



File Code: 1950

Date: December 30, 2015

Bill Floyd
4110 Quail View Road
Charlotte, NC 28226-7956

Dear Mr. Floyd:

This letter is in response to your objection, dated July 7, 2015, to the Chattooga River Boating Access Project (Project) located on the Nantahala Ranger District of the Nantahala National Forest. I have read your objection, reviewed the Environmental Assessment (EA), and the analysis in the project file, and I understand the disclosed environmental effects. My review was conducted in accordance with 36 CFR 218 Subparts A and B.

NON-HFRA PROJECT BACKGROUND

The administrative review of the Project has been conducted under 36 CFR 218 Subparts A and B in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objection (36 CFR 218.8 (d)(5)).

These regulations also allow for the parties to meet in order to resolve the issues (36 CFR 218.11(a)). On September 28, 2015, District Ranger Mike Wilkins, Administrative Review Coordinators James Knibbs and Heather Luczak, and I met with you by conference call to discuss your concerns about the project and analysis.

I have reviewed and considered the project in light of the issues presented in your objection letter. I appreciate that you have taken an interest in the proposal, and that you have taken the time to discuss your objections and concerns with me. This letter summarizes your issues, as presented in your objection letter and provides the Forest Service response to these concerns.

ISSUE REVIEW

Issue 1: VIOLATES THE WILD AND SCENIC RIVER ACT (p5-7). The Forest Service has neither the authority to alter the Chattooga's basic environment in order to enhance recreational pursuits nor the authority to construct infrastructure conveniences to facilitate any recreational pursuit when such activity or undertaking would degrade any of these five special features.

Suggested Remedy: Abandon any plan to build a Green Creek trail, or any other trail on the North Carolina section of the Chattooga because such trails will be duplicative, will diminish the primitive backcountry esthetic for other users, and because such trails will adversely alter the physical scenery of a no trail environment that still exists exclusively in that single tiny portion of the entire Chattooga River corridor.

FS Response: The programmatic decisions covering the construction of the proposed trails and access points in the 2012 Decision Notices (supported by the January 2012 environmental assessment entitled Managing Recreation Uses in the Upper Segment of the Chattooga Wild and



Scenic River Corridor) are in conformance with the “protect and enhance” mandate of the Wild and Scenic Rivers Act.

Similarly, the Outstandingly Remarkable Values and Other River Values sections in Chapter 3 of the September 2014 Chattooga River Boating Access Environmental Assessment (pp. 21-72) show site-specifically how the construction of the proposed trails and access points are also in conformance with the Wild and Scenic Rivers Act.

Issue 2: Adverse changes in environmental conditions arising from an exponential increase in sedimentation warrants an immediate abandonment of any new recreational pursuits that might exacerbate the documented problem of sedimentation (p 8-10).

Suggested Remedy: At a minimum, before disturbing any soils proximate to Green Creek, the Forest Service must conduct sufficient field work to make sure that the macroinvertebrates and wild brown trout populations are not in decline as a consequence of the huge silt deposition that has occurred and which has significantly reduced the bed form diversity of that part of the river. To do anything less would be to arbitrarily ignore the problem. This would be unlawful under the WSRA.

FS Response: The 2012 EA discusses the impacts of dying hemlock and the effects on recreation blockages in the river. The issue of portage trails came up during the 2012 EA and was analyzed. Monitoring includes looking for signs of portage trails and cutting of trees. Part of the plant monitoring that was done determined that there were no new portage trails evident. We also had a 2014 wood inventory done which looked for signs of trees being cut in the river – the only evidence found was close to dispersed campsites. This is documented in the 2015 EA on page 37 relative to large wood and pages 94-95 relative to plant monitoring.

Chapter 3 of the 2012 EA and the 2015 EA discussed the affected environment and environmental consequences. The 2012 EA, page 298, indicates that the upper segment of the WSR is in good condition relative to water quality with sediment concentrations lower than other major subwatersheds in the drainage. Macroinvertebrate sampling sites also rate as excellent.

Page 333 of the 2012 EA states: “Studies indicate that unpaved roads and non-point source pollution from private lands are major sources of sediment in the Chattooga watershed (Van Lear et al. 1995; US EPA 1999; Clinton and Vose 2003).”

The 2012 EA also indicates that recreational trails and facilities accounted for about 2.6 percent of the total number of sediment sources in the Chattooga during the study (2012 EA, page 156).

The analysis might be summarized by saying that alternative 2 will slightly reduce sedimentation but at a level that is not measurable. Page 76 of the 2015 EA describes the reduction in sediment input with the designation of Green Creek as an access trail. New trail construction will comply with forest standards and guides and are not expected to create new sediment sources.

Also, refer to the attached soils write up for the Green Creek and County Line trails.

Issue 3: The 2015 EA improperly claims to tier to the 2012 EA. The Forest Service is using a strategy of segmentation to avoid the possibility of a finding of significant adverse impact back in 2012 when boating on the upper Chattooga was first evaluated.

¹ For purpose of clarity, *Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor Environmental Assessment* is referred to in this document as the 2012 EA. The associated Decision Notices from the three Forest Supervisors are referred to as the 2012 Decision Notices. *Chattooga River Boating Access Environmental Assessment* is referred to in this document as the Boating Access EA or the 2015 EA.

FS Response: Tiering is a procedure which allows an agency to avoid duplication of paperwork through the incorporation by reference of the general discussions and relevant specific discussions from an environmental impact statement of broader scope into one of lesser scope or vice versa.

Refer to response to comment #48 (2015 EA) regarding the Council on Environmental Quality (CEQ) issued guidance regarding “Effective Use of Programmatic NEPA Reviews”, December 18, 2014.

Issue 4: The proffered purpose and need for the construction of these proposed new trail constitutes a fiction (p12). The limited amount of use doesn’t justify the impacts of building new trails. The Forest Service sets up the false premise that all users of the resource, no matter where they are on the resource, should/must move through the lands included in the project area on designated trails.

FS Response: The rationale for proposed Forest Service action pertaining to user created trails and portage needs for boaters is presented in Chapter 3, section 3.2.1, section 3.2.3, and section 3.3.2 of the 2012 EA. Impacts of user created trails are discussed in section 3.4 of the 2012 EA and the 2015 EA.

Additional Concerns Raised During the Objection Resolution Meeting

During our meeting on September 28th, you raised additional questions and concerns regarding use and monitoring of the river. The following are responses to several of your questions along with clarification of our discussions:

- The fine charged by the Court for violating conditions of the permit is \$75.00 plus a court fee of \$25.00. The Forest Service Law Enforcement Officer also has the discretion to require a mandatory court appearance.
- The 2012 Nantahala and Pisgah National Forests Plan Amendment is enforced through the US Code of Federal Regulations and a “Forest Supervisors Order” specific to the Chattooga (36 CFR 261.50) (see attached).
- When and where law enforcement patrols are made are at the discretion of the Law Enforcement Officer with recommendations by the District Ranger. Patrols made by trained technicians are at the discretion of the District Ranger.
- We have considered your suggestion to dredge the river but we do not plan to propose any actions to dredge the Chattooga at this time.
- We recently let a contract to develop a monitoring plan for short and long term social monitoring that is listed in the 2012 EA. In addition, we have monitored for mosses as indicted in the plan, and we performed a large woody debris monitoring effort in 2015.

Summary

After careful review of the issues presented in your objection letter, I have concluded that there is adequate direction in place (or to be in place once the decision is signed and implemented) to ensure that the proposed actions are being authorized as stated in the Environmental Assessment and Decision Notice/Finding of No Significant Impact.

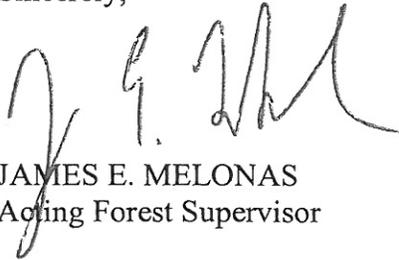
This letter meets the requirements for resolution of objections (§218.11(b)(1)) and, therefore, concludes the administrative review process for this objection (§218.11(b)(2)). Based on this response, Nantahala District Ranger Mike Wilkins, Chattooga River District Ranger Edward

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Hunter Jr. and Andrew Pickens District Ranger Robert Sitzlar may sign their decisions (36 CFR 218.12 (a) and (b)) and implement the project as soon as practicable. This response is not subject to further administrative review by the Forest Service or the Department of Agriculture (36 CFR 218.11 (b)(2)).

Thank you for participating in the process. I appreciate the time and thoughtfulness you have given to this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. E. Melonas', written in a cursive style.

JAMES E. MELONAS
Acting Forest Supervisor

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