



www.americanwhitewater.org

Kevin Colburn
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VIA ELECTRONIC AND FIRST CLASS MAIL

April 3, 2012

US Forest Service
Attn: Appeal Reviewing Officer
1720 Peachtree Rd NW Ste 811N
Atlanta, GA 30309-9102
Appeals-southern-regional-office@fs.fed.us

Mitchell Betty, President
Whiteside Cove Association
Cashiers, NC 28717

Re: Intervention regarding Whiteside Cove Association's Appeal of Decision Notices Regarding upper Chattooga Wild and Scenic River Management.

Dear Appeal Reviewing Officer,

American Whitewater, American Canoe Association, Atlanta Whitewater Club, Georgia Canoeing Association, Western Carolina Paddlers, Bruce Hare, Kenneth Strickland, and Joseph Stubbs (Intervenors) hereby intervene in the appeal filed by the Whiteside Cove Association relating to the following decisions:

- Decision Notice and Finding of No Significant Impact for Amendment #22 to the Nantahala and Pisgah National Forests Land and Resource Management Plan. USDA Forest Service. Nantahala and Pisgah National Forests. February 2, 2012. File Code 1950/1920. Deciding Officer: Diane Rubiaco.
- Decision Notice and Finding of No Significant Impact for Amendment #1 to the Sumter National Forest Revised Land and Resource Management Plan. USDA Forest Service. Francis Marion and Sumter National Forests. February 2, 2012. File Code 1950/1920. Deciding Officer: Paul Bradley.
- Decision Notice and Finding of No Significant Impact for Amendment #1 to the Chattahoochee-Oconee National Forests Revised Land and Resource Management Plan. USDA Forest Service. Chattahoochee-Oconee National Forests. February 2, 2012. File Code 1950/1920. Deciding Officer: George Bain.

The aforementioned appeal requests the scope of the analysis be expanded to include the entire Chattooga Wild and Scenic River. The legal window for requesting this change in

analysis closed in 2004. In 2004, American Whitewater chose to file a timely appeal of the Sumter National Forest Revised Land and Resource Management Plan (RLRMP) that was specific to the upper Chattooga. The Washington Office then remanded that RLRMP and required a new analysis and decision regarding only the upper Chattooga in April of 2005. Whiteside Cove Association chose not to appeal the RLRMP seeking a broader geographical scope of analysis. Expanding the scope now would prejudice the Intervenor by subjecting us to additional delays and costs of participation, and would be without legal basis.

The aforementioned appeal requests that boating not be allowed “to expand, unless it can be proven conclusively not to have an impact primary emphasis features.” First, boating is a primary emphasis value as Intervenor prove in our own appeal of the decisions cited above. Second, the USFS has sought the proof the Appellants seek for the past 7+ years and found nothing. The Appellant’s additional requested delays would directly impact Intervenor’s interests in a relatively prompt resolution of these matters.

The aforementioned appeal requests that boating not be allowed above Bullpen Bridge. Intervenor has an interest and a legally protected right to paddle the Chattooga Wild and Scenic River above Bullpen Bridge as described in our own appeal of the decisions cited above. Thus, the Appellant’s requested relief would impact our interests and rights.

The aforementioned appeal requests that boating not be allowed based on safety concerns. USFS policy, as cited in our own appeal of the decisions cited above, specifically dictates that river recreation not be limited or banned for safety reasons. Thus, such limits would impact Intervenor’s interests and rights.

In addition to the above arguments, we hereby incorporate by reference all published USFS studies regarding the Chattooga River and American Whitewater comments to those studies,¹ American Whitewater’s 2004 appeal of this issue and exhibits and attachments to that appeal,² Appellant’s 2009 appeal of this issue,³ Appellant’s 2012 appeal of the above-cited 2012 decisions, American Whitewater’s comments on both the 2008 and 2011 draft environmental assessments, all American Whitewater comments and

¹ Including but not limited to the following reports and comments on those reports: Capacity & Conflict on the Upper Chattooga River (Shelby and Whittaker, 2007), Upper Chattooga River Visitor Capacity Analysis Data Collection Reports, Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment Report, Chattooga River History Project Literature Review and Interview Summary, Inventory of Large Wood in the Upper Chattooga River Watershed.

² April 15, 2004 Notice of Appeal of American Whitewater In Re: Appeal of resolution of Issue #13 in the Record Of Decision for the Revised Land and Resource Management Plan for the Sumter National Forest, the Record of Decision for the Revised Land and Resource Management Plan for the Chattahoochee National Forest, and to the extent that the decision is applicable, to the implementation of this decision in the Nantahala National Forest.

³ October 19, 2009 Appeal of the Decision Notice and Finding of No Significant Impact for Amendment #22 to the Nantahala, Pisgah, Sumter, Chattahoochee-Oconee National Forests Land and Resource Management Plan. Managing Recreation Uses on the Upper Chattooga River. USDA Forest Service. August 2009. File Code 1900.

correspondence filed with the USFS on this issue since 2001, and all comments by whitewater boaters in the record since 2001.

Sincerely,



Kevin R. Colburn
National Stewardship Director
American Whitewater

American Canoe Association

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United States
Department of
Agriculture

Forest
Service

Southern Region

1720 Peachtree Road NW
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File Code: 1570 (219)
10-08-03-0010
10-08-11-0011
10-08-12-0012
Date: April 5, 2012

American Whitewater
ATTN: Mr. Kevin Colburn
2725 Highland Drive
Missoula, MT 59802

Re: Appeal of Forest Supervisors George M. Bain's, Diane Rubiaco's and Paul L. Bradley's January 31, 2012, Decisions for Amendments 1, 22 and 1, respectively, for Management of Boating Activities in the Upper Chattooga River Land and Resource Management Plan

Dear Mr. Colburn:

This letter responds to your April 3, 2012, electronically-filed request for intervenor status in the appeals of the subject Decision filed by Whiteside Cove Association. Your request to intervene is granted in Whiteside Cove appeals numbered 12-08-03-0019, 12-08-11-0020, and 12-08-12-0021.

Pursuant to 36 CFR 219.14, I will accept into the appeal record written comments from you on the appeals for a period not to exceed 30 days from the date of this letter. Please submit your comments to: USDA Forest Service Regional Office, ATTN: J. Rick Ledbetter, 1720 Peachtree Rd., NW, Suite 811-N, Atlanta, GA 30309 with INTERVENOR on the envelope. Your comments must be limited to the issues raised in the appeals. At the same time, you must furnish the appellant a copy of your comments to the following address: Whiteside Cove Association ATTN: Mitchell Betty, P.O. Box 2294, Cashiers, NC 28717. Failure to provide copies may result in removal of submissions from the appeal record. You may obtain a copy of the Whiteside Cove appeals on the public website at www.fs.fed.us/r8/fms.

Sincerely,

/s/ Ken S. Arney

KEN S. ARNEY
Reviewing Officer
Deputy Regional Forester

cc: Chattahoochee-Oconee NFs
Francis Marion-Sumter NFs
NFs in North Carolina

