



United States  
Department of  
Agriculture

Forest Service  
Southern Region

January 2016



# **Decision Notice**

**and**

# **Finding of No Significant Impact**

## **Chattooga River Boating Access**

## **US Forest Service – Region 8**

**Nantahala National Forest  
Nantahala Ranger District  
Jackson and Macon Counties, North Carolina**

Decision Notice  
and  
Finding of No Significant Impact  
**Chattooga River Boating Access Project**

USDA Forest Service  
Nantahala National Forest, Nantahala Ranger District  
Jackson and Macon Counties, North Carolina

### Decision

Based upon my review of the alternatives, I have decided to select **Alternative 2** as described in the Chattooga River Boating Access Environmental Assessment (EA).

The Selected Alternative will:

- Designate trails and require boaters to start or complete their trip only at specific boater access points at Green Creek Trail, County Line (aka Norton Mill), and Bull Pen Bridge (see attached maps) to facilitate boating on the upper segment of the Chattooga WSR during the designated boating season. The trails will also provide foot access for other forest visitors. This decision authorizes use on National Forest System lands only per the conditions of the Chattooga Wild and Scenic River Self-Registration Floating Permit.
- Green Creek was selected as a preferred option due to its proximity to the Chattooga Trail trailhead parking. This site will provide access for paddlers wishing to experience this segment of the upper Chattooga. A foot trail will be constructed on an old existing road bed that connects the Chattooga Trail to the river. The old road bed intersects the river approximately 700 feet downstream of the confluence of Green Creek and the Chattooga River. The trail length will be approximately 0.28 miles. The old road bed will require some construction and minor realignment to produce a sustainable trail. The designated trail will continue to be used for fishing access to the Chattooga River. The put-in location will be designated as within 200 feet of the trail and river intersection and will also be an access point for other recreation along the river.
- County Line was selected as a second location for paddlers wishing to experience the upper Chattooga. The old road bed will be designated as a 1.2 mile long trail and maintained to access the Chattooga River for recreation use. The Trail is currently used by hikers and anglers and was signed and maintained by the Forest Service in the past. The public currently parks on the road shoulders near the earthen mound and they will continue to do so. The old road bed connects Whiteside Cove Road (State Route 1106) with the Chattooga Trail, and follows the Chattooga Trail north to a flat area along the river with numerous rocks and eddies that will facilitate put-in. The old road bed is open and almost brush free and receives regular use by anglers, hunters and hikers, but will require some reconstruction to produce a sustainable trail. Paddlers will be authorized to put-in from Norton Mill Creek to 300 feet downstream of the Chattooga River.
- Bull Pen Bridge was selected for paddlers wishing a run through the upper Chattooga to South Carolina. The current access is provided by a designated short trail of less than 100 feet that is in a good location and provides easy access along river right (the Macon County side), upstream of Bull Pen Bridge. For boaters that do not wish to put-in and immediately experience a highly technical section of whitewater, the Forest Service will construct an access point below the bridge on river left to get paddlers off Bull Pen Road (Forest Service Road 1128), down the steep road bank to the river. Refer to Changes Based on Review of Objections described on page 3.
- Vegetation will be removed within the trail corridors during construction. Trail construction will adhere to design parameters and commonly accepted practices listed in Forest Service Handbook (FSH) 2309.18, 23.11, Exhibit 01. Construction work will primarily include thinning, limbing or removing rhododendron, mountain laurel and trees less than 6" in diameter. Most existing large trees will be avoided. Some hazard trees may be cut along the new trail during construction. Some new signs, modeled after existing signs, will be installed along the trail to help forest visitors travel between the parking areas and the river. FSH design parameters will be followed to reduce soil movement.
- Interim access sites as described in the Decision Notice and Finding of No Significant Impact, *Amendment #22 to the Nantahala and Pisgah National Forests Land and Resource Management Plan, Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, signed January 31, 2012 will

continue to be used until project work per this decision is completed.

Design criteria are outlined in the EA (Section 2.3, Chapter 2). In summary, the design criteria include:

- When possible, the Forest Service will fell any trees required for the project or to alleviate safety hazards during the hibernation season (October 15 through April 15) for the Northern Long-eared bat. When this is not possible, trees to be removed will be assessed for bat habitat suitability by a biologist or knowledgeable technician. If trees to be removed do not support suitable bat habitat characteristics (loose bark, crevices), then they can be removed outside of the hibernation season. If suitable bat habitat characteristics are noted during the suitability surveys, simple emergence surveys will be conducted immediately prior to project implementation. If no bats are observed (regardless of species), the trees may be removed outside of the hibernation season. If bats are observed, conversation with the state wildlife agency and USFWS will outline appropriate survey or project design measures.

### **Rationale**

The purpose and need for the proposal is disclosed in Chapter 1 and is to respond to an appeal decision on the Sumter Land and Resource Management Plan; to provide consistent management of the upper segment of the Chattooga Wild and Scenic River (WSR) on all three national forests; and to preserve the upper segment of the Chattooga WSR's free flowing condition, protect its water quality and protect and enhance its Outstanding Remarkable Values (ORVs), as well as preserve the wilderness character of the Ellicott Rock Wilderness. Alternative 2 best meets the purpose and need as follows:

- The designation and construction of the trails will provide locations for boaters to put-in and/or land their boats and safely exit from the Chattooga WSR during the season and water level established by the Decision Notice and Finding of No Significant Impact for the Environmental Assessment that addressed Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor (January, 2012), in a manner that maintains and protects physical, biological, and social resources.
- The trails can also be used by all other recreationists and will have minimal impacts on natural resources.
- The trails will help limit the use of user-created trails in the area.

- The trails will improve the recreational experience for forest visitors by providing clearly marked and established access points.

In reaching my decision, I reviewed the purpose and need for the project and the alternatives considered in detail in the EA. I then carefully weighed the effects analyses of the alternatives analyzed in detail and the public comments received on the EA. The Chattooga River Boating Access Interdisciplinary Team (IDT) conducted field surveys, database queries, and other localized analyses to determine effects the alternatives considered in detail could have on the area's ecology, including threatened, endangered, and sensitive species. During their analyses, they took a hard look at past, present, and reasonably foreseeable future actions that could be combined with expected effects from the Chattooga River Boating Access proposal. The ID Team provided me sufficient analyses and conclusions to make a reasoned decision. Therefore the Selected Alternative will achieve the purpose and need for the project and addresses public concerns.

### **Changes Based on Review of Objections**

Six objections were received during the objection time period. The Chattooga Conservancy agreed to withdraw their objection if the Forest Service would locate the new trail to be constructed below Bull Pen Bridge closer to the location of the current user-created trail. This user-created trail currently provides access to the river for boaters and other forest visitors. To eliminate the possibility of people using multiple trails to access the river, the designated trail will be constructed as close to the current user-created trail as possible.

#### Agreed Upon Resolution to this Issue

The designated access point will be a set of constructed steps that will begin on Bull Pen Road and go downhill to an access point on the river. The location will be as close as possible to the current user-created trail and will provide safe access for all river users. Design and construction will be consistent with wilderness standards.

#### Effects of this Change

The revised trail location will result in less biophysical impacts than those described in the original proposal in the Boater Access EA. The new location will require approximately 65-75 feet of new construction straight down the fill slope of the road onto the edge of the rocky ridge used by fishermen and swimmers to reach the eddy and bend of the river. The lower 5-10 feet of the trail will be in the Ellicott Rock Wilderness. The user trail would have been easy to close but hard to keep the public from using it again. This alternative will be more expensive to construct but it eliminates the possibility of having two

trails on and off again over time. While the new trail has not been designed yet, the trail's surface is expected to be a combination of existing rock and dirt tread that includes wooden steps to insure the trail's location does not become a sediment source.

### Other Alternatives Considered

In addition to the Selected Alternative 2, I considered other alternatives in detail: *Alternative 1 – No Action*, and three alternatives that were considered but not developed. A comparison of these alternatives can be found in Chapter 2 of the EA.

### Alternative 1 – No Action

Under Alternative 1, no new trails would be constructed or designated and current access points to the river would continue to be used by boaters and other recreational users. I did not select this alternative because sustainable trails are needed to reduce resource impacts and to reduce use of user-created trails in the area.

### Alternatives Considered but not Developed

Three alternative trail locations were considered in place of the Green Creek access (Alternative 2) but were not developed:

- Access at Bamford would have required less trail construction than the Green Creek location, it would have opened a shorter section of river to paddling access compared to Green Creek. Although Green Creek requires more trail construction, the presence of the existing old road bed minimizes impacts from the trail construction.
- Access via Garnett Ridge would have crossed private property. The public has no legal access across private land to access National Forest System lands. This location also would have required trailhead parking on private land.
- Access at Cane Creek would have required new trail construction to access the river at an acceptable grade. River access would have been more difficult since it is in a steeper section of the river corridor than other locations. This trail would result in more environmental impacts and public safety concerns than the proposed Green Creek trail.
- Accordingly, Alternative 2 best meets the objectives of the 2012 EA and the 2015 EA.

### Public Involvement

Public involvement began with pre-scoping field trips to the proposed access sites hosted by the ranger districts in summer 2012. The three rangers initially decided to scope their respective boater access sites individually with the intent of completing separate decisions. However, the

U.S. Forest Service decided to complete one EA and have the three district rangers sign separate Decision Notices. The agency prepared a consolidated proposal and began scoping on July 24, 2013. The EA was completed and made available to the public on September 29, 2014. The 30-day notice and comment period began with publication of a legal notice in the newspapers of record for each of the three ranger districts involved. Public comments received and Forest Service responses to those comments are contained in the Appendix A of the EA.

I carefully reviewed and weighed all comments received during the development of this decision and used them to guide my decision. Comments are addressed in the EA in the Response to Comments, Appendix A.

### Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

#### Context

For the proposed action and alternatives, the context of the environmental effects is based on the environmental analysis in this EA.

The physical, biological and social effects are limited to the project area and immediate adjacent areas, which are analyzed in Chapter 3 of the EA. All actions are consistent with the *Land and Resource Management Plan, Nantabala and Pisgah National Forests* and Amendment 5. All environmental effects are within the range disclosed in the Final Environmental Impact Statement for the *Land and Resource Management Plan, Nantabala and Pisgah National Forests*.

#### Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. Both beneficial and adverse effects have been considered (see EA, Chapter 3, Environmental Consequences, pages 18-109). Design criteria include

- actions to prevent or lessen adverse impacts of the decision (EA pages 16-17, Decision Notice pages 2 and 3). The low intensity of the effects within the limited context of this project makes the adverse effects insignificant.
2. There will be no significant effects on public health and safety (see EA, Chapter 3, Environmental Consequences, pages 96-97). The U.S Forest Service Health and Safety Code Handbook will be followed for all workers during trail construction activities. Trails in the area will be closed temporarily and appropriately signed to protect the public during construction, reconstruction and maintenance activities.
  3. There will be no significant effects on unique characteristics of the area (historic and cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers or ecologically critical areas). No archaeological sites or other cultural resources were found during the examination of the boater access sites by the Forest Service archaeologist. There are no prime farm lands based on the type of soils and the topography found at the access sites. Wetlands will not be impacted by the activities. The EA analyzed potential impacts to the Chattooga WSR's ORVs (EA section 3.2). The ORVs will continue to be protected and enhanced. The project will have no effect to the free-flowing condition of the Chattooga River (EA page 68). No ecological critical areas were identified at the access site during project analysis by Forest Service specialists. (Chapter 3).
  4. The effects on the quality of the human environment are not likely to be highly controversial because there is no scientific controversy over the impacts of the project. Chapter 3 of the EA provides the scientific and analytical bases for the determination of effects to the physical, biological and social environment. Chapter 4 lists the Forest Service interdisciplinary team and other specialists who provided input and/or were consulted during analysis. Reference information is provided on pages 112-116 of the EA. Other federal and state agencies also provided input information during scoping and/or the review period or concurred with determinations made in the BA/BE and, where appropriate, in the review of the heritage reports. A review of the environmental assessment and the project record indicates that the best available scientific information was used to inform the environmental analysis. There is no known scientific controversy with respect to the effects of this action. The effects associated with this type of action are well understood and documented in scientific literature referenced in this EA, the 2012 EA, and the Forest Plan FEIS.
  5. The Nantahala Ranger District has considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA Chapter 3, Environmental Consequences, pages 19-109).
  6. The actions in this decision are not likely to establish a precedent for future actions with significant effects and do not represent a decision in principle about a future consideration (EA, page 4, 1.1 Introduction and 2.2 Alternatives, pages 7-9). Future decisions will require review under the National Environmental Policy Act including public notification.
  7. There are no significant adverse cumulative effects between this project and other past, present and reasonable foreseeable actions (see EA Chapter 3, Environmental Consequences, pages 19-109).
  8. The action will have no effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (Chapter 3). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (Chapter 3). The National Forests in North Carolina has a Programmatic Agreement with the SHPO and THPO that allows the Forest Service to exempt certain projects. "The project has no potential for effect, adverse or beneficial, to a Historic Property or unevaluated cultural resource, and therefore is an Exempt Undertaking; no further Section 106 compliance documentation is required, other than recommended mitigation or protection."(dated 9/20/2012).
  9. The October 3, 2014 Biological Evaluation concluded:  

A biological evaluation completed on October 3, 2014 determined that the action may affect, but is not likely to adversely affect the Indiana bat, rock gnome lichen and the Northern long-eared bat. This proposal may affect the Regional Forester sensitive species *Acrobolbus ciliatus*, *Cephalozia macrostachya ssp. australis*, water fan, *Lejeunea blomquistii*, *Lophocolea appalachiana*, Fraser's loosestrife, *Marsupella emarginata var. latiloba*, *Plagiobhila austinii*, *Plagiobhila caduciloba*, *Plagiobhila sharpii*, *Plagiobhila sullivanii var. sullivanii*, Carolina star moss and *Radula sullivanii*, but is not likely to cause any viability concerns on the Nantahala or Pisgah National Forests or to cause a trend towards federal listing. A Biological Assessment was submitted to the US Fish and Wildlife Service on October 3, 2014 for concurrence with Forest Service determinations of effect for proposed, threatened,

and endangered species for the Chattooga River Boating Access Project. Concurrence was received in a letter dated October 29, 2014. The Northern long-eared bat was federally listed by the U.S. Fish and Wildlife Service on May 4, 2015. Amendment # 1 to the BA/BE was completed to reflect the new determination for the bat. The U.S. Fish and Wildlife Service concurred with Amendment #1 on May 15, 2015.

10. The action will not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the *Land and Resource Management Plan for the Nantahala and Pisgah National Forests, Amendment 5* (cited as Amendment 5 below) and the *Land and Resource Management Plan for the Nantahala and Pisgah National Forests, 1986-2000* (cited as LRMP below).

Forest-wide Direction and Management Prescriptions

- Riparian Area Management, Water Quality, Aquatic Habitats (Management Area 18, page III-179, Amendment 5) and Soil and Water Management (pages III-19 – III-21, LRMP).
- Wildlife and Fish Resource Management, including Proposed, Endangered, Threatened, Sensitive, (PETS) and Forest Concern species - pages III-10 – III-12, LRMP.
- Dispersed Recreation Management – pages III-7 – III-8, LRMP; Trails Management – page III-9, LRMP.
- Wilderness (Management Area 7 - page III-97, Amendment 5).
- Wild and Scenic Rivers – page III-8, LRMP and Management Area 15, page III-166, Amendment 5).
- Visual Resource Management - pages III-6 and III-7, LRMP.
- Cultural Resource Management - pages III-4 and III-5, LRMP.
- Transportation System Management and Road Planning Construction and Maintenance - pages III-25 – III-28, LRMP.

## Findings Required by Other Laws and Regulations

My decision to implement the Selected Alternative is consistent with the intent of the long-term goals and objectives listed on pages III-1 and III-2 of Forest Plan Amendment 5. The project was designed to meet land and resource management plan standards and incorporates appropriate land and resource management plan guidelines.

### Clean Water Act

By adhering to the seven Forest Plan standards (LRMP page III-9), trail work will comply with requirements of the Clean Water Act. Effects on water quality are disclosed on pages 68-72 of the EA.

### Prohibitions in Region 8, Southern Region, 36 CFR 261.77

The Chattooga WSR flows through the Chattahoochee National Forest in GA, the Sumter National Forest in SC and the Nantahala National Forest in NC. 36 CFR 261.77 was originally issued on January 27, 1978, prohibiting floating activities on the Chattooga WSR unless authorized by a permit or a special use authorization. This rule also identifies specific locations where permits can be obtained. A Forest Supervisor’s Order is also in effect (Order Number 11-04-2013) prohibiting floating activities on that portion of the Chattooga WSR within the Nantahala National Forest unless authorized by a permit.

2012 Decisions: On January 31, 2012, the Chattahoochee, Sumter and Nantahala Forest Supervisors issued decisions to change some of the locations where, and conditions under which, boating will be allowed. Specifically, the previous terms and conditions of the permits/special use authorizations did not allow any boating above GA/SC Highway 28. However, under the 2012 decisions, boating is allowed from December 1 to April 30 when flows reach 350 cubic feet per second or greater at the U.S. Geological Survey water gauge at Burrells Ford during daylight hours. Daylight hours will be 30 minutes before official sunrise to 30 minutes after official sunset. Once boating is allowed, it may continue until 30 minutes after official sunset on that same day.

Future Rule Change: Consistent with the requirements outlined at 36 CFR 261.70, the Forest Service is planning to change 36 CFR 261.77 to more clearly reflect this new management direction for the entire length of the Chattooga WSR on national forest system lands. The change will include all portions of the river located in all three National Forests and the three states at 261.77.

## **Administrative Review or Objection Opportunities**

This project was subject to objection pursuant to 36 CFR 218, and a legal notice of the opportunity to object was published on May 27, 2015, in *The Franklin Press* newspaper, Franklin, North Carolina, and sent to those who provided comments during the project's development. Six objections were filed. One objection was resolved and no resolution was reached on the other five. The remaining five objections were processed by the objection reviewing officer.

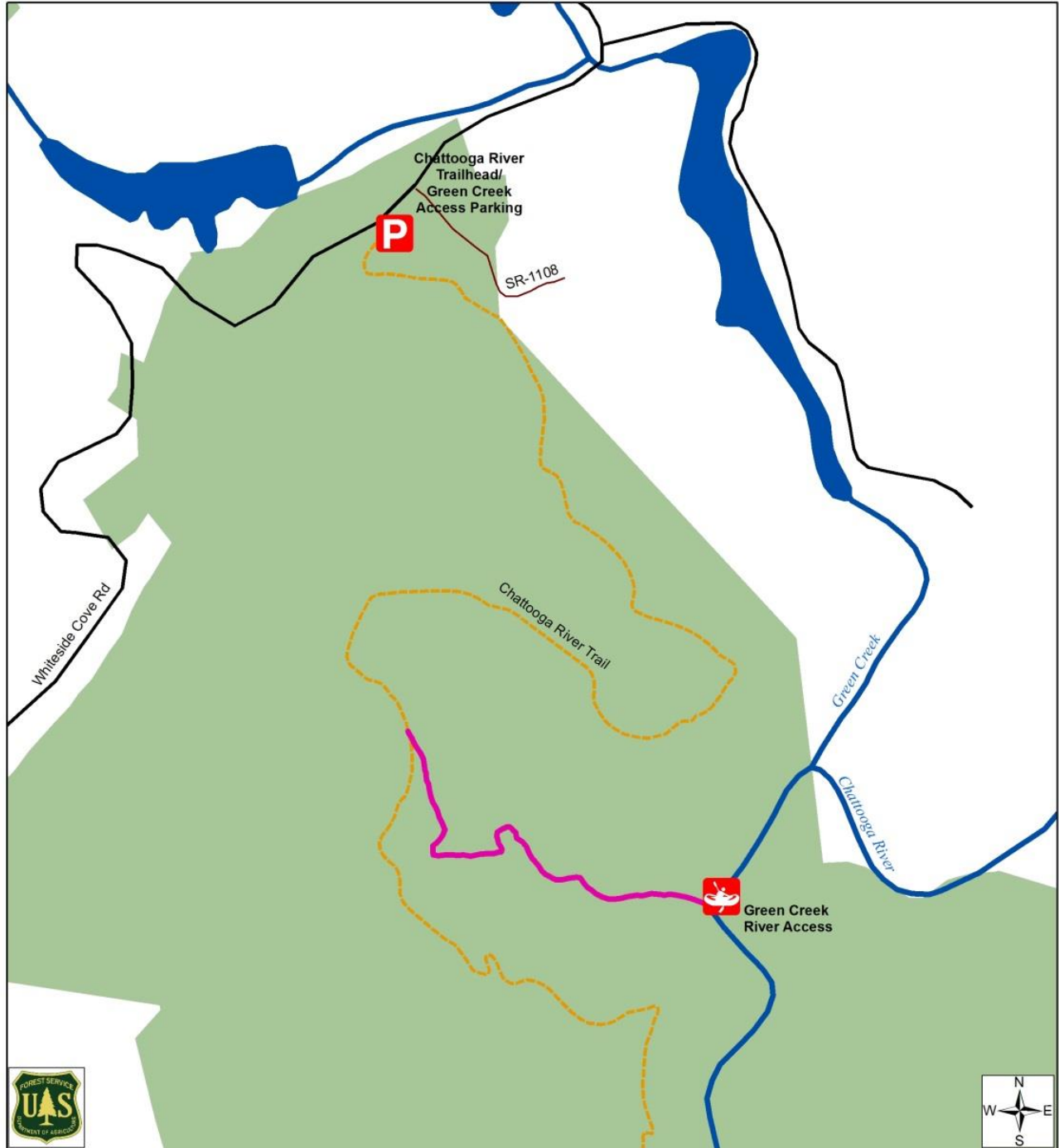
## **Implementation**

This decision may be implemented any time after the date of signature.

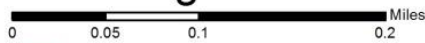
/s/ Michael Wilkins  
**MICHAEL WILKINS**  
Nantahala District Ranger

1-5-2016  
**Date**

Chattooga River Access – Green Creek



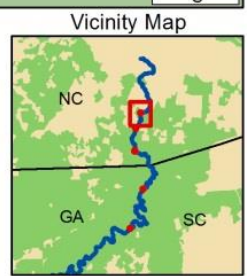
Chattooga River Access - Green Creek



- River Access Parking
- Boater Access Site
- Boater Access Trail
- System Trail
- FS Road
- Stream
- City Limit
- State Line
- National Forest

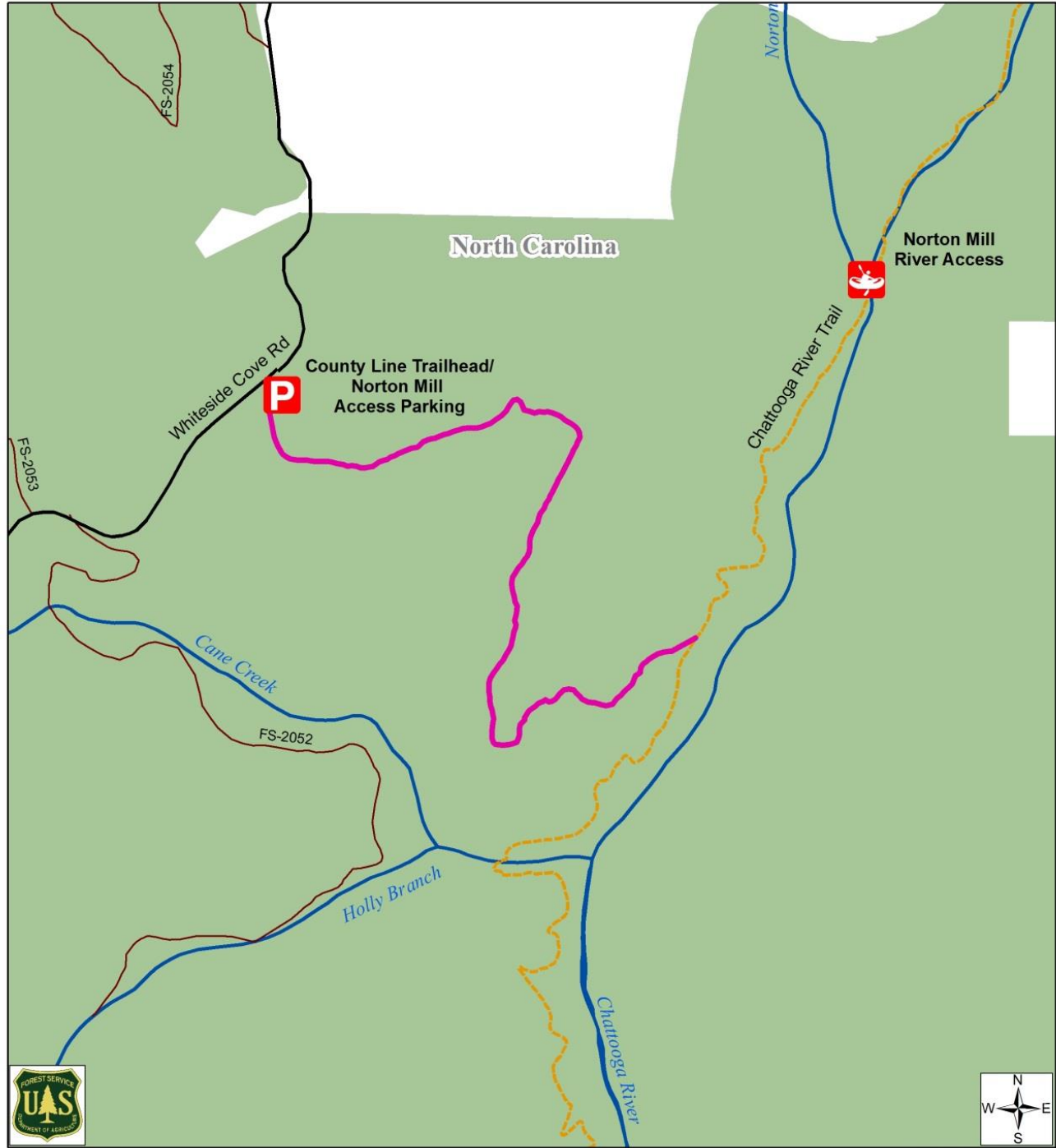
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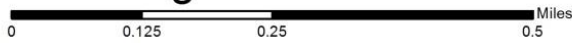




Chattooga River Access – Norton Mill



Chattooga River Access - Norton Mill

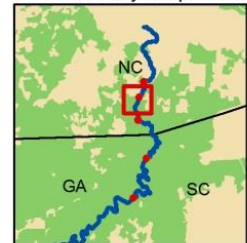


- River Access Parking
- Boater Access Site
- Boater Access Trail
- System Trail
- FS Road
- Stream
- City Limit
- State Line
- National Forest

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Vicinity Map



Chattooga River Access – Bull Pen  
(above bridge)



Chattooga River Access - Bull Pen Bridge

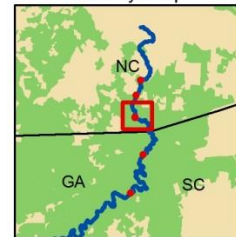
0 0.0125 0.025 0.05 Miles

-  River Access Parking
-  Boater Access Site
-  Boater Access Trail
-  System Trail
-  FS Road
-  Stream
-  City Limit
-  State Line
-  National Forest

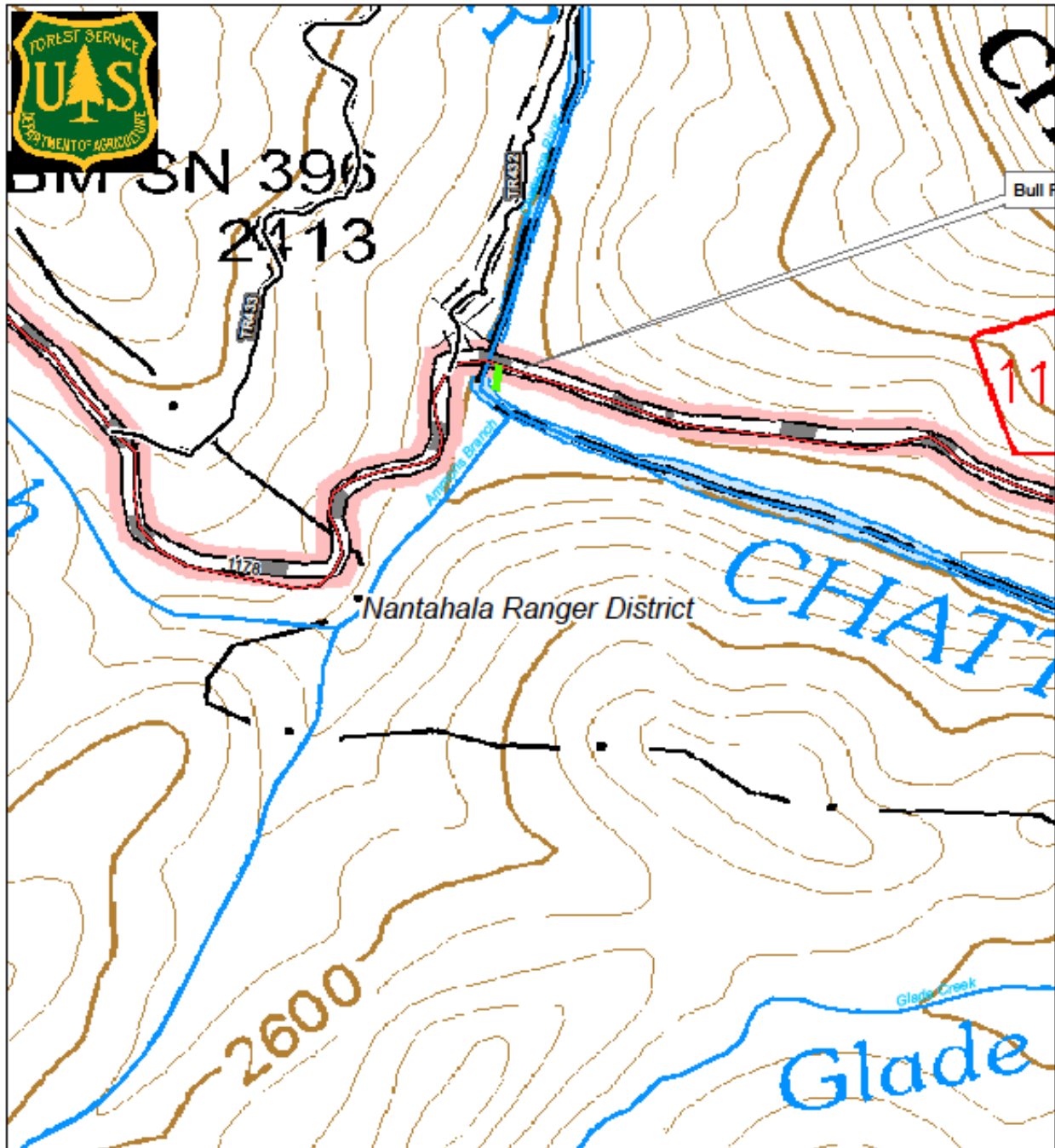
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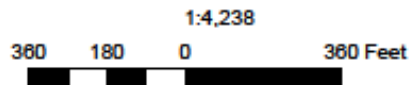
Vicinity Map



Chattooga River Access – Bull Pen  
(below bridge)



### Final Location for Bull Pen Put-In



#### Legend

- Bull Pen Put-In
- HIKE - HIKER/PEDESTRIAN
- Road
- Ranger District BNDY
- Stream
- Private Land