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DAEN-CWR-P
CLARK

Policy Issue No. 216
Releases for Whitewater Rafting
Corps of Engineers Projects

1. Issue. What policies and procedures should apply to a decision on adjustments in project releases to accommodate whitewater rafting and/or canoeing?

2. Background. The Corps has received and is receiving requests to make project releases in a manner that furthers whitewater rafting. Questions have been raised regarding the authority to make such releases, the liability that might be associated with such releases, and the procedures that are followed in evaluating the impacts of such releases.

The recent request of the Eastern Professional River Outfitters Association for whitewater releases at ORD's Summersville project sharpened the issues involved in accommodating such requests, particularly since whitewater rafting, at least arguably, is an inherently dangerous activity. The Corps authority to accommodate whitewater releases; the extent of the Corps responsibility for property damage and public safety; the environmental impacts; and the impacts on other project purposes are all issues that must be addressed and evaluated before deciding whether to accommodate whitewater releases. This paper discusses considerations which shall apply uniformly to all projects and is intended to establish a consistent nationwide policy with respect to whitewater rafting by describing a decision framework to be used by district engineers in evaluating each request to make adjustments in project releases for the purpose of furthering whitewater rafting. The paper is not intended to provide automatic answers to questions concerning the feasibility of accommodating requests at individual projects.

3. Discussion. Authorities for regulation of Corps projects are contained in legislative authorization acts and referenced project documents. Generally, the Corps is not precluded by law from accommodating special uses not specifically envisioned in the project documents but which are part of the general parameters of authorized project purposes, provided that the use does not adversely interfere with authorized project purposes and is otherwise in the public interest. General policies and procedures governing water control management plans are found in ER 1110-2-240 (33 CFR 222.7). Water control plans are developed for reservoirs, locks and dams and major control structures and interrelated systems to conform with the objectives and specific provisions of authorizing legislation. In developing these water control plans, thorough analysis and studies are made as necessary to assure full public interest, maximize the net public benefits and to establish the optimum water control plans possible within prevailing constraints. It is within the context of these generic water control management plans that specific requests to adjust project flows for whitewater rafting must be considered.

4. Evaluation Process. The evaluation of each request to modify project releases to accommodate whitewater rafting shall consider at a minimum:

1. Impacts on authorized project purposes, and
2. Impacts associated with modifying releases on:
 - a. Water quality,
 - b. Recreation including fishing, swimming, and boating other than whitewater rafting,
 - c. Project lands, lands adjacent to the project, and downstream areas required in whitewater operations and access areas,
 - d. Responsibility and potential for personal injuries and property damage, and precautionary measures which can be taken to prevent such injuries and damages,
 - e. Increased costs of operation,
 - f. Other benefits foregone,
 - g. Comments of interested parties,
 - h. River management plans, if any.

5. Policy. Requests for releases for whitewater rafting shall be accommodated provided the district engineer determines, based on the preceding evaluation, that the releases do not adversely interfere with authorized project purposes and are otherwise in the public interest. Significant costs incurred for making releases to enhance whitewater rafting shall be recovered. Decisions on whether requested releases for whitewater rafting shall be accommodated will be made on a case by case basis and will be as a result of a systematic, documented evaluation of the request to determine the requirements and impacts of such releases. The ultimate aim of this evaluation is to further the public interest by insuring that relevant issues and interests are fully considered.

The following general operating criteria will be applied in implementing requests approved under the foregoing policy.

- Downstream channel capacity will not be exceeded,
- Downstream water level fluctuations will be kept within established limits,
- Reservoir water levels will be maintained within operating limits established for other project purposes.

There may be occasions when it would be in the public interest to make project modifications that: require legislation because authorized project purposes would be impacted adversely, require cost sharing, require development of an agreement with a non-Federal public entity, or cannot be approved under the foregoing policy for other reasons. These cases, along with those involving significant controversy shall be coordinated with OCE.

5. Implementation. The Director of Civil Works will furnish this policy to the FOA's by letter. In addition, this policy will be incorporated in appropriate ER's.