September 10, 2010

BY ELECTRONIC MAIL (ddoster@fs.fed.us)
Doris Doster
Nantahala Ranger District
Nantahala National Forest
90 Sloan Road
Franklin NC 28734

Dear Ms. Doster:

American Whitewater and the American Canoe Association respectfully submit these comments on the proposal by the Nantahala National Forest to begin issuing Temporary Use Permits to colleges, universities, camps and clubs for access to the Nantahala River.

Interest of Commenters

1. American Canoe Association

The ACA is a national nonprofit membership organization for canoeing, kayaking, rafting and paddling safety. ACA’s members are individual canoeists, kayakers, rafters, and the paddling clubs to which they also belong. ACA has regional divisions throughout the U.S., and 50,000 members in the U.S., Canada and overseas.

2. American Whitewater

Founded in 1954, American Whitewater is a national organization with a mission "to conserve and restore America’s whitewater resources and to enhance opportunities to enjoy them safely." American Whitewater is a membership organization representing a broad diversity of individual whitewater enthusiasts, river conservationists, and more than 100 local paddling club affiliates across America. The organization is the primary advocate for the preservation and protection of whitewater resources throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission.
Comments

1. Background

Our affiliated paddling clubs in North Carolina and around the country help us promote safe and enjoyable paddling. Clubs like the Carolina Canoe Club (CCC) frequently offer paddling classes that provide beginning paddlers with opportunities to learn from skilled paddling instructors. They also lead trips that allow novices to gain experience under the watchful eye of more advanced paddlers who can help them progress safely in the sport.

In order to sponsor paddling classes, clubs need access to rivers with an appropriate level of difficulty and reliable and predictable flows. The Nantahala River is a dam-controlled Class II river, and therefore has these characteristics. For that reason, it is desirable venue for paddling instruction.

As you know, paddling clubs in the Nantahala region have struggled to gain access to the river for their paddling classes. Because of Forest Service definitions, classes for which students pay a fee and instructors receive a payment are considered “Commercial Uses” for which permits are required, even if student fees are small, and instructor payments are expense reimbursements rather than compensation for services rendered. This has limited clubs’ direct access to the river. Unless their instructors are willing to absorb their own costs, clubs have been forced to pay commercial outfitters for access, or use other rivers.

When the Forest Service adopted its new Temporary Permit system in 2008, we hoped this might be a way for clubs to gain access to the river. As you know, one of the main objectives of the new Temporary Permit system is to “[f]acilitate greater participation in the outfitting and guiding program by organizations and businesses that work with youth and educational groups.” Forest Service Handbook § 2709.11, Chapter 41.53b(2), 73 CFR 53823-24 (Sept. 17, 2008). Our affiliated clubs want to use the Nanty to teach paddling, which is obviously an educational purpose. As such, they are the intended beneficiaries of the Temporary Permit program.

After some initial hesitation, the Nantahala National Forest now appears to be willing to offer Temporary Permits to colleges, universities, camps and clubs. Letter of Michael Wilkins, July 30, 2010. We welcome this development. We believe Temporary Permits are an appropriate way to provide clubs with the limited access they need to provide instruction to their members, while still respecting the carrying capacity of the river and business interests of commercial outfitters.

2. Specific Comments

Unfortunately, the limitations the Forest Service proposes to place on these Temporary Permits make them essentially useless to the clubs seeking to provide instruction on the Nantahala River. Clubs will be unable to use the permits subject to these limits for two reasons:

1. Clubs could only use the permits Monday through Thursday. It is not practical for non-profit, all-volunteer paddling clubs to provide instruction on these days. Most of the club members offering these classes have full time jobs unrelated to paddling, and work a forty hour week...
on the regular weekday schedule. As such, they are able to offer instruction only on the weekends. Likewise, most of the students are only able to participate on weekends. If the club were to offer weekday classes, they would have difficulty finding instructors able to teach, and would also have difficulty filling the classes with available students. For these reasons, limiting the Temporary Permits to Monday through Thursday would mean that clubs would be unable to use the permits.

2. Clubs using Temporary Permit must be off the water by 3:00 p.m. This is not practical for clubs that are trying to complete a course of instruction in one or two days. Most clubs structure their courses for a half day of flat water instruction on a lake in the morning, followed by a half day of moving water instruction in the afternoon. Providing students with a complete half day of moving water instruction and practice is essential if students are to be able to develop their whitewater skills. Requiring Permit Holders to be off the water by 3:00 p.m. will force them to end the afternoon portion of the course prematurely. Rather than do so, clubs will likely choose to use another river.

We think there may be ways to adjust the permit limits to meet the needs of clubs without adversely affecting other river users or exceeding the carrying capacity of the river. For example, the largest clinic offered by Carolina Canoe Club (CCC) is in early May, which is before start of the peak season on the river. This class usually requires no more than 100 service days, split between two days of not more than 50 service days each. This program provides valuable safety education to the boating public, and significant economic benefits to the Nantahala region. At a minimum, we think the Forest Service could issue Temporary Permits to CCC that would allow the club to teach this course on a Saturday-Sunday in early May, before peak season begins, without exceeding the carrying capacity of the river.

Other aspects of the proposal could be clarified, but may be acceptable. Permit limits of 200 service days should be adequate for most organizations. The group size limits in the proposal letter may be adequate. However, the application of these limits is unclear, so clarification of this aspect of the proposal would be useful.

**Conclusion**

We thank the Nantahala National Forest for this attempt to offer colleges, universities, camps and clubs new ways to access the Nantahala River. It is welcome development that we are happy to have an opportunity to comment on. Unfortunately, the weekday and 3:00 p.m. restrictions will be problematic enough to defeat the purpose of this proposal for many of its intended recipients.

Our friends in CCC report that they may be forced to move their instructional activities to the New River in West Virginia because they are unable to comply with Forest Service regulations. If that happens, their students will follow them north and the money they would ordinarily spend in North Carolina on dinner, gasoline and other incidentals will go with them. They will not be introduced to the Nanty, and will be less likely to return there in the future.
The President of CCC, Spencer Muse, has provided us with a copy of an email he submitted to you on August 13, 2010, in which he comments on the Temporary Permit proposal. We agree with Mr. Muse’s comments in all respects.

The Nantahala River is a public resource, held in trust for the use and enjoyment of all Americans. Organizations providing valuable educational services should have access to the river so that they may provide voluntary instruction that will teach people to boat safely.

For these reasons, we urge the Forest to revise its Temporary Permit proposal to allow permit holders to access the river on weekends, and to remain on the river after 3:00 p.m.

Thank you for the opportunity to comment on this proposal.

Regards,

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Executive Director
American Canoe Association

Mark Singleton
Executive Director
American Whitewater

CC: Mike Wilkins, District Ranger (mwilkins@fs.fed.us)
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