

I, Max Gates, being first duly sworn, depose and say:

1. I am a citizen and resident of Clayton, Georgia.
2. I am competent and have personal knowledge of the matters discussed herein.
3. I served as USDA Forest Service ("USFS") Forest Ranger for the Andrews Pickens District of the Sumter National Forest in the Walhalla, South Carolina office from 1961-1972.
4. I served as Resource Assistant District Ranger for the USFS Tallulah District of the Chattahoochee National Forest from 1972 to 1986.
5. During the course of my employment with the USFS from 1961 to 1986 and as a citizen that often used and still uses the Chattooga River for personal enjoyment, I had regular and consistent opportunity to observe the Chattooga River and its uses before and after its designation as a Wild and Scenic River.
6. During the course of my employment with the USFS, I regularly traveled to and observed other wilderness and park areas throughout the Southeastern and Northwestern United States.
7. During the course of my employment with the USFS, I was involved in the study as how best to manage the newly established Wild and Scenic River portion of the Chattooga River.
8. Prior to this period, users of the portions of the Chattooga River that are now designated as wild and scenic enjoyed an experience of solitude and enjoyment of nature that was unique in the Southeast.
9. Following the publishing of the Wild and Scenic River Study (1971) and the release of the movie *Deliverance* (1972), boating usage of the Chattooga River increased dramatically.
10. As boating usage increased, we in the USFS had to respond to a number of boating accidents on the river both above and below Highway 28. One group involved 15 to 20 boy scouts in canoes floating from Burrell's Ford. Two of the boys showed up at my house at midnight after becoming separated from the rest of the group. Each of the canoes had capsized and I do not believe we recovered any of the canoes. We simply did not have the resources at the USFS to monitor and regulate adequately all this usage above and below Highway 28.

11. As boating usage increased, we also had to respond to reports of conflicts between boaters and non-boaters. Many local non-boaters told me that they felt that boaters were intruding on their feeling of safety and solitude in areas long used by such non-boaters for camping, swimming, hiking, fishing and picnics. Some of these people responded by expressing their anger at boaters through verbal barbs, throwing stones, and even firing of gunshots. USFS and other law enforcement personnel had to break up a number of such confrontations.

12. I concluded that the increased boating usage presented a threat to the quality of wilderness experience available to non-boating users.

13. I, with other managers, concluded that the area of the Chattooga River being designated as a Wild and Scenic River should be divided into zones of usage so as to allow citizens reasonable use of the Wild and Scenic river while minimizing conflicts between user groups, maximizing the ability of the USFS to manage the resource, and preserving the unique natural qualities of the river that resulted in such designation.

14. We concluded that boaters should be allowed access to sections of the Wild and Scenic River (often referred to today as Sections 2 through 4) but that the portion above Highway 28 should be preserved for those who desire the solitude experience that all sections of the river formerly provided.

15. The USFS adopted these recommendations to zone use.

16. Following adoption of the zoning, there were many people drowned while floating the Chattooga. (I remember 19 people were drowned in the first three years alone) There were a number of conflicts between boaters and other users in the sections zoned for boating. However, the conflicts between boaters and other users gradually declined because of limited road access and the sheer number of floaters which discouraged other uses.

17. In my opinion, based on 25 years of professional forestry experience in the area and 40+ years of enjoying the use of the Chattooga River, the portion of the Chattooga River above Highway 28 is unique in the Southeast in terms of the quality of its wilderness solitude experience, and the quality of its wilderness hiking, nature watching, fly fishing and other outstanding recreational experiences.

18. In my opinion, based on my years of professional forestry experience in the area and my years of enjoying the use of the Chattooga River, lifting the ban on boating above Highway 28 will damage the unique wilderness solitude experience and quality of wilderness hiking, nature watching, fly fishing and other outstanding recreational experiences above Highway 28. Boaters already have access to the majority of the river and their usage of the river has impacted the quality of usage by non-boaters. Therefore it is fair to protect the interest in solitude and outstanding recreation experience of non-boaters in the remaining section. In short, something should be set aside for solitude and wilderness experience.

19. Finally, in my opinion based on 25 years of professional forestry experience in the area (that includes 14 years of responsibility for USFS law enforcement) and 40+ years of enjoying the use of the Chattooga River, the USFS would not be able to enforce adequately any rules for limited boating access above Highway 28.

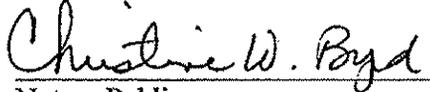
Further, Affiant sayeth not.

  
Max Gates

Sworn to and subscribed before me

This 10<sup>th</sup> day of

April, 2006.



Notary Public

My Commission Expires

~~My Commission Expires July 27, 2006~~