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Re: Draft Forest Plan Comments

Dear Forest Planning Team,

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have over 5,500 members and 100 local-based affiliate clubs, representing approximately 80,000 whitewater paddlers across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. As a conservation-oriented paddling organization, American Whitewater has an interest in the river environments of the Nantahala-Pisgah National Forest. A significant percentage of American Whitewater members reside within easy driving distance from the Forest and regularly travel to this area for recreation.

American Whitewater is a proud member of the collaborative Nantahala-Pisgah Forest Partnership (NPFP), a group of more than 30 members and affiliates representing a diverse cross-section of public lands interests, working together since 2013 to create a lasting voice for innovative management and public investment in the public forests of North Carolina's mountains for the future. The Partnership recently reached a major milestone in crafting and signing consensus recommendations for improving the Draft Forest Plan, and we fully support those recommendations, which were submitted as comments on the Draft Plan, dated June 25, 2020.¹ We have crafted these organizational comments to be complementary and supplementary to the Partnership recommendations, with the interests of our many partners in mind.

American Whitewater has also fully participated and served in various leadership capacities in the Nantahala Pisgah Stakeholder's Forum, and was a signatory to that group's recommendations as well.

¹ Nantahala-Pisgah Forest Partnership. Comments on the Nantahala and Pisgah National Forests Proposed Land Management Plan. (June 25, 2020)

<https://cara.ecosystem-management.org/Public/Letter/2528454?project=43545>

We have spent vast amounts of time listening to Forest Service staff and other stakeholders to gain an understanding of their interests and knowledge of the Forest. We have likewise shared our interests in Forest management that supports sustainable outdoor recreation and thriving natural environments. As a founding member of the Wild and Scenic River Coalition, and a participant in the development of the 2012 Planning Rule and many Forest plans, we have an interest in exemplary Wild and Scenic River management.

First and foremost we would like to commend you and thank you for your work. You staffed many collaborative meetings, taught the public a master class in Forest management through public meetings and other outreach, and incorporated many ideas into the Plan that rose up through collaborative groups. The Draft Plan itself is based on win-win alternatives, incorporates stretch goals, and offers worthy streams a new protective screen as eligible for Wild and Scenic. We offer these comments on good parts of the Plan, as well as several parts that need work, in this context of appreciation and partnership, and with what we know is a shared goal to have a well-managed Forest that has broad support.

1. Wild and Scenic Eligibility

We would like to thank the Forest Service for doing an excellent job of recognizing the value of nine additional streams as eligible for Wild and Scenic designation, bringing the total to 22 streams across the Forest.² We feel that each of these streams merit this protection for their recreational, scenic, and biological values, and note that the Nantahala-Pisgah Forest Partnership recommended each of them in our 2017 recommendations and remains supportive. Throughout the Forest Planning process American Whitewater provided comments, images, films, presentations, media interviews, and expert opinion that these streams merit protection. Eight of the nine streams, with Flat Laurel Creek being the exception, are unique and exemplary whitewater runs. These range from the mellow scenic float on the South Toe, to the diverse and remote whitewater opportunities on Santeetlah, to challenging gems like the West Fork Pigeon and Thompson rivers.

The Draft Plan does not find 12 streams eligible that were recommended by American Whitewater and the 2017 NPFP Recommendation. These streams, grouped intentionally in watershed systems, are:

- East Fork Tuckasegee (a change from the eligibility report), Panthertown Creek, Greenland Creek,
- Gragg Prong, Harper Creek, North Harper Creek, Lost Cove Creek,
- Rock Creek,
- North Fork of the French Broad River,
- East and West Fork Overflow Creek, and,

² Nantahala and Pisgah National Forests Proposed Land Management Plan (2020). Pg. 242-246.

- Tanassee Creek.

All of these streams are in a Management Area that is geared toward passive management, except for the North Fork of the French Broad River and Tanassee Creek, both of which are largely in Matrix. Of all of the above streams found ineligible, the North Fork French Broad and the three Panthertown Valley streams are our priorities for reconsideration, and we hope you will also take a hard look at the rest. We ask that you consider the following new information regarding our priority streams.

North Fork of the French Broad

The Draft Environmental Impact Statement for the Proposed Management Plan (DEIS) and Draft Plan errs in viewing whitewater paddling in a one-dimensional frame that wrongly equates the North Fork of the French Broad (the “North Fork”) with very different rivers.³

The DEIS states that the Upper Nantahala provides a comparable floating experience to the North Fork and is a source of competitive events. Not so. The Upper Nantahala is roadside for its entire length with significant associated visual impacts, whereas the North Fork flows through a roadless valley with few signs of mankind. The Upper Nantahala is dewatered by upstream hydroelectric dams, and runs less frequently and predictably at flows suitable for paddling than the free-flowing North Fork. American Whitewater negotiated 8 annual recreational releases on the Upper Nantahala which are great but they are far more crowded than the North Fork, and require a fee and a commercial shuttle. There are no competitive events on either river as far as we know. These rivers are also 90 miles (2 hour drive) apart, making their relative recreational value quite different for people living in different locations.

The DEIS also states that “the Nantahala River has a highly developed outfitter guide program and the supporting facilities that enable a more comprehensive recreation experience.” We do not find this statement relevant. Paddlers seeking Class IV+ steep whitewater seldom utilize outfitters or guides, we don’t believe paddling outfitters operate on either the North Fork or the Upper Nantahala, and both rivers have outfitters that offer gear sales, a gathering location, food, and beer along the river on a proximal downstream reach.

Lastly, the DEIS states that there are other challenging whitewater runs throughout the region of comparison, including the Tellico, Oco[n]jee, Wilson Creek, and the Chattooga in North Carolina. These rivers require driving 3 hours and 21 minutes, 2 hours and 43 minutes, 2 hours and 11 minutes, and 55 minutes, respectively. The Ocoee is a dam release, crowded, roadside, commercially rafted, playboating run that is totally different than the North Fork. Wilson Creek is a comparable river in many regards, though a long drive, and to our point on the North Fork’s eligibility Wilson Creek is Congressionally designated as a Wild and Scenic River. The Tellico is

³ Draft Environmental Impact Statement for the Proposed Management Plan, Nantahala Pisgah National Forest, App F, Pg. 427

also quite comparable, though roadside, and too far from most North Fork paddlers to serve as a comparable surrogate. The Forest Service prohibits paddling on the Chattooga in North Carolina for the seven warm months each year on most of the river, bans paddling entirely on the rest of the river, and requires a hike-in of over 1-mile for one reach, among other limits. These prohibitions on paddling the Chattooga render it not comparable, or a legal substitute, to the North Fork.⁴

Several unconsidered facts combine to make the North Fork eligible. The recreation community just *knows* these things, we *feel* them when on the North Fork, and we'll attempt to document them here.

The North Fork is a classic whitewater run. It offers numerous unique and distinctive high-quality rapids of similar difficulty, with no portages or severe hazards, and nice short pools and sections of easy whitewater between the named rapids, which add to safety without adding a lot of flatwater. The scenery is superb, with good water clarity, large boulders, and intact forest. There is no other rapid like Boxcar Falls, anywhere. Paddlers float from a pool to a blind horizon line, tipping over the edge they slide down a steep waterslide that accelerates them along a flat rock shelf to a second lip over which paddlers launch into 10 feet of freefall. Looking back upstream the impressive view is of the river falling over converging waterfalls that drop from both sides of the river into the middle. Boxcar is just one classic rapid of many, including Submarine, the Clog, Vortex, and Razorback. We should note that in decades of frequent use, there has not been a paddling fatality on this river, and the safety of the riverbed is a major value of this river.

Second, the river runs at boatable flows far more than most regional streams of this difficulty because of its big watershed and channelized bedrock rapids. We conducted an analysis of the North Fork based on the optimal flow preferences on the river (>350 cfs on the USGS French Broad At Rosman Gage) and determined the North Fork runs at a boatable flows on an average of 83 days annually, which is 22.7% of annual days. As such, it runs far more than other rivers in the area. Importantly, it also runs for one or more days after big rain events than other streams, so paddlers can run rivers that require heavy rains on day-one of a storm and then have the North Fork for several days thereafter. During smaller storms, the North Fork may be the only river or one of few that reach runnable levels. The river's hydrology makes it more predictable and valuable as a recreational resource.

Many whitewater paddlers do not wish to, or are not capable of, running class V whitewater. The North Fork is of a difficulty and exposure-level that is attractive and beloved to many advanced whitewater paddlers that are enthusiasts up for an adventure, but not into running very hard or dangerous whitewater. For many paddlers, the North Fork is a perfect run on which to enjoy the flow state and immersion in nature that being on challenging whitewater provides for, without undue risk or the need for expert-level skills. While difficult to explain, this niche filled by the North Fork is deeply valued.

⁴ *Id.*

Lastly, we'll add that the North Fork is *close*. The river is a standard after-work run for Asheville, Brevard, and Hendersonville area paddlers, and a go-to destination for a much broader area. The Asheville-Hendersonville-Brevard Area has a vast river-related outdoor economy that includes gear building, summer camps, guiding, and other forms of related businesses. People move here to work and raise families and start businesses because of the paddling resources, and very high on many of those peoples' list of recreational amenities is the North Fork because of its frequent good flows, proximity, safety, and quality. It is a part of what makes Western North Carolina an attractive place for paddlers to call home.

We recommend that the North Fork be found eligible for Wild and Scenic designation for all the aforementioned reasons.

Upper Tuckasegee, Panthertown Creek, and Greenland Creek

The DEIS wrongly dismisses the Upper Tuckasegee, Panthertown Creek, and Greenland Creek from eligibility findings.

The Upper Tuckasegee was included in the Draft Eligibility Report as eligible, but then removed in the DEIS without explanation. We would like that decision to be reconsidered. The Tuckasegee analysis states:

Upper section: Upper East Fork of the Tuckasegee (upstream of Tanasee Dam Reservoir) flows through and from Panthertown Valley. Dangerous conditions exist at the top of any waterfall. It is recommended to stay away from the top of waterfalls.⁵

This is not a reason to find a river ineligible. In fact, the numerous waterfalls in the Panthertown Valley on all three streams are hiking destinations, very fun to paddle, and incredibly scenic. The recreational analysis should consider the values, not the risks. Risks at waterfalls are ubiquitous on the Forest. What makes the waterfalls of the Panthertown Valley unique are not their risks but their rare and prized remote setting and the associated solitude, combined with good trail access.

The Highland Domes GA features its namesake granitic cliffs towering over valleys. High in these watersheds, beneath the iconic domes, Panthertown stands alone in its public ownership. The Chattooga, Congressionally designated as a Wild and Scenic River, has vast private land development in it's upper watershed, as does the Cullasaja, Horsepasture, Toxaway, and others. At least one adjacent valley surrounded by massive domes - akin to a eastern Yosemite - is entirely privately owned and off limits to the public. The result of Panthertown's public land holdings and backcountry management is that the streams are uniquely accessible, clean, cold, and quiet, and the views from them are uniquely uninterrupted and wild.

⁵ Draft Environmental Impact Statement for the Proposed Management Plan, Nantahala Pisgah National Forest, App F, Pg. 528

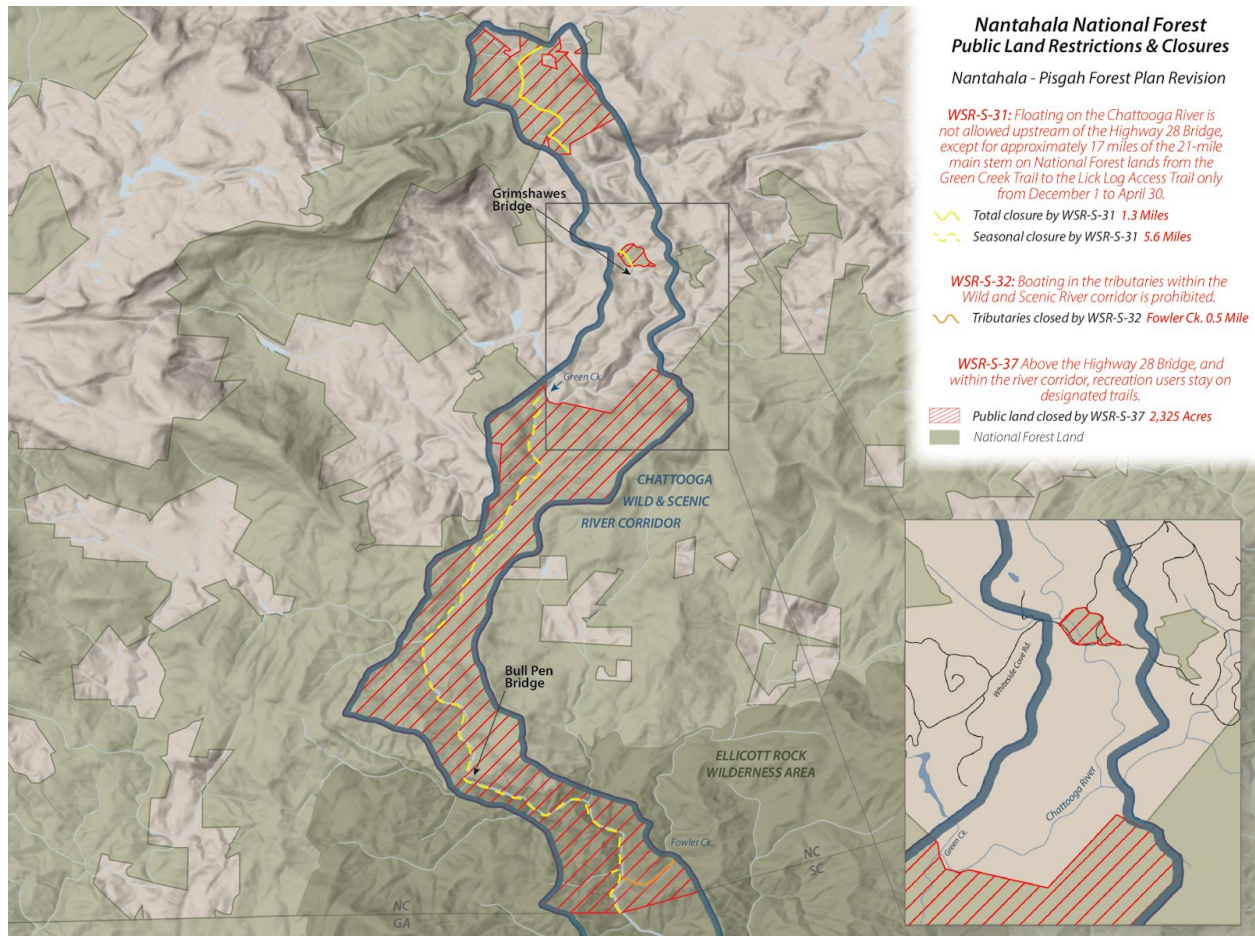
We would also like to point out that the streams of Panthertown valley are far more tannic than other streams on the Forest. This creates rare water quality *and* scenery. People travel to see the falls and quiet sections of these streams, and are welcomed by the tea colored water of the far north, associated with wetlands and coniferous forests. In West Virginia similar streams are recognized for their uniqueness in places like Blackwater Falls State Park, Tea Creek, Cranberry Glades, and Red Creek flowing from the Dolly Sods Wilderness. We feel that the DEIS may have missed just how unique these tannic “blackwater” conditions are in the Southern Appalachians.

We recommend that the Upper Tuckasegee River, Panthertown Creek, and Greenland Creek be found eligible for Wild and Scenic designation for all the aforementioned reasons.

2. Chattooga Wild and Scenic River Management

The Draft Plan doubles as the Comprehensive River Management Plan (CRMP) for the Chattooga Wild and Scenic River. The management direction in the Draft Plan is essentially identical to the prior Plan as it was amended in 2012 to ease restrictions on whitewater paddling but retain seasonal, flow, and total geographical prohibitions.⁶ The figure below shows the geographic scope of these prohibitions.

⁶ See Decision Notice and Finding of No Significant Impact, Amendment #22 to the Nantahala and Pisgah National Forests Land and Resource Management Plan, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor (January 2012).



The management direction for the Chattooga River does not vary by alternative and was not analysed in the DEIS, despite scoping requests to do so by American Whitewater and others, including a formal request from the Nantahala Pisgah Stakeholder’s Forum,⁷ and despite an Agency monitoring report indicating significantly changed conditions and containing new and superior scientific information.⁸ The DEIS offers no explanation as to why this issue was removed from the scope of the planning process. The Final Plan should reconsider the need for these prohibitions and remove them from the Plan given the factual and public record supporting their elimination, and ongoing harm.

⁷ See Sustainable Recreation Plan Component Recommendations, Stakeholders Forum, Nantahala Pisgah National Forests (April 12, 2016). Pg. 3. “**Goal:** Restore normal nationally-consistent management of paddling by removing the geographical, seasonal, and flow based paddling prohibitions on Chattooga River and tributaries in the NC National Forests. **Recommendation:** Do not carry forward prior plan components containing geographical, seasonal, and flow based paddling prohibitions on Chattooga River and tributaries in the NC National Forests. Do not carry forward limits on where paddlers may launch. Continue to require permits, and update permit language to match plan language. Voluntary/optional closures or recommendations are acceptable indirect limits.” The decision was documented in meeting notes:

https://www.nationalforests.org/assets/pdfs/2016-4-12-Stakeholders-Forum-Meeting-Record_finaldraft.pdf

⁸ Louis Berger. Chattooga National Wild and Scenic River Upper River Recreation Use Monitoring *Study Report* (February 2019). https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd645266.pdf

The 2012 Planning Rule is based on a solid premise that adaptive management should be utilized to incrementally improve management actions. The system uses an implement-monitor-adapt strategy that provides the Forest Service with the management flexibility it needs to account for inaccurate initial assumptions, to adapt to changes in environmental conditions or to respond to subsequent monitoring information.⁹

The 2012 Chattooga analysis acknowledged that the predictions and initial assumptions therein were approximate, based on limited data, and that monitoring should lead to updates:

As discussed in the Recreation ORV analysis (Section 3.2.1), recreation use and social impact data for the upper segment of the Chattooga WSR is limited. Although a few studies have been conducted in parts of the corridor, and monitoring, workshops or logic-based calculations have informed impact analyses as part of this planning process, precise estimates of use, social impacts and use-impact relationships are approximate. Recreation monitoring would allow the agency to address these data shortcomings over time.¹⁰

Eight years of monitoring has revealed the shortcomings that were acknowledged in 2012, that the presumptions in the 2012 analysis were largely wrong. The 2012 Amendments required permits for paddling the river but not other uses, and set into motion a monitoring plan to track recreational use in the river corridor more generally.¹¹ The Agency has an internal dataset of the paddling permits that is part of the record for this plan revision and has been shared annually since 2012. The Agency also commissioned Louis Berger to conduct the monitoring and produce a report of the results, which was published in February of 2019, and is part of the record for this plan revision.¹² American Whitewater requested and then worked with a researcher to analyze the raw monitoring data to explore additional questions, the results of which we published in a supplemental report and shared with the Agency as part of the record for this plan revision.¹³

Based on the monitoring, we now know that the 2012 amendment was based on inaccurate hypothetical predictions that have now been replaced and invalidated by significant new scientific information. The 2012 Forest Planning Rule is clear that:

⁹ See 2012 Forest Planning Rule, § 219.7 and § 219.3, as well as Forest Service Handbook 1909.15, Chapter 10, 14.1.

¹⁰ US Forest Service. Environmental Assessment Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor. Pg. 42.

¹¹ See Decision Notice and Finding of No Significant Impact, Amendment #22 to the Nantahala and Pisgah National Forests Land and Resource Management Plan, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor (January 2012).

¹² Louis Berger. Chattooga National Wild and Scenic River Upper River Recreation Use Monitoring *Study Report* (February 2019). https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd645266.pdf

¹³ John Ryan McGreevy and Kevin Colburn. Chattooga National Wild and Scenic River Upper River Use Report: Reconsidering congestion, conflict, and experience of various visitor types. (March 2020).

The responsible official shall use the best available scientific information to inform the planning process required by this subpart. In doing so, the responsible official shall determine what information is the most accurate, reliable, and relevant to the issues being considered. The responsible official shall document how the best available scientific information was used to inform the assessment, the plan decision, and the monitoring program as required in §§ 219.6(a)(3) and 219.14(a)(4). Such documentation must: Identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered.¹⁴

In failing to reconsider Chattooga River management based on new superior information, the Draft Plan fails to meet this mandate. Consider the following information regarding new information and changed conditions that should have, and should now, lead to the removal of the paddling prohibitions on the Chattooga River as described below.

Paddling Visitation is Far Lower Than Predicted

The 2012 Amendment was based on assumptions that have been invalidated by subsequent actual use records. Paddling use numbers have been over 98% lower than predicted on the Chattooga Cliffs reach, and over 95% lower than predicted on the Ellicott Rock reach.

The 2012 Amendment assumed:

- Whitewater boaters would use every day in the open boating season that is between 350 cfs and 800 cfs, an annual average of 39 days.¹⁵
- That of 34 optimal days, 6 would see peak weekend use of 20 paddlers on Chattooga Cliffs and 70 paddlers on Ellicott Rock, 11 days would see weekday peak use of 5 paddlers on Chattooga Cliffs and 20 on Ellicott Rock, and 17 days would see 2.5 paddlers on Chattooga Cliffs and 10 on Ellicott Rock.¹⁶

The following tables show the striking difference between the Agency predictions and reality as revealed by monitoring.

¹⁴ See 2012 Forest Planning Rule, § 219.3

¹⁵ US Forest Service. Environmental Assessment Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor. Pg. 128-129

¹⁶ Whittaker, D. and B. Shelby. 2007. Capacity & Conflict on the Upper Chattooga River; An integrated analysis of 2006-2007 reports. Prepared for the U.S. Forest Service. June 2007.

Chattooga Cliffs reach predicted use compared with actual use			
	2007 / 2012 Prediction	Monitoring Result	Difference
# of boating days in analysis	34*, 39	40	
% of available days used by paddlers	100	5	95% less
# of paddlers	218	7	96.8% lower
# of paddler groups	62**	2	96.8% lower

Ellicott Rock reach predicted use compared with actual use			
	2007 / 2012 Prediction	Monitoring Result	Difference
# of boating days in analysis	34*, 39	40	
% of available days used by paddlers	100	18	82% less
# of paddlers	832	35	99.6% lower
# of paddler groups	237	10	95.8% lower

* Source: 2007 Integrated Report, Pg. 36-37, 82. Predicted use of optimal paddling days 350-650cfs year-round, the best corollary to current monitoring of paddling on flows over 350 with seasonal restrictions.

**Source: 2007 Integrated Report, Pg. 23. Estimated group size was 2-5 people, we used the average of 3.5.

The limits imposed on paddlers in the 2012 Amendment were based on assumptions that 97-99% more paddlers would float the river on available days than actually float the river. This justifies a new hard look at the appropriateness, benefits, and impacts of the prohibitions. We feel strongly that these monitoring data invalidate the premise behind the need for the prohibitions, and indicate a need for change.

Paddling Related Conflicts Have Not Occured

The 2012 EA predicted and designed limits to prevent potential conflicts between paddlers and other visitors, going so far as to create an entirely new concept of “boat-free conditions” to prevent encounters for seven months of the year. In eight years, unsurprisingly, no such conflicts occurred even though there was ample seasonal overlap of paddling other uses. In the official monitoring conducted for the Forest Service, there were only four conflicts reported in the

corridor and those were related to off-leash dogs and loud music.¹⁷ The monitoring data strongly show 1) that paddlers float the river on rainy high-water days when other types of visitors are seldom present, 2) that encounters between paddlers and non-paddlers are rare and positive, and implicitly 3) that the river is like all other similar streams in the region in terms of the small amount of paddling use and paddling not significantly contributing to conflicts. The lack of conflicts and low use justifies a new hard look at the appropriateness, benefits, and impacts of the seasonal and flow-based prohibitions. We feel strongly that these monitoring data invalidate the premise behind the need for the prohibitions, and indicate a need for change.

Seasonal Use Pattern Assumptions Were Wrong

Analysis of the Forest Service commissioned year-round data suggests that congestion is not primarily seasonal. While the Monitoring Report focuses on summer “peak” months, higher levels of backcountry use occurred in those months of data omitted from the core analysis of Berger’s report. The correlation between use and river flow/precipitation far outweighs seasonal variation. Thus, the assumption that seasonal paddling limits somehow avoid encounters during peak times of use is no longer supportable. In reality, paddling is naturally segregated from peak use times by preferences for high-flow days, regardless and totally independent of season.¹⁸

Wood Cutting Prohibition Has Been Effective

There was some concern in 2012 that paddlers would remove large woody debris from the Chattooga River, and the Forest Plan prohibits this activity. Monitoring has found that paddlers are not removing wood from the Chattooga, and the management is working for both the river and paddlers.

Access Trails are Done

Another changed condition is that all the access trails and areas needed for paddling have been completed. Some of this work was done through partnership support thanks to REI and the National Forest Foundation. In 2012 there was some level of concern and controversy about the construction of new trails, and/or the interim use of non-system trails by paddlers. This issue has been resolved. All river access is now provided by sustainable system trails. Because of this changed condition, the off-trail foot travel prohibition and designated launch areas no longer serve a need, especially given the very small amount of paddling use of the reaches.

Public Support Has Grown Significantly

¹⁷ See Louis Berger. Chattooga National Wild and Scenic River Upper River Recreation Use Monitoring *Study Report* (February 2019). Pg. ix.

¹⁸ John Ryan McGreevy and Kevin Colburn. Chattooga National Wild and Scenic River Upper River Use Report: Reconsidering congestion, conflict, and experience of various visitor types. (March 2020). Pg. 4, 8, and 15.

Both the Nantahala Pisgah Forest Partnership and the Nantahala Pisgah Stakeholders Forum submitted consensus or more general recommendations to the Forest Service as comments on the Draft Plan that call for reconsidering, easing, and removing the some or all of the paddling prohibitions on the Upper Chattooga. This is an astounding diversity of stakeholders that spans conservation groups, angling and hunting groups, hiking groups, and other relevant stakeholders. This is a significant changed condition, because in 2012 there were several groups concerned about paddling on the Chattooga based on the Agency predictions of impacts and lack of trail access.

Request For Specific Changes to Chattooga River Management in the Draft Plan

We request the following changes:

- Change WSR-S-31, which prohibits paddling the Chattooga River in NC April 1 – November 30, on days not reaching 350cfs, and upstream of Green Creek.

Seasonal Prohibition: We request that the Forest Service remove the seasonal prohibition on paddling in the Final Plan. As shared above, this change is merited because monitoring has invalidated the basis of this prohibition. Specifically, non-paddling use and thus potential encounters are not correlated with season - but rather flow and rainfall, paddling use is vastly lower than predicted, and conflicts do not in fact result from encounters. This prohibition needlessly prevents visitors from enjoying the Chattooga Wild and Scenic River by boat on high-flow days for seven months out of the year. Lifting the prohibition would have no discernible impacts, but allow small numbers of the public to paddle the river during the warmer months, which would be a delightful experience. The Nantahala Pisgah Forest Partnership supports elimination of this prohibition.

Flow-based Prohibition: We request that the Forest Service remove the flow-based prohibition on paddling in the Final Plan. Analysis of the monitoring data shows that paddling use increases with increasing flows, and non-paddling use decreases with increasing flows, naturally reducing encounters. We should note that paddlers have little if any interest in paddling on days with lower flows than those available under current management (which on days with decreasing flow allows paddling at levels well below 350cfs if they so choose). The flow based prohibition thus has little real-world effect, and is unnecessary. Just as importantly, paddling use (and thus encounters) are vastly lower than predicted and do not result in conflicts. Lifting this closure would have no discernible effect, but should be done to reduce unnecessary regulation and to cease broadcasting a message of conflict. The Nantahala Pisgah Forest Partnership supports elimination of this prohibition.

Geographical Prohibitions: We request that the Forest Service remove the prohibition on paddling 1.3 miles of the Chattooga Wild and Scenic River upstream of Green Creek in the Final

Plan. This prohibition serves only to block the public from launching upstream of private lands,¹⁹ through which paddling is allowed under state law.²⁰

Importantly, changed conditions make the prohibition unnecessary, in that the Forest Service has completed a system trail providing paddlers access to the Chattooga River below the private land parcel. In doing so the Agency has provided paddlers with a way to essentially portage the section of the Chattooga River flowing through private lands (which they would have the right to paddle absent the Forest Service closures) if they so desire. With this hike-in option in place, the Agency has adequately mitigated concerns of both landowners and paddlers, and the upstream closures are no longer needed.

We note that all rivers and streams on the Nantahala-Pisgah National Forest, as well as the vast majority of streams on the entire National Forest System, eventually flow onto private lands, yet a closure to prevent the public from leaving federal lands and waters and exists only here. There is no explanation for why this unique management is implemented here and nowhere else, and there must be, as it harms the public by needlessly and wrongly limiting their access to outdoor recreation and their rights under State law.

- Eliminate WSR-S-32, which prohibits paddling on Chattooga tributaries.

This prohibition has little to no effect, as we are unaware of any tributaries of the Chattooga River in North Carolina that would be capable of supporting paddling. Any use would be an extreme rarity, if it exists at all. The 2012 Amendment imposed this closure to prevent conflicts with brook trout recovery, but there is no information to suggest that paddling and brook trout recovery are incompatible or even related in any way.²¹ The prohibition on removing large woody debris has proven effective since the 2012 Amendment, rendering this closure unnecessary. The unexpected low use of the Chattooga River further invalidates the need for prohibition of the activity on these tiny tributaries.

- Eliminate WSR-S-37, which requires that all visitors stay on trails.

Changed conditions merit elimination or at least reconsideration of this closure. This closure has no real effect on paddling, which is managed under other plan components. It does however effectively prohibit hunting, fishing, and any other form of recreation that requires leaving trails on 2,325 acres of public land. We feel this is overbearing, unnecessary, and importantly for us it (along with the other prohibitions mentioned herein) reflects poorly on the Wild and Scenic

¹⁹ US Forest Service. Environmental Assessment Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor. Pg. 45

²⁰ See NC Attorney General Opinion that states: "Citizens have the right to travel by "useful vessels" such as canoes and kayaks, "in the usual and ordinary mode" on waters which are in their natural condition capable of such use, without the consent of the owners of the shore."

<https://ncdoj.gov/opinions/use-of-navigable-in-fact-streams-without-consent-of-riparian-owners/>

²¹ Id.

Rivers Act as a designation tool in it's severe limitations on recreational use. Wild and Scenic designation should not be used to prohibit off-trail (or on-water) travel without a very good reason. In this case, no such reason exists. With the completion of the new river access trails for hikers, anglers, and paddlers, this closure no longer serves a purpose. This changed condition merits changed management.

3. Support For Specific Plan Changes Detailed in the Nantahala-Pisgah Forest Partnership Comments.

American Whitewater fully supports the entirety of the NPFP comments as a cohesive and balanced approach to improving the Draft Forest Plan.²² We would like to share a few relationships between NPFP requested plan components and whitewater paddling to further bolster the NPFP recommendations. Please consider the following:

- Recreation should be considered in all kinds of projects to enhance visitors' experiences. The NPFP comments note numerous such situations, from stream crossing replacement that could benefit river access to stream restoration projects involving wood installations that could impact paddling without due consideration. These low-hanging-fruit opportunities are ways of respecting the public's connection to the land and water of the Forest through recreation while managing in a multiple-use context.
- Recreational visitors love clean water. The elements of the NPFP comments that focus on bringing roads up to management standards more quickly, and on more passive management or protection of streamside zones, will benefit paddlers, anglers, and all who treasure the clean, chilly waters of the Forest. Clean water has significant benefits to the health, wellbeing, and experiences of Forest visitors.
- Recreational visitors love native fish and wildlife. Viewing native fish and wildlife can significantly enrich recreational experiences, and the NPFP comments highlight numerous measures that will benefit these species.
- Recreational visitors seldom do just one activity. A survey of American Whitewater members found that a large percentage also hike, mountain bike, rock climb, camp, and fish. Plan components that benefit the access and enjoyment of multiple recreational activities are at times greater than the sum of their parts for visitors, who delight in being welcome to participate in a variety of activities, and actively choose destinations that offer them.
- Recreational visitors aim to "pay where we play" and benefit local economies however and whenever possible. We appreciate the lens of economic development in the plan as it captures one of many benefits of outdoor recreation.
- Recreational visitors show up to help. NPFP recommendations that support ongoing collaboration and volunteerism are critical to the future of the Forest.

²² Nantahala-Pisgah Forest Partnership. Comments on the Nantahala and Pisgah National Forests Proposed Land Management Plan. (June 25, 2020)

<https://cara.ecosystem-management.org/Public/Letter/2528454?project=43545>

Conclusions

We commend the Forest Service on its Draft Plan and the generally inclusive and open process that led to its development. As an active member of both the NPPF and the Stakeholders Forum, we thank the Forest for their support of both groups, and encourage consideration and adoption of the recommendations submitted by both collaborative groups. We ask that you reflect on the comments above and both improve and expand Wild and Scenic River protections on the Forest as we recommend. We would welcome the chance to have additional dialog with the Forest Service regarding any of the content of these comments, or the comments of the collaborative groups of which we are members. We look forward to continuing our role as supportive partners of the Agency and the Forest in particular. Thank you for your hard work and dedication, and for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Colburn', written in a cursive style.

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April 28, 2014

Re: Nantahala and Pisgah National Forest Planning Scoping Comments

Dear Forest Service Planning Staff,

American Whitewater is pleased to offer the following scoping comments and comments on the relevant Need For Change document. We have been attending USFS and Partnership meetings to learn more about the interests of other forest visitors and to share our own. We have appreciated the efforts of the Forest Service to run a transparent process and we encourage the USFS to more fully participate in and recognize the Partnership's collaborative process.

On May 6, 2013 American Whitewater filed comments during the Assessment Phase of the Forest Planning Process. We incorporate these prior comments herein as official scoping comments, and have attached our Assessment Comments to this comment letter. In short we ask that the USFS fully consider:

- Whitewater paddling as a well-established form of sustainable recreation that is unique to the region and the Forest, and that is exceptional, economically important, and highly compatible with other activities and protective designations. *See 2012 USFS Planning Rule § 219.10(b)(i)*
- The effects of hydropower dams on the ecological, recreational, and geomorphological values of rivers on USFS lands, and ongoing opportunities to mitigate negative impacts and enhance any benefits. *See 2012 USFS Planning Rule § 219.8(b)(2), Sustainability.*
- The eligibility of the rivers listed in our Assessment Comments for Wild and Scenic River designation, while deferring all suitability determinations. This recommendation was echoed in the Need For Change / NOI and we appreciate this acknowledgement. We look forward to working with the USFS and other stakeholders on an Eligible Wild and Scenic River inventory. *See 2012 USFS Planning Rule, § 219.7(a)(2)(vi)*
- Managing Wild and Scenic Rivers in a protective manner consistent with existing data and USFS policies, with special emphasis on the Chattooga Wild and Scenic River. We will elaborate on this point below. *See 2012 USFS Planning Rule § 219.10(b)(i), and § 219.10(b)(v)*

Updating the Comprehensive River Management Plan for the Chattooga River

The Need for Change / NOI does not mention the need to update the Comprehensive River Management Plan (CRMP) for the Chattooga Wild and Scenic River, which is

integrated throughout the current Forest Plan under Amendment 22. This plan must be updated through the new Forest Planning process, because unmodified inclusion of Amendment 22 would not be consistent with current monitoring data or Forest Service policy including but not limited to the new Forest Planning Rule.

Amendment 22 is currently the subject of litigation that will likely be resolved well within the timeframe of this Forest Planning process. This litigation may or may not affect the decision space of the USFS or the information needed for legal decision-making. Most importantly, this litigation is based on a record comprised of predictions of recreational use numbers and conflicts that have since been replaced and refuted by monitoring data. Regardless of the outcome of the litigation, the new Forest Plan will be based on a new and substantially different record that conflicts with assumptions made in support of Amendment 22 and must therefore be updated.

Specifically, Amendment 22 was based on the assumption that 1200 paddlers would descend the Upper Chattooga River between Grimshawes Bridge and Highway 28 annually. Two of three sections of the Upper Chattooga River are in the Nantahala National Forest. Monitoring data confirm that this was an overestimate, as roughly 200 paddlers actually descended the river annually. Thus the encounter estimates that the USFS based paddling limits on were off by a factor of six. In other words, the USFS could allow six times more boating and stay within their target encounter thresholds. The lifting of the seasonal, water level, and geographical closures on the Upper Chattooga will not result in 6 times more paddling opportunities. Thus, these limits are now proven to be unnecessary.

These findings support what the USFS knows to be true on the upper Chattooga and every other free-flowing, steep class V stream in the region: noncommercial paddling is a compatible form of sustainable recreation that does not require any prohibitions based on season, geography, or flow because demand does not approach or exceed such streams' environmental or social carrying capacity. Simply put, paddlers' need for high, stochastic, and relatively rare high flows, and the skills needed to paddle Class V more than sufficiently limit whitewater paddling on streams like the Upper Chattooga. Furthermore, differing flow preferences more than adequately separate paddlers from the vast majority of other visitors.

Amendment 22 also prohibits paddling on tributaries to the Upper Chattooga and did so without any analysis. Banning paddling with no evidence of need is not acceptable.

Court documents explaining Amendment 22 authored by the USFS definitively state that "the USFS neither permits nor prohibits floating on [the Chattooga WSR between Grimshawes Bridge and Green Creek].¹ Current plan, permit and other agency language is far from clear on this point. The new Forest Plan must be clear that the agency does not prohibit paddling upstream of Green Creek, including on USFS lands adjacent to Grimshawes Bridge (Whiteside Cove Road's crossing of the Chattooga).

¹ See Answering Brief of Federal Defendants-Appellees, 2/20/2014, Footnote 9, page 15. American Whitewater vs. Tidwell.

To assist the USFS in considering this we propose that the USFS considers the following alternative:

Proposed Chattooga WSR CRMP Alternative

- Paddling on Upper Chattooga tributaries is managed as it is on all other small headwater streams in the Nantahala and Pisgah National Forest (and all other National Forests). Specifically, paddling is allowed without flow, season, or geographical restrictions. Paddlers continuing into the Upper Chattooga WSR corridor from a tributary must comply with all permit conditions for the Upper Chattooga WSR.
- No permits are required for paddling the Chattooga WSR upstream of Green Creek, where the USFS imposes no restrictions on paddling.
- Self-issued permits are required for paddling, fishing, hiking, or otherwise entering the Upper Chattooga WSR corridor between Green Creek and Highway 28.
- Paddling on Upper Chattooga WSR is managed as it is on all other headwater streams in the Nantahala and Pisgah National Forest. Specifically, paddling is allowed without flow, season, or geographical restrictions.
- Paddlers must utilize and carry certain equipment including a boat designed for whitewater river travel, a PFD, and a helmet.
- Paddlers must travel in groups no larger than 8.

Under this alternative the mandatory permit will allow the USFS to monitor paddling and other activities as is required by the Forest Planning Rule and the WSR Act, and in concert with standard biophysical monitoring and adaptive management will ensure standards are not exceeded. Management of the river and tributaries will be consistent with all data and USFS policy for the first time since 1976. Management costs will significantly decrease, allowing for allocation of resources to real issues threatening the river. Safety will be increased by the elimination of warm weather and lower water paddling prohibitions. Americans wanting to experience the river in a kayak, canoe, or raft will be able to have that outstanding experience without needless constraints, including continuous trips down the entire Wild and Scenic River. Other visitors will be hard pressed to encounter a group of paddlers if they want to. The river and all its values that caused it to be designated a Wild and Scenic River will be protected and enhanced. Subsequent limits on any or all uses remain possible if they are proven necessary by monitoring, with fair and equitable indirect limits preceding direct limits.

Proposed Upper Chattooga WSR Desired Condition

We propose the following desired condition regarding the upper Chattooga WSR:

“The Chattooga River will be managed to protect and enhance the values that caused the river to be designated, including the provision of sustainable recreation. Sustainable forms of recreation will be managed consistent with USFS policy, monitoring data, and reasonable visitor capacities. The seasonal, geographical, and flow limits on paddlers

will be ended in favor of fair, equitable, and nationally consistent river management. Recreational use will be monitored to ensure standards are met and that the river offers outstanding sustainable recreation.”

Conclusions

These scoping comments are aimed to support the USFS in providing for sustainable recreation, and in protecting and enhancing the outstanding and unique rivers of the Forests. We enjoy a great collaboration with the Nantahala and Pisgah national forests on the management of the Nantahala, Cheoah, and other regional rivers. Our proposed changes take this collaborative model to the one river where we needlessly conflict – the Upper Chattooga. We look forward to exploring opportunities to enhance the protection and enjoyment of rivers and streams across the Forests. Thank you for considering these comments.

Sincerely,

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May 6, 2013

Re: Nantahala and Pisgah National Forest Planning

Dear Forest Service Planning Staff,

American Whitewater would like to thank USFS staff for the opportunity to provide these comments on the assessment-phase of this new Forest planning process. American Whitewater is a national non-profit organization dedicated to conserving and restoring our country's whitewater resources, and to enhancing opportunities to enjoy them safely. We have over 5,500 members - typically non-commercial kayakers, rafters, and canoeists – many of whom regularly paddle rivers flowing through the Forests. In addition we are partners in managing several rivers on the Forests where we have invested significant effort into flow restoration and/or management. We look forward to working with the Forest Service and the public in developing protective and nationally consistent management plans for the Forests.

Canoeing, kayaking and rafting are likely the oldest forms of travel and exploration aside from walking. Though technological advances have improved safety (as in all outdoor recreation) the core elements of the activity remain; exploring natural areas by paddling a small boat through the landscape on rivers. Each river is a natural trail through the landscape, reflecting the character of the geology and natural beauty. Paddling is human-powered, place-based, low-impact, quiet, non-consumptive, skill-based, and Wilderness-compliant. In short, it is exactly the kind of activity and experience covered under the definition of "sustainable recreation" in the new Forest Planning Rule.

As we understand the assessment phase of the new Forest Planning process, you are now seeking pre-existing information that can help form the factual basis for the remainder of the planning process, as well as some high-level comments on topics we would like the plan to cover. Our comments seek to provide exactly this type of information and context.

1. Whitewater Paddling Across the Forests and Region

The mountains of Western North Carolina have played a prominent role in the development of modern whitewater paddling, especially creek boating. Today, the region is not only a sought after destination for paddlers from across the globe, but also a home for many paddlers. Many paddlers cut their teeth at a summer camp in the region, at the Nantahala Outdoor Center, or at one of the regional universities. Regional paddling events draw hundreds or thousands of attendees, paddling related businesses

like Liquid Logic kayaks and Astral Buoyancy have located here, and you can find even paddler-themed restaurants. Paddling has been part of the social and economic fabric of the region for at least half a century, and remains so today more than ever.

Paddling resources exist in the region on Forest Service, Park Service, State, and private lands. The Forests offer paddlers spectacular rivers and scenery with assured legal access. Most rivers in the region are runnable only after significant rainfall, and paddlers on most rivers see few other visitors. In a region of high recreational use, paddling offers people a way of experiencing spectacular seldom-visited areas in relative or total solitude.

The National Whitewater Rivers Inventory offers a relatively comprehensive view of paddling in the region.² This Inventory also has a geospatial Google Earth layer associated with it that can be downloaded at the bottom of the above referenced page.³ We have also created a Google Earth more specific layer of whitewater rivers on the Nantahala and Pisgah National Forests.⁴

2. Hydropower's Role in River Recreation on the Forests

The Southern Appalachians have been highly developed for hydropower generation for well over half a century. This development has had significant deleterious effects on aquatic biodiversity and has also had a profound effect on river-based recreation. Many prime whitewater boating opportunities lie beneath reservoirs, and diversions have left some rivers without adequate or predictable flows to support paddling. Over the past 13 years American Whitewater has worked closely with the Forest Service and other regional stakeholders to remedy or enhance flow regimes on several regional rivers. We look forward to a continued partnership on each of these rivers. These rivers have become (or in some cases continued to be) recreational treasures in the region, and we expect the new Forest Plan to seek to support and where possible enhance these recreational opportunities. The rivers we would like the USFS to focus on are:

a. Cheoah River

The Cheoah is a regionally unique 9-mile long Class IV big water river that is deeply valued by the paddling community. American Whitewater, the Forest Service and other partners negotiated a restored flow regime and new access areas for the Cheoah between 2000 and 2005. The first release was celebrated in the fall of 2005, and approximately 18 releases per year have occurred since that time. The ongoing restoration of the Cheoah River is governed by the Federal Energy Regulatory Commission under Project Number 2169.

The US Forest Service, American Whitewater, and our partners negotiated a process for adding additional recreational releases to the Cheoah River when the ecological recovery of the river was deemed to have sufficiently progressed. This process must be

² <http://www.americanwhitewater.org/content/River/state-summary/state/NC/>

³ <http://www.americanwhitewater.org/content/River/state-summary/state/NC/.kml>

⁴ <http://www.americanwhitewater.org/content/Document/view/documentid/1152/>

initiated by the federal agencies. We ask that the Forest Service review this process, and integrate it into the Forest Plan as a means of providing for sustainable recreation. Doing so would have significant recreational and economic benefits.

b. Nantahala River

The lower Nantahala River is one of the most heavily rafted rivers in the Nation thanks in large part to flows provided by Duke Energy, access provided by the Forest Service, and various services supplied by Forest Service permitted outfitters. A new license for the Nantahala Hydroelectric Project, under FERC Project Number 2692, institutionalizes the flows. This license is based on a Settlement Agreement signed by both American Whitewater and the Forest Service following a multi-year collaborative process. In addition, the license initiated new releases on the Upper Nantahala in the fall of 2012. These releases, 8 per year, offer paddlers a predictable Class III/IV section (the Upper) and a Class IV+ section (the Cascades) paddling opportunity. To fully take advantage of this recreational opportunity, the Forest Service will be building new river access areas along the Upper Nantahala for paddlers and anglers per the Settlement Agreement. We ask that the Forest planning process support and cover the access improvements planned for the Upper Nantahala.

c. Tuckasegee River

The Tuckasegee River also benefitted from a collaborative dam relicensing process that involved American Whitewater and the Forest Service. The resulting settlement enhanced recreational releases for the Class I-II+ stretches of the Tuckasegee, along with its East Fork which is a popular freestyle paddling resource. New releases began on the river's upper West Fork in the spring of 2013. Numerous access areas, campsites, and other recreational improvements were also part of this relicensing effort. The licenses for the East and West Fork should be reviewed as part of the assessment phase of the Forest planning process (see FERC Project No. 2686 and 2698).

d. Pigeon River

The Pigeon River between Walters Dam and the powerhouse flows through a long and scenic gorge bordering Great Smoky Mountains National Park and boasting miles of Class IV/V rapids. There are currently no scheduled flows in this reach that is fittingly called "the Pigeon River Dries." What could be an outstanding recreational opportunity is instead a dry riverbed. At the time of relicensing (FERC Project Number 432), American Whitewater was not involved and water quality concerns led to a FERC license that supported the dewatering of the river, at least until water quality improved. Water quality has now improved, and the Forest Service is a stakeholder with significant post-licensing rights. The Forest Plan could consider and envision a restored Pigeon River Dries as a means of providing for sustainable recreation.

3. Revisiting Wild and Scenic Eligibility and Suitability

The Forest Planning Rule requires an undated inventory be included as an appendix in all new forest plans. Where past inventories have been completed, new information and/or changed conditions should trigger updates to the inventory. We feel that

recreational and other conditions on the Forest have changed sufficiently to trigger an update.

The Forests currently consider 11 streams eligible for Wild and Scenic designation. These are:

- **Nolichucky River** (now suitable): A classic, scenic, and relatively high volume Class III+ whitewater river that frequently has sufficient flows to support paddling.
- **Wilson Creek** (now designated): A unique and popular Class IV+ whitewater creek run, along with easier upper reaches and more challenging headwater runs.
- **Nantahala River:** Class I/II sections above the reservoir, Class IV+ and III/IV sections in the hydropower diversion reach, and predictably running and high quality Class II+ below the hydro station offer a great diversity that draws hundreds of thousands of paddlers each year.
- **Snowbird Creek:** Snowbird offers one of the most remote whitewater creek runs in the region, as well as a nice lower run that is road accessible. The water quality, scenery, and remote nature of Snowbird make it a unique stream for paddling.
- **Mills River** (North and South Forks): Remote rivers that offer paddlers a route well off the beaten track.
- **Davidson River:** The Davidson offers paddlers a lovely and scenic beginner run, as well as a high quality Class IV upper creek run.
- **Big East Fork Pigeon River** (+Dark and Yellowstone Prongs): The Big East Fork is remote, difficult to catch, and challenging. It offers paddlers up to its challenges one of the most beautiful river trips in the region studded with unique and powerful rapids.
- **Linville River:** Linville Gorge is without equal. It is the longest and among the most challenging whitewater runs in the region, with large and memorable rapids. The river transports paddlers through a geologic and scenic wonder. The river is known worldwide for its challenge and superb experience.
- **Tellico River:** The Tellico offers many paddlers their first taste of vertical whitewater, and boasts an array of Class II, III, and IV paddling opportunities in a beautiful river valley. The rapids are renown nationwide.

Each of these streams provide outstanding and remarkable whitewater recreation opportunities. In addition we would believe at least the following streams are also free-flowing and possess at least one Outstanding Remarkable Value, and should therefore be found eligible for Wild and Scenic designation:

- **Elk River:** The Twisting Falls Section of the Elk offers some of the biggest runnable waterfalls on the Forests in a scenic gorge. The big drops are a highlight of any trip, even if they are just viewed by paddlers walking around them. To the extent the USFS has sufficient land holdings, the Elk is eligible.
- **Gragg Prong:** The Gragg Prong (of Lost Cove Creek) has become a coveted creek run in recent years (since the last eligibility inventory). The run offers paddlers a remote trip through the rhododendron over slides like the nationally

known “Dragstrip Slide.” As the headwaters of Wilson Creek, the Gragg Prong would make an excellent addition to a protected watershed.

- **Greasy Cove Prong (of the Big East Fork of the Pigeon):** The Forest Service currently finds the Big East Fork of the Pigeon, its Dark Prong, and its Yellowstone Prong eligible. We believe the Greasy Cove Prong, a sizeable and wild stream should also be included in this list.
- **Lost Cove Creek:** Lost Cove Creek upstream of its confluence with the Gragg Prong offers hikers and paddlers a remote and scenic gorge with sliding waterfalls and deep pools.
- **North Harper Creek:** North Harper offers paddlers a remote adventure in the classic Wilson Creek Watershed. A big portage keeps use low, but for those that go the opportunities for solitude and adventure are terrific.
- **West Fork Pigeon River:** The West Fork of the Pigeon is one of the most commonly paddled steep creeks in the Asheville Area. While road accessible, paddlers are transported down a remote-feeling high elevation whitewater run of high quality.
- **Middle Prong of the Pigeon:** The Middle Prong offers a rare hike-in Wilderness adventure with high quality rapids, old growth, and spectacular scenery in a small streambed.
- **Little East Fork of the Pigeon:** The Little East Fork offers an exceptional whitewater run in a scenic valley down a section known as “the Bathtubs.”
- **Flat Laurel Creek:** Flat Laurel is seldom paddled but is a popular hiking destination and its falls are some of the most impressive in the vicinity of the Blue Ridge Parkway. Along with the West Fork of the Pigeon Flat Laurel is an exceptional scenic resource.
- **Santeetlah Creek:** Santeetlah offers both a great Class III+ run and a challenging classic upper Class V run. Upper Santeetlah is valued by paddlers for its steep and memorable rapids, old growth forest, and pristine water quality.
- **Thompson River:** The most rugged and challenging of the unique tributaries of Jocassee Reservoir, the Thompson has outstanding scenic values for its slides and falls.
- **Upper East Fork Tuckasegee:** There is nowhere quite like the Panthertown valley, where streams meander over sandy riverbeds before precipitously tumbling over falls and slides. The Upper East Fork of the Tuckasegee (upstream of Tanassee Reservoir) flows through and from Panthertown Valley and offers paddlers a unique and exemplary Class IV/V river trip over towering slides.
- **Whitewater River:** The Whitewater River offers scenic waterfalls and spectacular challenging whitewater. Big falls and slides set the whitewater apart from many regional streams, and its remote nature further highlights the value of this wild river.

We request that the Forest Service consult the National Whitewater Rivers Inventory,⁵ the Asheville Area Boating Beta Page,⁶ and North Carolina Rivers and Creeks⁷ to gain a

⁵ <http://www.americanwhitewater.org/content/River/state-summary/state/NC/>

⁶ <http://boatingbeta.com>

⁷ Davis, Leland. North Carolina Rivers and Creeks. Brushy Mountain Publishing. 2005.

better perspective of the recreational opportunity these rivers offer, and update their Wild and Scenic River eligibility inventory based on this new recreational information. We request that the Forest Service not pursue suitability determinations for any streams found eligible at this time. Suitability should be deferred until triggered by a conservation or development proposal, because suitability involves an economic and political snapshot that is irrelevant to the stream's long-term merit for inclusion in the system.

4. Management of Wild and Scenic Rivers on the Forests

The Nantahala National Forest currently maintains unique geographical, seasonal, and water level based prohibitions on paddling the Wild and Scenic Upper Chattooga River in order to avoid "potential conflicts" between paddlers and other visitors.

Year round prohibitions on paddling tributaries to the Upper Chattooga and the Upper Chattooga River itself between Grimshaw's Bridge and Green Creek were previously excluded from NEPA and not analyzed.

These prohibitions on a single form of sustainable recreation are not in keeping with Forest Service policy or mandates under the new planning rule.

All of the prohibitions on the Upper Chattooga were based solely on assumptions about future recreational use, since paddling was totally prohibited during past consideration of the issue, and since other visitors were neither counted nor surveyed. We now have the benefit of data. Results of monitoring being currently conducted, including the permit data from the first winter of restricted boating, should be fully considered in the development of the new plan. It is our experience that paddling use has been much smaller in quantity and impacts than predicted by the Agency prior to having actual data to base decision on.

In addition, paddling prohibitions on the upper 2+ miles of the Upper Chattooga, and the tributaries of the Upper Chattooga have no basis or need, and should be eliminated.

The plan should consider, allow, and implement changes to the management of the upper Chattooga and its tributaries that ease paddling restrictions to be consistent with Agency policy and the new monitoring results.

Thank you for considering these comments,

Sincerely,

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November 19, 2014

Submitted to: ncplanrevision@fs.fed.us

Re: Nantahala and Pisgah National Forest Plan Alternative Development.

Dear Planning Team,

We are pleased to offer these comments based on the handouts and presentations provided at the October 21, 2013 public meeting held in Mills River, NC, and subsequently shared online.

1. Management Areas

a. Eligible Wild and Scenic Rivers:

We request that rivers found to be eligible, or previously found suitable, for Wild and Scenic River designation be managed either under their own Management Area or preferably in MA 4D. The Forest Service, and the Plan, must ensure that the values that could cause these rivers to be included in the Wild and Scenic River System are protected and enhanced. These values include water quality, free-flowing status, and whatever Outstandingly Remarkable Values the Forest Service recognizes in the eligibility inventory. This is a geographically defined, rigorous and unique standard that other agency mandates will not cover. It is thus vital that the half-mile eligible river corridors be mapped and managed under an MA to ensure other management actions do not violate the standards associated with eligibility.

It is worth noting that other forests have chosen to manage their eligible river corridors as Management Areas. The Kootenai, Idaho Panhandle, Nez Perce, and Clearwater national forests are recent examples, and the draft planning documents are available online. We understand that mapping narrow stream corridors is challenging, (though the Clearwater did it) but feel that ½ mile wide corridors can be easily and usefully mapped. We would like to highlight the side-by-side web mapping tool utilized by the Clearwater Nez Perce Forest as a great tool for geospatially conveying differences between alternatives.¹

b. Clarity in Language

¹http://usfs.maps.arcgis.com/apps/Compare/storytelling_compare/index.html?appid=e4c2cf0585e94919a65adcd0be8fb62d

We request that the current roster of Management Area names be reconsidered for clarity.

Special Interest Areas appear to be areas managed for a rare plant or animal. We suggest calling these areas something like “Rare Species Habitat” will lead to greater clarity.

MA1 is named “Forest Habitat Diversity” yet appears to be aimed squarely at providing timber harvest and early successional hunting opportunities. We feel a management area that mixes ecological nomenclature (restoration), economic goals (timber), and recreational goals (hunting) is confusing to everyone involved, and at least bears a resemblance to green-washing. If this MA is to be retained in a similar form we recommend calling it something clear like “Timber Production.” In this manner any recreational objectives or guidelines associated with hunting can be analyzed across all MA’s, similar to how other forms of recreation are considered.

Making these changes will help the plan be clear and well understood by the public.

c. Proposed “Places of Recreational Significance” MA

We ask that the planning team consider an MA that recognizes some of the place-based recreational treasures on the Forests that may not be “Concentrated Recreation Areas.” These may be areas surrounding especially high quality hiking or mountain biking trails, whitewater rivers, climbing crags, or other similar areas. In many cases these opportunities exist in otherwise protected MAs but not always. We see value in being able to recognize and offer protective management for these recreational opportunities, especially in areas otherwise managed under MA1 for timber harvest. Creating such an MA may allow the Forest Service to protect economically and socially valuable recreational opportunities, especially in front-country areas, without unduly limiting other uses. Without such an MA, it would be far too easy for forest management activities to unnecessarily impact access to, and enjoyment of, world-class recreational opportunities that are tremendous assets to the region.

We ask that the desired conditions for this proposed MA be that the recognized experiential and recreational values of Places of Recreational Significance be protected or enhanced.

d. Specific Management Area Prescriptions

i. Timber Production and Recommended Wilderness

The Forest Service proposes to make 692,700 acres (67%) of the Forests available for timber production, and allow timber harvest on 941,900 acres (91%) of the Forests. The flipside is that only 9% of the forest would be off limits to logging. The

presumption is that weak lumber markets would significantly limit demand for logging on the available land, and that site-specific considerations would further shrink the acreage actually logged. We suggest that regional recreation and tourism markets support a more cautious, planned, and regulated approach. There is little doubt that there is room for logging on the National Forests, and likely benefits to timber management at some sites to restore diverse and fully functioning forests. There are opportunities for projects that benefit the forest, the timber industry, and recreationists as described in the Restoration and Connectivity MA.

With this said, the proposed proportion of the forests open to timber harvest and especially production is simply too great. If fully developed the lands selected would radically change the character of the mountains and their role as the visual backdrop and tourism magnet for mountain communities. Water quality would suffer, recreational experiences would be damaged, and millions of people seeking relatively untrammelled forest would be compressed into an ever-smaller and ever more crowded area for generations to come. We worry that the project-level cumulative impact analysis would fail to catch many of these impacts, and that the character of the forest could die by a thousand cuts before many became aware of the changes taking place. We recognize that there is a difference between being open to timber production and actually being used for it, but feel that more strategic planning needs to take place during the planning process that relies on science and a balanced look at multiple and competing markets for the forest rather than relying on the forces of a single market to determine where timber production occurs.

Analyzing the specific impacts of the proposal is made difficult by maps that are too coarse to read place names, by overly opaque layers, and by large file sizes. We request web-based GIS maps be provided as soon as possible so the public can review the maps in detail. It appears at least that the areas available for timber production could directly impact paddling experiences on the Cheoah River, Santeetlah Creek, Courthouse Creek, Middle Prong of the Pigeon, French Broad, Chattooga River, and other outstanding streams. Paddling experiences are defined by water quality, scenery, access or lack thereof, and the intangible values of being in remote settings demanding self-sufficiency. Each of these facets of our experiences could be impacted by industrial logging, and a narrow riparian buffer will not suffice to retain the recreational values of these streams.

We are heartened to see backcountry areas delineated for the eastern flank of Mount Mitchell and Celo Ridge where streams have superb water quality and scenery, large trees, and steep slopes. Similarly, the proposed backcountry areas near the Cheoah, Nantahala, Linville, and Wilson Creek are worthy additions near treasured whitewater rivers.

ii. Wild and Scenic Eligible Rivers

Discussions at the public meetings revealed a need for additional information on the

geographical bounds of the rivers American Whitewater has requested be considered as eligible for Wild and Scenic Designation. We feel that in many cases this should be intuitive, but are happy to offer additional detail. The standard metric that the Forest Service uses is that the reach should be defined by the existence of Outstanding Remarkable Values, which in turn must be water/river dependent.

- **Elk River**

Reach: Entire reach on USFS lands in the vicinity of Elk River Falls. We recognize that much of Twisting Falls Gorge is in Tennessee, but are interested in seeing an analysis of the USFS land holdings given the river's incredible scenic and recreational value.

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/1066/>

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

- **Gragg Prong**

Reach: Entire reach on USFS lands between Roseboro and Lost Cove Creek.

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/4237/>

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

- **Greasy Cove Prong (of the Big East Fork of the Pigeon)**

Reach: Headwaters to Big East Fork

- **Lost Cove Creek**

Reach: Headwaters to Wilson Creek

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/3561/>

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

- **North Harper Creek**

Reach: Headwaters to Wilson Creek

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/1148/>

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

- **West Fork Pigeon River**

Reach: USFS/NPS boundary to USFS/Private boundary near Lake Logan.

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/3440/>

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

- **Middle Prong of the Pigeon**

Reach: Headwaters to West Fork Pigeon

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

- **Little East Fork of the Pigeon**

Reach: Headwaters to Camp Daniel Boone boundary.

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

- **Flat Laurel Creek**

Reach: Headwaters to West Fork Pigeon

- **Rock Creek (new addition)**

Reach: Headwaters on East flank of Mount Mitchell (confluence of North and Middle Forks of Rock Creek) to Rt. 1159.

- **Santeetlah Creek**

Reach: Headwaters to Santeetlah Reservoir

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/3383/>,
<http://www.americanwhitewater.org/content/River/detail/id/3382/>,
<http://www.americanwhitewater.org/content/River/detail/id/1121/>

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

- **Tanassee Creek (new addition)**

Reach: Rt. 1756 to Rt. 1760

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/4242/>

- **Thompson River**

Reach: Entire USFS reach.

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/1133/>

- **Upper East Fork Tuckasegee**

Reach: Headwaters (consider including Greenland Creek and Panthertown Creek) to exit of gorge at Rt. 281.

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/2710/>

- **Whitewater River:**

Reach: USFS portion between Rt 107 and Rt 281

AW Site: <http://www.americanwhitewater.org/content/River/detail/id/3564/>

Additional Information: North Carolina Rivers and Creeks, by Leland Davis. Brushy Mountain Publishing, 2005.

2. Plan Components

We feel that the Recreation and Watershed Desired Conditions represent our interests well.

3. Wild and Scenic Chattooga River Comprehensive Management Plan

The Comprehensive River Management Plan for the North Carolina portions of the Wild and Scenic Chattooga River are integrated throughout the current Forest Plan for the Nantahala National Forest. Portions of this Forest Plan/CRMP were

amended in 2012. The current Forest Plan Revision is a concurrent revision of the CRMP. This marks a valuable opportunity to modify the Forest Plan/CRMP in response to data collected since the 2012 Amendment #22. Consistent with the 2012 Forest Planning Rule’s goal of regular amendments and adjustments based on monitoring, it is appropriate now to make a river management change through the planning process.

Amendment #22 prohibited paddling at flows above 350cfs, as well as May through November at all flows, as well as on all tributaries. These nationally unique and severe measures were implemented based on presumptive predictions that paddling use would need to be limited to comply with standards. The Forest Service no longer needs to, or may, rely upon presumptive guesses about use and impacts in its management of the Upper Chattooga River. The agency now has the benefit of two years of recreational use data, and has proven that the paddling limits are not needed to meet their stated objectives.

The Forest Service now knows that recreational demand for paddling on the Upper Chattooga River is an order of magnitude lower than predicted, and both socially and environmentally sustainable without the limits imposed by the 2012 Amendment.

a. Paddling Use Data from First Two Agency-Imposed Paddling Seasons

The 2012-2013 USFS-defined paddling season saw 32 boatable days, 17 of which were used by paddlers somewhere on the Upper Chattooga. The 2013-2014 USFS-defined paddling season saw 26 boatable days, 7 of which were used somewhere on the Upper Chattooga. The Chattooga Cliffs experienced 23 trips with a total of 79 paddlers in 2012-2013, and 2 trips with a total of 12 paddlers in 2013-2014. The Ellicott Rock Reach experienced 41 trips with a total of 140 paddlers in 2012-2013, and 6 trips with a total of 19 paddlers in 2013-2014.

Change in Paddling Use From Season 1 (2012-2013) to Season 2 (2013-2014)				
	Chattooga Cliffs		Ellicott Rock	
	Trips	Paddlers	Trips	Paddlers
Season 1	23	79	41	140
Season 2	2	12	6	19

The significant decline in use between Year 1 and Year 2 was correctly predicted by Shelby and Whittaker in their 2007 report to the Forest Service. Shelby and Whittaker predicted that demand would be unusually high immediately following the removal of the paddling ban because of the “latent demand” from the 30-year closure on boating use, and because the publicity surrounding the issue “is likely to

“artificially” increase demand in the short term.”² Thus, Year 2 (2013-2014) is predicted by the USFS and their consultants to best represent future demand, not Year 1 (2013-2014).

Shelby and Whittaker, and as a result the USFS, significantly overestimated demand for paddling the Upper Chattooga at around 1200 user days. In the representative Year 2 there were 29 user days. Even Year 1 when the latent demand was expressed there were only 185 user days. Thus the “guesstimate” of 1200 paddlers that triggered the USFS to implement severe paddling restrictions is now replaced by real data (for 5 months of the year) showing much lower demand and no need for those restrictions.

b. Estimating Year-Round Paddling Use With No Seasonal or Flow Restrictions.

Estimating the true paddling demand for the Upper Chattooga River without agency-imposed seasonal or flow restrictions is much more accurate now that we have data from two 5-month seasons. The 2013-2014 season is the appropriate year to consider because the ‘latent demand’ predicted by the Forest Service had run its course and because the 2014 water year is average in terms of mean annual discharge and frequency of pulse flows.³

First we will consider the effect of the seasonal paddling ban. In the 2014 water year there were 26 boatable days over 350cfs in the 5-month paddling season, and another 9 days in the 7-month banned season, for a total of 35 boatable days over 350cfs. Several factors including flashiness, predictability, and weather are valid in estimating demand for the 10 days in the banned season. Given these factors it is reasonable to assume the practical demand (use) for the banned season would be similar to documented use numbers during the agency-imposed paddling season.

Documented and estimated paddling use at flows over 350cfs by season, revealing the effect of the seasonal paddling ban.					
		Chattooga Cliffs		Ellicott Rock	
Season	Days	Trips	Paddlers	Trips	Paddlers
Dec-Apr	26	2	12	6	19
May-Nov	9	1	4	2	7
Total	35	3	16	8	26

² See Shelby and Whittaker, Assessing Visitor Capacity and Conflict on the Upper Chattooga. June 2007. Page 36.

³ . The mean annual flow for the 2014 water year was 603cfs at the Chattooga River Near Clayton USGS gage, which is very close to the mean annual flow for the period of record at the same gage which is 644cfs. We selected this gage rather than Burrells Ford because it has a 74 year record, making it far more suitable for long term statistics, and it adequately represents the *relative* differences in discharge in the Upper Chattooga between water years at the scale of mean annual discharge.

These data show that paddling use is extremely small regardless of the seasonal paddling ban. Its practical effect of the seasonal ban is to reduce paddling use by 3 trips annually. The seasonal paddling ban is thus not necessary to meet any objectives or standards, and is not supported by data.

Now we will consider the effects of the water level based paddling ban. During the 2014 water year there were 35 boatable days over 350cfs, and only 18 additional boatable days over 250cfs (the low end boatable flow on the NC reaches per Shelby and Whittaker).⁴ Of these 18 days, 2 were in the May-Nov banned season and 16 were in the Dec-April paddling season. Demand data does not exist for these flows, but they offer sub-optimal or technical paddling opportunities, and often occur temporally adjacent to optimal standard paddling opportunities. Given these recreational characteristics, paddling demand is likely less than demand for flows over 350cfs, but for the table below we'll assume demand is the same between 250 and 350cfs as it is above 350cfs.

Estimated <i>additional</i> paddling use if the water level based restriction was lifted, by season.					
		Chattooga Cliffs		Ellicott Rock	
Season	Days	Trips	Paddlers	Trips	Paddlers
Dec-Apr	16	1	7	3	10
May-Nov	2	0	0	1	2
Total	18	1	7	4	12

These data show that the practical effect of the water level based ban is to deny paddlers 1 trip on the Chattooga Cliffs reach and 4 trips on the Ellicott Rock reach annually. This is an extremely small amount of use, on at most 5 days annually. The data do not support a need for the water level closure to meet any objectives or standards.

Finally we will consider the combined effect of the seasonal and water level based paddling bans. In sum total the use data reveals that without the seasonal and water level closures in an average water year there would be 53 potential paddling days, 4 trips on the Chattooga Cliffs Reach, and 12 trips on the Ellicott Rock reach in an entire year. The segment user days would be a scant 61, and user days somewhat less than that figure. That means that on at least 361 and 351 days each year there would be no paddlers on the Chattooga Cliffs and Ellicott Rock reaches respectively.

⁴ To qualify as a boatable day over 250cfs flows of at least 250cfs had to be available between 9am and 7pm. These days could also not contain flows over 350cfs in the 24-hour day or they would qualify as 350cfs days.

Effect of Seasonal and Flow Restrictions on Paddling.					
		Chattooga Cliffs		Ellicott Rock	
Season	Days	Trips	Paddlers	Trips	Paddlers
Restrictions	26	2	12	6	19
No Restrictions	53	4	23	12	38

The documented use from the 2013-2014 agency-imposed paddling season showed a very small amount of paddling use. Not surprisingly, paddling caused no documented environmental or social impacts during the first two seasons. The Forest Service has noted that: “There were almost no interactions between boaters and non-boaters on the North Carolina side during the 2012/2013 and 2013/2014 seasons.”⁵ Likewise there were no documented effects with the use of the Green Creek Trail or the Bullpen Bridge access area, both of which are in mid-NEPA process for forthcoming enhancements and designation.

Lifting the seasonal and water level based paddling restrictions would allow for additional paddling use but paddling would remain far below any conceivable capacity, and an order of magnitude less than envisioned in the 2012 amendments. Interactions would remain minimal, and conflicts nonexistent. Paddling use may increase from one very small number to another very small number. Paddling is, and would remain, a non-issue on the Upper Chattooga. Lifting these closures would also restore nationally consistent management to the river, ease management burdens, increase the clarity of paddling rules, and eliminate the 20+year old conflict between paddlers and the Nantahala National Forest.

- c. Need to Update Forest Plan with USFS Position on the Chattooga River Upstream of Green Creek.

While Amendment #22 and previous Forest Service documents inferred that paddling was prohibited upstream of Greens Creek, subsequent USFS court filings have confirmed this is not the case and is not the position of the Agency.

“American Whitewater incorrectly states that this figure is false because the USFS prohibits boating on the roughly 1.7-mile reach of river above Green Creek. American Whitewater (“AW”) Br. 39-39 n.7. In fact, *the USFS neither permits nor prohibits floating on this part of the river.*” Emphasis added.⁶

The revised Forest Plan should clearly state that paddling is not limited upstream of Greens Creek. If not already addressed through a separate process, the Forest Plan should confirm that a permit is only needed to paddle downstream of the Green Creek Trail junction with the Chattooga River, and that paddlers are neither

⁵ See USFS, Chattooga River Boating Access Environmental Assessment (EA). 2014. Page 23.

⁶ See Answering Brief Federal Defendants-Appellees, American Whitewater v. Tidwell, Fourth Circuit Court of Appeals. 2/20/14. Footnote 9, Page 15.

encouraged nor prohibited from launching in the vicinity of Grimshaw's Bridge.

d. NEPA and other Procedural Considerations Regarding the Nationally Consistent Paddling Management Alternative.

On April 28, 2014 we submitted official scoping comments requesting the consideration of an alternative that would lift the seasonal, flow, and geographical paddling closures on the Upper Chattooga. These comments are intended to further inform that alternative, and we look forward to seeing a full analysis by the US Forest Service in the draft environmental review documents. The data we now have fully support the removal of the restrictions on the North Carolina reaches under review in this planning process. The data do not support continuing these restrictions.

Please note that our proposed alternative does not conflict with the purpose and need of the Forest Plan, is not technically infeasible or illegal, and would not result in unreasonable environmental harm and thus may not be eliminated from detailed consideration in the environmental review documents.⁷

Sincerely,

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⁷ See Forest Service Handbook 1909.15 – National Environmental Policy Act Handbook. June 2012. Page 36.



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May 6, 2013

Re: Nantahala and Pisgah National Forest Planning

Dear Forest Service Planning Staff,

American Whitewater would like to thank USFS staff for the opportunity to provide these comments on the assessment-phase of this new Forest planning process. American Whitewater is a national non-profit organization dedicated to conserving and restoring our country's whitewater resources, and to enhancing opportunities to enjoy them safely. We have over 5,500 members - typically non-commercial kayakers, rafters, and canoeists – many of whom regularly paddle rivers flowing through the Forests. In addition we are partners in managing several rivers on the Forests where we have invested significant effort into flow restoration and/or management. We look forward to working with the Forest Service and the public in developing protective and nationally consistent management plans for the Forests.

Canoeing, kayaking and rafting are likely the oldest forms of travel and exploration aside from walking. Though technological advances have improved safety (as in all outdoor recreation) the core elements of the activity remain; exploring natural areas by paddling a small boat through the landscape on rivers. Each river is a natural trail through the landscape, reflecting the character of the geology and natural beauty. Paddling is human-powered, place-based, low-impact, quiet, non-consumptive, skill-based, and Wilderness-compliant. In short, it is exactly the kind of activity and experience covered under the definition of "sustainable recreation" in the new Forest Planning Rule.

As we understand the assessment phase of the new Forest Planning process, you are now seeking pre-existing information that can help form the factual basis for the remainder of the planning process, as well as some high-level comments on topics we would like the plan to cover. Our comments seek to provide exactly this type of information and context.

1. Whitewater Paddling Across the Forests and Region

The mountains of Western North Carolina have played a prominent role in the development of modern whitewater paddling, especially creek boating. Today, the region is not only a sought after destination for paddlers from across the globe, but also a home for many paddlers. Many paddlers cut their teeth at a summer camp in the region, at the Nantahala Outdoor Center, or at one of the regional universities. Regional paddling events draw hundreds or thousands of attendees, paddling related businesses

like Liquid Logic kayaks and Astral Buoyancy have located here, and you can find even paddler-themed restaurants. Paddling has been part of the social and economic fabric of the region for at least half a century, and remains so today more than ever.

Paddling resources exist in the region on Forest Service, Park Service, State, and private lands. The Forests offer paddlers spectacular rivers and scenery with assured legal access. Most rivers in the region are runnable only after significant rainfall, and paddlers on most rivers see few other visitors. In a region of high recreational use, paddling offers people a way of experiencing spectacular seldom-visited areas in relative or total solitude.

The National Whitewater Rivers Inventory offers a relatively comprehensive view of paddling in the region.¹ This Inventory also has a geospatial Google Earth layer associated with it that can be downloaded at the bottom of the above referenced page.² We have also created a Google Earth more specific layer of whitewater rivers on the Nantahala and Pisgah National Forests.³

2. Hydropower's Role in River Recreation on the Forests

The Southern Appalachians have been highly developed for hydropower generation for well over half a century. This development has had significant deleterious effects on aquatic biodiversity and has also had a profound effect on river-based recreation. Many prime whitewater boating opportunities lie beneath reservoirs, and diversions have left some rivers without adequate or predictable flows to support paddling. Over the past 13 years American Whitewater has worked closely with the Forest Service and other regional stakeholders to remedy or enhance flow regimes on several regional rivers. We look forward to a continued partnership on each of these rivers. These rivers have become (or in some cases continued to be) recreational treasures in the region, and we expect the new Forest Plan to seek to support and where possible enhance these recreational opportunities. The rivers we would like the USFS to focus on are:

a. Cheoah River

The Cheoah is a regionally unique 9-mile long Class IV big water river that is deeply valued by the paddling community. American Whitewater, the Forest Service and other partners negotiated a restored flow regime and new access areas for the Cheoah between 2000 and 2005. The first release was celebrated in the fall of 2005, and approximately 18 releases per year have occurred since that time. The ongoing restoration of the Cheoah River is governed by the Federal Energy Regulatory Commission under Project Number 2169.

The US Forest Service, American Whitewater, and our partners negotiated a process for adding additional recreational releases to the Cheoah River when the ecological recovery of the river was deemed to have sufficiently progressed. This process must be

¹ <http://www.americanwhitewater.org/content/River/state-summary/state/NC/>

² <http://www.americanwhitewater.org/content/River/state-summary/state/NC/.kml>

³ <http://www.americanwhitewater.org/content/Document/view/documentid/1152/>

initiated by the federal agencies. We ask that the Forest Service review this process, and integrate it into the Forest Plan as a means of providing for sustainable recreation. Doing so would have significant recreational and economic benefits.

b. Nantahala River

The lower Nantahala River is one of the most heavily rafted rivers in the Nation thanks in large part to flows provided by Duke Energy, access provided by the Forest Service, and various services supplied by Forest Service permitted outfitters. A new license for the Nantahala Hydroelectric Project, under FERC Project Number 2692, institutionalizes the flows. This license is based on a Settlement Agreement signed by both American Whitewater and the Forest Service following a multi-year collaborative process. In addition, the license initiated new releases on the Upper Nantahala in the fall of 2012. These releases, 8 per year, offer paddlers a predictable Class III/IV section (the Upper) and a Class IV+ section (the Cascades) paddling opportunity. To fully take advantage of this recreational opportunity, the Forest Service will be building new river access areas along the Upper Nantahala for paddlers and anglers per the Settlement Agreement. We ask that the Forest planning process support and cover the access improvements planned for the Upper Nantahala.

c. Tuckasegee River

The Tuckasegee River also benefitted from a collaborative dam relicensing process that involved American Whitewater and the Forest Service. The resulting settlement enhanced recreational releases for the Class I-II+ stretches of the Tuckasegee, along with its East Fork which is a popular freestyle paddling resource. New releases began on the river's upper West Fork in the spring of 2013. Numerous access areas, campsites, and other recreational improvements were also part of this relicensing effort. The licenses for the East and West Fork should be reviewed as part of the assessment phase of the Forest planning process (see FERC Project No. 2686 and 2698).

d. Pigeon River

The Pigeon River between Walters Dam and the powerhouse flows through a long and scenic gorge bordering Great Smoky Mountains National Park and boasting miles of Class IV/V rapids. There are currently no scheduled flows in this reach that is fittingly called "the Pigeon River Dries." What could be an outstanding recreational opportunity is instead a dry riverbed. At the time of relicensing (FERC Project Number 432), American Whitewater was not involved and water quality concerns led to a FERC license that supported the dewatering of the river, at least until water quality improved. Water quality has now improved, and the Forest Service is a stakeholder with significant post-licensing rights. The Forest Plan could consider and envision a restored Pigeon River Dries as a means of providing for sustainable recreation.

3. Revisiting Wild and Scenic Eligibility and Suitability

The Forest Planning Rule requires an undated inventory be included as an appendix in all new forest plans. Where past inventories have been completed, new information and/or changed conditions should trigger updates to the inventory. We feel that

recreational and other conditions on the Forest have changed sufficiently to trigger an update.

The Forests currently consider 11 streams eligible for Wild and Scenic designation. These are:

- **Nolichucky River** (now suitable): A classic, scenic, and relatively high volume Class III+ whitewater river that frequently has sufficient flows to support paddling.
- **Wilson Creek** (now designated): A unique and popular Class IV+ whitewater creek run, along with easier upper reaches and more challenging headwater runs.
- **Nantahala River:** Class I/II sections above the reservoir, Class IV+ and III/IV sections in the hydropower diversion reach, and predictably running and high quality Class II+ below the hydro station offer a great diversity that draws hundreds of thousands of paddlers each year.
- **Snowbird Creek:** Snowbird offers one of the most remote whitewater creek runs in the region, as well as a nice lower run that is road accessible. The water quality, scenery, and remote nature of Snowbird make it a unique stream for paddling.
- **Mills River** (North and South Forks): Remote rivers that offer paddlers a route well off the beaten track.
- **Davidson River:** The Davidson offers paddlers a lovely and scenic beginner run, as well as a high quality Class IV upper creek run.
- **Big East Fork Pigeon River** (+Dark and Yellowstone Prongs): The Big East Fork is remote, difficult to catch, and challenging. It offers paddlers up to its challenges one of the most beautiful river trips in the region studded with unique and powerful rapids.
- **Linville River:** Linville Gorge is without equal. It is the longest and among the most challenging whitewater runs in the region, with large and memorable rapids. The river transports paddlers through a geologic and scenic wonder. The river is known worldwide for its challenge and superb experience.
- **Tellico River:** The Tellico offers many paddlers their first taste of vertical whitewater, and boasts an array of Class II, III, and IV paddling opportunities in a beautiful river valley. The rapids are renown nationwide.

Each of these streams provide outstanding and remarkable whitewater recreation opportunities. In addition we would believe at least the following streams are also free-flowing and possess at least one Outstanding Remarkable Value, and should therefore be found eligible for Wild and Scenic designation:

- **Elk River:** The Twisting Falls Section of the Elk offers some of the biggest runnable waterfalls on the Forests in a scenic gorge. The big drops are a highlight of any trip, even if they are just viewed by paddlers walking around them. To the extent the USFS has sufficient land holdings, the Elk is eligible.
- **Gragg Prong:** The Gragg Prong (of Lost Cove Creek) has become a coveted creek run in recent years (since the last eligibility inventory). The run offers paddlers a remote trip through the rhododendron over slides like the nationally

- known “Dragstrip Slide.” As the headwaters of Wilson Creek, the Gragg Prong would make an excellent addition to a protected watershed.
- **Greasy Cove Prong (of the Big East Fork of the Pigeon):** The Forest Service currently finds the Big East Fork of the Pigeon, its Dark Prong, and its Yellowstone Prong eligible. We believe the Greasy Cove Prong, a sizeable and wild stream should also be included in this list.
 - **Lost Cove Creek:** Lost Cove Creek upstream of its confluence with the Gragg Prong offers hikers and paddlers a remote and scenic gorge with sliding waterfalls and deep pools.
 - **North Harper Creek:** North Harper offers paddlers a remote adventure in the classic Wilson Creek Watershed. A big portage keeps use low, but for those that go the opportunities for solitude and adventure are terrific.
 - **West Fork Pigeon River:** The West Fork of the Pigeon is one of the most commonly paddled steep creeks in the Asheville Area. While road accessible, paddlers are transported down a remote-feeling high elevation whitewater run of high quality.
 - **Middle Prong of the Pigeon:** The Middle Prong offers a rare hike-in Wilderness adventure with high quality rapids, old growth, and spectacular scenery in a small streambed.
 - **Little East Fork of the Pigeon:** The Little East Fork offers an exceptional whitewater run in a scenic valley down a section known as “the Bathtubs.”
 - **Flat Laurel Creek:** Flat Laurel is seldom paddled but is a popular hiking destination and its falls are some of the most impressive in the vicinity of the Blue Ridge Parkway. Along with the West Fork of the Pigeon Flat Laurel is an exceptional scenic resource.
 - **Santeetlah Creek:** Santeetlah offers both a great Class III+ run and a challenging classic upper Class V run. Upper Santeetlah is valued by paddlers for its steep and memorable rapids, old growth forest, and pristine water quality.
 - **Thompson River:** The most rugged and challenging of the unique tributaries of Jocassee Reservoir, the Thompson has outstanding scenic values for its slides and falls.
 - **Upper East Fork Tuckasegee:** There is nowhere quite like the Panthertown valley, where streams meander over sandy riverbeds before precipitously tumbling over falls and slides. The Upper East Fork of the Tuckasegee (upstream of Tanassee Reservoir) flows through and from Panthertown Valley and offers paddlers a unique and exemplary Class IV/V river trip over towering slides.
 - **Whitewater River:** The Whitewater River offers scenic waterfalls and spectacular challenging whitewater. Big falls and slides set the whitewater apart from many regional streams, and its remote nature further highlights the value of this wild river.

We request that the Forest Service consult the National Whitewater Rivers Inventory,⁴ the Asheville Area Boating Beta Page,⁵ and North Carolina Rivers and Creeks⁶ to gain a

⁴ <http://www.americanwhitewater.org/content/River/state-summary/state/NC/>

⁵ <http://boatingbeta.com>

⁶ Davis, Leland. North Carolina Rivers and Creeks. Brushy Mountain Publishing. 2005.

better perspective of the recreational opportunity these rivers offer, and update their Wild and Scenic River eligibility inventory based on this new recreational information. We request that the Forest Service not pursue suitability determinations for any streams found eligible at this time. Suitability should be deferred until triggered by a conservation or development proposal, because suitability involves an economic and political snapshot that is irrelevant to the stream's long-term merit for inclusion in the system.

4. Management of Wild and Scenic Rivers on the Forests

The Nantahala National Forest currently maintains unique geographical, seasonal, and water level based prohibitions on paddling the Wild and Scenic Upper Chattooga River in order to avoid "potential conflicts" between paddlers and other visitors.

Year round prohibitions on paddling tributaries to the Upper Chattooga and the Upper Chattooga River itself between Grimshaw's Bridge and Green Creek were previously excluded from NEPA and not analyzed.

These prohibitions on a single form of sustainable recreation are not in keeping with Forest Service policy or mandates under the new planning rule.

All of the prohibitions on the Upper Chattooga were based solely on assumptions about future recreational use, since paddling was totally prohibited during past consideration of the issue, and since other visitors were neither counted nor surveyed. We now have the benefit of data. Results of monitoring being currently conducted, including the permit data from the first winter of restricted boating, should be fully considered in the development of the new plan. It is our experience that paddling use has been much smaller in quantity and impacts than predicted by the Agency prior to having actual data to base decision on.

In addition, paddling prohibitions on the upper 2+ miles of the Upper Chattooga, and the tributaries of the Upper Chattooga have no basis or need, and should be eliminated.

The plan should consider, allow, and implement changes to the management of the upper Chattooga and its tributaries that ease paddling restrictions to be consistent with Agency policy and the new monitoring results.

Thank you for considering these comments,

Sincerely,

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