

## **THE FACTS ABOUT THE SOUTH SALUDA RIVER TROUT ENHANCEMENT PROJECT**

On June 14, 2011, the South Carolina Administrative Law Court issued its ruling and upheld the permit for the South Saluda River trout enhancement project. This is a resounding victory and a complete vindication of **Upstate Forever's** position, which is shared by many natural resource agencies and other conservation organizations, that this project is good for the river, the trout and the community. In reaching its decision, the Court heard all of the evidence and determined that the opponent's claims are baseless and without merit. Click here to read the Court's decision:  
[www.upstateforever.org/progCAWdocs/SSaludaRuling2011.06.14.pdf](http://www.upstateforever.org/progCAWdocs/SSaludaRuling2011.06.14.pdf).

Here are some of the important facts about the project that were presented to the Court:

### **Owners and Project Background**

Dianne Culbertson is a South Carolina resident who owns a 15.4 acre tract that adjoins the South Saluda River.

Naturaland Trust (NT) is a South Carolina nonprofit organization that for nearly 40 years has led the effort to protect critically important lands in the South Carolina mountains. Its work has resulted in the State's acquisition and establishment of several special places in the mountains, such as Jones Gap State Park, Caesar's Head State Park, and Jocassee Gorges. Over the last three years NT has donated over 600 acres of its own land to the State for inclusion in Jones Gap State Park.

NT owns a 110.6 acre tract on the South Saluda River that adjoins the Culbertson tract. The previous owner could have clearcut and developed the entire tract, but NT's acquisition now ensures that the property and its tree cover will be forever protected.

A map showing the location of the Culbertson and NT tracts is attached.

Both Culbertson and NT allow public access to their properties for the purpose of using and enjoying the river.

South Carolina has lost a tremendous amount of its original trout habitat. "Partners for Trout" (PFT) is a broad-based coalition of government agencies, universities, and nonprofit organizations to protect the trout habitat that remains and restore some of what has been lost. The members include the U.S. Natural Resource Conservation Service (NRCS), the South Carolina Department of Natural Resources (DNR), Trout Unlimited (TU), Upstate

Forever, the South Carolina Wildlife Federation, the Foothills Resource Conservation and Development Council, the Soil and Water Conservation Districts of Greenville, Pickens and Oconee Counties, and Clemson University.

PFT identifies potential trout restoration and enhancement projects in South Carolina and works with landowners in making some of them a reality. The projects include bottom water releases from lakes and ponds (providing colder water downstream), planting trees and establishing buffers along rivers (providing shade and lowering water temperature), and installing native rock cross vanes and other habitat-enhancing structures in rivers.

One of the key PFT leaders is Dan Rankin, a fisheries biologist and Region 1 Fisheries Coordinator with DNR. He has worked as a fisheries biologist for approximately twenty years and has devoted most of his career to the study, protection and restoration of trout habitat. Mr. Rankin is very familiar with the South Saluda River and knows that the stretch of the river along the Culbertson and NT properties is straight, shallow, has some erosion of its banks, and contains few riffles and pools. He recommended a trout enhancement project for this stretch, and PFT agreed.

NRCS had funds available for the project and asked Culbertson and NT for permission to install it, and they agreed. All funds provided by NRCS will be used to pay for the cost of the project.

### **Description of Project**

The project involves the installation of 15 native rock cross vanes in a 2,964 foot stretch of the South Saluda River entirely along the Culbertson and NT properties.

A photograph of the type of rock vane that will be installed is attached. The photo is of a rock vane that was installed in the Eastatoee River a few years ago.

A rock vane basically redirects the flow of the river away from the banks toward the middle of the river. This creates riffles between the vane and a pool downstream of the vane, which is exactly the kind of habitat desired by trout.

As found by the Court, the project does not involve the random dumping of loads of rock into the river. Rather, the installation of the rock vanes involves the strategic placement of a few large boulders in the river by expert contractors.

As found by the Court, the rock vanes will not increase flooding nor will they increase the amount of water in the river. Greenville County officials have also determined that the project will have no effect on flooding.

The rock vanes are similar to those recently installed by NRCS in the Middle Saluda River a short distance from this project and in the Eastatoee River in Pickens County a few years ago. The Middle Saluda and Eastatoee projects involved bank stabilization work and the planting of trees along the river. Bank stabilization work and tree planting are not involved in the South Saluda River project. There is already a substantial buffer of trees along the river on the Culbertson and NT tracts.

The rock vanes in the Middle Saluda and Eastatoee Rivers have been highly successful in improving habitat for trout and other fish.

Rock vanes are widely and successfully used throughout the United States to improve aquatic habitat and address erosion problems.

### **Control of Public Access and Reduction of Erosion**

The project also involves the installation of three gates and associated large boulders near Highway SC 11/US 276 to prevent cars and trucks from driving across the Culbertson and NT properties and parking directly next to the river, an activity that has been occurring for many years (long before NT and Culbertson acquired their tracts) and has caused significant erosion. After installation of the project, the public can have access to the properties for the purpose of using and enjoying the river, but they will have to walk. The elimination of direct vehicular access to the river will reduce erosion and adverse impacts on the river.

The project has absolutely nothing to do with kayaking or canoeing. In any event, the South Saluda River is a navigable water and may be used by the public for boating. The project will have no adverse impact on this use.

### **Permit, Administrative Appeal and Court Decision**

The South Saluda project requires a Construction in Navigable Waters permit from the S.C. Department of Health and Environmental Control (DHEC). DHEC issued the permit to Culbertson and NT on September 2, 2010.

Elizabeth Tickle, who owns a 28.6 acre tract downstream from the project area (also shown on the attached map), appealed the permit to the DHEC Board, which declined to hear the case. No rock vane will be installed in any portion of the river that adjoins Ms. Tickle's property. Ms. Tickle then appealed to the S.C. Administrative Law Court which heard the case on April 20 and 21 in Columbia. Ms. Tickle was represented by an attorney of her own choosing and testified at the hearing. She was given the opportunity to present other witnesses and evidence.

In its Order, the Court discusses and rejects every one of Ms. Tickle's claims

against the project. See pages 8 to 11 of the Order. The Court upheld the permit, allowing the project to proceed.

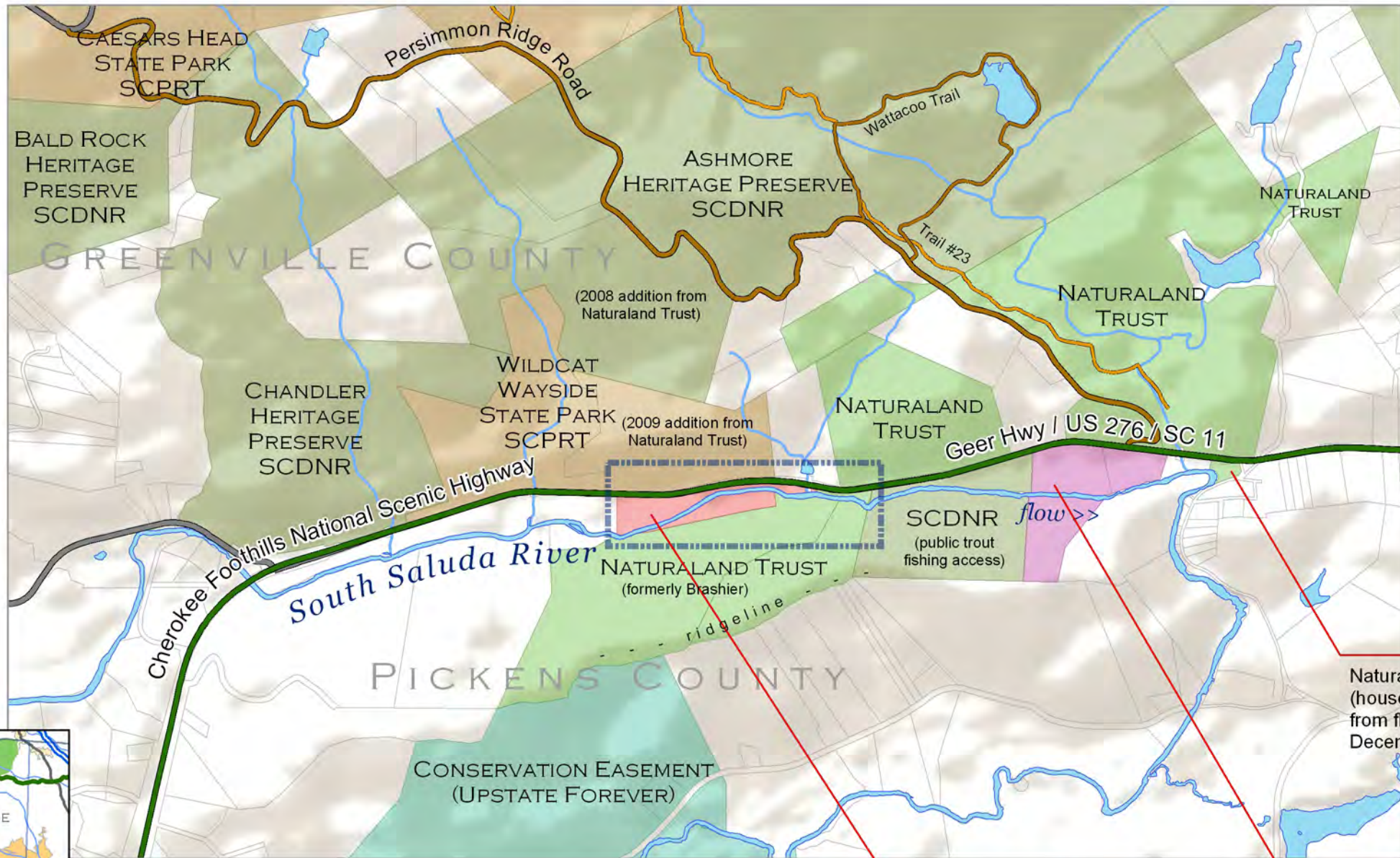
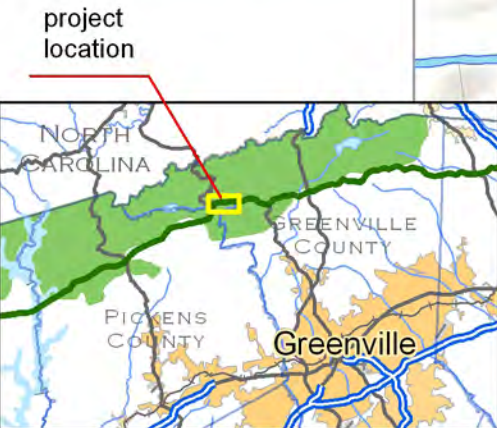
# SOUTH SALUDA RIVER IN-STREAM HABITAT IMPROVEMENT PROJECT

Foothills RC & D/  
Partners For Trout  
Habitat Improvement Project;  
Naturaland Trust, landowner

SC DHEC P/N 10-023;  
Construction in Navigable  
Waters Permit

Project located on the  
South Saluda River in  
Greenville & Pickens Counties,  
South Carolina

 = Project Location



Dianne Culbertson  
(under option to  
Naturaland Trust)

Elizabeth Yokley  
Tickle

