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RE: File code 2720

Howard, Robbie:

The Chattooga Conservancy is submitting these comments regarding the requests from businesses called Daniels Discovery Tours (and presumably Shady Creek Expeditions, a Division of Daniel's Discovery Tours, LLC) and Southern Outlaw Adventures for temporary commercial special use permits for 50 service days for guided fly fishing trips on Andrew Pickens Ranger District (APD) lands, specifically on the Chauga River, and on the Chattooga River below the Ellicott Rock Wilderness. Daniels Discovery Tours is also requesting a commercial special use permit to run guided camping and hiking trips in these areas.

The scoping notice for these two requested commercial special permits (SUP) also indicates that any forthcoming permits could be "categorically excluded" from further analysis in an Environmental Assessment (EA) or an Environmental Impact Statement (EIS).

The Chattooga Conservancy disagrees with the dismissive process by which the Andrew Pickens District is addressing these commercial SUP applications. We strongly oppose categorically excluding the proposed, new commercial special use permit applications from analysis and documentation in an EA or an EIS, based on the Forest Service's erroneous assumption that issuing two more "temporary" commercial special use permits would have no "significant" effects on the recreation experience—as prescribed in both the National Wild & Scenic Rivers Act and the directives in the *Development Plan for the Chattooga National Wild & Scenic River*.

The Chattooga Wild & Scenic River Corridor has been set aside to protect a unique recreational experience, which is an outstandingly remarkable value (ORV) and leading component of the river's wild and scenic status. No new commercial special use permits should be granted until a full carrying

capacity analysis for the Chattooga Wild & Scenic River Corridor is conducted through an EA or an EIS. In addition, the Chauga River Scenic Corridor possesses outstanding values that deserve recognition as well as special management and preservation measures.

⇒ Today, the pressure for commercial special use permits for capitalizing on these very unique recreation resources specifically for monetary gain has reached heretofore unprecedented levels. The Chattooga and Chauga River's special values must be guarded and protected through proper management that is based on a rigorous and valid carrying capacity determination, or these values will, in short order, be irrevocably degraded or even lost for present and future generations—through the tyranny of small decisions.

Current controversies, such as the recent commercial special use permit request for the ultra running “Shadows of the South” race, is clearly an indication that it is time for limitations on compatible uses. In this most recent controversy about commercial use, the Forest Service was in error and almost issued a special use permit for a commercial event that was simply not permitted by statute.

The needed carry capacity analyses would address some basic questions, including, for example:

- How much commercial special use could be permitted, before it negatively impacts the Chattooga's unique wild and scenic experiences? In other words, what is the carrying capacity for commercial use vis-à-vis the National Wild & Scenic Rivers Act and the directives in the *Development Plan for the Chattooga National Wild & Scenic River*?
- Currently, how many commercial use special use permits and user days are there for business operations inside the Chattooga Wild & Scenic River Corridor?
- Currently, how many commercial use special use permits and user days are there for business operations inside the Chauga River Scenic Corridor?
- How many commercial special use permittees and user days are currently licensed on public lands in the three national forests, specifically in the Chattooga River watershed boundary?
- Has the Forest Service studied or determined a carrying capacity for temporary and other commercial special use permits inside the Chattooga Wild & Scenic River Corridor?
- Has the Forest Service studied or determined a carrying capacity for temporary and other commercial special use permits inside the Chauga River Scenic Corridor?
- Is Forest Service considering allowing more outfitters to apply, and if, so how many?

We have asked the APD for much of this basic information, and have yet to receive it.

In 1972, during testimony in the US Congress about adding the Chattooga River to the National Wild and Scenic River System, the House Committee on Interior Affairs concluded that the greatest threat to the Chattooga River would be over-commercialization.

The *Chattooga River Development Plan* was published in the *Federal Register* on May 10, 1974, and states, under Recreation:

“The main attraction of the Chattooga River is its recreation opportunity and the chance to visit a whitewater river and experience solitude, adventure and challenge. Protecting and maintaining the aesthetic values of the river must remain of paramount importance. Development within the boundary of the Chattooga River must not detract from or destroy the natural beauty that makes this river

different from other rivers.” Further, concerning limitations on compatible uses, it states: “Although current levels of all types of use create some problems, uncontrolled future use would probably result in safety hazards and a lowering of the quality of the recreation experience. When the need warrants, this will be prevented by the establishment of regulations limiting size, number, type, etc. to provide optimum use.”

The FY22 APD Fly Fishing Outfitter Guides scoping notice offers little specific information about the proposed new commercial special use permits. There is no mention of group sizes, length of stay, specific operating locations, specific trails targeted for commercial use, no information depicted on maps, no meaningful details concerning effects on “experience,” and no information about potential effects on the environment. In addition, the scoping notice’s statement that the proposed commercial SUPs should be categorically excluded because the proposed permits are “temporary” is disingenuous at best. Commercial interests often ask for expanded opportunities from forest managers to increase “established use” before permanent commercial use permits are issued. There is an axiom often used by experienced line officers in the Forest Service faced with making decisions about designated use that once given, it is almost invariably never retracted. We believe that the current commercial SUP proposal is not, in reality, being proposed as a one-time deal, but rather is a classic foot-in-the-door strategy to use a technicality for potentially railroading a commercial SUP without questioning its wisdom or performing adequate and timely analyses.

The cumulative effects of increased commercial use, by itself and in combination with other commercial and private uses, cannot be assumed to be negligible. In order to protect the outstandingly remarkable values of the Chattooga River, and uphold its status as a unique, protected and rare resource, the issuance of commercial special use permits must be carefully considered and examined. Increasing commercial use within the Chattooga Wild & Scenic River Corridor is in and of itself is a very significant and historically contentious issue. We request that no new commercial special use permits should be considered until a full carrying capacity analysis for the Chattooga Wild & Scenic River Corridor is conducted within an EA or an EIS. The Chauga River should receive similar carrying capacity considerations.

Lastly and importantly, it has come to our attention that both Daniels Discovery Tours and Southern Outlaw Adventures have been engaged in illegal, unpermitted commercial outfitting and guiding activities in the APD. For example, it has been reported to our office that Southern Outlaw Adventures has been operating on the Chauga River down to the Cassidy Bridge area, and Daniels Discovery Tours/Shady Creek has been ticketed and fined for illegal commercial outfitting and guiding activities in the APD. The Forest Service should not be engaged with commercial businesses that have track records of consciously and flagrantly violating the agency’s rules and directives.

Sincerely,



Nicole Hayler
Executive Director