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**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***

Respectfully Submitted on April 6, 2007

American Whitewater (AW) would first like to commend and thank the United States Department of Agriculture/United States Forest Service ("Forest Service") for conducting an initial on-river floating study of a significant portion of the Headwaters of the Chattooga River. In connection with the Draft *Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment Report* (Expert Report), both the Forest Service and its consultants have obtained many initial and important floating and angling related data points to inform future management of the Chattooga Headwaters. As the expert boater panel can now attest from personal experience, floating the Chattooga Headwaters is a rare and unparalleled wilderness floating experience, especially when viewed as an integral part of fifty-two continuous miles of pristine and free-flowing Southeastern whitewater.

On April 2, 2007, the Forest Service posted a draft of the Expert Report on its website. AW's staff and volunteers have reviewed that draft and have found certain significant technical errors and deficiencies that AW hopes the Forest Service – in conjunction with its consultants – will correct prior to finalizing the Expert Report or making any management decisions based upon the Expert Report. Below, please find AW's suggested revisions to the draft. Our comments are based on our experience with dozens of other similar studies and the ongoing LAC process, as well as on our membership's significant familiarity with the corridor of the upper Chattooga River. Thank you for considering these comments, and please do not hesitate to contact AW regarding anything contained herein.

Comments and Suggested Revisions Based On Technical Errors and Deficiencies

Report Section 2.0: This section lists the bordering National Forests but makes no mention of the private lands bordering the river. This section should describe the entire Wild and Scenic Corridor, including the Forest Service land at and above the Grimshawes Bridge, the public river downstream, and any private lands that are adjacent to the river and within the Wild and Scenic Corridor.

Report Section 2.1: Footnote 2 states that the upper 1.7 miles of the river were not analyzed. In fact, at least the upper 2.0 miles was not paddled, however Figure 2.2 appears to indicate that more than 2.0 miles was not paddled, and elsewhere in the document the section not paddled is estimated at 3 miles. The distances paddled and not paddled should be noted in section 2.1 and used consistently throughout the document.

It should be explained that a significant portion of the Wild and Scenic Chattooga River was not studied by the Forest Service, its consultants, or the expert panels of anglers and boaters. This upper reach is a federally designated Wild and Scenic river and we know virtually nothing about the state of the reach's Outstanding Remarkable Values, except that the Recreation ORV has been completely eliminated by the Forest Service's failure to clarify and enforce public access provisions. The reasons for excluding this reach from the User Capacity Analysis and the expert panel data collection should be explained in the context of the Wild and Scenic Rivers Act and the AW appeal decision, and documented. See related comments throughout.

Report Section 2.1.1: This section is deficient in that it does not note that the Forest Service owns the boating put in¹ at Grimeshawes Bridge, and in that it does not share the rationale for excluding this portion of the river from the study. Exclusion of roughly the upper half of the Chattooga Cliffs reach results in a significant data gap and should be justified and accounted for throughout the Expert Report.

Report Section 2.1.4: Section IV of the Chattooga is roughly described but the reach length is not noted, nor is suitability for rafting, commercial use, access, management, larger size than the headwaters, and more regular flows. Section IV is described as currently receiving "heavy private and commercial boating use..." This is an unsupported capacity judgment and should be struck from the Expert Report. Furthermore, Section IV was not studied as part of the expert panel data collection and therefore should not be referenced in this report at all. Section IV receives little or no additional reference as a proxy river in the report, and is therefore not relevant. We recommend removing this section entirely.

Figure 3.1: Please note whether this data is 15 minute, hourly, daily, etc.

Report Section 5.1.1: In this section and the sections that follow, it is impossible to determine the extent of the river that was fished by anglers. Did they fish 1% or 90% of

¹ Grimshawes Bridge is clearly labeled and referred to as the boating put in for the Chattooga Headwaters throughout the original Wild and Scenic Study documents, as well as in modern guidebooks and websites.

the river? Did they view and decide not to fish certain reaches of the river? This section needs a map (and numeric data) showing the locations fished, viewed but not fished, and not visited. In addition this map and analysis should include the distances hiked on formal trails and distances hiked on user created or informal trails.

Secondly, this section begins a discussion of spin and bait fishing found throughout the Expert Report. Since no participants actually engaged in these activities we question the validity of these data. At the very least, it should be noted that any references to spin and bait fishing is based on unverified, extrapolated information. Discussion is likely acceptable, but extrapolating the numeric suitability of a wide range of flows for an activity that was not carried out is not defensible. The limitations of these data should be clearly noted, or the data should be removed from the report.

Report Section 5.1.2: No panelist fished the Chattooga Cliffs reach, even though they were asked to do so. This decision is a data point - backed by an angler panelist's hiking report - suggesting that the reach or flow conditions were undesirable, however this is where the discussion of angling on the Cliffs reach should end. However, the Report goes on to predict specific suitable flows and to discuss the merits of the reach even though only a small part of the reach was viewed by only a single panelist who chose to not fish. This should be corrected throughout the document.

Report Tables 5.2: This table should not include the Chattooga Cliffs reach because the reach was not fished and most of it was not visited as part of the data collection. Spin fishing and bait fishing should be excluded, or at least footnoted and/or otherwise highlighted to indicate that this activity was not engaged in as part of the data collection and is based on unverified, extrapolated information.

Report Section 6.1.2: There is an error in the following sentence: "The boatability was rated overall 6.5, the whitewater challenge 5.5, and the overall rating was 5.2 on a scale of 1 being totally unacceptable to 7 being totally acceptable." Based on Table 6.1, the overall rating was actually 6.2, not 5.2 as stated in section 6.1.2.

Report Section 6.2.1: This section and sections that follow erroneously infer that the only Forest Service or public access for the reach is downstream of the private lands. This is absolutely false and *must* be corrected. Grimshawes Bridge is clearly noted as the "start of the rafting water" and as a boat launch in the Wild and Scenic study documents and paddlers would *very* likely prefer to put in at Grimshawes Bridge – on Forest Service land or in the road right-of-way – rather than hike 1.7 miles with their boats. This is a *fact* that is ignored throughout the report. The 1.7 mile hike was required by the Forest Service as an artificial limitation on the study, but has nothing to do with past, desired, intended, or potential recreational use patterns. This must be reflected in the report. See comments to Report Section 2.1.

Report Section 6.2.2: The access section notes: "The decision to put-in at this location was based on the restriction of access at the upper stretches due to private property." This statement is erroneous. There is no restriction on access to the upper stretches due

to private property. As we have explained and documented in prior written correspondence, the Forest Service has the authority to allow floating on a Wild and Scenic River regardless of ownership, and furthermore the state of North Carolina has a formal Attorney General's opinion stating that the public has the right to paddle any river capable of being paddled. This factual error in the Expert Report must be corrected. The Forest Service should manage and allow public access at or near Grimshawes Bridge, but if the Agency fails to do so, access will be allowed under North Carolina state law. The reality of future use will likely be based on paddlers using Grimshawes Bridge, and the Expert Report should predict and discuss this.

The Forest Service's position on the private property issue, and the basis for that decision, should be made public and defended immediately. The lack of a clear position by the Forest Service is already causing bias in the LAC process as evidenced by the draft Expert Report. *See also*, comments to Report Section 2.1.

Report Section 7.1.2: The Report states a disadvantage as follows: "Accessibility - difficult put-in at the confluence of Norton Mill Creek and the Chattooga River, about 3 miles downstream from Grimshawes Bridge; access via 1.7 miles portage on an abandoned logging road;" This is only true of the study, but not of the river itself. As previously noted, Grimshawes Bridge is the appropriate put in for this reach. Altering past, intended, documented, and preferred recreational use patterns during the study has weakened the results. This must be noted and addressed in all sections. See comments to Section 2.1.

Report Section 7.1.3: These data are highly confusing without converting the experiences of paddlers and anglers to the same gages. Even our staff and volunteers who are very familiar with the river, the Expert Study, and surrounding issues were confused by the lack of correlation between the gages. The final draft of the Expert Report should have correlated gages.

Report Section 7.2.2: Again, there are no access restrictions on the upper Chattooga except those put in place by the Forest Service. Any statement to the contrary should be removed. See comments to Expert Report Section 2.1.

Omission: The surveys filled out by anglers and boaters should be scanned and included in an appendix with the Expert Report. This is standard protocol.

Thank you again for considering these comments. Please do not hesitate to contact me or any of the staff at AW.

Sincerely,



Kevin Colburn