

Boaters to get back in the flow of Chattooga

Upper portion of river reopens today

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The upper portion of the Chattooga River will be open today for paddlers for the first time in more than three decades, following several years of exhaustive—and costly—legal and bureaucratic battles that even with the opening show little sign of stop-

ping.

The U.S. Forestry Service said that boating enthusiasts such as paddlers, kayakers and whitewater rafters will be allowed to float the once-limited section with a permit and when water flows "are high enough."

"As soon as the weather cooperates and provides suitable flows, we anticipate that boaters will be floating the upper Chattooga," said Paul Bradley, forest supervisor for the Francis Marion and Sumter National forests.

For years, paddlers and the

federal government have been at odds, in large part in court where currently a federal judge in Greenville has been asked to rule on whether the government unfairly limits access to the storied waterway.

Despite the forestry service announcement, a group of paddlers who for the past three years have pushed a lawsuit against the government will continue to fight, their attorney told GreenvilleOnline.com on Thursday.

The lifting of restrictions on paddlers in one of the most peril-

ous stretches of river only applies to a time frame of December to April, said Greenville attorney Nathan Galbreath, who is representing a paddling advocacy group, American Whitewater, and numerous paddling and canoeing clubs in a lawsuit filed against the Forestry Service in 2009.

And even during the four-month paddling season, Galbreath said, significant stretches of the river are still off-limits to

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paddlers, restrictions he said stand in contrast to the likes of anglers, hikers and campers, who have far more access, although the government has never done a study examining the impact paddlers have on the scenic waterway.

The lawsuit has inched along with reams of court filings as the Forestry Service undertook a lengthy review of its policies.

In the latest action, U.S. District Judge Michelle Childs told both sides to set a deadline for trial in October or November and determine how long a trial would last.

The judge recently de-

nied the government's request to stay the paddlers' lawsuit as it reviewed its policies.

The government asked for the suit to be dismissed as it sought an administrative remedy to conflicts over the balance between conserving an historic natural resource and allowing equal access to the public.

The government argued that it represents a disparate group of anglers, hikers, campers and photographers who believe paddling is disruptive. Paddlers, they argue, are already allowed to float on the lower two-thirds of the river.

A collection of paddling advocacy groups, among them American Whitewater, sued the Forest Service earlier this year, arguing

the government has held up decisions on requests—and in one case withdrew a compromise—to allow paddling in the upper third of the Chattooga.

The paddlers claim that there is no basis the government has offered to justify closing the headwaters to their specific group.

The river, featured in the classic 1972 film "Deliverance," begins in the Nantahala Forest in North Carolina and passes through Oconee County as it helps form a border between South Carolina and Georgia.

The decision to open access partially lifts a 1976 ban that drew growing objections as paddling interest—spawned in part by advances in boat design—grew in the 1990s.

In 2009, the Forestry Service issued guidelines allowing some floating along the upper portion of the river but later withdrew them.

The newest regulations set a four-month paddling window and require water levels to be measured at no less than 350 cubic feet per second before paddling is allowed.

The water is measured by a device and results posted online for the allowed paddling day, which runs from 30 minutes before sunrise and 30 minutes after sunset.

In 1974, Congress designated the river as part of the national Wild and Scenic River Act. In 1976, the government banned boating of any kind in the headwaters.