Decision Notice

and

Finding of No Significant Impact

for

Amendment #1 to the Chattahoochee-Oconee National Forests Revised Land and Resource Management Plan

Managing Recreation Uses on the Upper Chattooga River

USDA Forest Service

Chattahoochee-Oconee National Forests

Rabun County, Georgia

August 2009

1.0 INTRODUCTION

This **Decision Notice** and **Finding of No Significant Impact** documents my decision to establish new management direction for the section of the Chattooga River above the Highway 28 bridge and to amend that direction into the Revised Land and Resource Management Plan for the Chattahoochee-Oconee National Forests.

This decision is being made in conjunction with two other national forests: the Nantahala in North Carolina and the Sumter in South Carolina who also share management responsibilities for the Chattooga Wild and Scenic River. Since management of the Chattooga Wild and Scenic River needs to be coordinated, a single environmental analysis was conducted. However, there are three separate Forest Plans that provide management direction for the Chattooga River, and each Forest Plan needs to be amended to incorporate this new management direction. Therefore, there will be three separate Decision Notices. Each Decision Notice will document the joint decision made as to which alternative to implement, as well as the individual Responsible Official's decision to amend their applicable Forest Plan.

2.0 PURPOSE AND NEED FOR THE DECISION

The 57-mile wild and scenic Chattooga River includes lands in three national forests: the Nantahala, the Chattahoochee and the Sumter and passes through approximately five miles of the 8,724-acre Ellicott Rock Wilderness. The highly scenic nature of the river corridor has attracted substantial numbers of people which, in turn, has led to increased concern about visitor impacts. Action is needed to ensure that the ORVs for which the Chattooga River was designated as wild and scenic are protected and enhanced, and that the natural conditions and wilderness character of the Ellicott Rock Wilderness are preserved, along with providing for "outstanding opportunities for solitude" and a "primitive and unconfined type of recreation."

In addition to concerns about resource impacts, the 2004 revised forest plan for Chattahoochee-Oconee National Forests continued a restriction on boating in the upper reaches of the Chattooga River (approximately 20 miles out of a total of 57 miles) that has been in place since 1976. In April 2005, the Washington Office of the USDA Forest Service issued a decision on an appeal by American Whitewater of the Sumter National Forest's Revised Forest Plan. The decision on the appeal directed the Southern Regional Office and the Sumter National Forest to do additional work, specifically to "conduct the appropriate visitor use capacity analysis, including non-commercial boating use, and to adjust or amend, as appropriate, the LRMP to reflect a new decision based on the findings" (see Appeal Decision at: http://www.fs.fed.us/r8/fms/sumter/resources/Chattooga.php).

3.0 DECISION

The Environmental Analysis (EA) titled *Managing Recreation Uses on the Upper Chattooga River* documents the alternatives considered and the associated environmental effects of the alternatives considered in detail. This EA and other relevant documents are available on www.fs.fed.us/r8/fms. Based upon this analysis, the two other Responsible Officials and I have decided to select Alternative 4 as described in Chapter 2 of the EA and the monitoring measures

as documented in Appendix B of the EA. The specific changes that will be amended into the Chattahoochee-Oconee National Forests Revised Land and Resource Management Plan are documented in Appendix A of this Decision Notice.

Alternative 4 adds additional boating opportunities on the main stem Chattooga River above the HWY 28 bridge while continuing to emphasize, protect and enhance optimal, year-round, high-quality trout fishing (EA page 12). This alternative:

- Provides boating opportunities from the confluence of Norton Mill Creek in North Carolina south to Burrells Ford Bridge in South Carolina (not including the tributaries) from December 1 – March 1.
- Manages conflicts between user groups by establishing flow, season and zone restrictions for boating.
- Establishes put-in and take-out points for boaters to control access in the most remote and sensitive areas of the river.
- Establishes limits on encounters between users.
- Establishes a high level of control on the removal of large woody debris (LWD) and does not allow removal to accommodate recreation within the river or stream banks.
- Reduces dispersed campsites and trails and requires camping in designated areas only.
- Applies a management approach which identifies adjustments that may be needed when monitoring indicates an action is not having its intended effect, or is causing unintended or undesirable effects (EA, Appendix B).

Table 1 provides more detail on the various components of this decision.

4.0 RATIONALE FOR THE DECISION

As is identified in the Environmental Assessment (page 1), the purpose of this new management direction is to ensure the continued enjoyment of the upper Chattooga by a variety of recreationists consistent with protecting and enhancing the river's free flowing conditions, water quality and Outstanding Remarkable Values (ORVs) as required under the Wild and Scenic Rivers Act; and to preserve the natural conditions, wilderness character, and "outstanding opportunities for solitude or a primitive and unconfined type of recreation" within the Ellicott Rock Wilderness as required by the Wilderness Act.

The Wild and Scenic Rivers Act further clarifies in Section 10(a) that:

> "Each component of the national wild and scenic rivers system shall be administered in such a manner as to protect and enhance the values which caused it to be included in said system ..."

In meeting this requirement, it is instructive to review some of the documents that identify those "values which caused it to be included" in the Wild and Scenic River System. In the *Wild and Scenic River Study Report for the Chattooga River*, dated June 1971 (which was prepared to study the Chattooga River to see if it met the requirements for inclusion in the Wild and Scenic River System) in describing the "outstanding river qualities" of the Chattooga River the report states that, "the river offers exceptional values of solitude, adventure and awareness, serenity and

Table 1. Information on the Selected Alternative	
	Actions
Boating from the confluence of Norton Mill Creek in NC south to Burrells Ford Bridge	▪ Craft type: tandem/single-capacity hard boats and inflatable kayaks. ▪ Boating at flow levels of approximately 450 cfs or higher (Burrells Ford gauge) or approximately 2.5 feet or higher at the HWY 76 gauge. ▪ From the confluence of Norton Mill Creek in North Carolina south to Burrells Ford Bridge December 1 - March 1. ▪ Self-registration. ▪ Put-ins: confluence of Norton Mill Creek (NC); Bull Pen Bridge (NC). ▪ Take-outs: Bull Pen Bridge (NC); Burrells Ford Bridge (SC). ▪ No commercially guided floating or shuttles. ▪ Boating not allowed in the tributaries.
Encounters	▪ Trails: maximum 4 encounters above Bull Pen; maximum 9 on weekends, 4 on weekdays Bull Pen to Burrells Ford; maximum 15 on weekends, 8 on weekdays Burrells Ford to Reed Creek; maximum 15 on weekends, 8 on weekdays Reed Creek to Hwy 28 Bridge. Exceptions: ¼ mile around bridges and Burrells Ford Campground. ▪ In river: maximum 4 above Bull Pen; maximum 6 Bull Pen to Burrells Ford; maximum 6 Burrells Ford to Reed Creek; maximum 8 Reed Creek to 28. Exceptions: ¼ mile around bridges and Burrells Ford Campground.
Group Size	▪ Existing users: Maximum of 12 per group on trails; six at campsites except at group campsites; four for anglers. ▪ Boaters: maximum six per group; minimum two craft per group.
Trails	▪ Designated trails only. Close redundant trails; trails where resource damage cannot be mitigated; and trails where closure is needed to limit encounters. ▪ Rerouting may be necessary to correct existing problems on designated trails. ▪ Designated portage trails may be necessary to protect/avoid unacceptable impacts to resources.
Woody Debris	▪ No large woody debris removal without agency approval. No large woody debris removal to accommodate recreation within the river or stream banks on the upper Chattooga River.
Dispersed camping	▪ Camping only in designated sites. ▪ Campsites limited to no more than three tents, except for group-designated campsites. ▪ Designated fire ring locations. ▪ Permanently close and rehabilitate excessive and unsustainable campsites.
Parking	▪ There is no change in parking from current forest plan direction.
User Registration	▪ Manage encounters using adaptive management strategy that may include user registration, monitoring, surveys, etc., followed by indirect and direct measures. ▪ Safety equipment for boaters would be determined at the district level and would be a condition of the self-registration permit.
Monitoring	▪ Periodically assess amount of use/encounters occurring more than ¼ mile from roads and bridges. ▪ Periodically assess the condition of LWD. ▪ Periodically assess need for designation of portage areas/trails to ensure rare plants are not adversely impacted (see Appendix B). ▪ If encounters are exceeded on more than 20% of days per year for two consecutive years, the agency would implement indirect measures such as reducing group size, educating the public about alternative recreation opportunities, changing access areas and/or changing camping opportunities. Then, after two full years of implementing indirect measures, if encounters are exceeded in the third year, a permit system would be implemented for all users to manage level of encounters.

challenge" (page 108). It goes on to state that "Administratively controlled saturation levels, based on limiting numbers of people to maintain a primitive level of experience, will probably be the most severe limiting factors affecting use of this river." Additionally, analysis may end up showing "the need for design changes in trails or other facilities to disperse visitors and eliminate concentrations, and can suggest needed changes in optimum use levels to maintain a primitive experience within the river boundary" (page 108).

The 1971 W&SR Study Report outlines some basic assumptions for long range management of the Chattooga River. Under "Recreation", it suggests a management emphasis where "Opportunities for compatible recreation uses featuring floating, hiking, primitive camping, fishing, and hunting are outstanding" (emphasis added). Also that "Maintaining the quality of these recreation experiences should command priority over meeting public demands" (page 167).

These emphasis items were carried forward into the 1976 Chattooga Wild and Scenic River Plan, which was published in the *Federal Register* on March 22, 1976. That Plan states that "The main attraction of the Chattooga River is its recreation opportunity – the chance to visit a whitewater river and experience solitude, adventure, and challenge." The Plan recognizes that, "Although current levels of all types of use create some problems, uncontrolled future use would probably result in safety hazards and a lowering of the quality of the recreation experience. When the need warrants, this will be prevented by the establishment of regulations limiting size, number, type, etc. to provide optimum use" (page 11850).

The 1976 W&SR Plan also made the assessment that the area upstream of Highway 28 is "the source of some of the best trout fishing in both South Carolina and Georgia (page 11852), and it recognized that "Conflicts have developed on certain sections of the river where floaters and fisherman use the same waters" (page 11849).

After reviewing those documents, which identify the "outstanding remarkable values" for which the Chattooga River was designated as a Wild and Scenic River, it is clear that one of the priorities for management should be to provide for that "optimal" level of use where "compatible" recreational users can experience solitude, adventure and challenge. Also that in striving to reach that "optimal" level, it may be necessary to have limits on use levels, regardless of what the "public demand" may be for those recreational uses.

After reviewing the alternatives presented in the EA, it was determined that Alternative 4 provides the best management direction to "protect and enhance" the "outstanding remarkable values" for which the Chattooga River was designated; as well as providing for "outstanding opportunities for solitude or a primitive and unconfined type of recreation" in the section of the river that flows through the Ellicott Rock Wilderness. Specifically, Alternative 4 was selected because it:

1. Provides all potential users with a fair and equitable chance to obtain access to the river.
2. By establishing flow, season, and reach restrictions on boating, the high-quality trout fishing experience is maintained and potential conflicts are reduced.
3. Provides challenging, whitewater boating in a solitude setting in the area of the Chattooga that was rated the highest by boaters for creek boating.

4. Enhances the recreation ORV by expanding opportunities while protecting historical uses.
5. Enhances the scenery ORV by reducing the number and size of campsites and closing or rehabilitating user created trails and campsites.
6. Protects the Chattooga's other ORVs concerning the river's biological, historical, scenic, and geologic resources.
7. Ensures the physical environment can accommodate use.
8. Recognizes the value of large woody debris and the role of tributaries in the restoration of the native Brook Trout.
9. Addresses impacts of all users.
10. Through the establishment of encounter limits, provides for the future use and enjoyment of the Chattooga's ORVs and the outstanding opportunities for solitude and a primitive and unconfined type of recreation in the portion of Ellicott Rock Wilderness within the corridor.

5.0 OTHER ALTERNATIVE CONSIDERED

The other alternatives considered in detail are described below.

Alternative 1: This alternative is the no-action alternative and, therefore, maintains current management on all three national forests. (EA pages 8-9).

Alternative 2: This alternative emphasizes increased solitude by managing encounters through a permit system and by reducing user-created features. All users are required to register. User-created trails and campsite densities are reduced and camping is allowed only in designated sites. Roadside parking within ¼ mile of the Burrells Ford Bridge is prohibited. Boating is not permitted in the Chattooga River above Highway 28 bridge. (EA page 10).

Alternative 3: This alternative emphasizes year-round, high-quality trout fishing and maintaining current encounter levels. User-created trails and campsite densities are reduced and camping is allowed only in designated sites. Roadside parking within ¼ mile of the Burrells Ford Bridge is prohibited. Boating is not permitted in the Chattooga River above Highway 28 bridge. (EA page 11).

Alternative 5: This alternative emphasizes year-round, high-quality trout fishing and at the same time provides more boating opportunities on the main stem upper Chattooga. Boating would be excluded from the Chattooga Cliffs reach and the delayed-harvest area in order to address a combination of biological and social concerns. This alternative maintains current encounter levels into the future while still allowing boating. User-created trails and campsite densities are reduced and camping is allowed only in designated sites. Roadside parking within ¼ mile of the Burrells Ford Bridge is prohibited. (EA pages 13-14).

Alternative 8: This alternative emphasizes boating opportunities with no zone, season or flow restrictions on the upper stem of the Chattooga River while still providing quality trout fishing. It allows boating including the use of rafts on the main stem Chattooga from just below private property to the Highway 28 bridge. User-created trails and campsite densities are reduced and camping is allowed only in designated sites. Roadside parking within ¼ mile of the Burrells Ford Bridge is prohibited. (EA pages 14-15).

Alternative 9: This alternative emphasizes boating with season and flow restrictions in the stretch of the main stem upper Chattooga most highly rated for creek boating while still providing high-quality trout fishing. Boating is excluded from areas with the highest volume of existing users. User-created trails and campsite densities are reduced and camping is allowed only in designated sites. Roadside parking within ¼ mile of the Burrells Ford Bridge is prohibited. (EA pages 15-16).

Alternative 10: This alternative emphasizes boating with season and flow restrictions on the main stem of the upper Chattooga River while providing high-quality trout fishing. User-created trails and campsite densities are reduced and camping is allowed only in designated sites. Roadside parking within ¼ mile of the Burrells Ford Bridge is prohibited. (EA pages 16-17).

The alternatives that were considered but not evaluated in detail are described below (EA pages 17-18):

Boating in the Tributaries above Highway 28:
Under current management, boating is not allowed on the main stem or in the tributaries of the Chattooga River above the Highway 28 Bridge. Per the Wild and Scenic Rivers Act, both the main stem of the river and the corridor (1/4 mile on each side of the main stem) are designated as "wild and scenic." As a result, because boating is not currently permitted on the main stem, it also is not permitted on the tributaries. While developing alternatives that permit boating above Highway 28, the agency considered extending boating opportunities to the tributaries. However, because of concerns regarding large woody debris, native brook trout restoration, vegetation removal, increased encounter levels, user-created trails, as well as enforcement and management issues, the agency determined that the analysis of boating in the tributaries in further detail was unnecessary.

Preliminary Alternatives 2, 3, 4 and 5:
Some components of these preliminary alternatives were modified in direct response to comments received during scoping. The actions for campsites, trails, LWD and management of encounters changed slightly or were clarified for these alternatives as they appear in Section 2.1.

Preliminary Alternative 6:
This alternative was eliminated from detailed consideration because Alternative 8 was developed as a replacement. Alternative 6 provided the most boating opportunities of the preliminary alternatives. Alternative 8 was developed as a substitute to better reflect the desires of the boating community.

Preliminary Alternative 7:
Preliminary Alternative 7 was presented at the September 29, 2007 public meeting for review and comment. Some components of this alternative were rolled into alternatives 4 and 5; Alternative 7, therefore, became redundant and unnecessary.

6.0 SUMMARY OF PUBLIC INVOLVEMENT

The public involvement process began in October 2005 with three public meetings. Each meeting was attended by more than 60 people and the outcomes included:

- Better understanding among participants of the appeal decision to the 2004 Revised Forest Plan for the Sumter NF, where the Forest Service was directed to reassess the decision to only allow boating on the lower sections of the Chattooga River;
- Descriptions of a commonly held vision for the upper Chattooga;
- Descriptions of desired conditions and measurable indicators for various recreational opportunities;
- Input into the design of the data collection and analysis process necessary to respond to the appeal decision.

Following these meetings, a proposed capacity and conflict analysis process was presented to more than 100 people at a fourth public meeting in July 2006.

During the next 11 months, the capacity and conflict analysis was conducted and created various products, including "Capacity & Conflict on the Upper Chattooga River: An integrated analysis of 2006-2007 reports," often referred to as the Integrated Report (Whittaker and Shelby 2007). Members of the public continued to contact the Forest Service with information and suggestions during this time. Once the Integrated Report was complete, it was time to again meet with the public.

The Forest Service held three open houses in June 2007 in South Carolina, North Carolina and Georgia. At these meetings, the results of the data collection and findings in the reports were presented and responses were made to the public's inquiries. Depending on the venue, between 33 and 64 people attended these meetings. The Forest Service also held a public hearing on July 10, 2007 in Walhalla, SC at which 56 people provided 153 pages of testimony. On July 14, the Forest Service held a public workshop to identify the biophysical and social impacts and opportunities that were most important to people and possible options for dealing with these impacts and opportunities. Approximately 70 people attended this meeting in Walhalla, SC.

With this wealth of comments, ideas and recommendations from the public, as well as data from the Integrated Report, the Forest Service was ready to develop a preliminary set of alternatives and begin scoping as directed by the National Environmental Policy Act (NEPA). The agency developed six preliminary alternatives that covered a broad range of management actions, including maintaining current management; introducing additional boating in the corridor; and restricting all existing users.

During the scoping period from August 14 - September 13, 2007 the public sent in more than 1,200 responses, some of which contained more than 100 individual comments. Based on these comments, the agency modified the preliminary set of alternatives and developed three more for a total of nine. This revised set of preliminary alternatives was presented to the public on September 29, 2007 in Clayton, GA. Following this tenth public meeting, the Forest Service developed a final set of alternatives and then incorporated them into a preliminary Environmental Assessment.

This preliminary Environmental Assessment was provided to those responding to the scoping letter and posted on the Francis Marion and Sumter National Forests' Web site on July 2, 2008. The agency received over 3,000 additional comments over a six-week comment period.

The comments received on the preliminary Environmental Assessment addressed a number of areas, but primarily they were comments relating to the User Capacity Analysis, boating on the tributaries, the equitable treatment of boaters versus other users, allowing boating below Grimshawes Bridge, the incompatibility of boating with other users, using "Mean Daily Flows" as a way to implement boating use, the management of "Large Woody Debris" on the river, the range of the alternatives, the scope of the analysis (should include the entire river), responding adequately to the Chief's appeal decision, the effects of recreational uses on the biophysical resources, and the overall implementability of the decision. A list of the comments received and the responses to those comments can be found at www.fs.fed.us/r8/fms.

7.0 FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the environmental assessment (EA) *Managing Recreation Uses on the Upper Chattooga River*, the two other Responsible Officials and I have determined that implementation of this decision is not a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not needed.

1. Both beneficial and adverse effects have been considered. (EA pages 26-164)

2. The action will not significantly affect public health or safety. (EA pages 160-162)

3. The action will not significantly affect any unique characteristics of the geographical area, including historic or cultural resources, wetlands, floodplains, wilderness areas or outstandingly remarkable wild and scenic river values. (EA pages 26-164)

4. The effects of this action on the human environment are not likely to be highly controversial. (EA pages 26-164)

5. The action does not involve highly uncertain, unique or unknown environmental risks. (EA pages 26-164)

6. This action does not establish a precedent for future actions with significant effects. (EA pages 4-7)

7. This action has been considered cumulatively relative to other actions. (EA pages 26-164)

8. No sites listed in or eligible for the National Register of Historic Places will be affected by the action. (EA pages 163-164)

9. The proposed action will not adversely affect endangered or threatened species or critical wildlife habitat. (EA, Biological Section 3.2 pages 55-110; Biological Assessment and Biological Evaluation, on file in project record)

10. This action does not violate any federal, state, or local environmental laws. (EA pages 1-4 and 26-164)

8.0 FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The Forest Service is currently operating under the November 9, 2000 planning rule and the Interpretive Rule of September 29, 2004. According to 36 CFR 219.35 (and subsequently interpreted in 2004), a responsible official may elect to conduct the plan amendment process under the "1982 planning regulations" (those regulations in effect before November 9, 2000). With respect to this upper Chattooga River decision, the two other Responsible Officials and I have elected to conduct these plan amendments following the 1982 planning regulations.

After reviewing the Environmental Assessment that includes Amendment # 1 to the Chattahoochee-Oconee National Forests Revised Land and Resource Management Plan (Forest Plan), I have determined that the decision to implement this amendment will not result in a significant change to the forest plan. This determination was made after consulting 16 U.S.C. 1604(f)(4), 36 CFR 219.10(f) (1982 regulations), Forest Service Manual 1926.51 – *Changes to the Land Management Plan that are Not Significant* and FSM 1926.52 – *Changes to the Land Management Plan that are Significant.* Based on these planning requirements, I have determined that:

- This amendment will not significantly alter the levels of goods and services projected by the forest plan; nor will it prevent the opportunity to achieve those outputs in later years.

- This amendment will not affect the entire land management plan, nor will it affect a large portion of the planning area during the planning period.

A biological assessment (BA) was completed for the threatened and endangered species. A determination was made that the proposed activities associated with opening up a portion of the upper Chattooga River to limited whitewater boating is unlikely to result in trampling impacts and not likely to adversely affect the federally listed threatened species of *Gymnoderma lineare*, and that it will have no effect on any other federally listed species.

A biological evaluation (BE) was completed for sensitive species that occur in the upper Chattooga River corridor. Thirteen Regional Forester's sensitive plant species – *Acrobolbus ciliatus, Cephalozia macrostachya ssp. australis, Hydrothyria venosa, Lejeunea bloomquistii, Lophocolea appalachiana, Lysimachia fraseri, Marsupella emarginata var. latiloba, Plagiochila austinii, Plagiochila caduciloba, Plagiochila sharpii, Plagiochila sullivantii var. sullivantii, Plagiomnium carolinianum, and Radula sullivantii* – have been recently or previously located within the existing or proposed activity area. With the implementation of the annual monitoring plan to detect stringers and to assess if more rare bryophyte field survey work would be needed before portage trails could be designated, then while this proposal may impact individuals of all of the above thirteen species, it is not likely that this proposal will cause any viability concerns.

In terms of sensitive wildlife species, the proposal could impact individuals of *Plethodon teyahalee*, but it is not likely to result in viability concerns.

A letter of concurrence was received from the US Fish and Wildlife Service on December 23, 2008, followed by a correction letter on January 14, 2009, relative to Threatened and Endangered Species.

Letters have also been received from the State Historic Preservation Offices (SHPO) in NC (November 14, 2008), GA (August 21, 2008), and SC (August 13, 2008) concurring that no properties listed in or eligible for listing in the National Register of Historic Places will be affected by this project.

9.0 BEST AVAILABLE SCIENCE

The two other Responsible Officials and I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

- Chapter 3 of the EA discusses the effects of each of the alternatives with information supplied by a variety of resource specialists including a landscape architect, hydrologist, soil scientist, engineer, wildlife biologist, archaeologist, fisheries biologist, and recreation specialist. These specialists are knowledgeable on current scientific information and have considered incomplete or unavailable information when preparing or submitting information on effects.

- A detailed biophysical survey was completed to document the existing condition of the Chattooga Wild & Scenic River. The biophysical survey documented various resource impacts and concerns, such as erosion, litter, log jams, water quality, etc. The existing condition of the Chattooga Wild & Scenic River was considered in the decision-making process.

- Annual monitoring reports which document trends in the condition of the Chattooga Wild & Scenic River Corridor and Ellicott Rock Wilderness were used in the analysis.

- Extensive public involvement was completed to collect information on recreation use patterns. These finding are summarized in the *Capacity and Conflict* report prepared by Doug Whittaker. These findings were used to develop alternatives that had a mix of techniques to separate users and reduce potential conflicts.

- Comments received from the public during workshops, scoping, and the environmental assessment review period were considered during environmental analysis and are contained in the project record. The Forest Service responded to these comments and the responses are on file in the project record.

- Additional reference information used in this analysis is provided in the Reference Section of the EA.

10.0 IMPLEMENTATION AND APPEAL RIGHTS

For those plan amendments conducted under the "1982 planning regulations", a responsible official can elect to use either the "Optional Appeal Procedures Available during the Planning Rule Transition Period" (the former 36 CFR 217 appeal procedures that were in effect prior to November 9, 2000) or the Objection procedures of 36 CFR 219.32 from the 2000 planning rule (see Appendix A to 36 CFR 219.35 [*Federal Register*, January 10, 2001]).

For this decision, the two other Responsible Officials and I have decided to use the "Optional Appeal Procedures Available during the Planning Rule Transition Period". These procedures are available at
http://www.fs.fed.us/emc/applit/includes/PlanAppealProceduresDuringTransition.pdf.

A written appeal must be filed in duplicate, clearly state that it is a Notice of Appeal pursuant to the "Optional Appeal Procedures", and it must meet the content requirements of Section 9 of the Optional Appeal Procedures. Appeals must be postmarked or received within 45 days after the date the legal notice of this decision is published in the newspaper of record (The Times of Gainesville, GA)

Appeals must be filed with the Regional Forester for the Southern Region at:

USDA Forest Service
Attn: Appeal Reviewing Officer
1720 Peachtree Road, NW, Suite 811N
Atlanta, GA 30309-9102

Appeals may also be faxed to (404) 347-5401 or mailed electronically in a common digital format to *appeals-southern-regional-office@fs.fed.us*. Hand-delivered appeals must be received

within normal business hours of 7:30 a.m. to 4:00 p.m., Monday-Friday, closed on federal holidays.

Pursuant to Section 10 of the Optional Appeal Procedures, implementation of this decision will not begin until seven calendar days after the legal notice of this decision is published in the newspaper of record. Should any project or activity under this amendment be implemented before an appeal decision can be issued, the Appeal Reviewing Officer will consider written requests to stay implementation of any of those decisions pending completion of the review. To request a stay of implementation, an appellant must file a written request with the Appeal Reviewing Officer, and the request must meet the requirements found in Section 10 of the Optional Appeal Procedures.

For additional information concerning this decision or the Forest Service appeal process, contact John Petrick at the Chattahoochee-Oconee National Forests Supervisor's Office either by phone (770) 297-3000 or by mail. Address correspondence to:

USDA Forest Service
Chattahoochee-Oconee National Forests
1755 Cleveland Highway
Gainesville, GA 30501

11.0 SIGNATURE

Responsible Official:

GEORGE BAIN
Forest Supervisor
Chattahoochee-Oconee National Forests

8·25·09
Date

Chattahoochee-Oconee National Forests
Revised Land and Resource Management Plan

Amendment # 1

August 2009

This amendment allows for additional boating opportunities on the main stem of the Chattooga Wild and Scenic River while continuing to protect and enhance all other forms of compatible recreation in the river corridor including, but not limited to, optimal, year-round, high-quality trout fishing on the upper Chattooga River.

The following changes will be made to the Revised Land and Resource Management Plan, Chattahoochee-Oconee National Forests:

- **Page 3-21.** Standard 2.A.-001 is deleted and replaced with: Above the Highway 28 bridge, boating on the main stem of the Chattooga Wild and Scenic River is allowed by issuance of a permit consistent with 36 C.F.R. § 261.77, from the confluence of Norton Mill Creek in North Carolina to Burrells Ford Bridge in South Carolina from December 1 – March 1 with the following conditions:
  A. Only self-guided tandem/single-capacity hard boats and inflatable kayaks will be allowed;
  B. When the U.S. Forest Service declares a boatable day (see Appendix B for the definition of a boatable day);
  C. Only "Put-in" at the designated locations of: Confluence of County Line Road with Norton Mill Creek (NC), Bull Pen Bridge (NC);
  D. Only "Take-out" at the designated locations of: Bull Pen Bridge (NC), Burrells Ford Bridge (SC);
  E. No commercially guided floating or shuttles;
  F. Maximum group size of six per group, minimum two craft per group;
  G. No floating/boating in the tributaries.

- **Page 3-25**. Standard 2.A.-020 is added and reads as follows: Above the Highway 28 bridge, limit the group sizes to no more than 12 per group on trails; six at the designated campsites other than the group-designated campsites; and four per angling group.

- **Page 3-25.** Standard 2.A.-021 is added and reads as follows: Above the Highway 28 bridge, no large woody debris can be removed from the river or along the stream banks without Forest Service approval, and no large woody debris may be removed to accommodate recreational uses within the river or along the stream banks.

- **Page 3-25**. Standard 2.A.-022 is added and reads as follows: Above the Highway 28 bridge, dispersed camping is only allowed in designated sites; no more than three tents will be allowed per campsite, except for group-designated campsites; and fires may only occur in existing fire ring locations.

- **Page 3-25.** Standard 2.A.-023 is added and reads as follows: Above the Highway 28 bridge, boaters must use a mandatory self-registration/permitting system in order to comply with 36 C.F.R. § 261.77.

- **Page 3-25.** Add the following guidelines after Standard 2A-023.

Guidelines

G2.A-001. Above the Highway 28 bridge the number of encounters between users on the trails should be no more than: 4 per day above Bull Pen; 9 per day during the weekends and 4 per day during the weekdays between Bull Pen and Burrells Ford; 15 per day during the weekends and 8 per day during the weekdays between Burrells Ford and Reed Creek; and 15 per day during the weekends and 8 per day during the weekdays between Reed Creek and the Highway 28 bridge. Exceptions: ¼ mile around bridges and Burrells Ford Campground.

G2.A-002. Above the Highway 28 bridge, the number of encounters between all users in the river should be no more than: 4 per day above Bull Pen; 6 per day between Bull Pen and Burrells Ford; 6 per day between Burrells Ford and Reed Creek; and 8 per day between Reed Creek and the Highway 28 bridge. Exceptions: ¼ mile around bridges and Burrells Ford Campground.

G2.A-003. Above the Highway 28 bridge, safety equipment for boaters are determined at the district level and are a condition of the self-registration permit.

- **Pages 3-27, 3-29 and 3-31.** Add the following statement to the desired condition following the last paragraph for designated wild, scenic and recreational segments:

<u>Above the Highway 28 bridge</u>

Within the river corridor, recreation users stay on designated trails. Redundant trails and trails where resource damage cannot be mitigated are closed; and other trails are closed if needed to limit encounters. Rerouting

may be necessary to correct existing problems on designated trails. Designated portage trails may be necessary to avoid impacts to resources.

Camping occurs at designated sites, and where necessary, sites are rehabilitated.

Potential conflicts between boaters and anglers in the upper reaches will be minimized since anglers are less likely to be present when boating is allowed.

- **Page 5-7.** Add the following new monitoring questions and narrative after question #19:

  20. In the Chattooga River Corridor above Highway 28, are recreational uses, additional large woody debris from hemlock mortality or removal of large woody debris by users affecting rare plant species or aquatic habitats?

  21. In the Chattooga River Corridor above Highway 28, is the solitude component of the recreation Outstandingly Remarkable Value being maintained? Are the encounter levels within established desires and estimates?

  Should monitoring results find that encounters exceed the levels identified in Guidelines G2.A-001 and G2.A-002 on more than 20% of the days (weekend or weekdays) in one calendar year for two consecutive calendar years, the agency would implement indirect measures such as reducing group size, educating the public about alternative recreation opportunities, changing access areas and/or changing camping opportunities. Then, after two full years of implementing indirect measures, if encounter levels are exceeded in the third year, a permit system would be implemented for all users to manage level of encounters.

- **Appendix B Page B-13.** Following "board foot" add **"boatable day"** and define this term as "When flow levels at the Burrells Ford gauge are predicted to or actually do reach at least 450 cfs at least once during a 24-day (or approximately 2.5 feet at the Highway 76 gauge)."

- **Appendix B Page B-30**. Following "growing stock volume" add **"guideline"** and define as "A generally preferred or advisable course of action or level of attainment designed to promote achievement of goals and objectives."

- **Appendix G.** At the end of the Monitoring Summary Table, add questions 20 and 21 as follows:

MQ#	Question	Element	Method of Collection
20	In the Chattooga River Corridor above Highway 28, are recreational uses, additional large woody debris from hemlock mortality or removal of large woody debris by users affecting rare plant species or aquatic habitats?	Impacts associated recreation use, additional large woody debris from hemlock mortality and removal of large woody debris on rare plant species and aquatic habitats.	Direct Survey

MQ#	Question	Element	Method of Collection
21	In the Chattooga River Corridor above Highway 28, is the solitude component of the recreation Outstandingly Remarkable Value being maintained? Are the encounter levels within established desires and estimates?	Assess trends in recreation use and encounters more than ¼ mile from roads and bridges	User Survey and Direct Observation of Encounters

This amendment is not a significant change to the Chattahoochee-Oconee National Forests Revised Land and Resource Management Plan. The determination that this is a non-significant amendment is made in accordance with 16 USC 1604(f)(4), 36 CFR 219.10(f) of the planning regulations in effect before November 9, 2000 (as authorized by 36 CFR 219.35 of the current planning regulations, dated November 9, 2000 and the Interpretive Rule of September 29, 2004), and Forest Service Manual 1926.5, Land Management Planning, Amendments. This plan amendment meets the criteria for a non-significant amendment because these changes will not "significantly alter the long-term relationship between levels of multiple-use goals and objectives originally projected . . . [or] have an important effect on the entire forest plan or affect resources throughout a large portion of the planning area during the planning period" (FSM 1926.52). The NEPA analysis for this change is documented in a Decision Notice and Environmental Assessment.