TESTIMONY OF MARK SINGLETON, OUTDOOR ALLIANCE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
HEARING ON "THE 35TH ANNIVERSARY OF THE CLEAN WATER ACT: SUCCESSES AND FUTURE CHALLENGES"
JAMES OBERSTAR, CHAIRMAN
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Mr. Chairman and members of the Committee on Transportation and Infrastructure:

I am Mark Singleton, I live in Sylva, North Carolina and serve as the Executive Director of American Whitewater. Founded in 1954, American Whitewater is a national membership organization that represents all whitewater enthusiasts, including kayakers, canoeists and river conservationists. 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, which is "to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely."

Today I am testifying as Chairman of the Outdoor Alliance, a coalition of six national, member-based organizations devoted to conservation and stewardship of our nation's public lands and waters through responsible human-powered outdoor recreation. The Outdoor Alliance includes: Access Fund, American Canoe Association, American Hiking Society American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance. Collectively, the Outdoor Alliance has members in all fifty states and a network of almost 1,400 local clubs and advocacy groups across the nation. Our coalition represents the millions of Americans who hike, paddle, climb, mountain bike, ski and snowshoe on our nation's public lands and waters.

Prior to becoming the Executive Director for American Whitewater, I served for over ten years as Marketing Vice President for Nantahala Outdoor Center (one of the country's largest whitewater river outfitters). I grew up paddling and some of my earliest memories are of family canoe trips on north woods lakes. My childhood time on the water profoundly influenced my life and served as the basis for my lifelong passion of whitewater paddling. As a whitewater paddler, I have the opportunity to explore headwater streams and rivers around the country and the world. Through these experiences, I can speak first-hand about the benefits of clean water to recreational users and communities whose experience-based economies are dependant on quality destinations for human-powered active recreation.

These days my wife and I are passing a love of rivers and the outdoors on to our two daughters, Skyler 8 and Mckayla 7. Our kids enjoy their time on the water in anything that floats; inner tubes on Deep Creek in The Great Smoky Mountain National Park to rafts and kayaks on local rivers like the Nantahala and Tuckaseegee.

Most think of the Clean Water Act as the law that keeps our waters from being polluted. While this is certainly true, fortunately the framers of this landmark legislation realized not only that clean water in America's streams, rivers, lakes and wetlands keeps natural ecosystems in check, but these clean waters also nourish our bodies and souls. Without the provisions of the Clean Water Act that protect on-water recreation, and the State Water Boards that enforce these protections, it is doubtful that my two girls would have the same river experiences that I have had in my life.

Cleaning Up Our Nation's Rivers

Aside from a source of drinking water and food, paddlers have used the nation's waterways for exploration, travel and commerce for thousands of years, long before and after European settlement. However, during our industrial development rivers also became conduits for waste disposal, culminating in conditions that were a threat to public safety and precluding opportunities to enjoy rivers.

Rivers like the Potomac here in our nation's capitol, the Cheat in West Virginia, the Menominee in Wisconsin, and the Black River in New York were so polluted that they were generally undesirable for outdoor recreation. Today, thanks in large part to the Clean Water Act, these rivers, and many others also too polluted for safe recreation, are now enjoyed by millions of Americans.

When the Clean Water Act was enacted 35 years ago, the Cheat River in West Virginia was effectively dead. Since then, the river has been cleaned up and paddlers have witnessed a tremendous recovery of wildlife in the river canyon, with bears, deer, and even river otters now calling the river home. Rivers like the Black were so polluted that our members who paddled the river in the early 1970's can remember finishing their runs and finding their skin to be stained a shade of grey. Now many paddlers enjoy this river as one of the most popular runs in upstate New York, and one that has made significant advances in improving water quality.

The Importance of Water *Quantity* as an Element of Water Quality

Water flowing swiftly downstream means power, and until the passage of the Clean Water Act that power was generally free for the taking. Hydropower dams and diversions were built throughout the 20th century to provided electricity, yet left many rivers and the communities that depended on them high and dry. Thanks to the Clean Water Act, and other related legislation that followed, our nation has spent the past three decades breathing new life into these rivers. The Clean Water Act has helped assure that Hydropower operations balance our society's need for power with what flowing rivers can also do for fish, wildlife, and our communities.

I would like to share with you a story of one such river near my home in Western North Carolina. The Cheoah River was dammed and diverted through a massive nine-mile long pipe in 1928. The river went completely dry and, except for a few small side streams, died. People, over time, forgot about the once thundering river. Generations came and went, a resource extraction and manufacturing economy came and went, and by the dawn of the new millennium Graham County, through which the Cheoah flows, was the third poorest county in North Carolina.

About ten years ago, the 50-year old federal license for the Cheoah dam neared its expiration, and the power company was required to apply for another license that would for the first time fully comply with the Clean Water Act. Relicensing a hydropower facility takes years, requiring significant scientific studies and stakeholder involvement.

As one of the stakeholders, American Whitewater helped secure a test release of water into the barren riverbed so that paddlers could explore and assess the river. What we found surprised everyone involved. The Cheoah River was not merely a good recreational resource – it was fantastic and utterly unique – perhaps the best river in the region.

As the studies and negotiations played out, American Whitewater, along with federal and state agencies created a shared vision of a restored Cheoah River. Our vision included protection of riparian land, creation of new river access areas, protection and reintroduction of endangered species, a reinvigorated local economy, and most importantly the return of water to the long dewatered river. With the support of the Clean Water Act, we successfully negotiated a new license for the dam that included a robust and variable flow based on the natural hydrograph. In September of 2005, the gates of the dam were opened – and they will stay open for at least the 40 years.

On the first day that the river roared back to life over 500 people showed up to paddle the Cheoah River, which that day became an instant classic. No other river of its size in the region flows so steeply, continuously, and wildly. Kayakers, canoeists and commercial rafting customers alike love this remarkable and beautiful river. The river has enough flow to support paddling on about 18 days each year. Those days have fostered a new commercial rafting economy in Graham County, and continue to draw several hundred kayakers and canoeists that stimulate the local economy. These flows have also begun to restore natural processes to the Cheoah River. The fish – and fishing – are getting better, the river is cleaner, and it is functioning once again like a healthy river. The Cheoah exemplifies one of the core tenets of our river restoration program: "just add water."

The Clean Water Act allowed the state of North Carolina to give the Cheoah River back to Graham County and to the fish, wildlife, and people that treasure wild rivers and the wildness inherent in all rivers. While much of the river's water still flows through a pipe to generate power – profitably – the river is now shared among multiple interests. The ancient concept that water belongs to everyone – and belongs in rivers – is once again a reality thanks to the Clean Water Act. The Cheoah is just one of dozens or perhaps hundreds of similar flow restoration success stories from around the nation. Citizens

everywhere are asking for their rivers back, balance is being restored, and healthier rivers are supporting healthier communities.

Challenges that remain

While the Clean Water Act has been a tremendous success both in addressing water pollution and restoring flows to dewatered rivers, significant challenges still remain. In a recent survey of our membership, approximately 70% of respondents reported health effects from paddling polluted rivers. Sinus and ear infections continue to be ongoing health issues for paddlers in many parts of the country where water quality still needs to be improved. While many rivers are now regularly enjoyed that were at one time too polluted to paddle, some of our members still avoid runs like the Pigeon River in Tennessee, Difficult Run in Northern Virginia, Deckers Creek in West Virginia, and others across the country that face ongoing pollution issues.

While the Clean Water Act has been a great tool for restoring rivers and addressing pollution issues, we still need assistance from Congress to make sure that key provisions of the Act are not weakened. Of particular concern, a confusing 2006 Supreme Court decision regarding the Clean Water Act has left the fate of our nation's headwater streams in legal limbo. Specifically the court narrowed the protections the Clean Water Act provides to "navigable waterways," leaving headwater streams unprotected. Regardless of their navigability, headwater streams are important for all forms of outdoor recreation. In addition, pollution of headwater areas has a direct impact on water quality of downstream areas. The Clean Water Restoration Act of 2007 (H.R. 2421) would restore full federal protection for all our rivers and streams.

Another avenue to restoring and protecting rivers would be to update the General Mining Law of 1872, something that is presently being considered by the House of Representatives in H.R. 2262. Considering that the Environmental Protection Agency estimates that up to 40% of western headwaters are contaminated by hardrock mining activities, from the paddler's perspective, reform is long overdue.

Conclusion

The Clean Water Act is landmark legislation that anchors our country's natural resources and has created a legacy of stewardship for rivers and streams. As outdoor enthusiasts, we need public lands and waters to do what we do – paddlers need rivers, climbers need escarpments and hikers and mountain bikers need trails; but what truly unifies our broader community is an unshakeable conservation and stewardship ethic. This ethic is reflected in the thousands of volunteer hours devoted to river clean ups, hydro relicensing processes and access issues. The Clean Water Act protects water quality in all that in encompasses. We recognize that protecting the quality of our water is essential to protecting the quality of our lives. We recognize that our pursuits depend on healthy lands and waters and that quality recreational experience are dependent on the health of the natural resource.

The Clean Water Act represents a triple bottom line. It's been good for rivers and their ecosystems, it's been good for recreational users who spend their wet dollars in local communities and it's been good for communities who are dependant on experience-based economies where clean rivers are the destinations.

Thank you for the opportunity to appear before his committee.

EXHIBIT # 1: CHEOAH ARTICLE FROM NEW YORK TIMES – OCTOBER 20, 2006

The New York Times
October 20, 2006
What Time Do They Turn the River On?
By CHRISTOPHER PERCY COLLIER

ON the cloud-speckled morning of Oct. 1, dozens of rafters stood near the end of a muddy road on the wooded outskirts of Robbinsville, a town in western North Carolina, waiting to run a river that, after decades of being dry, now comes back to life as a hard-charging flow of white water — set to a strict schedule.

A few hundred yards upstream, just out of sight, a gate had opened a couple of hours earlier, and a great white sheet of water spilled from the top of the 1,150-foot-wide Santeetlah Dam. Thundering down the 200-foot-high concrete face of the dam, the water blew back tree branches, sent clouds of mist onto kudzu-covered banks and filled what had been the nearly empty Cheoah River channel, which the rafters now faced.

Leaning against paddles like construction workers bent against shovels, fiddling with the cinch straps of their life vests and clunky white helmets, the rafters listen to the obligatory pretrip rant, doled out with comedic effect by a barrel-chested raft guide with a handlebar mustache: "This is a raft, and we'll be going down the river in these things." And "This is a bag full of rope, and we'll be throwing it at your head should you fall out — not because we don't like you."

Then they launched into the Cheoah (pronounced chee-OH-ah) to experience what, almost out of nowhere, has become one of the most challenging commercially rafted white-water rivers in the South.

Paddle when you're told. Stay in the boat. Know what to do if you fall out. You don't need much in the way of specialized skill to enter the world of white-water rafting in the hands of a competent guide; three million people go white-water rafting with a guide each year, according to America Outdoors, an outfitter and guide association.

But you do need the right kind of river. Commercial raft companies operate on about 200 white-water rivers in the United States. About 140 are spring runs — white-water only during the season of spring rains and snowmelt. Of the remaining 60, an even smaller group receive the most use. "About 80 percent of all rafters go down about 20 percent of the rivers," said Mark Singleton, director of the white-water paddling group American Whitewater.

These are the so-called "milk runs," dependable enough to plan vacations around and, with safety kept in mind, not too powerful for novices: the Ocoee River in Tennessee, the New River in West Virginia, the Arkansas River in Colorado. And after a few forays on them, some new rafters inevitably ask, "What's the biggest commercially rafted river around?"

In the East, there are the Gauley in West Virginia and the Upper Youghiogheny in Maryland. Out West are rivers like the Upper Kern in California. "These are some of the great classics of white water," Mr. Singleton said. In the South, Section IV of Georgia's Chattooga River, where the 1972 movie "Deliverance" was filmed, was long the most challenging spot. But now it's the Cheoah, which few rafters knew existed six years ago.

THERE was a time when the Cheoah flowed freely, rich with aquatic life, but even people who have spent long lives in Robbinsville haven't seen the river in its natural state. The Cheoah they have known, a deep, dry, brush-covered trench running parallel to Highway 129, was more eyesore than epic flow.

When Santeetlah Dam was built in 1928, it literally stopped the Cheoah in its tracks. The water gushing down from the nearby mountains was collected in the 2,973-acre Santeetlah Reservoir and then sucked out through two huge pipes 11 feet in diameter, to travel five miles to a pair of turbines before entering the Cheoah Reservoir. Even after that, water didn't go back into the river. It spilled into more reservoirs, held up by more dams, to pass through more turbines, until it finally reached the wide, sluggish main flow of the Tennessee River.

Then, in the late 1990's, the owner of Santeetlah Dam, Alcoa, had to go through a public approval process for renewal of its contract with the federal government to use the river to generate power. That's when boaters, conservationists and outdoor-sports businesses fought for periodic releases of water into the Cheoah — at that point little more than a deep, scruffy scar in the earth.

In the end, the new contract mandated 19 to 20 releases annually, plus a minimum continuous flow of water downstream that while not high enough to support white-water rafting or kayaking, made this empty bed a constantly flowing river once again.

The first release was Sept. 1, 2005; the last this year will be Nov. 1. The first permits for commercial rafters were issued in March, and the group that launched in Robbinsville this Oct. 1 were still among the first few hundred people to raft the Cheoah.

"Don't worry," the guide, Ryan Henkel of Wildwater Rafting, told his charges as he perched at the bow of a raft floating downstream in the first few minutes of the run, through swift but mirror-calm water, short of the thrills they had come for. "The first part of the river is nothing like the last."

His rafters — including Julie Schneid, Candie Holder and her brother Brett Holder, all in their 20's or 30's and from the Atlanta area — seemed unconcerned. After navigating through a dense thicket left behind from when the riverbed was dry, Mr. Holder said with a grin, "They don't have rivers like this back in Mississippi."

Soon after, the river went from sedative to stimulant — and stayed that way.

Many white-water rivers, like the Chattooga River in Georgia or the mighty Penobscot in Maine, are described by paddlers who know them well as "drop-pool": riding on them, you run a bevy of rapids and then float for a spell in a state of meditative bliss.

Not the Cheoah. It blathers on like an over-caffeinated intellectual. Pushy. Continuous. With the exception of a few placid stretches near the put-in, it remains a frothy white much of the way down. "It's big water," said Kevin Colburn, one of the lead advocates who fought for releases on this river. Heraclitus, the philosopher who proclaimed that you cannot step into the same river twice, would have loved the Cheoah.

The Cheoah offers more than a wild ride. Vegetation on the bottom of the river is not necessarily aquatic; much of it is what's left over from the terrestrial days, riverside scrub like willows. Lichen covers submerged rocks. Logs remain stuck between boulders. Passageways through bushy sections are narrow, just big enough for a raft. And there are dead ends.

"Last time, I took a wrong turn and got stuck in a beaver pond," said Annie Nesbitt, a raft guide training on the Cheoah who was also in Mr. Henkel's raft.

Bits of bark often cover the bows of the rafts. Broken branches and leaves collect on the floor. Paddlers take to flicking ants and small spiders from one another's backs. Sometimes rafts dislodge part of the blockage and set it flowing downstream and out of the way, helping to return the river to its former glory even as the rafters ride it. "I feel like we're performing a public service," Ms. Schneid said as the raft plowed over a refrigerator-size bush.

Read and run. That's the operative phrase for guides on the Cheoah. "The water hasn't had a chance to carve out certain channels yet," Mr. Henkel said. "You go off a ledge and expect the boat to go one way and it goes the other. You have to react to it as you're running it. You may see a line you want to take down the river and, while getting there, something puts you off course. I've guided rafts down the nearby Ocoee River over 500 times, but I'm still a beginner on the Cheoah."

No one knew what to expect when the first recreational release took place last year. Eight-foot wide channels had been cleared to allow rafts through. Test runs had been performed by expert boaters. When hundreds of kayakers, canoeists and independent rafters showed up, local fire and rescue squads set up a command post, and National Forest Service employees allowed the boaters down the river in stages. Now, the releases are more routine. There's a parking lot for kayakers, and crowds appear along the roadsides to watch rafts plunge through some of the biggest rapids.

Raft outfits on the Cheoah may require that rafters have experience and be in good physical shape. And the guides are some of the best in the Southeast.

When Mr. Henkel's paddle snapped halfway down the river, he reached for a backup without missing a stroke. When the floor of the boat tore loose, he hopped out and put it

back together while standing chest deep in the water. "Lean in!" he shouted while deftly steering the raft down a chute to intentionally pinball off a boulder at the bottom and spin sideways in the thundering wash of a 12-foot waterfall.

After the last set of rapids, near the hulking base of yet another dam, talk turned to dry clothes and warm drinks, but Mr. Holder was already pondering what would be next. "I guess I'll have to head to West Virginia to hit something bigger," he said.

Ms. Schneid planned to savor the moment just a little longer. "When I show up at work tomorrow more with scrapes on my arms and bruised shins," she said, "I'm going to ask my co-workers, 'What did you do this weekend?' "

VISITOR INFORMATION

RAFTING the Cheoah River after a release of water from Santeetlah Dam takes about three to four hours from the put-in site at Robbinsville, N.C. Rafting companies usually require that customers have some white-water experience.

These outfitters make the trip:

Wildwater Rafting, (800) 451-9972; www.wildwaterrafting.com; $134.
Nantahala Outdoor Center; (888) 905-7238; www.noc.com; $125.
Endless River Adventures; (800) 224-7238; www.endlessriveradventures.com; $125.
Outland Expeditions; (800) 827-1442: www.outlandexpeditions.com; $125.

Some hotels in the area, and their nightly rates, are:
Tapoco Lodge, 14981 Tapoco Road, Robbinsville, N.C.; (828) 498-2435; www.tapocolodge.com; $59 to $89.
Fontana Village Resort, Highway 28, North Fontana Dam, N.C.; (800) 849-2258; www.fontanavillage.com; $99 to $149.
Snowbird Mountain Lodge, 4633 Santeetlah Road, Robbinsville; (800) 941-9290; www.snowbirdlodge.com; $225 for rooms in the main lodge.