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VIA E-MAIL & CERTIFIED MAIL

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Comments on the Upper Chattooga Environmental Assessment
c/o USDA Forest Service Supervisor's Office
4391 Broad River Road
Columbia, South Carolina 29212-3530

Dear Supervisors Bradley, Bain and Hilliard:

This letter is filed on behalf of our clients, Georgia ForestWatch and Wilderness Watch, in response to the request by the United States Department of Agriculture, Forest Service (Forest Service) for comments on the Environmental Assessment for Managing Recreational Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor, released July 15, 2011 (EA).

Georgia ForestWatch is a not-for-profit forest conservation group dedicated to promoting naturally self-sustaining forests and watersheds primarily on the Chattahoochee-Oconee National Forests and to preserve their legacy for future generations. The organization's members often visit the Chattooga Wild and Scenic River (River) corridor, not only in Georgia but also in the Sumter and Nantahala National Forests in adjoining North and South Carolina, for recreation, nature study and spiritual renewal. The organization's volunteers in Rabun County have organized and led public hikes along portions of the River where the Forest Service proposes to permit boating. Members have helped maintain and re-route Forest Service hiking trails in this region under Forest Service supervision.

Wilderness Watch, a national not-for-profit conservation organization based in Missoula, Montana, is America's leading conservation organization dedicated solely to protecting the lands and waters in the 110 million-acre National Wilderness Preservation System. The organization strives for preservation and proper stewardship of these remarkable Wilderness reserves through citizen oversight, education, and continual monitoring of federal management activities.

Georgia ForestWatch has been represented at every public meeting held in connection with the Chattooga visitor study. Georgia ForestWatch has commented at every opportunity during the multi-year study and environmental review process leading to this latest Environmental Assessment and its predecessor EA issued in 2008. As a longstanding participant in the decision-making process for the Upper Chattooga, Georgia ForestWatch appreciates the difficulty of successfully managing and protecting a resource that, like so many in the Southeast, is at risk of being “loved to death.” The Forest Service’s final management plans for the Sumter, Chattahoochee and Nantahala National Forests will determine the future of one of the most biologically diverse and spectacular pieces of public lands in the country. Wilderness Watch has commented on previous U.S. Forest Service boating proposals.

Summary of Georgia ForestWatch and Wilderness Watch Position

Georgia ForestWatch and Wilderness Watch agree with the Forest Service that action is needed to continue to support and protect the outstandingly remarkable values (ORVs) of the Upper Chattooga, its natural resources and special solitude, in particular. Restrictions on access to the Chattooga Cliffs backcountry areas, the Ellicott Rock Wilderness and adjacent Rock Gorge backcountry areas, and the special trout fishery areas above Route 28 – indeed, the entire 21 miles of the Upper Chattooga Headwaters -- are necessary to protect the resource. The Forest Service is required by law to manage the resource first and foremost to protect and improve its quality and biological diversity. Furthermore, all recreation uses on all segments of the River should be managed to levels at which the Forest Service can sustain these most important elements.

Georgia ForestWatch 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.¹ 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.

Although Georgia ForestWatch and Wilderness Watch remain opposed to boating in the Headwaters above Highway 28, the Environmental Assessment does promote certain appropriate and needed forest management practices, which we commend. We do support management practices that would limit group sizes for hikers and

¹ EA at p. 1.

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 ForestWatch 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."²

Further, with regard to Alternative 12, although all boating must continue to be prohibited and any Alternative that would allow such boating is unacceptable, Georgia ForestWatch and Wilderness Watch would like to point out certain specific problems with regard to Alternative 12 beyond the general comments provided herein. This includes inadequate protection of natural resources, unacceptable visitor access controls and improper expansion of roads and new access trails.

Incorporation of Other Documents

Georgia ForestWatch incorporates by reference into these comments the following:³

- 1) All comments on this matter submitted by Friends of the Upper Chattooga when Georgia ForestWatch was still a member of that group;
- 2) Comments of Georgia ForestWatch 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;
- 3) Any and all other comments on this matter, written and verbal, submitted at any time by Georgia ForestWatch on the issues of boating on the Chattooga River and management of the Wild and Scenic Corridor.
- 4) Comment letter filed by Wilderness Watch on August 18, 2008.

² EA at p. 2.

³ Georgia ForestWatch and Wilderness Watch understand from the Environmental Assessment that all previous comments will be considered in evaluating the final Environmental Assessment and preferred Alternative.

Discussion of the EA and Decision-Making Process

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I. SUSTAINABILITY AND CAPACITY

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.⁴ 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.”⁵ 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.”⁶ The Forest Service should protect visitor experience by developing prescriptions that “manage the character and intensity of recreational use on the river.”⁷ 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.”⁸ 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.

A. 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.⁹ Currently, the Forest Service estimates that between 40,000 and 70,000 boaters per

⁴ Forest Service Manual (FSM) 2354.41.

⁵ FSM 2354.03.7.

⁶ FSM 2354.32.6.

⁷ FSM 2354.41.

⁸ FSM 2354.03; *see also id.*, 2354.32.1 (“to the extent possible, the management objectives should reflect the river’s recreational relationship to nearby rivers.”).

⁹ Sumter National Forest, Recreation Supply and Demand: The Sumter National Forest’s Place in Outdoor Recreation in South Carolina, p. 15.

year “run sections of the Lower Chattooga.”¹⁰ 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 Directives¹¹ 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 ForestWatch 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.

B. 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.¹² 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.¹³ 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.

¹⁰ EA at p. 58.

¹¹ FSM 2354.41a.

¹² See, e.g., 47 Fed. Reg. 39458-39459 (Sept. 7, 1982).

¹³ 47 Fed. Reg. 39454, 39459 (Sept. 7, 1982).

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.

C. 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.”¹⁴ 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.¹⁵ Any efforts to distribute visitor use must be supported by adequate administrative capabilities of the managing units.¹⁶

D. Management Should be Informed by Quality Monitoring

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.¹⁷ 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.

¹⁴ FSM 2354.32.3.

¹⁵ FSM 2354.03.3.

¹⁶ FSM 2354.41a.

¹⁷ See, e.g., EA, page 218. “All the boating alternatives are not likely to cause any viability concerns on the NNF, CONF or the SNF with implementation of the monitoring plan to determine the presence of the rarest liverworts for the first two years and potentially thereafter. If unacceptable recreational impacts are detected, corrective actions would be implemented.”

II. COMPLIANCE WITH THE WILD AND SCENIC RIVERS ACT AND THE WILDERNESS ACT

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.”¹⁸ 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.¹⁹ In a wilderness, the overarching concept is to preserve natural conditions and wilderness character.²⁰ 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”).”²¹ 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.²² 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.

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.²³ 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.”²⁴ 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

¹⁸ See U.S. Forest Service, Wild & Scenic River Management Responsibilities (A Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council), p. 22 (March 2002).

¹⁹ 16 U.S.C. § 1281(b); FSM 2354.42e.

²⁰ FSM, Chapter 2320.6.

²¹ Id.

²² 16 U.S.C. § 1281(a).

²³ Friends of Yosemite Valley v. Norton, 348 F.3d 789, 796 (9th Cir. 2003).

²⁴ Sumter National Forest, Recreation Supply and Demand: The Sumter National Forest’s Place in Outdoor Recreation in South Carolina, p. 15.

boating would “protect and enhance the values” for which the River was designated.²⁵ 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.²⁶ 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.²⁷

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.

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.²⁸ The WSR Report concluded that only some sections of the River were ideal for floating.²⁹ 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.”³⁰ 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

²⁵ See *Oregon Natural Desert Ass’n v. Green*, 953 F.Supp. 1133, 1143 (D. Or. 1997) (quoting the Wild and Scenic Rivers Act, 16 U.S.C. § 1281(a)).

²⁶ *Id.* at 1144-1145.

²⁷ *Oregon Natural Desert Ass’n v. Singleton*, 47 F. Supp. 2d 1182, 1191 (D. Or. 1998).

²⁸ Doug Whittaker and Bo Shelby, *Capacity & Conflict on the Upper Chattooga River*, p. 22 (June 2007) (“Capacity & Conflict”).

²⁹ WSR Report, p. 22.

³⁰ 41 Fed. Reg. 11847, 11847 (Mar. 22, 1976).

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.”³¹ 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.”³² 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.”³³ The Chattooga was never intended to be laid open for any recreational use sans motor that one might contemplate.

Georgia ForestWatch 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.”³⁴ Nowhere in this clear and concise administration section is there any mention of a primary recreational emphasis.

Georgia ForestWatch 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.

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.

³¹ U.S. Forest Service, Wild & Scenic River Management Responsibilities (A Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council), p. 5 (March 2002).

³² WSR Report, p. 86.

³³ WSR Report, p. 86.

³⁴ 16 U.S.C. § 1281(a) (emphasis added),

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.

III. NATIONAL ENVIRONMENTAL POLICY ACT

A. An Environmental Impact Statement Should Have Been Prepared

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.

B. The Scope of the EA is too Narrow

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 mainstem 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.”³⁵ 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

³⁵ See 40 C.F.R. § 1508.7.

time for expanded paddling, both private and commercial, as is amply shown in the recent boating expansions granted on the Lower Chattooga.³⁶ 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.

C. Segmentation of Impacts and Projects is Illegal and Misleading

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

³⁶ See Amendment No. 14 to the Sumter National Forest Land and Resource Management Plan of August 2002, revising and expanding the management of both self-guided and commercial recreation boating on the Lower Chattooga.

patterns, and management practices of nearby rivers.”³⁷ 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.³⁸ 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.³⁹ 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.

D. Costs Associated with Alternatives Were Not Adequately Considered

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.”⁴⁰ 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

³⁷ FSM 2354.03; see also *id.*, 2354.32.1 (“to the extent possible, the management objectives should reflect the river’s recreational relationship to nearby rivers.”).

³⁸ See *Capacity & Conflict*, p. 89.

³⁹ FSM 2354.41.

⁴⁰ EA, pp 400-401

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.

IV. Specific Comments to Environmental Assessment and Boating Alternative

A. Natural Resources are not Adequately Protected Under The Boating Alternatives

1. Protection of Plants and Animals Must be the Primary Management Objective

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.⁴¹ 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.

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:⁴²

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 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.

⁴¹ EA at pp. 16-17.

⁴² EA p. 200.

Similarly, the Environmental Assessment reasons that visitor impact on wildlife is minimized because some species can flee.⁴³ These illogical arguments only raise greater concern that rare and sensitive species may be encountered and destroyed.

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.⁴⁴ 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.⁴⁵

We must also note special concern over the possible trampling or loss of a new Rock Gnome Lichen (*Gymnoderma lineare*) subpopulation.⁴⁶ 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.

Finally, 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

⁴³ EA at p. 183.

⁴⁴ EA, pp. 136-223.

⁴⁵ EA at p. 209.

⁴⁶ EA, pp. 218-219.

2. Large Woody Debris Must be Maintained.

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,⁴⁷ 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.⁴⁸ 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.

3. Sedimentation Cannot be Increased

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

⁴⁷ Some stretches of riverbank have as many as ten dead or dying hemlocks in a 100-yard stretch.

⁴⁸ EA, p. 152 (“LWD is removed from river sections downstream of Highway 28 for boating and from Overflow Creek by boaters (www.boatertalk.com/forum/BoaterTalk/1381138). Boater message board comments (www.boatertalk.com/forum/BoaterTalk) indicate that boaters remove LWD from rivers to clear passage for boating. In addition, an article on the American Whitewater Web site (Colburn 2001) describes circumstances where it is proper or improper to remove logs for boating passage. Evidence from these sources and the 2007 LWD inventory show that LWD removal is likely where camping and boating are allowed.”)

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.

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).⁴⁹ 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.

B. Visitor Controls are Not Adequate Under the Environmental Assessment or Any Boating Alternative

Georgia ForestWatch 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

⁴⁹ See <http://apps.fs.usda.gov/WCFmapviewer/>.

protect the resource. To ensure that ORVs are protected, Georgia ForestWatch 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).⁵⁰ 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.

1. 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.⁵¹ 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

⁵⁰ The Forest Service also should consider new limits on groups' sizes in other areas of the River Corridor if adaptive management reveals overuse.

⁵¹ See *Capacity & Conflict*, pp. 34-35 (June 2007).

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.”⁵² 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.

2. 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.”⁵³ 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.”⁵⁴

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.

3. 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

⁵² USDA Forest Service News Release of July 15, 2011.

⁵³ EA at p. 41.

⁵⁴ Id.

12 proposes to limit boating by space and time, it would permit boating at any river level, which we believe to be a mistake.

4. 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.

5. 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.

6. 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.⁵⁵ 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

⁵⁵ 41 Fed. Reg. 11847, 11851 (Mar. 22, 1976). See also, FSM 2354.42g (access should be by trail).

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.⁵⁶ 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.

a. Special Concerns With Green Creek and “County Line Road Trail” Access.

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.⁵⁷

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 ForestWatch 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, criss-crosses the old

⁵⁶ See *Capacity & Conflict*.

⁵⁷ See http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5322195.pdf for “Text and Map of Potential Green Creek Access.”

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”⁵⁸ 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.

C. Adaptive Management and Financial Resources

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.”⁵⁹

⁵⁸ EA p. 53.

⁵⁹ EA at p. 401 (emphasis added).

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.⁶⁰

Conclusion

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 ForestWatch 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.⁶¹

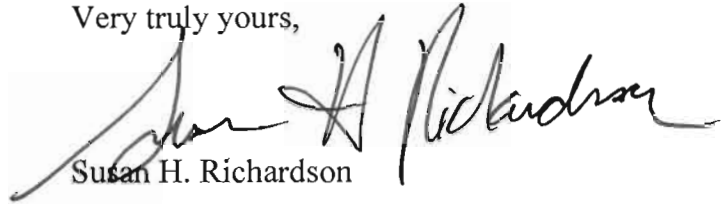
As before, Georgia ForestWatch and Wilderness Watch and its members stand ready to assist the Forest Service in protecting this special place, including accepting limitations on their own access to the Upper Chattooga if that is necessary to protect the resource for future generations.

⁶⁰ In fact, if any new boating is permitted on the Upper Chattooga, (which it should not), the Agency should consider re-establishment of the “river ranger” positions that were once briefly used by the Andrew Pickens District of the Sumter National Forest, both to monitor boating and streamside management in the Wild and Scenic river corridor in the three affected national forests.

⁶¹ 40 C.F.R. §§ 1501.4(c), (e).

Thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan H. Richardson". The signature is fluid and cursive, with a large initial "S" and "H".

Susan H. Richardson

cc: Georgia Forest Watch
Wilderness Watch