcern # S

#588- The float anglers may be significant in numbers. Personal pontoons and kayaks have become very popular with trout anglers that frequent tailwater trout streams, and their numbers are growing rapidly. This backcountry float may be attractive to a large number of anglers so equipped. (Ltr# 193, Cmt# 575)

Public Concern 78

The Forest Service should consider the following regarding seasonal use and flow restrictions:

- A) Longer boating season from December through June;**
- B) Allowing boating for twelve weeks only between Bull Pen and Burrells Ford because monitoring impacts along only one segment is far easier than two are, fewer user-created boat trails would be required since only 5.5 miles will be open, impacts to the Rock Gorge, or the sensitive Chattooga Cliffs reach would be avoided, enforcement and monitoring at bridge access points would require fewer resources, no new access trails would be required in order to accommodate boaters, and North Carolina would retain a disturbance-free area for anglers;**
- C) The proposed alternative squeezes all boating use of the Upper Chattooga into an extremely narrow window, greatly increasing the likelihood that paddlers will overcrowd the river on the extremely limited days during the year that fall within the narrow window when there is sufficient water for boating;**
- D) The upper segment of the Chattooga WSR would provide a remote camping experience not available along sections 3 and 4 and the number of days per year when the river is at a suitable level for this type of activity is naturally limited;**
- E) The proposed alternative bans any possible overnight trips from the headwaters to Lake Tugaloo by completely banning the Nicholson Fields reach and allowing no overlap in season on the remaining two upper reaches where paddling is allowed on an extremely limited basis;**
- F) Regulating boating by season and section is unnecessary;**
- G) The new gauge at the Burrell's Ford Bridge should be used as a guide to establish flow levels;**
- H) Boating Alternatives should limit boating to the period between December 15 and February 15 to limit user conflict;**
- I) Flow level cut off should be used as opposed to unrestricted reach zoning to eliminate conflict and reduce potential damage to resources;**
- J) Flow levels do not equally impact the river (all comments from 2009 EA comment period);**
- K) The EA does not rely on the natural break points in the flow cycle to address concerns about user conflicts (all comments from 2009 EA comment period);**
- L) Season restrictions are not based on scientific data and are arbitrary (all comments from 2009 EA comment period);**
- M) Fly fishing outfitters should alternate use by days (all comments from 2009 EA comment period);**
- N) The extremely low incidence of consecutive day's flow indicates predications for boatability would likely fail on a timely basis more than 50% of the time and would reduce boating days (all comments from 2009 EA comment period);**

- O) Flow calculations would encourage late starts during winter months that are unsafe (all comments from 2009 EA comment period);**
- P) Seasonal, flow and or/zone restrictions should be considered for anglers (all comments from 2009 EA comment period);**
- Q) The Forest Service should notify the whitewater boating community in advance via a posting on the internet when a predictable boating opportunity is likely to occur and there should also be a provision for issuing permits on a day to day basis as water levels reach 500 cubic feet per second on the Burrells Ford gauge with provisions for strict enforcement and monitoring of such;**
- R) Seasonal restrictions should be added to protect sensitive plant and animal species (from 2009EA comments);**
- S) Rational should be given for the selection of flow as it eliminates as many optimal boating and/or angling opportunities (from 2009EA comments);**
- T) Rational should be given for limiting boating during the winter (from 2009EA comments);**
- U) Mean daily flow may make sense to analyze as an indicator of potential use based on past data, but it is unworkable and invalid as a management technique aimed at directly limiting future use (from 2009EA comments);**
- V) From page 95: “As the weather warms by mid-March and April, boating concentrated in the middle of the day would likely produce relatively fewer boater/angler encounters as anglers are more likely to fish in the early morning before temperatures rise (Whittaker and Shelby 2007). This statement is not exactly right. Based on this information, angler-boater encounters are more likely to occur in the winter months (December thru February) when both groups are on the river in the middle of the day (although angler use levels for some reaches may be lower during those months). As the weather warms by mid-March and April, boating concentrated in the middle of the day would likely produce relatively fewer boater-angler encounters (from 2009EA comments);**
- W) Clarification is needed regarding which gauge is being used to determine flow in Tables 3.3-3 (from 2009EA comments);**
- X) The flow restriction of 350 cfs is too low to prevent user conflicts (from 2009EA comments); and**
- Z) Future equipment improvement may make it possible to hard boat the upper Chattooga at stage levels much lower than 1.8 feet which will create more user conflict (from 2009EA comments).**

Response to PC 78

A) The alternatives consider a variety of management actions to separate users, which includes different combinations of season, flows, and reach. The alternatives consider a variety of boating opportunities that range from continuing the boating prohibition above Highway 28 to year-round boating with no flow restrictions on the main stem downstream of Green creek on the Chattooga WSR.

B) Impacts to recreation users are considered in **Chapter 3**. The alternatives consider a variety of management actions to separate users, which includes different combinations of season, flows, and reach. The alternatives consider a variety of boating opportunities that range from continuing the boating prohibition above Highway 28 to year-round boating with no flow restrictions on the main stem downstream of Green creek.

C) Impacts to recreation users are considered in **Chapter 3**. The alternatives consider a variety of management actions to separate users, which includes different combinations of season, flows, and reach. The alternatives consider a variety of boating opportunities that range from continuing the boating prohibition above Highway 28 to year-round boating with no flow restrictions on the main stem downstream of Green creek.

D) On page 49 of the *Capacity & Conflict on the Upper Chattooga River* it notes “If whitewater boaters were allowed on the upper segment of the Chattooga WSR, it is unlikely they would contribute substantially to on-river campsite impacts because few would camp from their boats. Whitewater boaters generally take day trips in areas with good access, particularly if whitewater is difficult and a boat loaded with overnight gear is a disadvantage. The short duration of boating flows would also encourage day trips to avoid stranding from low flows after a night camping. Among the scenic-oriented boaters, overnight trips would also likely be very rare.”

E) See item D above.

F) Impacts to recreation users are considered in *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3**. The alternatives consider a variety of management actions to separate users, which includes different combinations of season, flows, and reach. The alternatives consider a variety of boating opportunities that range from continuing the boating prohibition above Highway 28 to year-round boating with no flow restrictions on the main stem downstream of Green creek.

G) The width of the river varies throughout the watershed due to changes in watershed size and geomorphic controls. Generally, as watershed size increases, the width of the channel and discharge (flows) also increase. A second river gauge was installed at Burrells Ford to provide additional information about flows throughout the Chattooga WSR watershed. In **Chapter 3, Section 3.1 Introduction C. Chattooga River Flows**, there is a discussion about rivers flows in the Chattooga WSR watershed.

The long-term data at Hwy. 76 was used as an indicator of boating frequency for planning purposes. The correlation data involve comparisons of flow between two stream stations (Hwy. 76 and Burrells Ford) within the same watershed. Generally there is a good relationship between the flows except during storms events. The report highlights the limitations of using Hwy. 76 as a sole predictor for flow in the North Fork. The new gauge at Burrells Ford will be used to help the US Forest Service to determine mean daily flow and peak flow and be able to better correlate flows in the upper segment of the Chattooga WSR to other gauges in the watershed.

A permanent water level recorder was installed in June 2006 on the upper segment of the Chattooga WSR at the Burrells Ford Bridge. Correlations between the Hwy. 76 and Burrells Ford gauge show that during non-storm periods the two gauges are moderately to highly correlated. The summary report of the differences in flow between the Chattooga at Hwy. 76 and the North Fork Chattooga at Burrells Ford can be found in the process records. Figure 3.1-2 displays the hydrograph of a bankfull spring storm on the Chattooga River at Burrells Ford and Hwy. 76. Bankfull events of this magnitude occur, on average, about once every year or two; they occur with enough frequency to affect channel morphology or structure. More typical storms produce much less flow. Unless exceptionally dry, winter dormant periods need two–three inches of rainfall to achieve flows approximating 450 cfs at the Burrells Ford gauge.

H) The alternatives consider a variety of management actions to separate users, which includes different combinations of season, flows, and reach. The alternatives consider a variety of boating opportunities that range from continuing the boating prohibition above Highway 28 to year-round boating with no flow restrictions on the main stem downstream of Green creek.

I) The alternatives consider a variety of management actions to separate users, which includes different combinations of season, flows, and reach. The alternatives consider a variety of boating opportunities that range from continuing the boating prohibition above Highway 28 to year-round boating with no flow restrictions on the main stem downstream of Green creek.

J) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Appendix C Chattooga River Records and Prediction of Flows at Burrells Ford** for more detail information on the flow data. The width of the river varies throughout the watershed due to changes in watershed size and geomorphic controls. Generally, as watershed size increases, the width of the channel and discharge (flows) also increase. A second river gauge was installed at Burrells Ford to provide additional information about flows throughout the Chattooga WSR watershed. In **Chapter 3, Section 3.1 Introduction C. Chattooga River Flows**, there is a discussion about rivers flows in the Chattooga WSR watershed and a discussion on the gauges.

K) Impacts to recreation users are considered in *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.1 Recreation ORV**. The alternatives consider a variety of management actions to separate users, which includes different combinations of season, flows, and reach. The alternatives consider a variety of boating opportunities that range from continuing the boating prohibition above Highway 28 to year-round boating with no flow restrictions on the main stem downstream of Green creek.

L) Impacts to recreation users are considered in **Chapter 3 Section 3.2.1 Recreation ORV**. The alternatives consider a variety of management actions to separate users, which includes different combinations of season, flows, and reach. The alternatives consider a variety of boating opportunities that range from continuing the boating prohibition to year-round boating with no flow restrictions on the main stem downstream of Green creek.

M) All alternatives address the purpose and need and key issues (see the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 1**).

N) See the Decision Notice on how the selected alternative will be implemented. See **Appendix C Chattooga River Records and Prediction of Flows at Burrells Ford** for more detail information on the flow data. The width of the river varies throughout the watershed due to changes in watershed size and geomorphic controls. Generally, as watershed size increases, the width of the channel and discharge (flows) also increase. A second river gauge was installed at Burrells Ford to provide additional information about flows throughout the Chattooga WSR watershed. In **Chapter 3, Section 3.1 Introduction C. Chattooga River Flows**, there is a discussion about rivers flows in the Chattooga WSR watershed.

O) See the Decision Notice for how the selected alternative will be implemented. See **Appendix C Chattooga River Records and Prediction of Flows at Burrells Ford** for more detail information on the flow data. The width of the river varies throughout the watershed due to changes in watershed size and geomorphic controls. Generally, as watershed size increases, the width of the channel and discharge (flows) also increase. A second river gauge was installed at Burrells Ford to provide additional information about flows throughout the Chattooga WSR

watershed. In **Chapter 3, Section 3.1 Introduction C. Chattooga River Flows**, there is a discussion about rivers flows in the Chattooga WSR watershed.

P) An alternative that considers seasonal, flow and or/zone restrictions for anglers does not meet the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, Purpose and Need in **Chapter 1, Section 1.2 Need for the Proposed Action**. Effects to anglers from boating are asymmetrical. Impacts and conflicts among to recreation users are considered in **Chapter 3, Section 3.2.1 Recreation ORV**.

Q) See the Decision Notice for how the selected alternative will be implemented.

R) Effects to plants and wildlife are considered in **Chapter 3, Section 3.2.2 Biology ORV**.

S) See the rationale for the decision in the Decision Notice.

T) See the rationale for the decision in the Decision Notice.

U) The Forest Service used two different methods of estimating the days when boating opportunities would be available: peak daily flow and mean daily flow. This information is based on historic flow data.

V) Impacts to users are disclosed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. General recreation use patterns are known. Monitoring will be used to validate estimates on the number of users and encounters in the backcountry.

W) See **Appendix C Chattooga River Records and Prediction of Flows at Burrells Ford** in the EA. Burrells Ford gauge was correlated to the US76 gauge. In **Chapter 3, Section 3.1 Introduction C. Chattooga River Flows**, there is a discussion about rivers flows in the Chattooga WSR watershed.

X) Impacts to users are disclosed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.1 Recreation ORV**. Monitoring will be used to validate estimates on the number of users and encounters in the backcountry.

Z) Types of allowable boats are described in alternatives 8, 11, 12, 13, 13a and 14. If new technology is developed it will be considered in the context of the decision. NEPA makes allowance for consideration of new information to determine if the decision is still valid or if a change is needed (FSH 1909.15 **Chapter 18.1**).

Sample Public Comment(s) for PC 78:

Subconcern # A

I would like to see a longer boating season preferably Dec through June. The best time to kayak is in March. The flows are still high and the air temp is warm at that time. June is when the Chattooga seems to get low (@ the 76 bridge, not sure about the upper reaches). I also don't like the proposed split allowing boating on only part of the area Dec-Jan15 etc... I think this would restrict some of us to a month in a half of prime boating compared to 7 months of prime boating if you expand the season and allow boating all sections down to lick log creek. I have no problem with taking out at lick log creek. I would like to say again that March is the best time for boating on the Chattooga and should be included. (Ltr# 8, Cmt# 1)

Subconcern # B

Limiting boats to the winter on only portions of the Chattooga will minimize conflict with anglers. However, in place of two zones allowing boats for six weeks each, please consider a less impactful alternative allowing boating for twelve weeks, but only between Bull Pen and Burrells Ford. The benefits of this proposed policy includes: Monitoring impacts along only one segment is far easier than two are; Fewer user-created boat trails would be required, since only 5.5 miles will be open; Impacts to the Rock Gorge, or the sensitive Chattooga Cliffs reach would be avoided; Enforcement and monitoring at bridge

access points would require fewer resources; No new access trails would be required in order to accommodate boaters; North Carolina would retain a disturbance-free area for anglers. In addition to limiting boats by section and season, limiting the quantity of boats per day would prevent kayak races, or unorganized events from destroying the Wilderness resource. (Ltr# 122, Cmt# 2)

Subconcern # C

In instances where the proposed alternative does allow boating on limited sections of the Upper Chattooga, the limitations make boating logistically impossible for all but a few local paddlers. The proposal limits boating on two sections to 6 week periods in the coldest part of the winter with no overlap, limiting boating to a few days per year when anglers are not normally present. The proposed alternative squeezes all boating use of the Upper Chattooga into an extremely narrow window, greatly increasing the likelihood that paddlers will overcrowd the river on the extremely limited days during the year that fall within the narrow window when there is sufficient water for boating. The entire spring season, when the river is most likely to have good flow, is excluded because a FEW anglers MIGHT want to fish on high water days in the spring. Again, any time when anglers MIGHT want to use the resource, paddlers are banned. After 35 years of being banned from the river, if one user group should be given preference, it should be paddlers. (Ltr# 150, Cmt# 5)

Subconcern # D E

The length of the Chattooga River which is suitable to paddling and largely undeveloped is unique in this part of the Southeast. Opening the entire Chattooga to paddling would provide a river that could be completed over several days while camping. This is an appealing idea to those boaters, who, like myself, enjoy a wide range of outdoor activities which include hiking, fishing, and camping in addition to boating. The Upper sections of the Chattooga would provide a remote camping experience not available along Sections 3 and 4 of the river. The number of days per year when the river is at a suitable level for this type of activity is naturally limited. The proposed alternative bans any possible overnight trips from the headwaters to Lake Tugaloo by completely banning the Nicholson Fields reach and allowing no overlap in season on the remaining two Upper reaches where paddling is allowed on an extremely limited basis. (Ltr# 150, Cmt# 6)

Subconcern # F

The effort to regulate boating by season and section is not needed and is an unnecessary regulatory burden for the Forest Service personnel. We believe in the important work that Forest Service personnel perform as stewards of the Chattooga Wilderness. We understand that the Forest Service personnel are faced with many daunting challenges and have to deal so with dwindling financial and staffing resources. Let us not increase the regulatory and enforcement burden by adding unnecessary regulations. (Ltr# 159, Cmt# 3)

Subconcern # G

The Preferred Alternative does not define any flow levels. The Boating Alternatives do not impose an adequate flow level for any boating that might be permitted on the Upper Chattooga. The new gauge at the Burrell's Ford Bridge should be used as a guide and should continue to be used. While Alternative 12 proposes to limit boating by space and time, it would permit boating at any river level, which we believe to be a mistake (Ltr# 166, Cmt# 31)

Subconcern # H

The Preferred Alternative does not impose adequate time period and user group limitations. The Boating Alternatives should limit boating to the period between December 15 and February 15 to limit user conflict (rather than December 1 to March 1, as proposed in Alternative 12). Any alternative that expands boating into March would risk damage to sensitive vegetation and would drive herons, kingfishers, warblers, and flycatchers from their nests, leaving them vulnerable to predators. The boating alternatives must also impose a limit on the number of boaters permitted to paddle the Upper Chattooga on any given day, by use of a pre-registration or pre-paid lottery system, and boater groups should be limited to one trip per day. Further, contrary to the Draft EA issued by the Agency in 2008, the latest EA no longer indicates that enforcement actions, such as penalties, may be used against recreational users who violate the tenets of the preferred alternative. Penalties, including monetary fines and confiscation of kayaks and paddles and boating and/or camping equipment, must be sufficient to deter non-compliant actions and posted at all access points. (Ltr# 166, Cmt# 32)

Subconcern # H

#376- To the extent any boating is permitted in the upper corridor of the River (which it should not), boating should be limited to the period between December 15 and February 15 to limit user conflict, and boater groups should be limited to one trip per day. (Ltr# 193, Cmt# 365)

Subconcern # H

#586- November 1 is too early because November 1 is the opening of the DH season and fishing pressure in the DH and backcountry are very high in November. Floating in November at this low flow/level will create excessive encounters, interference, and conflict in the DH section alone, not to mention backcountry and Wilderness segments. (Ltr# 193, Cmt# 573)

Subconcern # I

The EA table on page 75 clearly shows that at the flow level of 450 cfs, boating is optimum and there are no fly fishermen on the river. Further proposed restrictions by the Chattooga Conservancy of no more than 4 boater groups with a maximum of 6 boaters per group would not spoil the solitude for other users in the backcountry and wilderness area between Bull Pen Bridge and the Highway 28 Bridge. The 450 cfs cut off would also reduce portage trails and the threat to the biological diversity of the Upper Chattooga River. Therefore, a flow level cut off is far better than the unrestricted, reach-zoning approach to eliminating encounters and therefore conflict between users. A river flow level approach to separating uses would also reduce potential biological damage to sensitive resources. (Ltr# 172, Cmt# 7)

Subconcern # I

Study fishing spots and water levels and related kayaking user days to water level to minimize conflict/interaction between fishing and kayaking. No rafting ever. (Ltr# 189, Cmt# 5)

Subconcern # I

#5- How about this: On days when the gauge is above 2.2 on the 76 bridge, the Upper Sections are open to paddling. On days when the gauge is below, it's not. Simple and realistic. (Ltr# 193, Cmt# 4)

Subconcern # I

#6- Water levels above a decided on mark at daybreak, boating legal that day. Those days would be few, and dangerous to wade with poor fishing in muddy water. This means no conflicts. Pick a high level, 3 foot on the bridge even, I like a lot of water. (Ltr# 193, Cmt# 5)

Subconcern # I

#7- Lower the flow designation for "boatable days" to 340cfs at the Burrells Ford gauge. The existing limit of 450cfs has no basis in the data collected by the user capacity analysis. The 450cfs limit is artificially high and is the primary cause of alternative 4 being an effective ban against the boating user group. (Ltr# 193, Cmt# 6)

Subconcern # I

#19- The EA data supports that the best boating days and the best fishing days will seldom coincide. This fundamental realization should guide alternatives that provide more access to boaters. (Ltr# 193, Cmt# 16)

Subconcern # I

#75- The Forest Service has chosen to control and restrict much more environmentally damaging user groups with indirect measures. ..All this while the environmentally friendly: seldom seen boater is blacklisted with unjustified severe restrictions and bans. (Ltr# 193, Cmt# 69)

Subconcern # I

#98- Low water, with good visibility is good for fishing, but it would be impossible to navigate the river at those flows. In contrast, when water levels are good for boating, it would be dangerous for wading and too cloudy to fish. (Ltr# 193, Cmt# 91)

Subconcern # I

#215- I have a concern that parking will become an issue at Thrifts Lake, Burrells Ford, and Bull Pen Bridge unless seasonal and flow restrictions are added. (Ltr# 193, Cmt# 206)

Subconcern # I

#338-The water level restriction as proposed for boating in the upper reaches to Burrells Ford, in order separate optimum boating at higher water levels from optimum opportunities for fishing at lower levels,

would logically protect the experience for both user groups from Burrells Ford to Highway 28 Bridge as well. (Ltr# 193, Cmt# 328)

Subconcern # I

#346- I want to emphasize here again, the indisputable fact, that the upper Chattooga's normal flow regime will naturally segregate anglers and paddlers in time and space. I challenge the FS to find a more eloquent, fair and implementable decision that to simply allow boating on the upper Chattooga and let nature take care of the rest. It works on every other headwater stream in the Southeast, and indeed across the country, and it will work on the upper Chattooga too! (Ltr# 193, Cmt# 336)

Subconcern # I

#469- The EA never justifies why flow alone does not adequately separate boating and angling uses. (Ltr# 193, Cmt# 456)

Subconcern # J

#11- The Assessment assumes that the river is impacted by flows equally along the entire length from Highway 28 up to the Sliding Rock in North Carolina. This is not true. The river decreases in size as you move upstream and the biggest issue I face in fishing the upper reaches of the river is insufficient flow, not excessive flows. By using the flow analysis from South Carolina, North Carolina anglers are being punished. By beginning boating below Bull Pen, anglers can be protected on the North Carolina section of the Chattooga. (Ltr# 193, Cmt# 10)

Subconcern # K

#12- The EA does not rely on the natural break points in the flow cycle to address concerns about user conflicts. Instead, the Preferred Alternative gives non-boaters another 100 CFS of flow by restricting boating to days when flow exceeds 450 CFS. The EA goes further, by giving boater's access to only about one-third of the river miles, on only six days a year, and then only in winter. Other alternatives use 350 CFS as a parameter, but add in other restrictions on location and time of year that make them unfair to boaters. (Ltr# 193, Cmt# 11)

Subconcern # L

#15- Season restrictions are not based on scientific data and are arbitrary. There is no empirical evidence to suggest a season time constriction is justified. If the decision was based on scientific data, then the highest water months of March and April would be open to boating. (Ltr# 193, Cmt# 13)

Subconcern # L

#17- The limitation on the boating is not within reason. We cannot control the dates when mother nature wants it to rain. Mother nature does not go by a calendar. (Ltr# 193, Cmt# 14)

Subconcern # L

#18- The restriction of a season from December 1st to March 1st is unacceptable and further constrains boating. The justification for applying the season is clearly motioned as a way to prevent boaters from paddling the Upper Chattooga. It is not justified on scientific basis. (Ltr# 193, Cmt# 15)

Subconcern # M

#70- Perhaps a reasonable approach to those concerned about sharing the river, such as fly fishing outfitters, would be to alternate use by days. This schedule works very well for the Forest Service at the Tsali Recreation area in the Nantahala Forest between mountain bikers and equestrians. (Ltr# 193, Cmt# 64)

Subconcern # N

#89- The extremely low incidence of consecutive day's flow indicates USFS would likely fail to predict boatability on a timely basis more than 50% of the time. (Ltr# 193, Cmt# 82)

Subconcern # N

#114- Imposing predictable flows over actual flows effects a 65% reduction in legal boating days. (Ltr# 193, Cmt# 107)

Subconcern # N

#115- Imposing artificial seasonality on actual water flow eliminates over 85% of historical boatable days. (Ltr# 193, Cmt# 108)

Subconcern # O

#116- Safe winter boating depends upon putting on the river early, particularly if the river in question has limited access points. No boater wants to be caught out on the river at night, wet, with no dry clothes and no daylight. Yet the whole "flow calculation" aspect of your plan would encourage exactly that--late starts that could very well lead to disastrous consequences. Apparently boater and hiker safety is of little concern to you though, since you've also banned the removal of all woody debris. (Ltr# 193, Cmt# 109)

Subconcern # P

#141- What would be the environmental impact of applying season, flow, or zone restrictions to anglers? The alternatives evaluated in the EA are supposed to represent a full range of management alternatives. (Ltr# 193, Cmt# 134)

Subconcern # Q

#345- The Forest Service should notify the whitewater boating community in advance via a posting on the internet when a "predictable" boating opportunity is likely to occur. There should also be a provision for issuing permits on a day to day basis as water levels reach 500 cubic feet per second on the Burrells Ford gauge, and are likely to be sustained long enough for boating. Enforcement of these restrictions and the permitting process should be strictly enforced. Fines for flagrant violations of these provisions should be one hundred dollars and a mandatory appearance in Federal Court. Law enforcement and monitoring should be properly funded. A provision should be made to allow "volunteer monitoring" in order to assist in this effort. The Chattooga Conservancy offers our service in this regard. (Ltr# 193, Cmt# 335)

Subconcern # Q

#566- Boatable days: The FS or a contract concessionary must pre-authorize "boatable" days and post this information publicly. Many anglers and boaters already have a practice of checking on-line. An on-line gauge at Burrell's Ford would make this task easier, but it is not a necessity. (Ltr# 193, Cmt# 553)

Subconcern # R

#384- Any boating that is allowed should retain and expand the seasonal restrictions which are at least somewhat protective of plants. Restrictions to protect the Eastern Cougar also should be added. (Ltr# 193, Cmt# 372)

Subconcern # R

#377- Any alternative that expands boating into March would risk damage to sensitive vegetation and would drive herons, kingfishers, warblers, and flycatchers from their nests, leaving them vulnerable to predators. (Ltr# 193, Cmt# 366)

Subconcern # S

#462- There is no basis for the selection of that flow. The selection of 450 cfs as a cut off eliminates many optimal boating opportunities (that are not optimal angling flows), and forces paddlers to run the river at higher flows which some paddlers may not prefer to somewhat lower flows. (Ltr# 193, Cmt# 449)

Subconcern # S

#506- Several alternatives ban boating in certain reaches at all flows, including the USFS preferred alternative. The USFS offers no rationale for why paddling should not be allowed during flow conditions when other in-stream recreation is not occurring or optimal. (Ltr# 193, Cmt# 493)

Subconcern # S

#507- The EA offers no rationale for banning boating on this reach at all flows at all times of year. The fact that a miniscule amount of use was found acceptable on the admittedly similar Ellicott Rock reach but not on the Rock Gorge reach exhibits the inconsistency of the EA. (Ltr# 193, Cmt# 494)

Subconcern # S

#525- From Page 8: "A mean daily flow level of 450 cfs is the highest optimal flow level for fly, spin, and bait angling on the upper Chattooga: it also provides optimal standard boating opportunities. From Page 9: "A mean daily flow level of 350 cfs is the highest optimal flow level for fly and spin angling on the upper Chattooga (bait angling is optimal up to 450 cfs); is also provides optimal standard or technical boating opportunities (Whittaker and Shelby 2007). COMMENT: Page 8 is correct and, page 9 is mistaken. During 2003 (a wet year), I fly-fished the upper Chattooga 40 times and 5 were on days the level exceeded

2.3 feet (see my Chattooga Angler Diary records on file at GA WRD). Even at my age (72) I routinely fly fish low gradient stretches at levels up to 2.5 feet on the USGS gauge. (Ltr# 193, Cmt# 512)

Subconcern # T

#465- The EA offers no rationale or justification for allowing paddling only in the winter in certain alternatives. Winter days are shorter and colder, making them less desirable for paddling trips. In addition the EA finds that "Angler-boater encounters are more likely to occur in the winter months (December thru February) when both groups are on the river in the middle of the day" (EA 95). Thus, selecting an alternative that allows paddling in the winter and not during the rest of the year is arbitrary and capricious. (Ltr# 193, Cmt# 452)

Subconcern # T

#494- Thus, selecting an alternative that allows paddling in the winter and not during the rest of the year is arbitrary and capricious. There is no rationale for banning boating in those conditions. Doing so is arbitrary and capricious. (Ltr# 193, Cmt# 481)

Subconcern # U

#485- Mean daily flows may make sense to analyze as an indicator of potential use based on past data, but it is unworkable and invalid as a management technique aimed at directly limiting future use. (Ltr# 193, Cmt# 472)

Subconcern # V

#542- From page 95: "As the weather warms by mid-March and April, boating concentrated in the middle of the day would likely produce relatively fewer boater/angler encounters as anglers are more likely to fish in the early morning before temperatures rise (Whittaker and Shelby 2007). "34. COMMENT: This statement is not exactly right. Based on this information, angler-boater encounters are more likely to occur in the winter months (December thru February) when both groups are on the river in the middle of the day (although angler use levels for some reaches may be lower during those months). As the weather warms by mid-March and April, boating concentrated in the middle of the day would likely produce relatively fewer boater-angler encounters. (Ltr# 193, Cmt# 529)

Subconcern # W

#555- From page 114: "Table 3.3-3 shows that flow levels of 350 cfs or higher provide "optimal" boating (up to approximately 650 cfs)". That is approximately 2.3 feet to 2.9 feet on the HWY 76 gauge. (1) Which gauge is the EA referring to? (2) Is Charlene correct that the sections don't "run" at the 2.3 feet as suggested in Table 3.3-3? I believe the EA must be clear which HWY 76 gauge (bridge or USGS) is being used. In addition to the 2.6 versus 2.8 feet, boaters know the bridge staff gauge is real-time and the USGS Internet gauge can be up to 4 hours delayed. Anglers use the USGS gauge. (Ltr# 193, Cmt# 542)

Subconcern # X

#572- I believe the flow restriction (350 cfs) is too low to prevent user conflicts, interference, and displacement. Page 8 of the EA states: "A mean daily flow level of 450 cfs is the highest optimal flow level for fly, spin and bait angling on the upper Chattooga; it also provides optimal standard boating opportunities." There are many low gradient stretches of river between the Bull Pen Bridge and Lick Log Creek where anglers routinely visit at water levels up to 2.6 feet seeking backcountry solitude, remoteness, and wild brown trout in the most primitive and natural recreation setting. (Ltr# 193, Cmt# 559)

Subconcern # Z

#576- Skilled ELF with hard boats: If unrestricted year-round boating is allowed, the chart on page 80 of the Integrated Report says ELF (extreme low flow) or technical boating could occur down to 1.8 feet and for a recent 3-year period (2003 – 2005) the daily gauge reading was over 1.8 feet for 79% of the time (862 days). Future equipment improvement may make it possible to hard boat the upper Chattooga at stage levels much lower than 1.8 feet. ELF boating will create more recreational encounters. ELF boating will be done when levels for fishing are optimal resulting in numerous encounters (Ltr# 193, Cmt# 563)

Public Concern 79

The Forest Service should consider the following regarding visitor capacities and limits on users:

- A) Allow non-commercial use and limit the size of boats and the number of occupants, with a permit option;**
- B) Apply restrictions for group size and maximum number of people to all non-boating uses;**
- C) Disclose monitoring and enforcement plans for all restrictions;**
- D) Consider the effects of, and need for, recreation on the entire Chattooga River;**
- E) Existing boating recreation is exceeding capacity and should not be expanded;**
- F) Before any new recreational use may be added to the Chattooga River, management for the values for which they received these designations must be accomplished and therefore, all use may be limited to protect ORVs;**
- G) The Forest Service is unable to manage existing use of the Chattooga River corridor and Wilderness area without degradation, therefore degradation of ORVs caused by boating on the lower segment of the Chattooga WSR should be examined;**
- H) Visitor controls are inadequate and access to the Chattooga River corridor within the Ellicott Rock Wilderness should be limited to a maximum of 6-8 individuals per group on trails and 6 individuals in designated campsites without exceptions for group campsites, boating should be further restricted on the portion of the lower segment of the Chattooga WSR where it is taxing resource capacity, and additional management limits for hikers and anglers are warranted;**
- I) Implement indirect use limits before imposing direct limits, as per the appeal decision;**
- J) Boaters, including paddlers, should be included in the visitor capacity use analysis to offer a comparison of alternatives that vary capacities, as ordered by the appeal decision;**
- K) Calculate and document the encounters between boaters and other visitors to justify the rationale for restricting boating;**
- L) Quantify the number of zero-tolerant anglers and disclose the rationale;**
- M) No justification is given for limiting boating when necessary and thus is arbitrary and capricious;**
- N) The Forest Service has adopted numerous narrowly defined focus group-like studies and quasi scientific analyses like counting cars in parking lots to project the number of individuals on the river, of which the conclusions now being drawn from all of this procedural process are incongruent with the facts;**
- O) Introducing an all user-permit system on the Upper Chattooga River, even for a limited number of months, will create a mechanism that grants boaters special reserved access;**
- P) Self-management by river flow rates is an abandonment of the responsibility to protect the river from degradation;**
- Q) Boater restrictions should be 4 groups per day with a maximum of 6 boaters per group;**
- R) The assertion that optimal fishing only occurs at flows below 350 cfs disregards documented evidence to the contrary and is arbitrary and capricious;**
- S) Boating should be allowed on the Upper Chattooga River because boatable days will be severely limited by seasons and flow; and**

T) The Whittaker and Shelby report is biased towards a non-boating perspective.

Response to PC 79

A) All boating alternatives address the size of boats and minimum and maximum group for non-commercial boating on the upper segment. A self registration permit for boating is considered in order to be consistent with management on the Chattooga WSR downstream of the highway 28 bridge. Alternatives 8, 11, 12, 13, 13a and 14 consider group size limits for boaters as well as other users.

B) Group size limits are considered for all users in the action alternatives. Capacities apply to all users regardless of activity in the action alternatives.

C) See **Chapter 2** and **Appendix G** for information on monitoring in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Forest plans do not dictate day to day administration, but provide broad direction through standards and guidelines. Law Enforcement is not a forest plan decision. Boating restrictions would be part of the boating self-registration permit.

D) The purpose and need is described in **Chapter 1**, which is considering recreation use in the upper segment. The decision is made in the context of the entire Chattooga WSR. See **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. There is discussion on the entire Chattooga WSR corridor in the cumulative effects sections of the different resource section.

E) This decision is limited to the upper segment. See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 1, Section 1.2 Need for the Proposed Action**.

F) See the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3** for a discussion on ORVs.

G) While boating below highway 28 is outside the scope of this decision, effects to the entire Chattooga River are considered in the cumulative effects section of each resource area.

H) All action alternatives establish group size limits for different recreation activities on the upper segment and the effects are discussed in **Chapter 3**.

I) Indirect measures followed by direct measures would be applied based on monitoring. Monitoring would apply to all users and adjustments would be made accordingly. FSM 2323.12 indicates a preference for using indirect use limits and management actions to address impact problems before employing direct ones. The initial appeal decision (USFS 2005) also suggested that although a plan could apply use restrictions (e.g., “disallow or restrict the number of (private and commercial) on-river and in-corridor recreation users, determine the type of recreation use, or dictate the timing of such use”) this “authority should be exercised only with adequate evidence of the need for such restrictions.” However, the WSRA requires development of a management plan that addresses capacity (i.e., the type and amount of use) that would protect and enhance the OR values for which the river was designated, and the Wilderness Act further requires managers to provide opportunities for solitude, and the Forest Service manual provides further guidance (e.g., FSM 2354.41) on considerations for regulating and distributing public use, including the physical environment’s capabilities, users’ desires for different conditions and recreation opportunities, and agency capability in managing such uses.

Chapters 5 and 6 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) describe a range of existing and potential impacts from current and new boating use. Chapter 8 describes direct and indirect actions that might be used to address impacts or user

conflicts that may threaten OR values or the Wilderness resource. The alternatives in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* combine groups of actions to address these issues from existing use or the reintroduction of boating. These actions include a mix of direct and indirect use restrictions.

Existing uses can be managed without use limits through monitoring of parking occupancy to indicate whether capacities are being approached. For the reintroduction of boating, direct measures on flow, time of year, and reach were needed to prevent user conflicts.

The monitoring and adaptive management described in all alternatives will assess whether existing or new uses are causing resource impacts. Monitoring will indicate whether capacities or other management actions need to be adjusted. The Forest Service notes that there are daily boating limits on several WSRs (including the lower segment of the Chattooga WSR) but no analogous daily limits on swimmers, anglers, or hikers.

J) Alternative 15 considered increasing visitor capacities, but this alternative was not considered in detail because during the Limits of Acceptable Change process there was a general opposition of increased recreation use levels. Alternative 2 did consider decreasing visitor capacity.

All users are considered in the visitor capacities including boaters. See **Appendix D** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* for the estimation of capacities and encounters. Backcountry capacities and encounters were derived from manager's estimates in the Use Estimation Workshop (Berger and CRC 2007). "Logical calculations" in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) were used to estimate potential boating use and encounter rates on days when both boaters and other users might be present. The capacity for the entire segment refers to all users, and is designed to prevent use from exceeding typical current peaks. Because existing use levels generally do not exceed those capacities, boating alternatives generally try to prevent boating from adding use on days when existing uses would already be high. See **Section 2.3 Monitoring and Adaptive Management in Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* for information on how all uses will be monitored to identify changes and management actions that will be triggered if capacities are exceeded. Boaters are identified for a self-registration system (as on the lower segment of the Chattooga), but all uses will be monitored and boaters are not singled out for permits that would limit use.

K) See **Appendix D** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* for the estimation of capacities and encounters. Backcountry capacities and encounters were derived from manager's estimates in the Use Estimation Workshop (Berger and CRC 2007). "Logical calculations" in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) were used to estimate potential boating use and encounter rates on days when both boaters and other users might be present. Some alternatives in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* include boating prohibitions (assuming a social values conflict), while others vary the proportion of days with boating (assuming "face-to-face" conflict). For boating alternatives, the primary issue is reducing the level of conflict by separating uses by space, time, or flow. After conflict issues have been addressed, boating alternatives consider use limits to prevent backcountry encounters from exceeding the desired condition. All alternatives are trying to reduce user conflicts and maintain certain recreation experiences as described in the purpose and need of the EA.

L) As discussed in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), "no survey data estimate the relative numbers of users who see the boating issue in terms

of capacity, face-to-face conflict, or social values conflict, and such data probably would not be decisive in any case.” Public meeting testimony and comments suggest some non-boating users believe the upper segment of the Chattooga WSR should be “boat-free” year round, others prefer boat-free opportunities but consider boating acceptable at some times, and still others would share the river with boaters throughout the year. The Integrated Report suggests “searching for ‘balances’ among these competing groups,” by developing alternatives with different combinations of conflict and capacity solutions and letting the public react to them. The *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* does this, by offering a range of boating opportunities from 0 to 365 days per year.

In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3 Section 3.2.1 Recreation ORV** under **Affected Environment** there is a reference to the March 22, 1976 Federal Register Notice that notes: “Conflicts have developed on certain sections of the river where floaters and fishermen use the same waters.”

As stated in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* the Limits of Acceptable Change (LAC) process was used to define the desired condition.

M) See the Decision Notice, **Rationale for the Decision** and the response to item I above. A range of alternatives was considered in the EA relevant to the amount of boating opportunities and considered variations on season, reach, and flow based on information documented in the integrated report.

N) The Decision Notice documents the “best available science” that was used in making the decision. **Chapter 1** of the EA describes the public involvement used throughout the decision-making process. The project record lists numerous sources of information such as public meetings including the Limits of Acceptable Change meeting held in fall 2005, workshops, expert opinion and literature reviews. This information is posted on the Francis Marion and Sumter website (<http://fs.usda.gov/goto/scnfs/upperchattooga>). The *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) summarized information from a wide range of sources, some of which are less precise and need more improvement than others. **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* on monitoring and adaptive management outlines future plans to make those improvements.

O) Capacities apply to all users and are designed to maintain the desired recreation experiences. Alternatives have been developed to minimize conflict by use of season, flow, and reach. Analysis has been completed the potential recreation growth and the effects are discussed in **Chapter 3, Section 3.2.1 Recreation ORV**. Alternative 2 is the only alternative that considers a permit system for all users. A self-registration permit for boaters is considered in alternatives 8, 10, 11, 12, 13, 13a and 14 to be consistent with the portion of the Chattooga WSR downstream of the highway 28 bridge.

P) Flows used in the analysis in the EA come from information in the integrated report that indicates that flows is a good tool to separate recreation users to reduce conflict and protect and enhance the Recreation ORV. See EA, **Section 3.2.1 Recreation ORV**. The range of reasonable alternatives is used to display effects by considering continuing the boating prohibition above Highway 28 in the upper segment to year-round boating with no flow restrictions on the main stem downstream of Green Creek.

Q) These alternatives display a range of effects on users, including encounters in the backcountry, which the responsible officials consider in the decision-making process. See **Appendix D** for information on encounter calculations. Additionally the boaters are considered in the visitor capacities for each boating alternative. The EA considers the impacts of recreation use on the different ORVs (See **Chapter 3** of the EA).

R) Flows used in the analysis in the EA come from information in the integrated report that indicates that flows is a good tool to separate recreation users to reduce conflict and protect and enhance the Recreation ORV. See EA, **Section 3.2.1 Recreation ORV**.

S) Group size and capacity limits are applied to all recreation users. The range of alternatives developed vary season, reach and flow to display effects and manage recreation use on the upper segment. The intent is to maintain the desired recreation use experience and protect and enhance the ORVs.

T) The *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) is a summary of different reports including the Limits of Acceptable Change, a history of the Chattooga WSR, literature searches, management of similar Wild & Scenic Rivers, Use estimation workshop, Parking lot surveys, and expert user panel. The *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) is not the only source of information used in the analysis of effects. For instance an extensive involvement process of 10 public meetings along with scoping on the proposed action and comment periods on the EAs were used in forming the effects analysis too.

Sample Public Comment(s) for PC 79:

Subconcern # A

Why not allow non commercial use of area by human powered boats. If you want to limit size of boats or number of occupants in a boat you could do that. Permitting could also be an option to limit numbers of people and give revenue to the Forest Service. (Ltr# 4, Cmt# 1)

Subconcern # A

I believe that allowing limited user days for kayaking on this fantastic resource should be reasonable, at times of high water, as to minimize the impact of kayaking versus fishing. (Ltr# 189, Cmt# 1)

Subconcern # A

#378- To the extent any boating is allowed, limiting use to single capacity hard boats only will discourage use of more remote and technical segments of the River Corridor by less experienced boaters and will decrease the need for rescue and search-and-recovery efforts. (Ltr# 193, Cmt# 367)

Subconcern # B

If the problem is lack-of-solitude, then why aren't there controls on hikers and fishermen? Controls like group size limits, max number of people who can access areas on a given day, etc. (Ltr# 97, Cmt# 4)

Subconcern # B

The EA fails to fairly and equitably limit use. The EA considers and proposes direct limits immediately for paddlers, but no direct limits for non-paddlers. This is not equitable. The EA considers and proposes to completely ban paddling from some reaches while non-paddlers are granted access to the entire reach. This is not equitable. The EA considers and proposes seasonal bans on paddling but not on non-paddling uses. This is not equitable. The EA considers flow based bans on paddling but not on non-paddler uses. This is not equitable. The EA considers and proposes future limits based on a precise permit system for paddlers but vague car-counts for non-paddlers. This is not equitable. Based on presumed conflict, the EA considers and proposes to limit one presumed conflicting use but not the other. This is not equitable. The EA considers and proposes to grant paddlers 0-5 days of use annually depending on the reach but grants non-paddlers 365 days of use. This is not equitable. The EA considers and proposes to artificially attract some visitors with stocked fish while banning others. This is not equitable. The EA proposes to ban paddling in tributaries to protect brook trout but allows unlimited anglers to catch, kill, and eat a certain

number of brook trout from these same reaches each day. This is not equitable. Inequitably limiting uses violates the Appeal ROD and the FSM. (Ltr# 168, Cmt# 8)

Subconcern # B

#228- The EA prohibits boating to 6 possible days a year while not limiting in any way any other user group. If the area is so sensitive why don't you limit the size and number of ALL user groups? Why in almost every one of the USFS alternatives are boaters the only user group regulated? (Ltr# 193, Cmt# 219)

Subconcern # B

#259- 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. (Ltr# 193, Cmt# 250)

Subconcern # B

#445- Day hiking for example is by far the largest use of the river corridor and is anticipated to rapidly grow by 48% by the year 2020 (Shelby and Whittaker 39). This increase of use and its associated impact is vastly larger than predicted levels of paddling that is anticipated to occur if paddling was not limited. Yet, the USFS proposes absolutely no direct limits on day hiking. The USFS has arbitrarily excluded non-paddling recreation from the action alternatives. In doing so they overlook massive risks, and greatly exaggerate any potential impacts that allowing paddling may introduce. (Ltr# 193, Cmt# 433)

Subconcern # B

#446- The figures clearly show the enormous amount of other uses compared to the potential paddling that might occur. Choosing to directly limit paddling in this context without limits on other vastly larger uses is indefensible. (Ltr# 193, Cmt# 434)

Subconcern # C

How do you propose to control use based on flow? The fact is you can't. You may not even be able to control use at all. (Ltr# 141, Cmt# 9)

Subconcern # C

You still need all users in remote areas to get a permit. It helps those of us that have to look for them. (Ltr# 170, Cmt# 8)

Subconcern # D

The EA and the process from which it emerged are inadequate as a matter of both law and fact because, although it mentions recreation use on the Lower Chattooga, it continues to consider the effects of, and need for, recreation on the Upper Chattooga in isolation from the rest of the Wild and Scenic River (WSR) Corridor and region. The Forest Service Manual directs that the following be considered in developing prescriptions to manage recreational use of Wild and Scenic Rivers: (1) the capability of the physical environment to accommodate and sustain visitor use, (2) the desires of present and potential recreational users, including their characteristics, and (3) budgetary, personnel, and technical considerations. The EA and preferred alternative do not adequately address these issues. Forest Service management direction is to "[e]stablish use limits and other management procedures that best aid in achieving the prescribed objectives for a river and in providing sustained benefits to the public." The Forest Service Manual instructs the agency to "[e]stablish appropriate levels of recreation use and developments to protect the values for which the river was designated." The Forest Service should protect visitor experience by developing prescriptions that "manage the character and intensity of recreational use on the river." Accordingly, the Forest Service may not allow one use of the River to be so excessive that it harms the qualities for which the Chattooga was designated a Wild and Scenic River. The Forest Service Manual directs that river recreation management be planned and implemented in the context that "considers the resource attributes, use patterns, and management practices of nearby rivers." This has been done on the Chattooga by limiting the access of certain groups—boaters, horseback riders, mountain bikes, motorcycles, and all-terrain vehicle (ATV) users—in parts of the River Corridor. (Ltr# 166, Cmt# 4)

Subconcern # D

What the EA fails to consider is that the Chief's 2004 appeal notice did not proscribe the Forest Service from assessing the entire Chattooga River corridor. In fact, by implication, the Decision for Appeal directed the Forest Service to prepare a visitor capacity analysis for the Chattooga Management Area #2

in the Sumter National Forest RLRMP. In turn, this defined area is comprised of the entire "180,000 acres watershed" per the 2004 Sumter FEIS page 10. Furthermore, as the Ninth Circuit instructed, a governing agency cannot simply ignore its responsibility under "the 'protect and enhance' requirement of the WSRA to address both past and ongoing degradation." Friends of Yosemite v Kempthorne, 520 F.3d 1024, 1036 (9th Cir. 2008). In short, the geographic scope of the required visitor capacity analysis should be expanded to include a careful review of the opportunities and impacts of boating on the lower Chattooga as well as its tributaries. Otherwise, the Forest Service might be determined to have neglected its duty to address past and ongoing degradation. (Ltr# 171, Cmt# 10)

Subconcern # D

#361- The obligation of the Forest Service to protect the Wild and Scenic River and wilderness areas is so great that none of the alternatives to expand user access, including Alternative 4, has been adequately justified by the Draft EA. Carrying capacity of a Wild and Scenic River is determined not only by the number of users, but also by the mixture of recreational and other public use that can be permitted without adverse impact on the resource values of the river area. (Ltr# 193, Cmt# 351)

Subconcern # D

#371- The Forest Service has identified canoeing, rafting and kayaking use on the Chattooga River as an example of where the "facilities and resources are being stretched to capacity." Consideration should have been given to limiting uses which are taxing resources, not just expanding those uses to other segments of the corridor. (Ltr# 193, Cmt# 360)

Subconcern # D

#398- "Boater-oriented and -dominated management prevails on the lower 36 miles of the Chattooga Wild and Scenic River Corridor and nearby tributaries favored by "creek boaters," not to mention on many nearby rivers and streams. If one were to read only the Draft EA, boaters appear deprived; in reality, it is those who wish to enjoy the river without put-ins, take-outs, slide-ins, portage trails, and boaters scaring fish that are lacking opportunity in the Southeast and on the Chattooga. (Ltr# 193, Cmt# 386)

Subconcern # D

#417- Friends of Yosemite v. Kempthorne recently held that: "The Secretarial Guidelines also require that a component's management plan state the kinds and amounts of public use which the river area can sustain without impact to the values for which it was designated and specific management measures which will be used to implement the management objectives for each of the various river segments and protect esthetic, scenic, historic, archeologic and scientific features." (Ltr# 193, Cmt# 405)

Subconcern # D

#450- Our scoping comments and comments on Whittaker and Shelby 2007 clearly recommended studying all recreational uses. Likewise, the ROD for our appeal recommended a user capacity analysis, not a boating capacity analysis. (Ltr# 193, Cmt# 438)

Subconcern # D

#451- The ROD also required use to be limited equitably which is an impossible outcome when boating is the only management variable. (Ltr# 193, Cmt# 439)

Subconcern # D E

Existing boating recreation is exceeding capacity and should not be expanded. There is no shortage of boating opportunities on the River or in the region. Boater-oriented and dominated management prevails on the lower 36 miles of the Chattooga Wild and Scenic River Corridor as well as on the nearby tributaries (Overflow and Holcomb Creeks) favored by "creek boaters." In 1987, 62,200 recreation visitor days dedicated to canoeing or kayaking in the Sumter National Forest were logged. Currently, the Forest Service estimates that between 40,000 and 70,000 boaters per year "run sections of the Lower Chattooga." The Forest Service previously has identified canoeing, rafting and kayaking use on the Chattooga River as an example of where facilities and resources are reaching capacity limits. Consideration should have been given to limiting uses that are taxing resources, not expanding those uses to other segments of the corridor. Wild and Scenic Rivers must be managed for their specific attributes and forest management goals. The decision of how to manage any particular segment must be made in context of how the whole corridor is treated. Zoning is specifically endorsed in the Forest Service Directives in recognition of the differing needs of user groups. The current zoning has protected wilderness and wildness uses on the Upper

Chattooga for more than 35 years. Allowing boating on the Upper Chattooga will diminish the experience of those who already have been squeezed out of the Lower Chattooga due to overuse by boaters, and will spread the impacts of excessive boating access to another part of the River Corridor. Although the Environmental Assessment attempts to incorporate the concept of zoning into selection of the preferred alternative by limiting uses by space and by time, such zoning cannot be supported when, as discussed in greater detail, below, it does not consider the River as a whole. Georgia Forest Watch and Wilderness Watch contend that the current zoning, which allows boating on the lower Chattooga but not on the Upper Chattooga, is the appropriate zoning to address all users' needs and concerns. (Ltr# 166, Cmt# 5)

Subconcern # D E F

All users may be asked to limit use in order to protect outstanding resource values. Wild and Scenic Rivers and wilderness areas are not recreational free-for-all zones. The need to protect the resource is adequate justification for the current zoning of recreational uses that the Forest Service has maintained over the years and for any of the other restrictions on user access proposed in the EA. The obligation of the Forest Service to protect the Wild and Scenic River and wilderness areas is so great that none of the alternatives to expand user access, including Alternative 12, has been justified adequately by the EA. Before any new recreational use may be made of one of these areas, management for the values for which they received these designations must be accomplished. Trailheads, trails, campsites, boating, and any other recreational use of the Forests may be limited to protect ORVs. Carrying capacity of a Wild and Scenic River is determined not only by the number of users, but also by the mixture of recreational and other public use that can be permitted without adverse impact on the resource values of the river area. Further, review of the biophysical aspects of the Upper Chattooga clearly indicates that steps must be taken to rectify the degradation that has been allowed to occur in the entirety of the Wild and Scenic River corridor. All of this should be addressed before new uses are allowed. The Forest Service should not permit any additional boating in the Chattooga River Corridor. The existing segmentation (zoning) of user groups should be maintained in order to protect the ORVs for all user groups, some of which are incompatible with boating. Existing boating opportunities are sufficient both regionally and on the Chattooga. On the Chattooga alone, boating dominates more than 60 percent of the corridor. On the other hand, opportunities for other recreational experiences (fishing, hiking, nature photography, swimming, hunting, solitude, bird-watching, botanizing and picnicking) on and along a whitewater river or stream of any significant size are limited. The boating prohibition has served the resource and its ORVs well for more than 35 years, during which time the Chattooga has become well known for backcountry fishing and interest in hiking into the Chattooga Cliffs, Ellicott Rock Wilderness and Rock Gorge backcountry has grown considerably. A unique fishing and wilderness experience would be lost if more intensive uses were expanded to the quieter portions of the River. The Forest Service must consider the legitimate needs of all users (and nonusers who value the existence of wilderness areas) in the Forest Service's final decision--not just those of the most visible user groups (anglers and boaters). In considering the fairness of limiting one or another groups' access, the Forest Service should consider how the needs of different user groups are met throughout the River Corridor, and not just on the Upper Chattooga. Boating on the Lower Chattooga may need to be significantly restricted, particularly if other users are driven off the Upper Chattooga and its tributaries. (Ltr# 166, Cmt# 6)

Subconcern # E

#481- These data suggest that private boaters actually have far less substitutes for the Chattooga River than do TU anglers and that banning boaters from the upper river serves to only further to limit the availability of quality recreation resources for this recognized and lawful user group (Ltr# 193, Cmt# 468)

Subconcern # F

#457- The EA clearly finds that encounter standards are already exceeded by existing users yet proposed no mitigation for these impacts. (Ltr# 193, Cmt# 444)

Subconcern # G

The Forest Service is unable to manage existing use of the River Corridor and Wilderness area without degradation. Pursuant to the Wild and Scenic Rivers Act, the comprehensive management plan is required to include actual measures of user capacities, such as limits on the number of visitors. Canoeing, rafting and kayaking use on the Chattooga River has already been identified as an example of where the "facilities and resources are being stretched to capacity." Litter, sediment, and lack of solitude plague all parts of the River Corridor. If anything, the management of the Lower Chattooga should be modified to look more

like that of the Upper Chattooga—not the other way around. Before even suggesting additional boating, degradation of outstanding resource values caused by boating on the Lower Chattooga should have been examined closely in the EA. The ban on boating should only be lifted if the Forest Service is able to demonstrate that boating would “protect and enhance the values” for which the River was designated. If existing resource stress cannot be alleviated, boating might need to be restricted in sections of the River and its tributaries where it is presently allowed. It is not enough to show only that a use will not “substantially interfere” with the public’s enjoyment of river values. No uses (boating, fishing, or anything else) are “grandfathered” just because they existed at the time of designation unless it is stated explicitly in the river-specific legislation. (Ltr# 166, Cmt# 10)

Subconcern # G

#253- The EA makes no attempt to determine the quantity of recreation that the Upper Chattooga can sustain without adverse impacts. Instead, it assumes that the current level of recreational use by existing user groups is sustainable, and then concludes that nearly all additional use by boaters is not sustainable. This is not a fair and objective analysis of the carrying capacity of the Upper Chattooga River corridor. (Ltr# 193, Cmt# 244)

Subconcern # G

#321- We certainly applaud the agency’s recognition of the need to limit visitor access overall through the proposed limits on many groups’ access. But until the agency can show that these measure are effective and that conditions on the ground are improving it should not be authorizing an activity that is certain to cause more harm. We should not sacrifice an increasingly rare resource like Wilderness in order to promote more use. (Ltr# 193, Cmt# 311)

Subconcern # H

Visitor controls are not adequate under the Environmental Assessment or any boating alternative. Georgia Forest Watch and Wilderness Watch applaud the Forest Service’s recognition of the need to limit visitor access overall, and especially for taking the initiative to comprehensively propose limits on many user groups’ access where it is necessary to protect the resource. To ensure that ORVs are protected, Georgia Forest Watch and Wilderness Watch suggest going beyond the new limits proposed in Alternative 12 by limiting access to the Chattooga Corridor within the Ellicott Rock Wilderness to a maximum of 6-8 individuals per group on trails and 6 individuals in designated campsites (without exceptions for group campsites). We agree limiting anglers to four per group is appropriate (whether back-country trout fishermen or front-country anglers). Boating should be further restricted on those portions of the River (the Lower Chattooga) where it is taxing resource capacity. Prohibiting boating, horseback riding, and ATV use in the Upper Chattooga Corridor has preserved the wonderful, secluded area that exists there today. Now, additional management limits for hikers and anglers are warranted to guard against loss of the very elements that make this place so attractive; it certainly is not the time to expand user groups and intensify use, or to create new access and egress points to and from the river. (Ltr# 166, Cmt# 28)

Subconcern # I

The EA fails to exhaust indirect use limits before imposing direct limits. On page 39 of the EA, a monitoring plan is described that would limit uses first with indirect measures and subsequently with direct measures as necessary. This statement proves that the USFS understands their mandate in the FSM. This mandated use limitation technique however is applied only to non-paddlers whose existing impacts mar the corridor, while paddlers suffer from harsh direct limits before they have ever floated the river in all alternatives. Arbitrarily, capriciously, and inequitably applying direct limits to only paddlers prior to exhausting indirect measures is a direct violation of the Appeal ROD, the FSM, and any concept of fairness or reason. (Ltr# 168, Cmt# 9)

Subconcern # I

#411- The EA must ensure 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 (FSM 2323.12).” The EA does not, as it proposed unjustified direct boating limits prior to trying indirect measures. (Ltr# 193, Cmt# 399)

Subconcern # I

#436- None of these impacts can be attributed to paddlers, yet the USFS targets only paddlers for use limits. Choosing to manage proven real impacts with indirect management while managing unproven and

unanticipated impacts with harsh direct management is not justified within the EA and indeed cannot be justified. (Ltr# 193, Cmt# 424)

Subconcern # I

#476- While the USFS may have the authority to zone uses, they must have justification for doing so and have exhausted other opportunities first (see the ROD for our appeal).¹⁰ In the EA, the USFS offers neither justification, nor evidence that other management techniques have been attempted - let alone exhausted. (Ltr# 193, Cmt# 463)

Subconcern # J

The EA fails to include paddlers in the user capacity analysis. As ordered in the Appeal ROD, the EA must ensure that "limitation and distribution of visitor use should be based on "periodic estimates of capacity in the forest plan" (FSM 2323.14)." The reviewing officer states: "I am directing the Regional Forester to conduct the appropriate visitor use capacity analysis, including non-commercial boat use." Table 2.5 clearly depicts that paddling limits were excluded and considered separately from capacity decisions. Specifically, Alternatives 1-3 vary capacities but ban paddling, while Alternatives 8-14 have identical capacities but vary paddling limits. Thus, the EA offers no comparisons of alternatives that vary capacities that include paddling. In doing so the EA fails to ever consider the "kinds and amounts of use" in terms of a visitor capacity analysis. Instead, the EA removes paddling from the actual capacity analysis, in essence first selecting a capacity, and then selecting the amount of paddling. This arbitrary and capricious decision violates the Appeal ROD, the FSM, the WSRA, Secretarial Guidelines, and Friends of Yosemite v. Kempthorne. (Ltr# 168, Cmt# 10)

Subconcern # J

I still am waiting on a Capacity analysis; otherwise this will never be taken as valid. (Ltr# 170, Cmt# 9)

Subconcern # K

The EA fails to calculate encounters between paddlers and other visitors. Page 20 of the EA states that "proposed management actions for [backcountry] reaches are designed to limit encounters and separate potentially conflicting uses (boaters and others)..." Page 70 states the encounters are the best single indicator for backcountry opportunities and are the focus of the analysis in this EA." Page 412 marks the beginning on an appendix titled Encountered Calculations. Yet, the EA fails to estimate or measure the encounters between paddlers and anglers or other corridor visitors. This failure means that there is no basis given for banning paddling. It is obvious that encounters between paddlers and anglers would be extremely rare. For example, consider the following rough calculation. Suppose an angler fishes the Upper Chattooga 10 times each year (probability of 0.027), and paddlers use the river 63 days (0.17). Differing flow preferences indicate an overlap factor of around 10% (0.1). Differing time preferences and the short length of both paddling and angling trips justify an additional correction of 20% (0.2). Paddlers will not use each reach on each of these days resulting in a factor of 66% (0.66). Thus, an overestimate of the chance that an angler will see a paddler over the course of a year would be in the neighborhood of 0.06%. The EA proposes a virtual total ban on paddling, and proposes a monitoring program that would yield a ban, so that a handful of intolerant anglers don't have six one-hundredths of a percent of a chance of encountering an angler. This is arbitrary and capricious, inequitable, violates the FSM which only supports limits when "necessary," and violates national management standards. (Ltr# 168, Cmt# 21)

Subconcern # K

#458- The encounter estimates in the EA are not rigorous enough for decision making, as we have explained elsewhere in these comments. Regardless, we offer the following analysis of the EA's treatment of encounter standard violations to show the double standard that the EA employs regarding encounters. Figures 3.3-1 and 3.3-2 clearly show that the proposed management of existing users would exceed standards on up to 37 days per year! How can the USFS justify banning the smallest use, presumably to avoid violation of encounter standards, while actively allowing and even enhancing vastly larger violations by existing users? Not managing the large existing standard violations is arbitrary and capricious and leaves the river corridor and experience of users unprotected. (Ltr# 193, Cmt# 445)

Subconcern # K

#459- The question we have to ask is: how many days of violation are too many, and why are those standards being applied differently to boaters than all other users? How can the USFS justify supporting

violations of standards by some users but not by others? What is the real standard here? (Ltr# 193, Cmt# 446)

Subconcern # L

The EA fails to quantify the number of zero-tolerant anglers. The EA is clear that all alternatives except alternative 8 are designed specifically to limit or eliminate the unpleasant feelings a small elitist group of backcountry anglers that claim zero-tolerance would feel if they imagined or experienced a group of paddlers floating the upper Chattooga River. This is evident by the new prescription of "boat-free" zones which by definition are designed for people with zero tolerance of seeing boats. This zero-tolerant user group has not been managed for or documented elsewhere. If they exist, their numbers are likely extremely small, perhaps numbering only a handful of individuals. It is not reasonable for the USFS, who has a utilitarian mission, to manage exclusively for a miniscule group of users at all, but especially without even documenting the number of people that actually hold such intolerant views. The EA fails to estimate encounters between these zero-tolerance users and paddlers under each alternative, and thus reaching a decision based on this EA is arbitrary and capricious, violating the Appeal ROD, FSM, and the WSRA as defined by Friends of Yosemite v. Kempthorne. (Ltr# 168, Cmt# 22)

Subconcern # L

#471- The assumption that 75% of visitors would see paddlers has no rational basis and thus is not a reasonable basis for decision making. Decisions based on these unfounded assumptions would be arbitrary and capricious. (Ltr# 193, Cmt# 458)

Subconcern # M

The EA fails to limit use only when necessary. The EA admits on page 59 that uses should only be limited "when necessary" yet fails to recognize the meaning of the word necessary, which according to Webster's Dictionary is "inescapable, unavoidable, logically unavoidable, that cannot be denied without contradiction, determined or produced by the previous condition of things, compulsory, absolutely needed, required." The USFS has not met this standard with this EA. Paddling is essentially or totally banned in the EA alternatives before paddlers have left a single footprint or encountered a single angler, and without any evidence that impacts will occur. Thus limits are not logically unavoidable based on previous condition of things. The USFS has no basis whatsoever to claim that paddling limits are "necessary" and thus the EA is arbitrary and capricious in its violation of the FSM. (Ltr# 168, Cmt# 23)

Subconcern # M

I am dismayed at how you can get away with blatantly disobeying a directive from the Chief to do a Capacity Analysis. (Ltr# 170, Cmt# 1)

Subconcern # M

#258- In my professional opinion the only reason for limiting one use over another is degradation of the resource resulting from a high impact recreation use. Please establish a Chattooga area LAC and show the recreating public how canoeing/kayaking contributes to impacts (versus other users); OR limit the recreation uses of the corridor equally!!!! (Ltr# 193, Cmt# 249)

Subconcern # M

#354- "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." (Ltr# 193, Cmt# 344)

Subconcern # M

#408- The EA must ensure that "If it becomes necessary to limit use, ensure that all potential users have a fair and equitable chance to obtain access to the river." (ROD pg. 5) The EA does not even pretend to treat all users equitably, in any of the alternatives. (Ltr# 193, Cmt# 396)

Subconcern # M

#413- The RLRMP was "deficient in substantiating the need to continue the ban on boating to protect recreation as an ORV or to protect the wilderness resource." (ROD pg. 6) The EA does not address that deficiency as it is just a rewritten version of the same inadequate discussion document and ultimately proposes the same actions. (Ltr# 193, Cmt# 401)

Subconcern # M

#464- Even when suggesting an alternative that would provide a miniscule amount of time where boating can occur, the Forest Service has unlawfully treated boaters unequally by selecting a flow rate that is at the highest end of the range where fishing can comfortably take place, yet well above the low end of the flow rate where optimal boating can occur (Ltr# 193, Cmt# 451)

Subconcern # M

#470- Use estimates of both boating and other uses is absolutely not based on hard data, and is thus unreliable for decision making. (Ltr# 193, Cmt# 457)

Subconcern # N

Over the past few years, in order to address the complaints of the boating industry, the Forest Service has adopted numerous narrowly defined focus group like studies and quasi scientific analyses like counting cars in parking lots to project the number of individuals on the river. All of these steps are designed to create a record in order to create an impression of scientific objectivity for the pending management policy decision. Unfortunately, the conclusions now being drawn from all of this procedural process, as evidenced by the current EA, are incongruent with the facts. (Ltr# 171, Cmt# 13)

Subconcern # O

Introducing an all user permit system on the upper Chattooga, even for a limited number of months, will create a mechanism that grants boaters special reserved access to something which they heretofore did not have a right to use while threatening that part of the existing "esthetic" for day trippers that flows from the freedom of spontaneity in accessing the solitude of the river. Consequently, prohibiting all boating on the upper 1/3 of the Chattooga (while allowing boating on the remaining 2/3 of the river) still offers an equitable solution for addressing the serious social value conflicts inherent in this land use dispute. A continued prohibition would also minimize the chances for artificially induced excessive growth in visitor use on the upper segment---which if otherwise lifted would ultimately lead to restrictions on the freedom of access that day trippers currently enjoy. (Ltr# 171, Cmt# 29)

Subconcern # P

The whole concept of self-management by river flow rates is an abandonment by the Forest Service of its responsibilities to protect the "esthetic" of the river from degradation. Such an assumption about flow rates is nothing more than an abstract generalized justification for giving the boaters what they desire. (Ltr# 171, Cmt# 33)

Subconcern # Q

If the Forest Service adds a new user group (boaters) to the reaches of the Upper Chattooga River, the result would be an inevitable increase in encounters. However, since optimum flow levels for boating usually occur during the winter months when other users are less prevalent, a logical capacity level for boaters should be less than the existing encounter levels of 6 groups per day with 6 boaters per group. The Chattooga Conservancy recommends that boater restrictions should be 4 groups per day with a maximum of 6 boaters per group. This is a logic-based proposal that would satisfy public desires to keep current encounter levels close to what they are now, without risking harm to the Outstandingly Remarkable Value of solitude. (Ltr# 172, Cmt# 3)

Subconcern # R

The WCA also provided detailed data collected over many decades that demonstrate that fishing occurs at flow levels (700cfs) much higher than the levels cited in the biased "expert panel" field assessment (450 cfs). Instead of using the actual data to eliminate, or at least offset the low-fishing-level bias of the pro-boating consultants, the Forest Service now proposes to extend the reach of boating up to Green Creek based on a "discovery" that bait fishing is not allowed above Bullpen Bridge. According to the EA, this "new information regarding angling opportunities above Bullpen Road Bridge" means that optimal fishing only occurs at flows below 350 cfs - even below the pro-boating consultant estimates and disregards the numerous angling methods permitted under current regulations (EA pp.42, 75). In light of documented evidence collected over a 45-year period of fishing occurring at much higher levels, this conclusion plainly is arbitrary and capricious decision-making driven not by facts but by a bias for expanding boating. (Ltr# 175, Cmt# 2)

Subconcern # R

#463- Whittaker and Shelby 2007 clearly conclude that if any management of boating and angling would be acceptable it would be required during the "low overlap" period between 225-350 cfs. There is simply no scientific basis in the record for boating (or angling) limits based on a 450 cfs cut-off, or above 350 cfs. (Ltr# 193, Cmt# 450)

Subconcern # S

Private boating should be allowed on the upper stretches of the Chattooga River. Your own EA studies have indicated that boatable days are already severely limited by nature. All users should be restricted by some numbers to avoid over-use of the area, but only by quantity, and restricted equally as users with equal rights. (Ltr# 178, Cmt# 2)

Subconcern # T

The last time that I provided input for your decision making, I contended that the Whittaker and Shelby compilation that is used to support 'your' (Management Unit) suggested alternative was flawed, and showed bias towards a non-boating perspective. An example of this is shown in the section on Existing Impacts to the Environment. Within the Backcountry Angling section, page 80, it was stated that "Nationally, projections show fishing participation is likely to grow." Within the Whitewater Boating section, page 81, it was stated "About 1 to 2% of the national population participates in whitewater kayaking," and went further into an unsubstantiated statistical breakdown of different types of kayakers. If Whittaker and Shelby were unbiased, and used the same examination protocols for each user group, I would consider that the impacts would have been supported in a consistent fashion. What was given was a vague feeling of positive growth for the angler group, contrasted with a pseudo-analytical dissection of the boater group. Whittaker and Shelby cannot claim a unbiased report if they try to demonize a user group. (Ltr#179, Cmt#3)

Public Concern 80

The Forest Service should consider the following regarding visitor capacities and limits on users (all comments from the 2009 EA comment period):

- A) Allow boating from either Cane Creek or Bull Pen Bridge to the Highway 28 Bridge and limit 4 groups of 6 boaters at a flow of 500 cubic feet per second at the Burrells Ford gauge;**
- B) Restrict or rotate river access to anglers, allowing the stream beds and banks to recuperate from trampling;**
- C) Encounter limits should include the recommended standards collected during the visitor capacity use analysis;**
- D) Consider indirect measures like those for other uses;**
- E) All users should use the self-registration permit system;**
- F) Boaters that utilize the Upper Chattooga River will be limited because of the rough terrain and difficulty of the whitewater;**
- G) Conclusions should not be made that the river's capacity has been reached based solely on its expectation that allowing boaters on the river will result in conflicts with anglers and hikers;**
- H) There are 50 boatable days using the Whittaker and Shelby 2007 study;**
- I) Use the 2002 Clemson University for sense of place and substitutions;**
- J) Natural conditions will limit conflicts;**
- K) Prohibit boating to prevent user conflict;**
- L) Consider the North Fork participation rates;**
- M) To alter the assessment of the quality of existing visitor experience in the definition of visitor capacity requires a review against current conditions;**
- N) Section 3.3.1 omits key facts collected during the Limits of Acceptable Change Analysis;**
- O) Consider all uses in the visitor capacity use analysis;**
- P) The EA is not a user capacity analysis and does not reference one;**

- Q) Speculation that 50 percent of the number of groups is equal to the number of encounters is not supported in fact;**
- R) Future use projections suggest boating will be lower use compared to other users that are currently allowed unlimited use, therefore 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;**
- S) Use the recreation use rationing when the resource is sustaining damage above an established Limits of Acceptable Change;**
- T) Visitor data defined as desired conditions during the visitor capacity use analysis has been published incorrectly in table 3.3.1;**
- U) Jacobs, January 2004, p. 13 22 and Vagias et al. demonstrates that there are not other adequate opportunities for creek boating in the area, while adequate opportunities do exist for angling;**
- V) Boaters have higher levels of bonding intensity than anglers;**
- W) User registrations should be confidential and in a locked box; and**
- X) Use an internet-based boating permit system that is activated when adequate flow is predicted declaring a boatable day.**

Response to PC 80

A) A range of alternatives were developed that manages encounters/solitude and conflict among the various recreation users by using a combination of permits, season, flow, and zone restrictions. The alternatives range from no additional boating opportunities to year-round boating with no flow restrictions on the main stem in the upper reaches of the Chattooga WSR. Additionally, the number of boater groups per day are considered and folded into the visitor capacities set forth for each alternative.

B) All alternatives manage trails, campsites, and parking areas to mitigate erosion and sedimentation. Monitoring will be used to determine effects that are occurring during implementation of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. The effects of the alternatives are discussed in **Chapter 3** of the EA and include the potential impacts from all users on the soil and water resources. Some of the alternatives consider closing user-created trails to mitigate impacts from to soil and water resources.

C) We know about recreation trends in the upper segment of the Chattooga WSR corridor and the general use patterns (see **Appendix D** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, and the *Use Estimation Workshop Summary* (Berger and CRC 2007)). The assumptions in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* about use and encounters between different user groups may well prove to be higher or lower in practice. However, this information will be fine tuned through monitoring and adaptive management during implementation. During the LAC process we heard from the public that they liked the levels of use that were in the corridor, so use capacities and associated encounters were set based on those findings.

D) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 2, Section 2.3 Monitoring and Adaptive Management** for a discussion on direct and indirect measures. A range of alternatives that explore a variety of use management actions at varying levels (e.g.: group sizes, mandatory or no registration, and segment, seasonal and flow restrictions) were analyzed in the EA and their effects are disclosed in **Chapter 3** of the EA. In addition, boater-angler encounters are likely to be more adverse than boater-hiker encounters or other encounters between non-boating users. Anglers spend most of their time near the river and usually fish a small section of the stream

where they are likely to be passed by nearly all boaters present on that day. When these encounters occur, impacts on anglers are also more likely to be asymmetric (more adverse for anglers than for boaters).

E) The self-registration permit on the lower segment is designed to monitor use not restrict use of boaters. A similar system of self-registration would be used on the upper segment. A range of alternatives that explore a variety of use management actions at varying levels (e.g.: group sizes, self, mandatory or no permit/registration, and segment, seasonal and flow restrictions) were analyzed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and their effects are disclosed in **Chapter 3**. In addition, monitoring and adaptive management is discussed in **Chapter 2** of the EA and includes options for applying direct measures such as self registration, permits, and reservations to all user groups.

F) The number of whitewater boaters that will venture onto the Upper segment of the Chattooga WSR is discussed in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.1 Recreation ORV**. It is also discussed in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

G) User capacities and conflict between users are related to each other, but are not the same. Conflicts can occur even though capacities might not be reached or exceeded.

H) The EA analyzes a range of alternatives that produce varying number of days with boating opportunities per year, from zero to 97 or 118 depending on the method of estimation. However, the nature of the river (its flashiness, especially during the drier months of the year) will make the alternatives that are focused on the upper ends of the hydrograph harder to "catch" by boaters, particularly those that reside some distance from the Chattooga.

I) The Clemson reports on sense of place and substitution are discussed in Appendix F of the EA. See Item V below,

J) The section on **Flow Issue Conclusions** on page 85 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) discusses how flow impacts recreation use. However, the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) also points out that "there are flow overlap ranges on the Chattooga." Of special note is the "low flow overlap range:" an average of 77 days per year which tend to occur at warmer times. These are high quality fishing flows, but lower quality technical boating flows. According to Whittaker and Shelby: "In this 'overlap range' management actions may be necessary to protect high quality fishing if boating were allowed."

K) The EA analyzes a range of alternatives that prescribe different levels of boating opportunity days per year by employing seasonal, river segment and water flow constraints. The effects of each of these alternatives on solitude and their potential for conflict are analyzed and discussed in **Section 3.2.1 Recreation ORV in Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.

L) The report *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), which is an integration of several studies and reports (see PC 80, I above), was used to support much of the analysis in the EA including the anticipated number of days with boatable flows. The affected environment and environmental consequences are disclosed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* and includes discussion on the impacts of each of the alternatives to the outstandingly remarkable values of the Chattooga River, including impacts to the recreation ORV.

M) The range of alternatives includes Alternative 1 (No Action) for comparison purposes and in order to review against current conditions.

N) Key findings of the “limits of acceptable change” process are discussed in Appendix F of the EA and was used in the analysis in Section 3.2.1 Recreation ORV. We do know broad information about how things work in the upper segment of the Chattooga WSR corridor and we know the general use patterns (see **Appendix D** of the EA, and the *Use Estimation Workshop Summary* (Berger and CRC 2007)). The assumptions in the EA about use and encounters between different user groups may well prove to be higher or lower in practice. However, this information will be monitored and an adaptive management strategy used during implementation. See **Chapter 2** for more details on the adaptive management strategy.

O) From the “Need for the Proposed Action” section in **Chapter 1** of the EA, action is needed to respond to an appeal decision on the Sumter Land and Resource Management Plan. As a result of administrative appeals, the Forest Service was directed to reassess that decision as part of a broader analysis of visitor capacity issues on the upper segment of the Chattooga WSR. The Forest Service was specifically directed to 'conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate the LRMP to reflect a new decision based on findings.' All existing user groups in the Upper segment of the Chattooga WSR corridor were analyzed in the EA, including a potential new user group: boating.

P) Capacities are set forth for all the action alternatives in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. See the EA, Chapter 2 and **Chapter 3, Section 3.2.1 Recreation ORV**.

Q) We know broad information about how things work in the Upper segment of the Chattooga WSR corridor and we know the general use patterns (see **Appendix D** in the EA). The assumptions in the EA about use and encounters between different user groups may well prove to be higher or lower in practice. The decision includes monitoring and adaptive management strategies. See **Chapter 2** and **Appendix G** of the EA for more details on the monitoring and adaptive management strategy.

R) Future use projections are just that: projections. Additionally, angler-boater interactions are generally "asymmetrical" in that the impacts of boaters on anglers are more adverse than the other way around (see bullet # 6 on p. 87 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) and **Section 3.2.1 Recreation ORV** in **Chapter 3** of the EA). This can be further exacerbated because anglers spend most of their time near the river usually fishing a small segment, thereby making it likely that they will be passed by nearly all boaters using that segment that day, particularly in winter (see bullet 6 on p. 62 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007)). This is more of a conflict issue than a capacity issue. Additionally, the EA sets forth capacity limits for all users in all the action alternatives considered. A monitoring and adaptive management strategy will ensure that these capacities limits are met for all user groups (see **Section 2.3 Monitoring and Adaptive Management** in **Chapter 2** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*).

S) Recreation use rationing (e.g.: use limits, zoning of uses, etc.) is generally not used to address biophysical resource impacts. These are generally addressed with "technical fixes" (such as site hardening or changes that direct use to non-sensitive or more durable areas) or education/regulation. See 4th bullet on page 57 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

T) Existing recreation opportunities are described in the EA and considered implicitly throughout the effects analysis in the EA and in more detail in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

U) The *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) (pages 24-26) discloses what was considered relative to other angling and boating opportunities. The Chattooga is unique in its solitude offering relative to other immediate areas. Vagias 2006 was considered in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007), which in turn was used to frame the alternatives and inform the analysis in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.

V) The pair of studies that looked at "substitutability," "involvement," and "place attachment" for Chattooga non-commercial boaters (on the lower river) and trout anglers, along with additional analyses of these two groups were discussed on page 25 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007). Whittaker and Shelby qualified some of the findings in these reports. One problem they noted is that the two groups were sampled differently (boaters via permits from known visits; anglers via census of two local Trout Unlimited chapters). Because a "wider net" was cast across the angler population, it may have included fewer avid Chattooga anglers. In addition, some of the involvement and place attachment variables were statistically but not substantively different (e.g., 4.39 vs. 4.61 on a five point "importance"). Finally, boaters were rating the lower segment of Chattooga only (because they can't currently boat the upper segment of the Chattooga), and it is unclear whether their assessments will apply to the upper river segment. Because of these problems, the data was not brought forward into Section 3.2.1 Recreation ORV in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.

W) Self-registration for boaters on the upper segment would be similar to the system used on the lower segment. If a permitting system is required then we will consider your comments.

X) Flow data is available on the web. See the decision notice for additional details.

Sample Public Comment(s) for PC 80:

Subconcern # A

#2- Amend this alternative to allow whitewater boating from either Cane Creek, or better yet, from Bull Pen Bridge all the way to the Highway 28 Bridge, where the number of boaters are limited to 4 groups of 6 boaters to protect the wilderness character of the area, and by water level of over 500 cubic feet per second (at the Burrells Ford gauge), in order to eliminate conflict between fishermen and boaters. (Ltr# 193, Cmt# 1)

Subconcern # A

#344- Boater groups should be limited to four groups of six boaters per group and allowed only from water levels at or above 500 cubic feet per second as measured at Burrells Ford. We also feel that the removal of large woody debris should not be allowed where whitewater boating is allowed, given the fact that it is not compatible with management directives for protecting wildness, challenge, risk, adventure, and promoting the development of backcountry skills. We believe that camping should not be allowed within one quarter of a mile of a major access point and that any further restrictions should be implemented according to adaptive management. We also believe that whitewater boating should be allowed with the aforementioned restrictions any time during all seasons of the year when the water level at Burrells Ford is at/above 500 cubic feet per second. (Ltr# 193, Cmt# 334)

Subconcern # B

#9- Restrict or rotate river access to anglers, allowing the stream beds and banks to recuperate from trampling. (Ltr# 193, Cmt# 8)

Subconcern # C

#24-My one critique is that the assumptions and backup used to establish the encounter limits presented in Alternative #3 are missing and do not appear to include the publically recommended encounter standards collected during the capacity analysis. (Ltr# 193, Cmt# 20)

Subconcern # D

#68- The Forest Service has chosen to control and restrict much more environmentally damaging user groups with indirect measures. (Ltr# 193, Cmt# 62)

Subconcern # E

#88- While the inappropriate decisions of other user groups have resulted in the creation of temporary dams, bear problems, and other issues, the Forest Service refuses to address these issues by requiring other user groups to use something as simple as a self-registration permit system with some common sense rules by which all users must abide. (Ltr# 193, Cmt# 81)

Subconcern # E

#355-I fully support protecting the Chattooga River and I am hopeful that the FS will finally do something to manage use on the upper river other than to simply ban floating (which has little impact on the environment). A good start would be self issued permits for all users of the upper river corridor, including boaters. (Ltr# 193, Cmt# 345)

Subconcern # F

#90- I am doubly concerned by the proposal for boating use, since the number of boaters who could safely navigate the upper reaches is so small compared to the much greater number of other potential users (Ltr# 193, Cmt# 83)

Subconcern # F

#104- The way I see it is the boaters that will go in this area will be limited to the expert/advance boaters because of the rough terrain and difficulty of whitewater. I think with regulation, the impact of boaters in the area would be minimal. Most of the boating traffic will stay to the easier section 3 and section 4. (Ltr# 193, Cmt# 97)

Subconcern # F

#118- The amount of kayakers that would paddle it would be small due to the remoteness and difficulty. I would suggest that kayakers be given unlimited access to this wild and scenic river! We can all coexist. (Ltr# 193, Cmt# 111)

Subconcern # G

#107- USFS may not conclude that the river's capacity has been reached based solely on its expectation that allowing boaters on the river will result in conflicts with anglers and hikers. (Ltr# 193, Cmt# 100)

Subconcern # H

#111- Regarding the number of boatable water level days on the upper Chattooga, using Whittaker and Shelby's (2007) Study, I would agree, based on my experience, that about fifty days per year is realistic. Theoretically, 125 days is possible, but not likely. So many of the higher flows would occur at night or in the middle of the week that significant numbers of boaters would not be able to access those flows. Also, we have to make this fair and accessible to people from all over the United States, not just people who live in the immediate vicinity of the Chattooga; this is a National Wild and Scenic River. A boater from California, Oregon, or Washington should have a fair and reasonable opportunity to paddle the Chattooga headwaters. (Ltr# 193, Cmt# 104)

Subconcern # I

#117- The only real study we have after so many years are the two done in 2002, by Clemson University at the request of the Andrews-Pickens District, on boaters and trout fishermen on "sense of place" and substitutions available" for each group. (Ltr# 193, Cmt# 110)

Subconcern # J

#125- The river levels required for boating in the upper reaches of the Chattooga watershed are going to be such that it certainly will not be safe or good conditions for swimming, wading, or fishing. By its very

nature, the river will create the situation that will limit or prevent any significant user group conflicts that you may be concerned about. (Ltr# 193, Cmt# 118)

Subconcern # J

#127- Other users such as anglers, hikers, photographers decide whether to visit the upper Chattooga based on the weather, the amount of rain, and the water levels and quality. Why shouldn't boaters? The EA never provides any scientific answers to this question. (Ltr# 193, Cmt# 120)

Subconcern # J

#256- The report entitled "Capacity and Conflict on the Upper Chattooga River" clearly shows that paddling impacts would be negligible, expected paddling use will be low, and most importantly that the normal flow regime naturally segregates use. Furthermore the flow regime results in a very small number of days each year where whitewater boating is even feasible. Water levels will dictate when the headwaters can be boated; it may take a year or two to work out the best water levels, but that is the nature of the sport. During the times I have paddled the headwaters the only anglers I saw were very near the bridges. Above Ellicott's Rock and in the Rock Gorge there are not enough anglers to even be seriously considered as posing a potential conflict with boaters. (Ltr# 193, Cmt# 247)

Subconcern # J

#320- The second capricious and inconsistent proposal in the preferred alternative is the proposal to allow whitewater boating from the County Line Road to Burrells Ford with provisions to limit boaters by numbers, groups and water level in order to protect the wilderness character of the river, but then proposes to continue the ban on whitewater boating from Burrells Ford Bridge to the Highway 28 Bridge in order to preserve high quality trout fishing. This is illogical. If the restrictions to limit boating in the preferred alternative are sufficient to protect the wilderness experience in the Ellicott Wilderness Area, these same restrictions would certainly protect this value downstream. The water level restriction as proposed for boating in the upper reaches to Burrells Ford, in order separate optimum boating at higher water levels from optimum opportunities for fishing at lower levels, would logically protect the experience for both user groups from Burrells Ford to Highway 28 Bridge as well. (Ltr# 193, Cmt# 310)

Subconcern # K

#126- While the kayakers would have a lesser effect on fishing, they would totally destroy this area as a wilderness campground. There should be areas of our watershed which are limited to those willing to walk to them. Kayakers tend to be verbal and celebratory after completion of challenging sections. This is readily apparent to anyone who fishes the lower section of the river. (Ltr# 193, Cmt# 119)

Subconcern # K

#578- Uncapped future boating growth: If unrestricted year-round boating is allowed, this does not cap future growth. Unlimited boating use at any water level, any time, and any number of boats equals "unlimited growth" potential and irreversible harm to the upper Chattooga's ORV and Wilderness values. (Ltr# 193, Cmt# 565)

Subconcern # K

#580- Boating all day long: If unrestricted year-round boating is allowed, the other visitors will not be assured of a time each day when the river will be free of boating encounters. Time of Day (10 AM to 5 PM) restriction needs to be added. (Ltr# 193, Cmt# 567)

Subconcern # K

#582- Remove inflatable kayaks and rafts - ELF: Inflatable kayaks and rafts should not be allowed. Inflatable kayaks and rafts will facilitate ELF (extreme low flow) boating by less skilled boaters. ELF boating can cause biophysical damage to the streambed and spray zone flora. ELF boating will create more recreational encounters. ELF boating can be done when fishing is optimal. (Ltr# 193, Cmt# 569)

Subconcern # L

#163- The EA avoids the unique attributes currently associated with the North Fork. It ignores the participation rates for each activity provided in the 2004 FEIS that could provide relative effects on the overall population. It cites a single, and likely biased source for all references. The EA completely ignores the non-user values. (Ltr# 193, Cmt# 156)

Subconcern # M

#183- The 2004 Appeal Decision has asked the Forest Service to assess AW's request to alter current policy by reviewing visitor capacity. WSR guidelines require assessment of the "quality" of the existing visitor "experience" in the definition of visitor capacity. To alter current policy requires a NEPA review; the scope of a NEPA assessment and planning guidelines require a review against current conditions. (Ltr# 193, Cmt# 175)

Subconcern # N

#184- Section 3.3.1 omits key facts collected during the LAC analysis which constitutes an abuse of discretion by the agency. This section misleads decision makers about the effects of the proposed agency action and makes statements counter to, and unsupported by, the evidence. (Ltr# 193, Cmt# 176)

Subconcern # O

#188- Under the remand decision, the USFS were requested to consider all "potential uses" not just paddle-sport. (Ltr# 193, Cmt# 180)

Subconcern # P

#192- The EA is not a user capacity analysis and does not reference one. Neither boaters, nor this process, were studied at all, so it would be hard to find a carrying capacity for this group, since there is no data. It seems that the analysis that was done was insufficient to establish a real picture of the impacts whitewater boating on the upper Chattooga. Was any type of real user capacity analysis performed, of the kind that are used by wilderness managers to balance recreational activities around the nation (for example in the recent revision of NPS policy for the Colorado R. in the Grand Canyon)? If not, the basis for this decision does not appear to be based on actual data. Also, all major user groups should be considered in any analysis of capacity and impacts in the watershed, but it appears that whitewater paddlers are the only users considered and subsequently severely limited by your proposal. (Ltr# 193, Cmt# 184)

Subconcern # P

#412- The EA must ensure that "limitation and distribution of visitor use should be based on "periodic estimates of capacity in the forest plan" (FSM 2323.14)." The reviewing officer states: "I am directing the Regional Forester to conduct the appropriate visitor use capacity analysis, including non-commercial boat use," The EA does not include or reference a user capacity analysis. At most it addresses past and current use, with no consideration of capacity. In addition, the EA is limited in scope to addressing the capacity of paddlers - not all users as directed by the ROD. (Ltr# 193, Cmt# 400)

Subconcern # P

#416- The Record of Decision for our appeal required the Sumter National Forest to conduct a user capacity analysis. Courts have also found that user capacity analyses are mandatory as a basis for managing both the types and levels of use. The EA does not state a total recreational capacity for the Upper Chattooga River, or capacities for individual types of use. Thus, it is not a user capacity analysis. Likewise the Integrated Report (Shelby and Whittaker 2007) is not a user capacity analysis and identifies no capacities for the river corridor. Without a user capacity analysis, the USFS has no basis to limit boating. (Ltr# 193, Cmt# 404)

Subconcern # P

#418- The EA does not define the appropriate kinds and amount of public use that can be sustained in the Chattooga River corridor, and is therefore not a user capacity analysis. (Ltr# 193, Cmt# 406)

Subconcern # P

#426- The USFS has neither conducted a user capacity analysis nor even collected any recreational information on the upper half of the Chattooga Cliffs reach on which to base a decision. paddlers were forbidden from paddling the reach even during the one-time on-river assessment. Because no rational basis is provided, this decision is arbitrary and capricious. This decision is also in direct violation of the ROD based on our appeal of the RLRMP. This decision also violates NEPA because no alternatives to the action were analyzed. (Ltr# 193, Cmt# 414)

Subconcern # P

#431- Appendix D of the EA is the kind of statistical house of cards that is typical of the EA and the USFS treatment of Upper Chattooga recreational issues. If standard margins of error were acknowledged for each set of data, the error would surely be enormous, likely exceeding the predicted encounters many times over. Because the EA fails to include a use estimation system that is consistent with USFS standards and

protocols, the EA fails to provide a sound basis for estimating existing, past, or future use. Likewise, decisions made to limit paddling based on the EA's estimates of use or encounters also lack a sound or defensible basis. As such, decisions based on encounters are without merit, arbitrary and capricious. (Ltr# 193, Cmt# 419)

Subconcern # P

#498- The Record of Decision for our appeal required the Sumter National Forest to conduct a user capacity analysis. The EA does not state a total recreational capacity for the Upper Chattooga River, or capacities for individual types of use. Thus, it is not a user capacity analysis. Likewise the Integrated Report (Shelby and Whittaker 2007) is not a user capacity analysis and identifies no capacities for the river corridor. Without a user capacity analysis, the USFS has no basis to limit boating. (Ltr# 193, Cmt# 485)

Subconcern # P

#503- So, after a three year long multi-million dollar user analysis that completely failed to address capacity, the USFS still does not have recent data indicating how many people are using the river corridor, what they are doing, or how often they encounter one another. In the place of real data, the EA offers a series of guesses in Appendix D and in Shelby and Whittaker 2007. These guesses simply do not, by any standard, form an adequate basis for decision making. The USFS has published specific methods for determining use, and the Sumter National Forest has failed at even attempting to utilize them in the EA. The USFS handbook Wilderness Recreation Use Estimation: A Handbook of Methods and Systems offers the following cautionary advice to managers (Ltr# 193, Cmt# 490)

Subconcern # Q

#193- 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. (Ltr# 193, Cmt# 185)

Subconcern # R

#194- 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. (Ltr# 193, Cmt# 186)

Subconcern # R

#257- Is the resource beyond its carrying capacity and, if so, what limits will you place on all users of the corridor? None of your alternatives limit any user except boaters so one must assume that you believe the resource is not beyond its carrying capacity. Since you don't know the total carrying capacity how can you say that adding boating use would exceed the river's capacity? (Ltr# 193, Cmt# 248)

Subconcern # S

#211-I agree with recreation use rationing when the resource is sustaining damage above an established Limits of Acceptable Change (LAC). (Ltr# 193, Cmt# 203)

Subconcern # T

#271- Oddly the only visitor data – defined as desired conditions during the capacity analysis-collected from current visitors (swimmers, hikers, hunters etc..) has been published incorrectly in table 3.3.1 or simply disregarded in the assessment (Ltr# 193, Cmt# 262)

Subconcern # T

#285- Table 3.3.1 displays the existing and potential recreational opportunities along with characteristics. The table ignores the desired conditions of current Chattooga visitors collected as part of the visitor

capacity study and published by the USFS as Indicators and Desired Conditions, on 12/1/2005. (Ltr# 193, Cmt# 276)

Subconcern # U

#482- Finally, the abovementioned empirical evidence directly counters the observation of Regional Forester Robert Jacobs who commented in the Record of Decision for the RLRMP that there are currently "adequate opportunities for (other) 'creek boating' experiences in the area" (Jacobs, January 2004, p. 13)22. This report also demonstrates that there are not other adequate opportunities for creek boating in the area while adequate opportunities do exist for angling.'however none of these valuable and telling empirical evaluations are mentioned in the EA. (Ltr# 193, Cmt# 469)

Subconcern # U

#484- In commenting on the potential reasons for these statistically significant discrepancies in scores, Vagias et. al. commented that "fishermen could fish other streams while the Chattooga is the only Wild and Scenic whitewater river in the Southeast for intermediate boaters. Therefore this resource is not replaceable" (2006, p. 212). Finally, it seems TU anglers are actually not all that dependent on the Chattooga as a trout fishery. Consider the comments of Backlund, who stated (regarding place dependence) "a mean score of 2.55 with a standard deviation of .78 suggests that the respondents are fairly place independent, that is, they do not totally rely on the CNWSR for trout angling" (2002, p.53). (Ltr# 193, Cmt# 471)

Subconcern # V

#483- Review of mean scores further illuminates that in every instance boaters have higher levels of bonding intensity and bonding character to the Chattooga River than TU Anglers. (Ltr# 193, Cmt# 470)

Subconcern # W

#560- User registration must be a "confidential" registration (lock box), not an "open book" registration. An "open book" registration used at some National Forest trailheads is an invitation to thieves for vehicle break-ins. (Ltr# 193, Cmt# 547)

Subconcern # X

#567- Instead of boater self-registration, implement an Internet based boating permit system that is activated when adequate flow is predicted, declaring a boatable day. (Ltr# 193, Cmt# 554)

Scenery

Public Concern 81

The Forest Service should consider the following regarding scenery:

- A) Disclose the rationale for the assertion that boating will impact scenery by leaving boat markings on rocks; and**
- B) Greater weight should be given to the stated human emotional experience and impact on those existing users who assert that any kind of boating on the Upper Chattooga River will irreparably destroy the esthetic, scenic features of the Chattooga River.**

Response to PC 81

A) In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.3 Scenery ORV**, under the effects discussion on alternative 8 it notes the following:

Boating may also introduce another new impact to scenery: boat markings on rocks. Lower water flows expose more rocks and boulders to scraping by boats. The amount of marking and the degree to which it would impact scenery is difficult to predict given new materials being used in the manufacturing of boats and kayaks. Sometimes, as a hard-shell kayak hits river rocks, a mark the same color as the boat may be left behind. Often whitewater kayaks are brightly

colored, which makes the rock markings stand out in the natural landscape. Boating at different flows would result in markings at various levels on the rocks. At lower flows, these residual boat markings may be visible to forest visitors when the rock face is several feet above the water level. Certain rocks would be struck repeatedly because of their location in the river channel. Therefore, higher use levels may result in more heavily scarred rocks with multi-colored streaks. These impacts could impair the aesthetics of the natural appearing landscape. However, it is important to note that boat markings on rocks were considered a minor concern from the Whittaker and Shelby (2007) report.

B) From **Section 3.2.3 Scenery ORV, I. Summary of Findings**, it is noted:

All action alternatives propose a limit on or reduction in parking, elimination of unsustainable campsites and trails and prohibition on cutting large woody debris to accommodate recreation, all of which serve to reduce impacts to scenery resources and aesthetic values. In addition, various management strategies in the alternatives that allow additional boating in the Chattooga WSR Corridor are evaluated including season, reach and flow restrictions to reduce adverse impacts. With its reduction in roadside parking, limits on campsite density, and new user permit system, effects to scenery would be minimized with Alternative 2. All other alternatives would have varying degrees of scenery impacts depending on allowed use levels and river miles open to boating; more use would result in greater impacts. All alternatives would continue to protect the Scenery ORV....

Sample Public Comment(s) for PC 81:

Subconcern # A

#74- On page 124 we are witness to a truly desperate attempt by the Forest Service to cast boating in a bad light, by suggesting that boats mark the rocks in the river in a way that would degrade the resource. When kayaks were made of gel-coated fiberglass and canoes were made of multiple laminated vinyl covered ABS that was a minor concern in very high use sections. These days the boats are much tougher, stiffer, and more abrasion resistant. Besides, boat marks pales in comparison to 19 miles of illegal trails, 91 points of erosion, 27 campsites too close to the river, fire rings less than 20 feet from the river, large piles (photographically documented) of broken glass, drink cans, and fishing equipment packaging that currently mars the scenic beauty of the headwaters. (Ltr# 193, Cmt# 68)

Subconcern # A

#440- The EA claims that "Boating also will introduce another new impact to scenery: boat markings on rocks" (EA 125). (Ltr# 193, Cmt# 428)

Subconcern # A

#493- The EA offers no proof for this asserted impact and thus any decisions based on the assertion that boats mark rocks is arbitrary and capricious. (Ltr# 193, Cmt# 480)

Subconcern # A

#504- Boats do not, so far as we know, leave marks on rocks. Indeed Whittaker and Shelby 2007 conclude regarding boat markings that "This impact does not appear to be a substantial concern on other rivers with whitewater use, and we have not seen it discussed in the literature or at river management symposia." The EA offers no proof for this asserted impact and thus any decisions based on the assertion that boats mark rocks is arbitrary and capricious. (Ltr# 193, Cmt# 491)

Subconcern # B

In weighing the balance of hardships in reversing a longstanding policy of separation that has preserved the "esthetic" of the river on the upper segment, (while abandoning this esthetic on the lower Chattooga) the Forest Service should give greater weight of consideration to the stated human emotional experience and impact on those existing users who assert that any kind of boating on the upper Chattooga will

irreparably destroy the esthetic, scenic features of the river. For existing users, there is no substitute elsewhere on the Chattooga for the “esthetic, scenicfeatures” that will be irreparably destroyed if any kind of boating is allowed on the upper Chattooga. In contrast, boating does not necessitate the presence of solitude for its enjoyment. Boating also has available a diversity of alternative river recreation opportunities already well documented on both the lower Chattooga and its tributaries. Maintaining a boat free segment of the river to protect this “esthetic” complies with the mandates contained in the Wild and Scenic River Act, the Joint Secretarial Guidelines, and the Forest Service’s Manual 2354.41. Giving greater weight to the esthetic senses of those opposed to boating is fair and equitable because whitewater rafting and kayaking are not essentially solitude seeking pursuits. (Ltr# 171, Cmt# 6)

Social and Economic

Public Concern 82

The Forest Service should conduct a complete alternative Economic effects analysis for all three Forests.

Response to PC 82

Appendix B of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* provides estimates on additional workloads and costs by alternative. 40 CFR 1502.23 speaks to cost-benefit analysis. It is not a required element, and it states that the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be included when there are important qualitative considerations. Economics, economy, or cost-benefit was not an issue in alternative development.

Sample Public Comment(s) for PC 82:

The costs of the various alternatives have not been considered thoroughly. The EA avoids this issue in Appendix B, (as also noted above), which states: “Estimates of probable projects, activities, additional workloads, and agency costs are ... considered estimates since the number, location and the rates in which projects are implemented are driven by available funding and additional decisions informed by site-specific analysis in accordance with agency rules and regulations.” This is insufficient for purposes of NEPA compliance. Actions must be prioritized and some, such as access requiring trail clearing, road or parking lot construction, or monitoring and enforcement must be made contingent upon the occurrence of another event. While vague estimates are provided for the possible cost of staffing positions for the various alternatives, other costs apparently are not considered, including, but not limited to road and parking lot construction and maintenance, restoration, and equipment for measuring water levels. It is impossible for the Forest Service to make an informed decision, or for the public to meaningfully comment, when so many elements are missing from the analysis. A complete economic effects analysis should have been performed, with all three Forests contributing. (Ltr# 166, Cmt# 18)

#140- Analysis of Economics is a direction in the NEPA of 1969 and the CEQ Regulations (1974) based on NEPA. Why is it not included here? (Ltr# 193, Cmt# 133)

#162- It provides no economic comparative analysis on the impact boating will have on fishing, hiking, swimming, non-use values, etc for the area. (Ltr# 193, Cmt# 155)

#172- 42 USC § 1502.23 outlines how the EA Cost-benefit analysis should be structured. The draft EA does not include a comparative economic assessment on non-USFS costs (Ltr# 193, Cmt# 165)

#174- Finally, where is the address and analysis of the Economic issues? Analysis of Economics is a direction in the NEPA of 1969 and the CEQ Regulations (1974) based on NEPA Why is it not included here? (Ltr# 193, Cmt# 167)

#175- It lacks a cogent economics benefit analysis. (Ltr# 193, Cmt# 168)

#214- If unrestricted boating is allowed through the Nicholson Fields Reach during DH season, it would have a detrimental effect on the local economy. (Ltr# 193, Cmt# 205)

#400- *The costs of the various alternatives have not been thoroughly considered. The Draft EA avoids this issue to some degree by stating that "the number, location, and the rates in which projects are implemented are driven by available funding and additional decisions informed by site specific analysis in accordance with agency rules and regulations." This is insufficient for purposes of NEPA compliance. 'It is impossible for the Forest Service to make an informed decision, or for the public to meaningfully comment, when so many elements are missing from the analysis. A complete economic effects analysis should have been performed, with all three Forests contributing, especially North Carolina on the issue of access roads and trails. (Ltr# 193, Cmt# 388)*

#516- *The EA does not discuss economic effects of the various alternatives on the local economies and local governments if boating opportunities are added to the upper Chattooga. (Ltr# 193, Cmt# 503)*

#577- *If unrestricted boating is allowed through the Nicholson Fields Reach during DH season, it would have a detrimental effect on the local economy. DH regulations attract more specialized trout anglers from hundreds of miles away. The DH reach is consistently used through the winter, even when temperatures approach freezing. (Ltr# 193, Cmt# 564)*

#587- *Delayed Harvest angler interference and displacement - Economic value loss: If boating is allowed through the Nicholson Fields Reach during the first 5 months of DH season, it would have a detrimental effect on the local economy. DH regulations attract more specialized trout anglers from hundreds of miles away. (Ltr# 193, Cmt# 574)*

Public Concern 83

The Forest Service should consider the severity of each impact; specifically “The degree to which the proposed action affects public health or safety” under [1508.27 b 2], including that of Search and Rescue professionals, and disclose costs associated with such to local counties and mitigation measures that will be implemented in the adaptive management plan.

Response to PC 83

Laws are already in place to address the expense of Search and Rescue (SAR). The authority for SAR has been delegated to the local Sheriff's department. The Forest Service cooperates with SAR efforts. Impacts to search and rescue are considered in **Chapter 3, Section 3.6.1 Human Health and Safety (Search and Rescue)** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. Some conclusions about impacts on search and rescue include "Estimating the number and type of incidents (or the associated SAR impacts) that may occur if boating were allowed is challenging. However, if boating were allowed on the upper segment of the Chattooga WSR, it is anticipated that there will be some accidents, injuries, and eventually a fatality. Based on likely use levels and information from rivers of similar difficulty, these numbers will likely be low and few will require SAR response."

The *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) has a section on **Search and Rescue Impacts** on pages 70-72. Whittaker and Shelby (2007) report “If SAR or body extraction efforts are required on the upper segment of the Chattooga WSR, there may be impacts related to access to the scene for staff and equipment. Wilderness designation complicates the use of some equipment and access...”

Other findings in the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007) note that fatality rate calculation for whitewater boating suggests about 0.9 fatalities per 100,000 user days and for kayaking only, the rate was 2.9 fatalities per 100,000 user days. Applying the 2.9 rate to the estimated 1,200 user days per year on the upper segment, a fatality is likely to occur once every 28 years. The authors note that this should be viewed as a very rough estimate.

Sample Public Comment(s) for PC 83:

Page 466 of the EA notes accidents and fatality are expected. The EA references a statement already published by the USFS in 2007 that “there are going to be some accidents, injuries and eventually a fatality”. In addition, the 1976 Development Plan submitted to congress notes that this section is too hazardous for floating. Prior to making a final Decision the USFS must consider the severity of each impact; specifically “The degree to which the proposed action affects public health or safety” under [1508.27 b 2]. Fatalities would appear to affect public health and safety to the highest possible degree of severity (especially by trial lawyers representing a deceased kayaker’s family). Establishing WSR policy will require the agency to find that expected accidents and deaths are not significant impacts. This is inconsistent with agency policy elsewhere within the Nantahala Forest, and likely to be found negligent on the part of the agency. Elsewhere, the Forest Service has curtailed and prohibited recreational access for far lesser threats to human safety. (Ltr# 92, Cmt# 29)

Page 466 also notes that Search and Rescue is expected to occur, but does not consider the safety of the S&R professionals. When considering indirect affects to any policy, the risks to S&R professionals should be assessed. So not only is the safety of those poor unsuspecting paddlers in jeopardy, but so is the volunteers from the S&R teams. At an absolute minimum, the USFS should add safety to adaptive management monitors which automatic trigger the return of the 1985 boating prohibitions. When the highly distorted safety statistics (published by the kayak lobby’s recommended consultant) proves to be inaccurate, claims of gross negligence will be the fault of the agency who instituted such a negligent policy. (Ltr# 92, Cmt# 30)

In the appendices and the EA there is some discussion as to Search and Rescue and basically states little to no increase in accidents, injuries, rescues, or fatalities. I found no where in the documents that indicated that there had been any discussions with the respective counties that would take on the additional burden of more rescues/recoveries in more areas, Was there any formal discussion/documentation with any of the respective Search and Rescue personnel to see if they agree with your assessment? Essentially this decision would place a large and unfunded burden/mandate on states and local agencies without their involvement. (Ltr# 139, Cmt# 14)

The EA fails to correctly consider Search and Rescue. Analyzing Search and Rescue (SAR) in the EA is a violation of the Appeal ROD. Assuming negative impacts based on mechanized rescue is wrong because the areas are predominantly Wilderness and Roadless areas where such transportation is prohibited. “Requests” for such access have no impacts, though the EA infers otherwise. Paddling is actively encouraged by the USFS on other Wild and Scenic rivers that are vastly more remote and deep in large Wilderness Areas. To infer that paddling is inconsistent with Wilderness because of SAR is absolutely absurd. Wilderness areas are managed for remote and high challenge recreation, not to prohibit it. This analysis represents a fundamental misunderstanding of what Wilderness is. The EA offers no evidence that SAR issues are any different on the upper Chattooga than any other river in the USFS, all of which allow paddling. This analysis violates the Appeal ROD, the FSM, the Wilderness Act, and any concept of logic. (Ltr# 168, Cmt# 25)

#82- I want to remind the Forest Service that if and when (because it will happen) there is a whitewater accident that requires rescue there will be problems the access for this area is limited at best and if you even think about access into the rock gorge section of the river you better have a lot of help and funding. (Ltr# 193, Cmt# 75)

#84- If boating is allowed, be ready for rescues/ recovery. That section of the Chattooga is wild and remote, and accidents are inevitable. If people get in trouble there they should pay part or all the rescue costs. (Ltr# 193, Cmt# 77)

#85- These are serious Class III and IV rapids which are not for the inexperienced. If there is an accident or fatality, a rescue operation might indeed impact the forest. (Ltr# 193, Cmt# 78)

#187- The published 2005 Appeal Decision incorrectly stated that “there is no basis in law, regulation or policy to exclude a type of wilderness-conforming recreation use due to concerns relative to safety, and search and rescue.” (Ltr# 193, Cmt# 179)

#217- Increased traffic on the access roads. These roads are narrow, and the chances of motor vehicle accidents will increase significantly. I was nearly struck by a speeding vehicle on Burells Ford Road recently. (Ltr# 193, Cmt# 208)

#219- The EA correctly predicts there will be "accidents, injuries and eventually a fatality" if boating is permitted on the upper Chattooga. There are three ways accidents and need for rescues can be caused. One is by mistakes in navigation. A second is by equipment failure. The third is health failure. This third factor has not been analyzed. (Ltr# 193, Cmt# 210)

#294- The safety review has two deficiencies. 1) the assessment focuses on the safety of boaters and ignores the safety of current visitors and search and rescue personnel. 2) The assessment does not discuss the dangers of LWD and the conundrum associated with managing visitor safety against managing wildlife habitat. (Ltr# 193, Cmt# 285)

#295- The Draft EA evaluated the safety of potential visitors (boaters) but avoided assessment of the safety of rescue personnel and current visitors. (Ltr# 193, Cmt# 286)

#414- The EA attempts to base recommendations on someone's perceptions of safety, even though the authors were specifically told by the ROD that "there is no basis in law, regulation or policy to exclude a type of wilderness-conforming recreation use due to concerns relative to safety, and search and rescue." (ROD pg. 6) (Ltr# 193, Cmt# 402)

#502- The ROD for our appeal clearly states: "there is no basis in law, regulation or policy to exclude a type of wilderness-conforming recreation use due to concerns relative to safety, and search and rescue." (ROD pg. 6) The inclusion of this section of the EA is a blatant violation of the law and the Chief's directions. It can only have been included as a means of introducing a subjective factor that the author erroneously believes can justify an illegal action. It had been removed from the scope of analysis and must be removed from the EA. (Ltr# 193, Cmt# 489)

Public Concern 84

The Forest Service should consider the social and economic effects associated with changing management policies for the Upper Chattooga River (all comments from 2009 EA comment period).

Response to PC 84

Sections 30-34 of the US Forest Service Handbook (FSH) 1909.17 provide direction on completing a social impact analysis (SIA). The FSH directs the agency to consider the potential effects of each alternative on the attitudes, beliefs, values, lifestyles, social organization, population, land-use patterns and civil rights within the zone of influence. The Social Impact Analysis is in **Appendix F** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. For this SIA the zone of influence falls into two categories:

Values, Beliefs and Attitudes (VBAs) - The zone of influence for the VBAs is the recreation users that visit the upper segment of the Chattooga WSR. These users include not only those from the surrounding counties but also those from the Southeast and across the U.S. who visit the Chattooga WSR. Public comments that were received from 2005 to 2009 were used to complete this assessment.

Socio-Economic - For lifestyles, social organization, population, land-use patterns and civil rights, the zone of influence is the four-county area surrounding the upper segment of the Chattooga WSR. These four counties are in the three states surrounding the river: Rabun County in northwest Georgia, Oconee County in northeast South Carolina, and Jackson and Macon counties in southwest North Carolina.

Impacts to VBAs and Socio-Economic conditions are analyzed in **Section 3.6.2 Social Impact Analysis**. Some impacts to VBAs are addressed in **Section 3.2 Outstandingly Remarkable**

Values, where considerations of impacts to recreation, wildlife, fisheries, plants, and scenery are analyzed. Some potential impacts to businesses that depend on nature-based tourism could occur as recreation use patterns may change. It is anticipated that these impacts would occur on a local basis and would not be noticeable at the county or state-level.

Sample Public Comment(s) for PC 84:

#164- The Forest Service must analyze the potential ecological and social impacts of changing management policies. Especially where floaters and other recreational users, including trout fisherman, hikers, swimmers, and sightseers, wish to use the river and experienced the area in ways that may significantly conflict. The assessment of these social conflicts that may be significant is required. 42 USC § 1502.23 outlines how the EA Cost-benefit analysis should be structured. The draft EA does not include a comparative economic assessment on non-USFS costs (Ltr# 193, Cmt# 157)

#279- Since the baseline policy is currently “no boats”, the social effect of each alternative that allows boats must be analyzed and evaluated against a boat-free resource. This Effects Analysis must include social and economic impacts as well as wildlife disturbances that indirectly impact activities. (Ltr# 193, Cmt# 270)

Soils

Public Concern 85

The Forest Service should consider the following regarding soils:

- A) The Soils Survey of Jackson County North Carolina NRCS 1997; and**
- B) All effects from boating during all seasons and weather conditions that could result in sedimentation, compaction, or erosion.**

Response to PC 85

Impacts to soils are considered in **Section 3.4.1 Soils** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. From the **I. Summary of Findings**,

Erosion and sediment originating from user-created trails and campsites, as well as areas with chronic erosion are minor when compared to chief contributors, such as existing road, bridges, and parking lots. Similarly impacts from a new use, boating and connected actions would also be minor.

For the analysis, soils are grouped by similar characteristics based on bare soil conditions subjected to rainfall. Group 1 are highly micaceous soils, group 2 are colluvial soils, group 3 are alluvial soils, and group 4 are upland and hillside stable soils. The analysis notes that proper location of portage trails would minimize impacts to areas susceptible to soil erosion.

Sample Public Comment(s) for PC 85:

Subconcern # A

Other examples of the Forest Service’s flawed and insufficient EA include the fact that the soil types for the area where the proposed 1-mile Green Creek access trail would be built were not revealed in the EA. In fact, the Chattooga Conservancy researched the Natural Resources Conservation Service’s soil survey data, which showed the soil type to be Plott fine sandy loam, 30-50% slopes, stony, (PwE). The NRCS rates this soil type as “very limited” for paths and trails, while numerically assigning this soil feature at the NRCS’s very highest level for its severe limitations as well as greatest negative impacts from paths and trails. (Ltr# 172, Cmt# 5)

Subconcern # A B

Contradicting the USDA published Soil Survey of Jackson County North Carolina NRCS 1997, the Forest Service proposes new recreational uses and access in an area they is not recommended for recreational trails, and during a time (after rains) when the trails have the highest probability of erosion. In addition to the increased sedimentation at the proposed access site, assessment of sedimentation resulting from boaters scouting these hazardous rapids along the Chattooga Cliffs remains absent (see my previous and extensive comments associated with the very biased, incomplete, and contradictory assessment of scouting and portage needs). (Ltr# 92, Cmt# 19)

Subconcern # A B

The USDA has already published the unsuitability of the slopes along the North Carolina stretch of the Chattooga for supporting new recreational uses. Thus, according to the Natural Resources Conservation Service (NRCS), this area is “poorly suited to outdoor recreational uses,” the “trails are very slick during wet periods because of the slope and content of organic matter,” which creates a “severe hazard of erosion [especially] during wet periods.” The same soil report also notes: “Trout streams are especially sensitive to damage caused by sediment”(p143); “soil properties [in this area] are unfavorable and that limitations can be offset only by costly soil reclamation, special design, intensive maintenance, limited use or by a combination of these measures”(p150); and there is a “severe hazard of erosion associated with [scouting and portage] paths and trails on these steep slopes” (p153, 150). Therefore the Forest Service proposal to add new recreational uses and access that would be concentrated during the periods when the soils are most saturated will create a “severe hazard” for erosion causing increased sedimentation into the Chattooga. Plus, as cited above, the EA makes clear that trampling and erosion from this new recreation access could eliminate rare species. (Ltr# 175, Cmt# 4)

Subconcern # B

The EA naively concludes that “impacts from a new use, boating, and connected actions would also be minor” EA at 259. This conclusion fails to give any critical explanation of why these significant at risk soil conditions would not be further exacerbated or degraded unlawfully by the introduction of boating to the upper Chattooga during the winter season. (Ltr# 171, Cmt# 19)

Subconcern # B

To make matters worse, boaters have asserted numerous times on the public record and the Forest Service EA assumes that undesirable encounters between incompatible user groups will largely be avoided because boaters will only be using the upper Chattooga intensely during those calendar periods when river flows are expected to exceed what is alleged to be an acceptable level for others like fisherman, hikers, birders, swimmers, campers, etc. to be on the river. In fact, whitewater enthusiasts look forward to weather related events to create near bank full rivers and high water creeks. Near bank full rivers elevates the challenge and desirability of the whitewater. Consequently, maximum boater presence should occur in the event of such high water related weather. Consequently, the EA is deficient because it fails to adequately address the relevant problem that boaters are likely to be using the river in the winter at the exact same time when weather related events creates special enhanced risk of substantial soil erosion. To blithely conclude that erosion will be minimal fails logically to consider this relevant information. (Ltr# 171, Cmt# 20)

Subconcern # B

Multiple groups of boaters, each comprised of a minimum of at least two individuals, (but maybe many more) will use access trails and portages during those times. In the upper Chattooga Cliffs reach, the river is narrow and the surrounding area has steep descents to the river---sometime canyon like. Consequently, as the EA states, the Forest Service can't ignore the fact that “an increase in the number of users, combined with more frequent use, increases soil compaction and displacement on the trail tread during the winter.” EA at 267. The introduction of this new recreational use can only lead, mathematically, to one result---a greater level of degradation associated with soil compaction and erosion. In short, the EA generally reports that the upper Chattooga River has suffered unacceptable degradation as a consequence of its current use by campers, hikers, picnickers, swimmers, and fisherman. The EA next states that this degradation in the form of user created campsites and trails requires immediate remediation. Simultaneously the EA suggests the upper Chattooga does not suffer from too many visitors and therefore can satisfactorily adapt to the impacts associated with the introduction of boating which the Forest Service claims will only cause “minor” biophysical impacts. Unfortunately, this suggestion does not square with the history on the lower Chattooga River which provides sufficient factual basis to reach the complete opposite conclusion. (Ltr# 171, Cmt# 21)

Subconcern # B

#76- Regardless of the character of the visitors, the document itself states that, " ... impacts from introducing boating also would be minor"(p.42) and, "The alternatives that include boating would likely add varying amounts to the increasing numbers of users, thereby slightly increasing the potential for impacts from sedimentation"(p.35). It is my opinion that minor and slightly should not be words that continue to separate a national treasure and the nation's citizens. (Ltr# 193, Cmt# 70)

Subconcern # B

#77- The alternative evaluations repeatedly state boating will create impacts, for example:-"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." (Ltr# 193, Cmt# 71)

Subconcern # B

#78- The alternative evaluations repeatedly state boating will create impacts, for example:"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." (Ltr# 193, Cmt# 72)

Subconcern # B

#234- I did my master's research on the nearby Chauga River for my Master's of Science in Civil Engineering studying sedimentation in the river. What I found was that the group that degraded the stream the most was the anglers which was apparent in the variety of angler trash in and around the river and their access points in which they do not like to hike but drive down to the river which further degrades the river with erosion. (Ltr# 193, Cmt# 225)

Subconcern # B

#235- 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. (Ltr# 193, Cmt# 226)

Subconcern # B

#305- 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 trails. (Ltr# 193, Cmt# 296)

Subconcern # B

#313- The draft Assessment vaguely discusses soil in the comparative analysis. Given the high likelihood of probable impacts from the proposed action (expanding boating), the assessment's minor discussion on this topic appears incongruent to the 2004 FEIS management objectives for riparian zones and WSR "primary emphasis" mandates. (Ltr# 193, Cmt# 303)

Subconcern # B

#315- This EA is supposed to evaluate the effects of allowing "additional boating on the Upper Chattooga"; one overlooked element in the comparative analysis remains the condition of the streambanks, roads and trails during boatable flows. Boating requires higher flows resulting from large storm systems, these very storms that increase flow in the river, make banks less stable and will likely increase sediment loading into the Chattooga. (Ltr# 193, Cmt# 305)

Subconcern # B

#390- *Increasing dispersed recreation will increase sediment-something the Forest Service has demonstrated its inability to control under even current use conditions. Adding another use, and users with the ability to reach currently hard to access areas of the Forest such as islands and remote river banks, will exacerbate this problem. Boaters tend to use Rivers at higher flow (and would be required to do so under the preferred alternative). It is at these times during and subsequent precipitation events-that the River and its tributaries are most vulnerable to sedimentation from increased use. It makes no sense to intensify uses during these times when the River is already degraded due to sedimentation. (Ltr# 193, Cmt# 378)*

Vegetation

Public Concern 86

The Forest Service should consider the effects of boating on vegetation in the Chattooga River corridor.

Response to PC 86

Impacts to plants are considered in **Chapter 3, Section 3.2.2.C Botany** and **Section 3.5 Vegetation** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. In **Section 3.2.2.C Botany, I. Summary of Findings**, it reports spray cliff communities were not found in the upper reaches of the Chattooga WSR corridor, but were found in adjacent area. These species were located in inaccessible areas and considered unlikely to be impacted by any of the alternatives. The analysis also notes:

While direct and indirect effects from the alternatives may contribute to a reduction in the size of certain botanical values, none of the alternatives are anticipated to result in the loss from the corridor of any existing species or community. All alternatives would continue to protect the botany component of the Biology ORV of the Chattooga Wild and Scenic River.

Sample Public Comment(s) for PC 86:

Many of the rock features in the river and along the shore have vegetation growing on them. We believe boating will damage the vegetation. (Ltr# 141, Cmt# 7)

#38- Species in these contexts--in rare biogeographical settings or at the peripheries of their ranges--are inherently more likely to decline as a watershed is impacted by human activity. Any alternative that results in increased human access or disturbance has the potential to adversely affect such unique ecological components and this pristine environment should not be implemented. (Ltr# 193, Cmt# 32)

#557- When hardshell or inflatable boats rub rocks, spray zone flora may be removed. This could occur more frequently in Alternative 8; which has no flow lever restriction and facilitates extreme low flow (ELF) boating. (Ltr# 193, Cmt# 544)

Public Concern 87

The Forest Service should consider the effects of boating on federally listed plants, especially the Rock Gnome Lichen (*Gymnoderma lineare*), which is found in the Chattooga Wild and Scenic River corridor.

Response to PC 87

In **Section 3.2.3c Botany** and **Section 3.5 Vegetation**, the effects of boating on federally listed plants are analyzed in Alternatives 8, 11, 12, 13, 13A and 14. In **Section 3.2.3c Botany, IV Environmental Consequences**, the analysis notes on pages 223 to 224, No direct effects are expected from any of the alternatives regardless of the potential number of visitors. Potential indirect effects are unknown. Conclusions in the *Environmental Assessment, Managing*

Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor are that all alternatives may affect, but are not likely to adversely affect, *Gymnoderma lineare* in North Carolina. The alternatives would have no effect on *Gymnoderma lineare* in South Carolina and Georgia., A biological assessment (BA) has been completed and the US Fish and Wildlife Service has been consulted.

Sample Public Comment(s) for PC 87:

Based on the information provided in the EA and the USFS's commitment to monitor the rock gnome lichen subpopulation in the project corridor, we concur with the EA's assessment that the preferred alternative (Alternative 12) is not likely to adversely affect the rock gnome lichen. Further, because all of the action alternatives involve the area between Bullpen and Burrells Ford, the possible impacts from all of the action alternatives on the rock gnome lichen are similar and thus, we believe all of the action alternatives are not likely to adversely affect the rock gnome lichen. Therefore, the requirements under section 7(c) of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action. (Ltr# 116, Cmt# 1)

*We must also note special concern over the possible trampling or loss of a new Rock Gnome Lichen (*Gymnoderma lineare*) subpopulation. The subpopulation of this endangered species is subject to "continued trampling by anglers, hikers, campers, etc. traversing the river near Fowler Creek, scraping of rocks by boats traversing the river at different flows and portaging around log jams which are anticipated to increase with the decline and natural falling of Eastern hemlock (from Hemlock Woolly Adelgid)." At the same time, the Agency strains to argue that "any increased recreational activity associated with the proposed project may affect but is not likely to adversely affect" this subpopulation of *Gymnoderma lineare*, given its location under a narrow rock shelf. Which is it? Is not any affect in this case an adverse affect? Again, the U.S. Forest Service stretches the bounds of logic with this convoluted argument. Georgia ForestWatch and Wilderness Watch call on the Agency in this latter case to closely monitor the Rock Gnome Lichen populations and ensure their continued viability, as required under relevant federal law, including the Endangered Species Act. (Ltr# 166, Cmt# 23)*

*#46- Nowhere in the EA are these types of impacts addressed relative to the federally endangered rock gnome lichen (*Gymnoderma lineare*), which is currently found within the Chattooga Wild and Scenic Corridor in North Carolina. In fact, the EA concludes none of the boating alternatives are likely to adversely affect this species even though boating would now be allowed in the area occupied by this species. Further, the EA does not give any indication of monitoring the rock gnome lichen to determine if and when impacts occur to this species. Until we are provided with more information as to how a "not likely to adversely affect" determination was made, we cannot concur with this conclusion. (Ltr# 193, Cmt# 40)*

Public Concern 88

The Forest Service should consider the potential effects of boating on locally rare plants in the Chattooga Wild and Scenic River corridor, especially Fraser's Loosestrife and Manhart's Sedge and Mountain Camellia and rare liverworts.

Response to PC 88

*In the Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor, Section 3.2.3C Botany and Section 3.5 Vegetation, the effects of boating on locally plants are analyzed in Alternatives 8, 11, 12, 13,13A and 14. In Section 3.2.3c, Botany IV. Environmental Consequences, the analysis notes for Fraser's Loosestrife "Most of the *Lysimachia fraseri* individuals are removed from the riverside and dispersed amongst alder. For that reason it is doubtful there would be any impact to the population for the species from any of the boating or non-boating alternatives within the upper wild and scenic corridor" (pages 222 to 223 of the EA). Effects to Manhart's Sedge and Mountain*

Camellia are analyzed by each alternative. The EA summarizes the effects: “The effects on either Manhart’s sedge and mountain camellia are not anticipated to result in the loss of either species in the corridor with implementation of any alternative.” (page 228 of the EA).

Sample Public Comment(s) for PC 88:

I am not sure what sort of moss Mr. Williams has seen, but most moss tends to grow on the shaded damp sides of rocks, not so much on the sunny tops of rocks which is where people tend to walk. Most of the outdoors folk tend to like sure footing as opposed to unsure footing. When is the last time you can recall someone saying: "hummm, the moss on that rock beside the thirty foot fall into a raging torrent of a river looks like a damn good place for me to step rather than that nice clean rock over there"? (Ltr# 95, Cmt# 1)

As recognized in the EA, the Upper Chattooga Corridor and the Ellicott Rock Wilderness area are a refuge for rare plant and wildlife species due to the unique geological features and habitats. Boaters access habitats that other users are unlikely to disturb. Allowing boaters into these rarely disturbed habitats on the Upper Chattooga will further restrict the habitat available for these threatened species. Any boating that is allowed should retain and expand the seasonal restrictions to only a very few week per year, in order to at least provides some minimal protection for sensitive plants. (Ltr# 166, Cmt# 19)

The EA also contains the illogical argument that, although the advent of boating will likely cause trampling of rare vegetation, such damage is unlikely to occur because rare species are indeed rare. (Ltr# 166, Cmt# 20)

In this regard, we also note that the Outstandingly Remarkable Values of the Upper Chattooga’s rich biological resources include nine species of sensitive or locally rare animal species and a host of rare plant species, all endemic to the Southern Appalachians, including liverworts, rock gnome lichen, Blue Ridge bindweed, Fraser’s loosestrife, Manhart’s sedge, Biltmore’s sedge, pink shell azaleas, mountain camellia, Oconee bells and divided leaf ragwort. The EA rightfully finds that the plants, especially Fraser’s Loosestrife and Manhart’s Sedge and Mountain Camellia and rare liverworts could become subject to trampling and destruction under Alternative 12, whether on islands in the river or via portage trails, or at new campsites. One of the boater access trails proposed by the Agency below Green Creek is lined by Oconee bells. The EA also finds that the health of these endemics could be affected by the introduction of non-native invasive species brought in by humans to areas that, currently, get very little visitation if any at all. (Ltr# 166, Cmt# 22)

#35- The proposal fails to protect the various sensitive native plant species found in the corridor. The issue of trampling of endangered plants during portaging is raised, yet no mention of the potential damage caused by fisherman wading into and out of the river bed. (Ltr# 193, Cmt# 29)

#37- The Chattooga Cliffs area is undoubtedly the most biologically sensitive reach in the Chattooga River headwaters as reflected in biological surveys by Dr. L. L. Gaddy, as well as comments by Dr. Jim Costa, Highlands Biological Station Director, and by Bob Gale, ecologist from the Western North Carolina Alliance. The array of ferns, liverworts, mosses, lichens and rare vascular plants in the Chattooga Cliffs reach is unprecedented. Many of these unique plants thrive in direct harms way due to the numerous portage trails that will inevitably be created in the Chattooga Cliffs reach due to the inordinate number of portages that will be necessary to negotiate around the numerous strainers (logs and woody debris lodged in rapids) that now exist in this section. (Ltr# 193, Cmt# 31)

Public Concern 89

The Forest Service should consider the effects of boating on regionally sensitive plants in the Chattooga Wild and Scenic River corridor.

Response to PC 89

In the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Section 3.5 Vegetation, IV. Environmental Consequences** the effects of boating on locally rare plants are analyzed in Alternatives 8, 11, 12, 13, 13A and 14. In **I. Summary of Findings** (page 341 of the EA) it notes the following:

The degree of direct and indirect effects on vegetation would vary due to microhabitat preferences, susceptibility of individual plants and population sizes, as well as the anticipated level of recreation use under the various alternatives. In the boating alternatives, increased visitation in remote areas in the two uppermost reaches could result in viability concerns for five sensitive and four locally rare plant species that have limited populations across the forest and small population sizes. However, with the required monitoring described in each alternative, potential impacts to vegetation would be reduced. While direct and indirect effects from the alternatives may contribute to a reduction in the size of certain rare plant populations, none of the alternatives are anticipated to result in the loss from the corridor of any existing species, provided the monitoring measures are implemented.

Sample Public Comment(s) for PC 89:

In a seriously misleading way, the EA discusses the loss of rare species as if this is ok because rare species are rare. This is one of the most egregious justifications found in the EA. We believe the fact of rare species in the area justifies doing all within our power to protect them. Here is your statement: "Potential direct and indirect effects to rare and sensitive terrestrial species from this alternative include the addition of a new recreational user group (boaters). The potential impact would be from trampling of vegetation and sensitive habitat through the creation of portage trails and new access trails and increased vegetation disturbance through creation of new "play" (swimming, resting, lunch) sites. It is assumed that some wildlife individuals may be directly or indirectly affected by recreational users under this alternative. However, because rare and sensitive species are rare, and are not encountered often, it is unlikely the effects of this alternative would occur at a frequency which would impact the population viability of this species." (EA page 200). You only have to damage rare species once, and then the damage is done. (Ltr# 141, Cmt# 8)

#36- Your statement on pages 53 and 54 that adding boating may cause the introduction of non native introduced plant species is specious and deceitful. No evidence exists that paddlers are responsible for the introduction of exotic species. In fact, the Forest Service's road construction and logging activities is the primary culprit in the introduction of unwanted species. You should be ashamed. (Ltr# 193, Cmt# 30)

#405- The proposal also fails to protect the various sensitive native plant species found in the corridor. (Ltr# 193, Cmt# 393)

Public Concern 90

The Forest Service should consider the effects of boating on invasive species, such as kudzu and privet (comment from 2009 EA comment period).

Response to PC 90

In **Chapter 3, Section 3.5 Vegetation, I. Summary of Findings**, it notes the following about non-native invasive plant species, which includes privet and kudzu: "The potential for introducing new outbreaks or new non-native invasive species (NNIS) to the riparian corridor from recreation visitors should be limited to small selected areas and is not expected to increase dramatically under any alternative."

The influx of boaters or any additional recreation users within the upper portions of the Chattooga River has the potential for introducing new outbreaks or new invasive exotics to the riparian corridor. The risk from boaters is no greater than the risk from other recreationists. The increased risk will be primarily from seed transported on equipment and clothing. However the risk should be low and limited to small selected areas, primarily islands in the lower reaches of the upper corridor, given the dense mass of *Rhododendron maximum* in the shrub layer. Acidic cove forests and eastern hemlock forests with *Rhododendron maximum* were found to have the lowest number of outbreaks of invasive plant species in an inventory completed across selected watersheds in the

Nantahala and Pisgah National Forests (G. Kauffman, personal observation). Invasive species are not expected to increase dramatically as a result of boating. However they will continue to remain a problem in the watershed due to other dispersal factors.

Sample Public Comment(s) for PC 90:

#33- Invasive species are also a concern in this environment, including kudzu and privet. (Ltr# 193, Cmt# 27)

Water and Riparian Corridor

Public Concern 91

The Forest Service should consider and disclose the effects of boating on riparian resources.

Response to PC 91

In *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*, **Section 3.4.2 Water and Riparian Corridor**, there is a description of the riparian corridor, in **subsection II. Affected Environment, B. Riparian Corridor**, there is a description of impacts, that notes that soils in the riparian corridor are sensitive to ground-disturbing activities, including dispersed recreation. Most recreational access to the river is through the riparian corridor and erosion and compaction have occurred. Few, if any, wetland areas exist in the Chattooga riparian corridor.

Table 3.1-4 includes information on existing trails within 20-100 feet of the Chattooga WSR in the reaches above highway 28 and 3.4.2-6 summarizes existing trails in close proximity of the Chattooga WSR downstream of the highway 28 bridge. In the cumulative effects section, it notes that unpaved roads are major sources of erosion in the Chattooga watershed. Erosion from campsites and trails are considered minor sources of erosion within the Chattooga WSR watershed.

Sample Public Comment(s) for PC 91:

The North Carolina Sedimentation Pollution Control Act of 1973 requires buffer zones along trout waters. G.S. 113A-57(1). The Act notes: "Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation" Yet the USFS plans to allow unlimited amounts of user-created trails along the riparian zone. North Carolina's Division of Land Resources ("DLR") Rule 15A NCAC 04B .0125 specifies buffer zones for trout waters must be a minimum of 25-foot measured horizontally from the top of the bank, scouting trails along the river would directly violate such a mandate. No trails can be created in North Carolina without a trout buffer variance request through the DLR Central Office. However, the EA proposes that user created trails in unlimited quantities and lengths would be acceptable under the proposed alternative. Removing the buffer zone vegetation adjacent to protected trout water will cause adverse stream temperature fluctuations; under 15A NCAC 2B .0211, such action is prohibited. (Ltr# 92, Cmt# 20)

#34- The proposed seasonal and limited boating would not interfere with riparian corridor avian nesting period for herons, kingfishers, flycatchers, and warblers. (Ltr# 193, Cmt# 28)

#159- Page 27 of the draft EA discusses the impact on stream banks from "dispersed visitors", but fails to detail the cause of impacts to the riparian zone from adding boating. Scouting, portaging, stopping, spectators, hike-outs, rerunning favorite rapids etc, all impact the stream banks and create new erosion spots. (Ltr# 193, Cmt# 152)

Public Concern 92

The Forest Service should consider the effects of boating, users, and private

development on water quality on the Chattooga River (all comments from 2009 EA comment period).

Response to PC 92

Effects to water quality are discussed in **Chapter 3, Section 3.3.2 Water Quality**. In **I. Summary of Findings**, it notes the following:

The states of Georgia, North Carolina and South Carolina all have responsibility for monitoring water quality in the Chattooga River. Under the Clean Water Act, each state is required to publish a 305(b) monitoring report that summarizes water quality conditions. If a stream does not have high enough water quality to meet its designated beneficial uses, it is listed as not supporting or impaired based on the presence of certain pollutants. Streams that are not supporting their designated beneficial uses are added to the state's 303(d) list of impaired streams.

In addition to its federally designated wild and scenic river status, the Chattooga River and its tributaries have various classifications developed by each state water quality agency. 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, there is a cool to warm temperature transition that results in changes to the trout community.

Sediment is one of the pollutants of concern in the Chattooga River. In 1999, the Chattooga watershed was selected to participate in the Large Scale Watershed Restoration Program by the US Forest Service national office. The goal was to restore watershed conditions on both public and private lands. This followed other earlier efforts to reduce sediment in the river. Numerous projects have been implemented over the years to reduce sediment input to the watershed. The success of this effort is seen in the 2010 303(d) listings for the Chattooga River which indicates that the river is not impaired by sediment.

The U.S. Environmental Protection Agency (EPA) has determined that Stekoa Creek (a primary tributary to the Chattooga River and one of its main tributaries) is impaired due to excessive levels of fecal coliform and impacts to biota (macroinvertebrate community). It is also estimated that pollutant levels frequently exceed swimming/contact standards. Some of this impairment is due to sewage discharge from the town of Clayton, GA and has been recognized as a problem since the late 1970s. However, the 1976 Federal Register noted that high water quality existed above the confluence of Stekoa Creek with the Chattooga River including the upper segment of the Chattooga WSR.

Sample Public Comment(s) for PC 92:

#44- The EA notes the East Fork of the Chattooga is polluted below the Walhalla Fish Hatchery, but offers no means or even need for correcting this unacceptable pollution of a natural stream, a National Wild and Scenic River and a federally designated wilderness area. Where and how is this being corrected? (Ltr# 193, Cmt# 38)

#210- Most recreationists do not use the river as a toilet. The natural inclination for hikers is to leave the trail for toilet needs, and that trail is frequently far removed from the river. Fishermen tend not to use the toilet where they fish. Boaters, who in general may not be any less environmentally sensitive than other users, nonetheless are generally loathe to leave their boats for any appreciable distance when using a river, and consequently may be less circumspect about their proximity to the river when "nature calls." This is an issue that could impact water quality. (Ltr# 193, Cmt# 202)

#316- The real issue not addressed by USFS is diminution of water quality in the river as a result of private development in the watershed upstream. (Ltr# 193, Cmt# 306)

#367- Section 10(a) of the Wild and Scenic Rivers act imposes a "nondegradation and enhancement policy for all designated river areas, regardless of classification." The Forest Service's Handbook directs its managers to "[m]anage wilderness toward attaining the highest level of purity in wilderness within legal constraints." The Forest Service is unable to manage existing use of the River Corridor and Wilderness area without degradation. (Ltr# 193, Cmt# 357)

#532- There may be more streams than the 4 listed in Table 3.1-2. (Ltr# 193, Cmt# 519)

Public Concern 93

The Forest Service should consider the following regarding water resources:

- A) The effects to the riverbed created by eliminating flow restrictions;**
- B) The EA contradicts the results from the 2007 recreational flow analysis and a review of the original flow study data compared against the 2011 EA indicates a clear bias within the analysis process;**
- C) Effects on headwater tributaries (all comments from 2009 EA comment period); and**
- D) Flows on the upper river segment differ from the lower segment (all comments from 2009 EA comment period).**

Response to PC 93

A) In **Chapter 3**, the impacts from boating at all flows in Alternative 8 is discussed in different resource sections throughout the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*.

In **Section 3.2.1 Recreation ORV, IV Environmental Consequences, F. Alternative 8 Direct and Indirect Effects, 2. Frontcountry Social Conditions**, it notes the following: "Most days with boating would occur at higher flows during or immediately after storm events that are more likely to occur in winter and spring."

Section 3.2.2A Aquatics, Alternative 8 there is an analysis of boating at all flows and potential impacts on aquatic habitats. In **subsection E. Direct and Indirect Effects, item 1**, it notes:

Impacts from trampling, crushing and scraping from all recreational users that wade, swim or boat are more concentrated in easily accessed reaches. Ease of access from the four frontcountry areas increases the potential for these types of impacts. The most susceptible to this type of impact are Nicholson Fields Reach and the lower part of Rock Gorge Reach below Big Bend Falls. Chattooga Cliffs and Ellicott Rock reaches are more remote, have steeper terrain, rock cliffs and longer stretches of fast moving water. Overall the fisheries would be improved slightly when compared to Alternative 1. Physical trampling and scraping of aquatic species by recreational users may occur with a remote chance of targeting one particular species over time.

In **Section 3.2.2A Aquatics, IV. Environmental Consequences, Alternative 8 E. Direct and Indirect Effects, item 5 All Flows**, it notes: "The above impacts remain the same for all flows."

In **Section 3.4.1 Soils, IV. Environmental Consequences, F. Alternative 8 –Direct and Indirect effects, b.Effects from Adding Boaters**, it notes:

Because adequate flow levels would be determined by Mother Nature, more boat trips would likely occur and more portage trails would likely be needed if boating occurred during low water flows. This increase in use would create more soil impacts from portage trail use. The locations and lengths of trails would change as woody debris moved through the river system and as flow levels changed. Floating in the lower flow ranges would increase the number of portages around

obstacles in the river. Portage trails that are created at the lower flows would be under the water at higher flows which would cause those trails to become more eroded. However, over all Impacts to soils from recreational use occurring at different flow levels would be minimal.

In **Section 3.4.2 Water and Riparian, IV Environmental Consequences, D Alternative 8-Direct and Indirect Effects, 2. Flows**, it notes “Potential impacts to water and the riparian corridor are not expected to differ noticeably with changes in river discharge for this alternative.

B) See *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, **Chapter 3, Section 3.2.1 Recreation ORV** section entitled “**Flow-Dependent Activities: Angling, Swimming and Boating.**” Figure 3.2.1-1 in that section illustrates the findings from the *Expert Panel Report* (Berger 2007) (also summarized in Whittaker and Shelby 2007) which studied fly, bait and spin fishing as well as technical, optimal standard and big water whitewater boating. The findings suggest anglers can fish higher flows (more than 250 to 350 cfs at Burrells Ford) (this is referred to as “acceptable” flows in the study, although they are not optimal), but optimal flows for fly and spin fishing are lower, when wading and crossing are easier, and the water clarity and amount of fishable water increases. Results were largely consistent across all reaches, although anglers recognized that steeper sections of these reaches (e.g., near Big Bend Falls, Bullpen Road Bridge) were more difficult to fish at higher flows than lower gradient areas. In contrast, findings suggest that optimal whitewater boating ranges for the Chattooga Cliffs, Ellicott Rock and Rock Gorge reaches are best above 350 to 400 cfs unless they become too high (about 600 to 650 cfs). While more technical, low-flow boating is available as low as 200 to 250 cfs (depending on the river reach), whitewater boaters would rather paddle flows that have fewer boatability problems and more challenging whitewater. Taken together, the flow range bars in Figure 3.2.1-1 in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* show that the highest quality fishing and boating generally occur in different parts of the hydrograph in the upper three reaches (the exception is bait fishing, which remains optimal through higher flows). The best or optimal fishing flows are not the best or optimal boating flows, and vice versa (Whittaker and Shelby 2007). However, the study and the EA also note that there is some overlap between anglers and boaters in what is called the “low overlap range” (Optimal angling flows Lower quality technical boating) and the “high overlap range” (Optimal standard boating Lower quality angling (except bait)) in Figure 12 on page 82 of the *Capacity & Conflict on the Upper Chattooga River* (Whittaker and Shelby 2007).

C) The boating prohibition in the tributaries was continued in all alternatives. See **Chapter 2, Section 2.4 Alternatives Considered, But Not Evaluated In Detail, Item B**. The effects of recreational activities are discussed in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* for biological, physical, and social resources. Inventories of trails, campsites, and LWD were done and were used to inform the analysis of possible impacts under the various alternatives relative to recreation.

D) The width of the river varies throughout the watershed due to changes in watershed size and geomorphic controls. Generally, as watershed size increases, the width of the channel and discharge (flows) also increase. A second river gauge was installed at Burrells Ford to provide additional information about flows throughout the Chattooga WSR watershed. In **Chapter 3, Section 3.1 Introduction C. Chattooga River Flows**, there is a discussion about rivers flows in the Chattooga WSR watershed.

The long-term data at Hwy. 76 was used as an indicator of boating frequency for planning purposes. The correlation data involve comparisons of flow between

two stream stations (Hwy. 76 and Burrells Ford) within the same watershed. Generally there is a good relationship between the flows except during storms events. The report highlights the limitations of using Hwy. 76 as a sole predictor for flow in the North Fork. The new gauge at Burrells Ford will be used to help the US Forest Service to determine mean daily flow and peak flow and be able to better correlate flows in the upper segment of the Chattooga WSR to other gauges in the watershed.

A permanent water level recorder was installed in June 2006 on the upper segment of the Chattooga WSR at the Burrells Ford Bridge. Correlations between the Hwy. 76 and Burrells Ford gauge show that during non-storm periods the two gauges are moderately to highly correlated. The summary report of the differences in flow between the Chattooga at Hwy. 76 and the North Fork Chattooga at Burrells Ford can be found in the process records. Figure 3.1-2 displays the hydrograph of a bankfull spring storm on the Chattooga River at Burrells Ford and Hwy. 76. Bankfull events of this magnitude occur, on average, about once every year or two; they occur with enough frequency to affect channel morphology or structure. More typical storms produce much less flow. Unless exceptionally dry, winter dormant periods need two–three inches of rainfall to achieve flows approximating 450 cfs at the Burrells Ford gauge.

Sample Public Comment(s) for PC 93:

Subconcern # A

The impact to the riverbed environment created by eliminating flow restrictions (previously considered) is absent. Specifically, the EA ignores assessing those times when flows are not sufficient to float. This despite acknowledging that insufficient flow will color the rocks which is simply evidence of impacting the riverbed. During the 2007 Flow Study, boaters reported as many as 15 hits to the Chattooga Cliffs streambed, when the flows were elevated at 400cfs. Permitting boats at any level would certainly increase streambed impacts as the water level is decreased from 400cfs. Had the Forest Service policy proposed dragging skiffs weighing as much as 300lbs along the gravel river beds for up to 10 miles at a time, heads would be rolling out the Sumter Forest offices. Oddly, the current EA proposes boating during insufficient flows which would impact the resource in the exact same manner as dragging 300lb skiffs down the streambed. The EA suggests sanctioned destruction of the Chattooga gravel beds (critical for trout habitat), but only for members of the precious paddling community. (Ltr# 92, Cmt# 25)

Subconcern # A

#323- The effects on the stream-bed from year-round access or low flow boating needs to be incorporated into the final EA (Ltr# 193, Cmt# 313)

Subconcern # B

The EA contradicts the results from the 2007 recreational flow analysis that noted: “it is clear that acceptable ranges for the two groups overlap overlap.” Pg 42, 2007 Upper Chattooga, Expert Panel Field Assessment Report By August of 2009, the FS made flow comparisons using only optimal flow conditions: “optimal flows for Fishing end between 250 and 450cfs at Burrells Ford” P.1, Aug 2009, Response to Public Comments, USFS The revised 2011 EA now claims angling is only optimal below 250cfs. Finding suggest anglers can fish higher flows (more then 250 to 350cfs at Burrells Ford), but optimal flows for fly and spin fishing are lower. (ID@ 75) The shifting of the flow assessment from the original data is clearly erroneous. The new EA implies angling is either poor, or impossible, during boatable flows. The evolution of the facts toward the preferred alternative does not meet the required standards of objectivity nor has the author of this section even tried to hide the manipulation of data and erroneous interpretations. The Forest Service continues to misrepresent flow levels and visitor data throughout the analysis. In addition, the forest service misapplies data from lower sections section suggesting this data applies to the entire 21 mile stretch. Each misrepresentation is incorporated into the EA in a fashion that claims other river visitors are absent during boatable flows. This is simply not true as demonstrated in this YouTube video <http://www.youtube.com/watch?v=Mbd3sHknSKc> . All of the thirteen errors, made while interpreting the

flow study data, benefits boaters, while none benefit anglers or swimmers. The probability of thirteen errors all favor boating is a random occurrence, is as likely as winning the Powerball Lottery. All these abnormalities have been included within my previous comments to the Forest Service, with the hope that the Forest Service would correct errors; none were corrected. With this letter, I am requesting that this issue be turned over to the CEQ for evaluation of the objectivity of the recreational planning team members as well as the design and execution of the flow study analysis. A review of the original flow study data, compared against the current EA indicates a clear bias within the analysis process, or from some planning team members. (Ltr# 92, Cmt# 35)

Subconcern # C

#55 - This EA should better explain the impacts any use can have on the headwaters tributaries. (Ltr# 193, Cmt# 49)

Subconcern # D

#317- It appears to me that the Assessment suggests the flow of the river is the same above Highway 28 as it is in lower reaches. The upper section is very narrow and in several places can be stepped across without wetting one's feet. (Ltr# 193, Cmt# 307)

Public Concern 94

The Forest Service should consider the following regarding watersheds:

- A) The Chattooga headwaters area itself is classified as "Functioning at Risk," and is geographically proximate to the "Impaired Function" area immediately down river;**
- B) Significant increases in human activity will lead to edge disturbance of degraded habitat giving a foothold to biological threats, such as invasive species;**
- C) Opening this area of the Chattooga River to boating would be in conflict with the goals for watershed protection;**
- D) Consider the recent Forest Service study of impaired watersheds, which is based on agency assessments of national forestlands conducted in October of last year (2010); and**
- E) Disclose the rationale for prohibiting boating (all comments from 2009 EA comment period).**

Response to PC 94

A) The National Forests in NC completed the watershed condition framework after the analysis for the July 15, 2011 *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*. was completed. The North Carolina portion of the Chattooga River headwaters area, Headwaters Chattooga River (HUC 030601020201), is rated as "Functioning at Risk". This watershed is 17,955 acres with 49% of the area in FS management. Several watershed condition attributes rated poorly in the watershed including water quality problems, aquatic habitat - large woody debris, aquatic biota - native species, road & trail network, soil quality, and fire regime. The Headwaters Chattooga River watershed, along with the remaining 152 watersheds, not yet prioritized across the NFs in NC, shall be prioritized and an action plan developed to address those attributes that negatively contribute to the "Functioning at Risk" rating. With the implementation of the action plan the watershed condition would improve.

Downstream of the headwaters HUC is another composite watershed that includes part of the Chattooga WSR corridor. Since this composite watershed has more land in SC than GA and NC, it was assigned to the Francis Marion and Sumter NFs. This composite watershed extends upstream from highway 28 to close to Bull Pen Bridge. On the SC side, the watershed includes East Fork Chattooga, King Creek, Bad Creek and on the GA side it includes Reed Creek, etc.

Reed creek within this Chattooga composite watershed rated 2.3 out of possible 3.0, which is considered poor. There were 10 factors out of about 30 factors (some of these are indicators, some attributes) that rated poor within the Reed Creek - Chattooga River subwatershed. About 12 factors rated fair, so 8 factors rated good. Had it had rated 2.2, it would be considered fair. Some of the items that rated poor were other water quality problems (sediment), aquatic bio - biota, native species, aquatic invasive species, habitat fragmentation, large woody debris, road maintenance, road proximity to water, mass wasting, soil erosion.

The management actions in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* that promote soil stability in the watershed would address several of the poorly rated attributes (such as water quality problems, large woody debris, and road & trail network) and have a beneficial effect on the current condition of the Headwaters Chattooga River Watershed. In **Section 3.4.2 Water and Riparian Corridor** (page 297), it states "Again, each alternative would have a positive cumulative effect on water quality and riparian resources in both the upper segment of the Chattooga WSR and the larger Chattooga River watershed at Tugalo Lake."

B) Impacts from the potential introduction and spread of non-native invasive species to plants, aquatic species and terrestrial wildlife are discussed in **Chapter 3**. In **Chapter 3, Section 3.5 Vegetation, I. Summary of Findings**, it notes that the potential for introducing new outbreaks or spreading non-native invasive (NNIS) plant species, which includes privet and kudzu should be limited to small selected areas and that the spread of NNIS plants should not increase dramatically under any alternative. In **Chapter 3, Section 3.2.2A, Aquatics, I. Summary of Findings**, it notes that as the number of visitor increase that the potential for the spread of about non-native invasive aquatic species also increases.

The Hemlock Woolly Adelgid is the primary non-native, invasive terrestrial wildlife species known to occur within the project area. However, this species is thought to typically be transported by birds, thus, it is not likely to expand as a result of the proposed action or alternatives, and therefore would not affect any of the PETS or locally rare wildlife species analyzed in this project. As discussed in the EA, some non-native and invasive plant species do occur within the project area as well, however, these species are primarily restricted to disturbed soil areas, and are not expected to expand, as a result of the proposed action or alternatives, to a level that would affect the habitat of any of the PETS or locally rare wildlife species analyzed in this project.

C) Effects from all alternative to the biological and physical resources are discussed in **Chapter 3**. All alternatives meet the intent of **Section 1.2 Need for the Proposed Action**, which discusses meeting legal mandates in the Wild & Scenic River Act and the Wilderness Act.

D) See Item A above. In 2011, the Francis Marion & Sumter completed a classification of all 6th level HUC watersheds related to the watershed condition framework. Sixth level watersheds typically range from 10,000 to 40,000 acres and the classified watersheds are located on national forest land. The Francis Marion & Sumter NFs rated over 125 watersheds that considered 30 different factors including water quality problems (sediment), aquatic biota, native species, aquatic invasive species, habitat fragmentation, large woody debris, road maintenance, road proximity to water, mass-wasting, and soil erosion. Of these 125 plus watersheds, about 35 watersheds have low national forest ownership and it would be difficult to affect a change in the watershed condition. The Francis Marion and Sumter NFs are looking at 90 watersheds to evaluate for potential improvement needs.

E) In **Chapter 1, Section 1.2, Item A**, it notes that the 2004 Sumter RLRMP also retained a 1976 boating prohibition on the upper segment of the Chattooga WSR (USFS, 2004a, 2004b). This management direction in the RLRMP was later appealed by whitewater boaters who are

interested in floating the upper segment of the Chattooga WSR. The US Forest Service agreed to reassess the boating prohibition as part of a broader examination of visitor capacity issues on the upper segment of the river (USFS, 2005). The appeal response specifically directed the US Forest Service to “conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate, the LRMP to reflect a new decision based on the findings” (<http://fs.usda.gov/goto/scnfs/upperchattooga>).

Sample Public Comment(s) for PC 94:

Subconcern # A

Like many with a keen interest in the ecological health of our forest communities, I was accepting of the reasonable compromise position adopted by the USFS granting limited boating access to the Upper Chattooga River. I was subsequently disappointed when the USFS felt compelled, apparently under pressure from lobbying groups, to reopen this matter. By its own analysis, as exhibited by the USFS interactive map of impaired waterways/watersheds on National Forest lands [apps.fs.usda.gov/WCFmapviewer/], the Chattooga headwaters area itself is classified as "Functioning at Risk," and is geographically proximate to the "Impaired Function" area immediately down river, beginning with the stretch of the Chattooga in the Ellicott Rock Wilderness and extending south for many miles. It makes no sense to me, as a biologist or as a citizen, for the USFS to consider further opening a largely protected stretch of Wild and Scenic River in an "at risk" watershed region to increased boat and foot traffic, which will only serve to push the Upper Chattooga area into the "Impaired Function" category. That this has been reopened for discussion in response to the demands of one particularly vocal activist organization, one that will likely be satisfied at nothing short of complete access to the river by its constituents, is deeply disappointing. (Ltr# 124, Cmt# 1)

Subconcern # B

The upper Chattooga watershed area is a unique biological and cultural resource that is likely to suffer serious degradation through the human impacts associated with boating (largely through the effects of portaging) if opened up further. Specifically, significant increases in human activity will lead to edge disturbance of degraded habitat, giving a foothold to biological threats such as invasive species. Moreover, scientific studies conducted on National Forest lands in the southern Appalachians have documented the negative impacts of opening up new trails and roads on wildlife such as salamanders (e.g., Semlitsch et al. 2007, Conservation Biology 21: 159-167; Marsh 2007, J Wildlife Management 71: 389-394), and the readiness with which invasive plants are able to colonize edges and other disturbed areas even within largely intact forest communities in our region (e.g., Kuhman et al. 2010, Landscape Ecology 25: 1433-1445). The largely intact upper Chattooga watershed area functions as an ecological core area - it is both a refuge and population source area (as opposed to a sink area), and the fragmentation and edge effects stemming from stepped up human activity will erode this core area irrevocably. (Ltr# 124, Cmt# 2)

Subconcern # C

I believe watershed protection is a cornerstone of the Forest Service Land and Resource Management Plan for our National Forests. Opening this area to boating would seem to us to be in conflict with the goals of that plan as well. (Ltr# 140, Cmt# 3)

Subconcern # C

It has been stated that the primary purpose of the USFS in acquiring and owning the property along the Chattooga River Corridor is to protect the Watershed. Is the use of this sensitive area of the river by boaters conducive to the protection of the watershed? Will the watershed be adversely affected by this use? (Ltr# 169, Cmt# 3)

Subconcern # D

Georgia ForestWatch and Wilderness Watch also note with some concern that the Agency neglects in its Environmental Assessment and effects analysis to make any mention of the recent U.S. Forest Service study of impaired watersheds, based on Agency assessments of national forestlands conducted in October of last year (2010). The assessment map clearly indicates that the Upper Chattooga watershed beginning just above Route 28, near the river's confluence with Reed Creek and extending upriver all the way to Grimshawes is "functioning at risk," (that is, colored in yellow). The Upper Chattooga watershed extending from Route 28 at least to the Chattooga Cliffs area, where the agency proposes to begin boating,

is colored in red (that is, as an “impaired function”), to cite the Agency’s own assessments. It thus demonstrably unwarranted to add any further intensive human pressure to this sensitive and already dangerously overloaded and obviously impaired watershed. (Ltr# 166, Cmt# 27)

Subconcern # E

#322- 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. (Ltr# 193, Cmt# 312)

Wilderness

Public Concern 95

The Forest Service should preserve, protect, and enhance the wilderness character and consider that:

- A) Every alternative but Alternative 8 violates the Wilderness Act, the FSM, and the Appeal ROD, as it relates to the Wilderness Act;**
- B) On page 366 of the EA, it wrongly concludes that all alternatives address the importance placed on solitude and the wilderness experience; however paddling is a core Wilderness experience eviscerated by all alternatives except Alternative 8;**
- C) As admitted on page 384, the ban is a significant impact to Wilderness values; and**
- D) The risk of one boater being injured and subsequently a serious search and rescue operation on the upper Chattooga River will affect the Wild and Scenic and Wilderness designations (comment from 2009 EA comment period).**

Response to PC 95

Alternatives being proposed do not violate the Wilderness Act, FSM, and the Appeal decision as it relates to the Wilderness Act (Public Law 88-577 (16USC 1131-1136)). A central mandate in the 1964 Wilderness Act is that the managing agencies preserve the wilderness character in designated areas. Forest Service Manual (FSM) 2320.2 (4) directs the agency to “Protect and perpetuate wilderness character...” Recent technical publications recommend using the qualities of Untrammeled, Natural, Undeveloped, and Opportunities for Solitude or Primitive and Unconfined Recreation in analyzing the affects a decision may have on wilderness character. The analysis presented in this document does this and recognizes that by making certain decisions the agency may be improving one quality of wilderness character (opportunities for solitude) over another (unconfined recreation) with the ultimate goal being to preserve wilderness character. Paddling is a recreation activity that is compatible with wilderness. It is not a wilderness dependent activity and it may not be compatible with every wilderness. In the Wilderness Act paddling is not identified as a “core Wilderness experience.” The FSM 2320.6 states that “Because uses and values on each area vary, management and administration must be tailored to each area.”

Through the analysis conducted, all of the alternatives “address the importance placed on solitude and the wilderness experience.” The citation below is taken from a recent Technical Publication and recognizes the difficulty in making this analysis:

Many different factors contribute in known and unknown ways to the experience of solitude or primitive and unconfined recreation (Borrie and Birzell 2001; Hendee and Dawson 2002; Manning and Lime 2000). For example, experiences may be influenced by factors largely beyond the control and influence of managers. Such factors include the attributes of the physical landscape, presence of certain animals (for example, mosquitoes and grizzly bears), local weather, intra- and inter-group dynamics, and skills and knowledge an individual brings to the experience. In contrast, managers may exert some control over use levels, types and patterns of use, level of development (both inside and adjacent to wilderness), amount and type of information available about the wilderness, and types of regulations imposed, all of which influence the opportunity to experience solitude or a primitive and unconfined type of recreation (Cole and others 1987; Lucas 1973; McDonald and others 1989; Watson 1995).

Opportunities for primitive or unconfined recreation remain stable throughout the year for existing users. There is no reference on page 384 (or other locations) stating that “the ban is a significant impact to Wilderness values.”

The additional need for mechanical transport for search and rescue is considered in Section 3.7 Wilderness. Use of mechanical transport must be approved by the Forest Service.

Sample Public Comment(s) for PC 95:

The EA asserts that risk and adventure is incompatible with Wilderness, which reveals a fundamental misunderstanding of what Wilderness is and how it is to be managed. (Ltr# 168, Cmt# 26)

#324- The Draft EA seems fixated on user conflicts and encounters more than on impacts to the Wilderness itself. (Ltr# 193, Cmt# 314)

#409- The EA must ensure that Wilderness "be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness"(Section 2(a) of the Wilderness Act). The EA does not meet this mandate. Regularly exceeded encounter standards as well as the causes of existing biophysical impacts are left unmitigated in the proposed alternative. (Ltr# 193, Cmt# 397)

#410- The EA must ensure that "wilderness will be made available for human use to the optimum extent consistent with the maintenance of primitive conditions" (36 CFR 293.2(b)). The EA does not, as it allows virtually no boating in Wilderness. (Ltr# 193, Cmt# 398)

Subconcern # A B

The EA fails to protect and enhance unconfined recreation in wilderness. The EA states on page 384: “the primitive and unconfined recreation quality of the Wilderness would be impacted under Alternative 1 because boaters would not be permitted to float there.” In fact, this is true of every alternative but Alternative 8. Every alternative but alternative 8 violates the Wilderness Act, the FSM, and the Appeal ROD as it relates to the Wilderness Act (See previous comments). The EA wrongly concludes on page 366 that all alternatives address the importance placed on solitude and the wilderness experience. Paddling is a core Wilderness experience eviscerated by all alternatives except Alternative 8. (Ltr# 168, Cmt# 15)

Subconcern # A B

The EA fails to protect and enhance unconfined recreation in wilderness. The EA wrongly concludes on page 380 that encounters between paddlers and non-paddlers would negatively impact Wilderness character. In fact, such encounters are a fundamental experience of Wilderness which by definition includes both paddling and non-mechanized non-paddling forms recreation. (Ltr# 168, Cmt# 16)

Subconcern # A B C

The EA fails to protect and enhance unconfined recreation in wilderness. The EA wrongly fails to include the boating ban in the current impacts on outstanding opportunities for solitude or primitive and unconfined recreation on page 382. As admitted on page 384, the ban is a significant impact to Wilderness values. (Ltr# 168, Cmt# 17)

Subconcern # D

#325- *The risk of damage to the Wild and Scenic values and the Wilderness values is too great. It is not acceptable to impose that risk for the sake of a few boaters. One serious accident and the damage caused by emergency workers will take many decades to be healed. One serious search and rescue operation on the upper Chattooga is one too many. The risk simply cannot be tolerated. (Ltr# 193, Cmt# 315)*

Public Concern 96

The Forest Service should preserve the natural conditions and wilderness character of Ellicott Rock Wilderness to provide for outstanding opportunities and:

- A) Not allow boating activity within this area because it violates the Appeal ROD and Wilderness Act; and**
- B) Should allow boating activity within this area because you allow helicopter flying to restock the river within this area.**

Response to PC 96:

A) A central mandate in the 1964 Wilderness Act is that the managing agencies preserve the wilderness character in designated areas (Public Law 88-577 (16USC 1131-1136)). FSM 2320.2 (4) directs the agency to “Protect and perpetuate wilderness character...” Recent technical publications recommend using the qualities of Untrammeled, Natural, Undeveloped, and Opportunities for Solitude or Primitive and Unconfined Recreation in analyzing the affects a decision may have on wilderness character. The analysis presented in this document does this and recognizes that by making certain decisions the agency may be improving one quality of wilderness character (opportunities for solitude) over another (unconfined recreation) with the ultimate goal being to preserve wilderness character.

In **Chapter 3, Section 3.7 Wilderness**, the four qualities of wilderness character are used as a framework for analysis and discussion. Those qualities are: Untrammeled, Natural, Undeveloped; and Outstanding opportunities for solitude or a primitive and unconfined type recreation. In **subsection I. Summary of Findings**, it notes: “Undeveloped and outstanding opportunities for solitude or a primitive and unconfined type recreation are two of the four qualities of wilderness character that might be affected by the proposed mix of recreation uses”. The effects of each alternative on these two qualities are discussed in **IV. Environmental Consequences**.

The analysis conducted concludes that the setting near the river will be changed by introducing boating. On page 385, it states “Under current management, a visitor has been assured that while hiking along the riverbank, looking out across the river, wading, fishing or swimming they would not encounter boats traveling on the river. This potential for an encounter with a boat on the river now exists. This change in setting would equate to a reduction in, and a negative impact to opportunities for solitude for existing users.”

Wilderness specific evaluations of the resources associated with the natural quality of Wilderness Character were evaluated in other sections of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*. Specifically, the Section 3.2.2 Biology ORV and Section 3.5 Other Biological Resources” have covered this.

B) We do not stock the wilderness. Helicopter stocking ends below Burrells Ford bridge.

Sample Public Comment(s) for PC 96:

Subconcern # A

The EA fails to protect and enhance unconfined recreation in wilderness. The EA admits that boating restrictions themselves “would provide a moderate negative effect within the Ellicott Rock Wilderness.” In

fact, this impact is a violation of the Wilderness Act and the FSM which requires the USFS to “maximize visitor freedom.” By failing to substantiate the need to seasonally or totally ban paddling to protect the Wilderness resource, and by itself damaging the Wilderness resource, the EA violates the Appeal ROD. (Ltr# 168, Cmt# 18)

Subconcern # A

#318- The Wilderness Act defines Wilderness as having “outstanding opportunities for solitude or a primitive and unconfined type of recreation...” [Wilderness Act, Section 2 (c) (2)] These criteria are a hallmark of the Chattooga River, with its “...largely unmodified natural surroundings with many opportunities for remoteness and solitude.” [EA, App. A, Recreation, p. 133] These descriptions are patently incompatible with the typical activity of whitewater boating. Campers and hikers, fishermen, birdwatchers, naturalists, photographers, botanists, snorkelers, etc. would typically enjoy a river or wild area without a lot of noise or user conflict. This is not true, however, of boating. Boating, by its very nature (picture canoes, kayaks, etc. banging against rocks in a rushing stream) will be disruptive to the preservation of this feature of the ERWA. The activity of rivercraft banging against rocks is at odds with (Ltr# 193, Cmt# 308)

Subconcern # A

#327- The four miles of declared Wilderness above Ellicott Rock currently has no designated streamside trails and access has been limited for thirty year in order to protect the resource. Expanding boating into the upper section of wilderness would have significant impact to habitat and create wildlife disturbances where few exist today. This biological impact is not fully explored within the draft EA. The USFS have published these now inaccessible areas can “only be accessed by boat”, indicating a currently disturbance-free wildlife habitat. The USFS needs to recognize the “special attributes” associated with this wilderness area and protect these ORVs accordingly. (Ltr# 193, Cmt# 317)

Subconcern # A

#517-I believe there is a 5th purpose: to protect and manage the designated Wilderness for outstanding opportunities for solitude. (Ltr# 193, Cmt# 504)

Subconcern # A

#574- Damaging to Wilderness values: The segment within the Ellicott Rock Wilderness has extraordinary management and stewardship requirements. If unrestricted year-round boating is allowed in the Wilderness, the effect will be damaging to the enduring resource of Wilderness and the opportunities for solitude. (Ltr# 193, Cmt# 561)

Subconcern # B

#91- And the nerve of their argument that boaters will destroy the wilderness experience- when your organizations cooperate to fly helicopter missions up and down the river at treetop level for stocking is about the most ironic thing I've ever heard of. (Ltr# 193, Cmt# 84)

Wildlife

Public Concern 97

The Forest Service should reconsider the effects from boating on Management Indicator Species, especially for the bob white quail and red cockaded woodpecker on the Upper Chattooga River (all comments from 2009 EA comment period).

Response to PC 97

The list of Management Indicator Species (MIS) is for all national lands within the 3 national forests and therefore some species in the list will be found in ecosystems outside of the Southern Appalachian mountains. The MIS discussion in **Chapter 3** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor* clarifies that some MIS are not analyzed in the effects section because the Chattooga WSR corridor and watershed are outside of their range.

Sample Public Comment(s) for PC 97:

#32- I've never seen a bob white quail or a red cockaded woodpecker on the upper Chattooga and their consideration as Indicator Species shows how misdirected the Forest Service's analysis is. (Ltr# 193, Cmt# 26)

Public Concern 98

The Forest Service should consult with the US Fish and Wildlife Service regarding boating effects to all proposed, endangered, threatened, and sensitive species, specifically the Eastern Cougar.

Response to PC 98

Consultation with the US Fish and Wildlife has been completed. US Fish and Wildlife Service reviewed the appropriate biological assessment on any Threatened and Endangered Species that occurs in the project area. In **Chapter 3** of *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River* in **Section 3.2.2 C Wildlife**, there is a discussion on proposed, endangered, threatened, and sensitive terrestrial species and which ones are included for analysis and why.

Sample Public Comment(s) for PC 98:

We believe that the Forest Service may have selected the preferred alternative on the basis of inadequate and inaccurate data. The Forest Service also should have consulted with the U.S. Fish and Wildlife Service to better inform its selection of alternatives, and to determine whether the Eastern Cougar and other species would be negatively impacted by any of the alternatives. (Ltr# 166, Cmt# 24)

Public Concern 99

The Forest Service should consider the effects to rare species by visitors, because the assumption that the species will flee is not sufficient.

Response to PC 99

A biological assessment and biological evaluation have been completed. Effects to rare species (threatened and endangered species and locally rare species) are analyzed in **Chapter 3, Section 3.2.2 Biology ORV** and **Section 3.5 Other Resources (Vegetation)** in the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

Sample Public Comment(s) for PC 99:

The Environmental Assessment reasons that visitor impact on wildlife is minimized because some species can flee. These illogical arguments only raise greater concern that rare and sensitive species may be encountered and destroyed. (Ltr# 166, Cmt# 21)

Public Concern 100

The Forest Service should consider the effects from boating on wildlife in the Chattooga River corridor.

Response to PC 100

Effects to terrestrial and aquatic wildlife from alternatives 8, 11, 12, 13, 13A and 14 are considered in **Chapter 3, Section 3.2.2 Biology ORV** of the *Environmental Assessment, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River*.

Sample Public Comment(s) for PC 100:

The addition of in roads and campsites would completely disrupt the ecosystem which has developed there since May 10, 1974. This would in turn force the migration of the animals in the area and or cause a rise in human and animals crossing paths, which could end tragically for both. (Ltr# 55, Cmt# 2)

In addition to the human objection to the noise, what about the peace and solitude the animals are used to on this part of the river during the winter. Will the hibernating bears and other animals who seek solitude in this area be affected by the boaters. I don't think the environmental assessment considered that. (Ltr# 191, Cmt# 2)

#31- The agency needs to carefully review the impact additional boating will have on birds nesting in the riparian zones. (Ltr# 193, Cmt# 25)

#47- However, one sentence that forms the basis of comparative assessment does not appear to be aligned with the best available science or best management practices for wildlife habitat preservation. Page 66 notes "The birds and mammals were dropped from the list because they are very mobile and easily able to adjust to human-related disturbances by fleeing." This statement contradicts most every study on riparian wildlife and is not aligned with the Forest goals, guidelines and mandates (see below). The "mobility" statement is then used to dismiss any comparative analysis of non-rare wildlife impacts among alternatives. (Ltr# 193, Cmt# 41)

#48- The effects on nesting birds within the riparian zone caused by the agency's development of a new water-trail for kayakers, remains undocumented in the comparative analysis. The assessment of effects to nesting birds is not optional. (Ltr# 193, Cmt# 42)

#50- The availability of wildlife has a direct link to the type, and quality, of recreational opportunities that will remain available on the Upper Chattooga. Even temporary disturbances of the fish, or birds, will result in the diminishment of angling or birding. This section must assess these wildlife impacts -even temporary impacts-so that an accurate recreational assessment can be analyzed in the recreation section (3.3.1). (Ltr# 193, Cmt# 44)

#272- This recreational flow study only proved that flows do not separate boaters from anglers and provided little insight to the effects kayaking would have on other visitors or the wildlife. (Ltr# 193, Cmt# 263)

#383- The Forest Service chose a preferred alternative on the basis of inadequate and inaccurate data. The Forest Service should have consulted with the U.S. Fish and Wildlife Service to better inform its selection of alternatives, and to determine whether the Eastern Cougar and other species would be negatively impacted by any of the alternatives. Moreover, the Biological Assessment has not yet been completed. No alternative should have been chosen, even on a preliminary basis, prior to completion and review of the Biological Assessment. (Ltr# 193, Cmt# 371)

Appendix A – Content Analysis Process

Content Analysis (CA) is the process used to document, analyze, and respond to the public comment letters that were received on the EA for the Chattooga River. This is a systematic process of compiling and categorizing all public viewpoints and concerns submitted on a plan or project. Content analysis is intended to help the Interdisciplinary Team (IDT) clarify or adjust the EA before finalizing the document and the project. Information from public meetings, letters, emails, faxes, and other sources are all included in this analysis.

In the CA process, each comment letter is logged-in, assigned a unique number, read, coded, summarized, and responded to by the IDT. This number allows analysts to link specific comments to the original comment letter. All commenters' names and addresses are entered into a project-specific database program, enabling creation of a complete list of all commenters.

The comments that are most helpful are those that are unique, substantially different, and are specifically related to the analysis disclosed in Chapter 3 of the EA. In addition to capturing unique and substantially different comments, this report attempts to reflect the emotion and strength of public sentiment in order to represent the public's values and concerns as fairly as possible. Analysts read and code these comments in each letter using the coding structure (see Appendix B). Each comment is coded by subject and category, and then all coded comments are entered into a comment database with minor corrections made for clarity, grammar, and punctuation. When an individual raises multiple concerns within the same letter, each unique comment was numbered and tracked separately.

Once the unique and substantially different comments were coded and entered into the DB, concerns raised by different commenters on the same subject and with the same intent and issue were grouped and summarized into public concern statements (PCs) that capture the essence of those like-concerns. In this way, multiple comments may be addressed by one response. In some cases, more nuanced or complex concerns may be answered through multiple responses to multiple concern statements, or they may have a single response dedicated to just that specific commenter. It is important to keep in mind that even though the public concern statements attempt to capture the full range of public issues and concerns, they should be reviewed with the understanding that there is no limitation on who submits comments. Therefore, the comments received do not necessarily represent the sentiments of the public as a whole. This report attempts to provide fair representation of the wide range of views submitted. Every comment has the same value, whether expressed by many, or by one respondent. Analyzing comments is not a vote-counting process. The FS response to the public comments, which in some cases resulted in changes to the EA, was not determined by majority opinion but rather by the substance of the comments. The content analysis process we used ensured that every comment was read, analyzed, and considered.

Following is the systematic process used to analyze the comments:

Step 1: All comment letters were assigned a communication number to allow for tracking the unique comments within the letter to the public concern statements. Name and address information were entered into a database and these commenters were added to the project mailing list.

Step 2: Forest managers and the IDT read each letter and worked with third-party collaboration specialists to ensure all unique and substantially different comments in the letters were coded, entered into a database, incorporated into public concern statements, and addressed in this appendix.

Each unique and substantially different comment within a letter was assigned a comment number, subject code, and category code to enable grouping of similar comments for the report described in step 5. The coding structure and coding of each comment letter can be found in the project record. For example, a comment desiring more motorized loop trails to provide for a better recreational experience would be coded as:

- Comment Number: 1 (1st comment coded in the letter)
- Subject Code: ALT (Alternatives)
- Category Code: 100

Step 3: Form letters were identified and filed in the project record. Regardless of the number of copies received or the number of signatures, one copy of each form letter (identified as the master form letter) was analyzed for unique and substantially different comments and that one letter followed step 2 of this process. The other letters were identified as being associated with this master form letter.

Step 4: Each of the more than 1,121 unique and substantive comments that were coded were entered into a database, verbatim.

Step 5: Reports were produced from the database that contained the coded comments and a report was generated that grouped similar comments. The IDT, along with the third-party collaboration specialist, then drafted PCs that summarized each group of like-comments. These PCs were reviewed and revised by the IDT, and 100 total PCs for the EA are contained in this report.

Step 6: The Forest Supervisor and IDT were provided a report of the PCs to assist them in discussing changes to the EA. In addition, both teams received a report of all 1,121 unique and substantially different comments, as well as the original comment letters.

Step 7: After reviewing the PCs and comments, the Forest Supervisor met with the IDT to clarify questions, discuss comments, and direct changes to be made for the EA. In addition, the IDT responded to all the PCs and these responses are included with the associated PCs in this report.

Appendix B – Coding Structure

Listed below are the Subject and Category Codes that were used to sort the public comments received during scoping. A more detailed description of the coding, database, and comment letters can be found in the project record.

Subject	Category Definition	Sub Code	Cat Code
Alternatives	1 - No Action Pro with rationale	ALT	100
	1 - No Action Con with rationale		105
	2 - Pro with rationale		110
	2 - Con with rationale		115
	3 - Pro with rationale		120
	3 - Con with rationale		125
	8 - Pro with rationale		130
	8 - Con with rationale		135
	11 - Pro with rationale		140
	11 - Con with rationale		145
	12 - Pro with rationale – Preferred Alternative		150
	12 - Con with rationale – Preferred Alternative		155
	13 - Pro with rationale		160
	13 - Con with rationale		165
	14 - Pro with rationale		170
	14 - Con with rationale		175
	Alts 4, 5, 6, 7, 9, 10 and 15 – Considered but not in detail		180
	Alternative Development/New Alternative		185
	Range of Alternatives		190
	Pro/Con Any Alternative no rationale		195
Botany	Botany General	BOT	200
	Old Growth Communities		210
	Southern Appalachian Endemics		220
	Spray Cliff Communities		230
Climate Change	Climate Change	CC	300
	Air Quality		310
Fisheries	Amphibians	FSH	400
	Fisheries General		410
	Stocking of Trout		420
	Fisheries Locally Rare Aquatic Species		430
	Fisheries MIS		440
	Fisheries TES		450
	Large woody debris retention		460
	Habitat		470
Geology	Geology	GEO	500
Heritage	Heritage	HER	600
Laws & Regulations	Authorities	LAW	700
	Conflict (between WSRA and Wilderness Act)		710
	Federal (Including Forest Plans)		720
	Other		730
	State		740

Subject	Category Definition	Sub Code	Cat Code
Miscellaneous	Editorial comments to the document (grammar, maps, spelling, consistency, etc.)	MISC	800
	Information Request		810
	Miscellaneous Comments		820
	Outside the Scope (outside development could affect the pristine nature of the upper segment of the Chattooga WSR; boaters have other rivers and places to kayak, raft and canoe)		830
	Public Literature Citations (only if it's an attachment, otherwise the comment and reference goes under the appropriate resource)		840
	Thank you for your comment (non-substantive)		850
Monitoring	Adaptive Management Plan	MON	900
	Implementation (administration and costs)		910
	Monitoring		920
NEPA	Cumulative Effects (past, present and reasonably foreseeable future actions – only general comments otherwise under the resource)	NEPA	1000
	Decisionmaking		1010
	Key Issues		1020
	Management of River below Highway 28 – Outside Scope		1030
	Process		1040
	Public Involvement		1050
	Purpose and Need		1060
	Purpose and Need – Response to Sumter Land and Resource Management Plan appeal		1070
	Purpose and Need – Consistent management of the upper segment of the Chattooga WSR on all three forests		1080
	Scope of analysis and/or decision		1090
Outstandingly Remarkable Values (River Values -Wild & Scenic River Act)	Botany ORV (part of the Biology ORV)	ORV	1100
	Fisheries ORV (part of the Biology ORV)		1105
	Geology ORV		1110
	History ORV		1115
	Recreation ORV – Boating		1120
	Recreation ORV - Experience		1125
	Recreation ORV – Fishing		1130
	Recreation ORV – Hiking		1135
	Recreation ORV – Horseback riding, hunting and motorized use		1140
	Scenery ORV		1145
	Wildlife ORV (part of the Biology ORV)		1150
	River Values – Free-flowing condition		1155
	River Values – water quality		1160
	Purpose and Need – Preservation of the upper river's free flowing condition; protect water quality; protect/enhance ORV		1165

Subject	Category Definition	Sub Code	Cat Code
Recreation	Access to public lands (boating access)	REC	1200
	Backcountry Reaches and Experiences (lie beyond ¼ mile of the four bridges and referred to by reaches)		1205
	<i>Chattooga Cliffs Reach</i>		1206
	<i>Ellicott Rock Reach</i>		1207
	<i>Rock Gorge and Upper Nicholson Fields Reach</i>		1208
	<i>Lower Nicholson Fields Reach</i>		1209
	Boating - Access		1210
	Boating - Commercial		1215
	Boating – Scenic		1220
	Boating - Tributaries		1225
	Boating – Whitewater		1230
	Campsites		1235
	Conflict between users		1240
	Desired Recreation Experience		1245
	Equitable Treatment of Boaters		1250
	Frontcountry Areas and Experiences (exist within ¼ mile of four bridges)		1255
	<i>Grimshawes/Sliding Rock Area</i>		1256
	<i>Bullpen Road Bridge Area</i>		1257
	<i>Burrells Ford Bridge Area</i>		1258
	<i>Highway 28 Bridge Area</i>		1259
	Loss of solitude and related social impacts from potential use increases		1260
	New access points and portage trails		1265
	Swimming		1270
	Trails		1275
	Trespass on private land		1280
	Tributary Boating		1285
	Use on the upper and lower river segments		1290
	Use determined by season/flow		1295
	Visitor Capacities/Limits on Users		1296
Scenery	Scenery	SCN	1300
Social and Economic	Economic Analysis	SOEC	1400
	Environmental Justice		1410
	Human Health and Safety (Search and Rescue)		1420
	Social Impact Analysis		1430
Soils	Soils	SOIL	1500
Vegetation	Ecological Communities	VEG	1600
	Federally Listed Plants		1610
	Locally Rare Plants		1620
	MIS		1630
	PETS		1640
	Regionally Sensitive Plants		1650
	Invasive Species		1655

Subject	Category Definition	Sub Code	Cat Code
Water and Riparian Corridor	Riparian Resources	WAR	1700
	TMDL		1710
	Water Quality		1720
	Water Resources		1730
	Watershed		1740
Wilderness	Wilderness	WILD	1800
	Preserve natural conditions and wilderness character of Ellicott Rock Wilderness to provide outstanding opportunities for solitude and a primitive and unconfined recreation		1810
Wildlife	Appalachian Gloss	WL	1900
	Blue-footed Lancetooth		1905
	Dark Glyph		1910
	Dwarf Proud Globe		1915
	Green Salamander		1920
	Lamellate Supercoil		1925
	MIS		1930
	Open Supercoil		1935
	PETS (Proposed, Endangered, Threatened, Sensitive)		1940
	Pink Glyph		1945
	Rare Species		1950
	Sensitive and Locally Rare Wildlife Species		1955
	Southern Appalachian Salamander		1960
	Wildlife General		1965

Appendix C - Demographics

Introduction

Demographic analysis presents an overall picture of respondents: where they live, their general affiliation to various organizations or government agencies, and the manner in which they respond. The database that was used contains public comments organized by subject and then category and demographic information. This kind of database can be used to show public comment from certain geographic locations or show comments associated with certain types of organizations. Thus demographic coding, combined with comment coding, allows managers to use the database to focus on specific areas of public concern linked to geographic area, organizational affiliation, and response format.

It is important to recognize that the consideration of public comment is not a vote-counting process in which the outcome is determined by the majority opinion. Relative depth of feeling and interest among the public can serve to provide a general context for decisionmaking. However, it is the uniqueness, appropriateness, and factual accuracy of comment content that serves to provide the basis for modifications to planning documents and decisions. Further, because commenters are self-selected, they do not constitute a random or representative public sample; therefore, caution should be used when interpreting the demographic information. While demographic information can provide insight into the perspectives and values of commenters, it does not necessarily reveal the desires of society as a whole. All input is considered and the analysis team attempts to capture all relevant public concerns in the analysis process.

Geographic Representation

Geographic representation is tracked for each commenter. The following table displays the number of commenters by State.

State	Number of Commenters
Alabama	2
California	3
Florida	2
Georgia	58
Kentucky	6
Michigan	1
Montana	1
North Carolina	15
Oregon	2
Pennsylvania	2
South Carolina	25
Tennessee	1
Texas	2
Virginia	1
Washington	1
West Virginia	1
Unknown	122
Total	245

Organizational Affiliation

Organizational affiliation is tracked for each comment letter. The Table below displays, by organization type, the number of responses and signatures.

Organization Type	Number of Commenters	Number of Signatures
Business	2	2
Federal Agency	1	1
Group or Organization	20	20
Individual	222	224
Total	245	247

Reply Type

The Table below displays, by comment letter format, the number of commenters and signatures.

Reply Type	Number of Replies	Number of Signatures
Letter	192	194
Form Letter/Email	53	53
Total	245	247

Delivery Type

As shown in the Table below, each comment letter is also tracked by how the letter was received during the comment period on the project and the number of signatures.

Delivery Type	Number of Replies	Number of Signatures
Postal	15	15
Email	230	232
Total	245	247

Form Letters

Form letters, which are considered organized group campaign, represent 22 percent of the total letters received during the public comment period for the EA (53 form letters out of 245 total letters).

Forms are defined as five or more responses, received separately, but containing identical text. Once a form is identified, a “form master” is entered into the database with all of the content information. All responses with matching text are then linked to this master form. Duplicate responses from four or fewer respondents are entered as individual letters. Forms are designated with a number for the purpose of tracking subsequent submissions. Form numbers are assigned as each “form master” is identified. Four form letters were received during scoping and the contents of the form letters are listed below in *italics*:

Form 1: (24 form letters received via Email)

Paddling should be allowed on all Wilderness and Wild and Scenic rivers, including the upper Chattooga.

Their preferred alternative (12) is not fair, legal, or justified.

Alternative 8 is the best and alternative but needs to allow paddling on the entire upper Chattooga and its tributaries, should require indirect limits on all visitors before direct limits are applied, and should not include "scenic boating" or "boat-based angling" in the analysis.

Paddlers should be able to paddle the entire river as a multi-day trip if desired.

Their analysis is not reasonable because they treat paddlers inequitably and irrationally.

Form 2: (5 form letters received via Email)

Please consider the following in your Environmental Assessment on additional opening of the wild and scenic Chattooga River and its tributaries to the whitewater group: Reject the boating lobby's insistence on unrestricted access (Alternative 8 of the EA); Reject the Forest Service partial opening (Alternative 12 of the EA); Support the Agency's new efforts to rehabilitate the Upper Chattooga corridor and establish appropriate limits on visitor group sizes and encounters in efforts to maintain a sense of solitude; Support a continued balance of uses, which offers boating on the lower 36 miles of this river, while leaving the Upper Chattooga as is, protected for the benefit of future generations; and the boaters already have a wealth of nearby challenging whitewater to paddle, including Overflow and Holcomb creeks and on the West Fork of the Chattooga, where boating is already legal and permitted.

I am concerned about the Forest Service commitment and abilities to properly monitor and enforce any new boating areas.

Form 3: (24 form letters received via Email and Postal Mail)

As a boater and former raft guide I would like to express my support for the Chattooga Conservancy's position on boating in Section 1, or the upper Chattooga. I am quite satisfied with the boating opportunities in sections 2, 3, and 4, and would like the upper section preserved year round as a limited access and use area. New access is unnecessary and would be detrimental to the wilderness quality of the area and could be a threat to rare species. I am a member of the Chattooga Conservancy and former resident of Long Creek, South Carolina.

Appendix D – List of Preparers

This list includes the names of the individuals who contributed toward the completion of the analysis of public comments for the EA.

TEAMS Forest Service Enterprise Unit

Jodi Kramer and Susan Ague
1602 Ontario Street
Sandpoint, ID 83864

Interdisciplinary Team Members

Mary Morrison – Team Leader (FMS)
Joe Robles – Recreation Specialist (FMS)
Jeanne Riley – Fisheries Biologist (FMS)
Mike Brod – Wildlife Biologist (CONF)
Gary Kauffman – Botanist (NC)
Jason Jennings – Soil Scientist (FMS)
Brady Dodd– Hydrologist (NC)
Erik Crews – Landscape Architect (NC)
Jim Bates– Heritage (FMS)
Jimmy Gaudry - Wilderness/Wild and Scenic Rivers Coordinator (RO)
Joe Robles – Recreation Specialist (FMS)
Tony White – Project Leader (FMS)
Jim Knibbs – Environmental Coordinator (FMS)
John Cleeves – Former Planner (FMS)