Anglers, paddlers face off over Chattooga access

A section of river closed to boaters

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A decades-long battle over use of the Chattooga River will spill over into court Wednesday as the federal government and fishermen fight a lawsuit filed by whitewater rafters who want to paddle in the remote northern stretch of the Southeast's crown jewel of waterways.

U.S. District Judge Michelle Childs will hear arguments in federal court in Greenville from lawyers on all sides over whether the government should temporarily be forced to open the top third of the 57-mile river to paddlers.

Since 1976, the U.S. Forestry Service has banned any type of boating activity for the first 21 miles of remote headwaters north of

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RIVER LAWSUIT

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RIVER

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South Carolina State 28.

The river — featured in the classic 1972 film "Deliverance" — begins in the Nantahala Forest in North Carolina and passes through Oconee County before it ends in Georgia.

A paddling advocacy group, American Whitewater, sued the Forestry Service and private property owners last fall.

In 2004, the Forestry Service affirmed its original decision to close the headwaters to paddlers.

American Whitewater said that it filed appeals and waited more than five years for an answer on whether some of the headwaters could be opened.

In 2009, protests by paddlers led to a compromise in which seven miles of headwaters would be opened to paddlers during winter months and when waters reached a certain level where fishing interests wouldn't be disturbed, according to federal court filings in the case.

However, the compromise, which had been scheduled to be enacted earlier this year, was withdrawn by the Forestry Service and has been hung up in administrative appeals, according to court filings.

The paddlers have asked for the government to temporarily open the headwaters for use; the government has said no court order should be implemented because the issue is being handled by customary administrative appeal.

The subject of Wednesday's hearing will be whether to grant a preliminary injunction and the defendants' argument that the paddlers' complaint should be dismissed.

The Forestry Service argues in its motions to dismiss the case that the paddlers haven't exhausted all of the administrative appeals that are pending.

In its filings, the Forestry Service has said closing the headwaters to paddling preserves the natural wildness of the northern section of the river.

The government regularly stocks the river with fish where anglers enjoy a haven for fly-fishing, according to the original complaint.

The tentative compromise reached between the government and paddlers called for the headwaters to be opened to paddlers during high waters after substantial rainfall, a time when anglers aren't likely to fish, according to documents.