

**WHITESIDE COVE ASSOCIATION**  
**CASHIERS, NC 28717**

July 9, 2012

Chief Tom Tidwell  
US Forest Service  
1400 Independence Ave., SW  
Washington, D.C. 20250-0003

**Re: Management of the Chattooga River.**

Dear Chief Tidwell,

The Whiteside Cove Association requests you review your agencies response to our Notice of Appeal filed in regards to the management of the Upper Chattooga Wild and Scenic River (WSR).

The Sumter Forest Service has protected the Upper Chattooga for both non-use values, and the alternative experience for non-paddlers seeking avoidance of the fleets of paddlers running the lower 2/3rds of the designated Chattooga River. Despite the agency's documented impacts to non-paddling values along the lower Chattooga, the revised Decision expands boating and their associated impacts to the upper Chattooga. Only by isolating assessment to only the section of the designated Chattooga that restricted paddling, could the assessment Find No Significant Impact. The lower portion of the designated Chattooga river has never limited private paddling, despite the agency publishing documented degradation of the resource from overuse.

Isolating assessment to the upper Chattooga has also created a false impression that limiting paddling created some sort of hardship for kayakers. Two federal court ruling on the two recent kayak lobby lawsuits against the Forest Service management on the Chattooga have rejected such a narrow review of Chattooga management policy; yet this argument presented by the kayak lobby on appeal underscores the agency recently published decisions.

The Whiteside Cove Association Notice of Appeal remains largely unanswered; with multi-paged legally scripted answers completely irrelevant to the specific points raised. We contend that assessment of capacity of a resource-wide Recreational ORV, using only half the resource, has lead to a deficient EA. The agency response to our NOA did not explain why the agency chose to mimic the myopic scope of assessment demanded by the kayak access lobby. Instead, the appeal response portrayed the Kayak Lobby demands as controlling the Forest Service allowable scope of review.

The agency acknowledges isolation of assessment to only the upper Chattooga and only to one new visitor type: non-commercial, non-motorized, single-capacity whitewater boating using high-tech creek boats and requiring specific safety equipment. Therefore, capacity for 'all potential visitors' was not considered in the analysis: the EA acknowledges most types of boating, as well as bikes, ATVs and horses, were neither assessed nor considered as part of the ordered visitor capacity study.

The Association's appeal also questioned the decision to outsource the Visitor Capacity Analysis to a consultant recommended by the Kayak Lobby, whom either wrote or provided oversight on all published documentation relating to the study, using a methodology co-authored with the Kayak Access Lobby. The FONSI, based upon the outsourced analysis (using a consultant with a documented conflict of interest) should not provide the basis for the agencies "hard look" at impacts from boating, but the 2012 Decision did just that. Since 2006, the Association repeatedly requested additional oversight and/or alternative sources of analysis be used, such requests were denied.

One fundamental flaw within the 2012 Environmental Assessment that underscores the Associations NOA is the revised definition of *carrying capacity* for Wild and Scenic Rivers. The EA presents capacity as being open to broad interpretation (3.2.1 section 4 page 67), including the interpretation of the hired consultant. However, the joint Chiefs published a clear definition in the 1982 WSR guidelines<sup>1</sup> that was completely disregarded for this assessment. The definition included the *quality of the visitor experience* and the impact on all the Outstanding and Remarkable Values (ORVs). In Federal court, the agency accurately argued that these values are resource-wide, and that governing statutes apply to all the values collectively, not one value independently. Ironically, the 2012 E.A and subsequent Decisions made two errors. First, the agency narrowed the geographic scope to the upper section, thereby providing an incomplete review amongst all designated values. Secondly, the affects expanding boating will have on the *quality of the experience* for non-paddling visitors is missing, in fact the quality for non-paddling visitors was collected in 2005 as part of the LAC then largely ignored.

The WCA encourage you to review the agency's response to the Associations NOA. The agency response is truly amazing in avoidance of the appeal points, and in overall length (32 pages of robotic repetition of legalese).

After seven years of a theatrical analysis, our low expectations of the Forest Service now match the agency's complete disdain for working with citizens interested in our National Forests. Even the litigious-minded access lobby (American Whitewater, who sought to hijack assessments for their own self-serving interests) was forced to mount a national campaign, in order to manipulate the scope of assessment. Such rhetoric is unlikely used for recruitment into the Forest Service, but should be used to warn forest managers dealing with these slimy well-funded and well-networked lobbies.

Regards,  
Michael Bamford  
River Stewardship Director; Whiteside Cove Association.

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<sup>1</sup> FR Vol 47 No 173 9/7/1982