

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

Chattooga River Boating Access

**US Forest Service – Region 8
Chattahoochee-Oconee National Forests
Chattooga River Ranger District
Rabun County, Georgia**

Decision

I have decided to implement Alternative 2 as described in the *Chattooga River Boating Access Environmental Assessment* (EA) on pages 7 - 9. The decision requires boaters to start or complete their trip only at the specific access point at Burrells Ford (see attached map). This decision authorizes use on national forest system lands only per the conditions of the Chattooga Wild and Scenic River Self-Registration Floating Permit. Under this alternative, the Chattooga River Ranger District (CRRD), Chattahoochee-Oconee National Forests (CONF) will do the following activities in the Burrells Ford Bridge access area (see map on page 2):

- harden approximately 200 feet of trail of the proposed route from the parking area to the river bank with gravel or natural and sustainable materials;
- decommission two undesignated routes by placing large woody debris across the tread and re-establish native vegetation as needed;
- widen the new access trail by removing all non-merchantable woody vegetation within six feet of the existing tread and treat the area to eliminate the spread of non-native invasive plants;
- armor and stabilize the river's bank with felled trees and large materials;
- remove hazard trees within the project area and place them in the river when possible to improve aquatic conditions; and
- add gravel and signage, as well as replace old timbers currently being used as barriers in the parking area.

This alternative, including design criteria, best meets the Purpose and Need as stated in the EA. Interim access sites as described in the Decision Notice and Finding of No Significant Impact, *Amendment #1 to the 2004 Revised Land and Resource Management Chattahoochee-Oconee National Forests, 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.

This map illustrates the Burrells Ford River Access area. The Chattahoochee River is shown as a prominent blue feature flowing from the top left towards the bottom right. The state boundary between Georgia (to the west) and South Carolina (to the east) is marked by a dashed orange line. A solid brown line represents the Chattahoochee River Trail, which follows the river's course. Several roads are depicted: FS-646 runs north-south on the Georgia side, with a branch labeled FS-646A leading to the 'Burrells Ford Access Parking' area, marked with a red 'P' icon. Another road, FS-708, is shown on the South Carolina side. The 'Burrells Ford River Access' is indicated by a red icon of a boat and a person on the riverbank. A north arrow is located in the bottom right corner, and the U.S. Forest Service logo is in the bottom left corner.



Boater Access Site

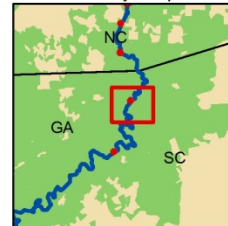
 Boater Access Trail



Disclaimer:
The USDA Forest Service makes no warranty, expressed or implied, regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

AJaume Oct 2015

Vicinity Map



This project will adhere to Forest-wide standards to protect water quality and soil protection and heritage sites (FW-056, FW-058, FW-060, FW-066, FW-068, FW-070, FW-208, FW-209, FW-211, and FW-212) as described in the *Revised Land and Resource Management Plan Chattahoochee-Oconee National Forests* (Forest Plan). Amendment #1, *Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor*, contains additional standards and guidelines that will be followed to manage the mix of recreation opportunities offered on the segment of the Chattooga Wild and Scenic River (WSR) above Highway 28.

The following site-specific design criteria that are relevant to the CRRD, CONF will be included with this decision.

1. When possible, the Chattooga River, Andrew Pickens and Nantahala Ranger Districts will fell any trees required for the project or to alleviate safety hazards during the hibernation season (December 1 through March 15 for the Chattooga River and Andrew Pickens Ranger Districts and October 15 through April 15 for the Nantahala Ranger Districts) 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, consultation with the state wildlife agency and US Fish and Wildlife Service (USFWS) will outline appropriate survey or project design measures.
2. In the CRRD the following conservation/mitigation measures for Indiana Bat apply:
 - a. Trees known to have been used as roosts by Indiana bats or other federally protected bat species are protected from cutting and/or modification until they are no longer suitable as roost trees, unless their cutting or modification is needed to protect public or employee safety. Where roost tree cutting or modification is deemed necessary, it occurs only after consultation with the USFWS.
 - b. Snags are not intentionally felled from April 1 through September 1 unless needed to provide for immediate safety of the public, employees or contractors. Exceptions will require evaluation by a qualified individual (i.e. biologist or other individual approved by the district biologist) for current Indiana bat or other protected bat species use and may require coordination with the USFWS.
 - c. Compliance of Indiana bat and other protected bat species standards will be monitored. The Forest will submit an annual report to the USFWS documenting compliance with Standards.

Reasons for the Decision

In making the decision to select Alternative 2, which is described in the detail of the decision section of this document, I have reviewed the existing environmental conditions and the direct, indirect, and cumulative effects for both of the alternatives. I believe that this decision will provide improved and sustainable recreation opportunities, improve and protect access to public lands, and enhance the safety of those using the area. I believe that implementing Alternative 2,

with the required design criteria, will have minimal adverse effects and will provide important recreation opportunities in the long term.

I have also considered comments received from the public. I gave careful consideration to how well the alternative met the purpose and need, and responded to public concerns, as follows.

1. Purpose and Need

The purpose of this project is to protect the water quality, protect and enhance the river's Outstandingly Remarkable Values (ORVs), and to provide consistent management of the upper segment of the Chattooga WSR on all three national forests (Sumter, Nantahala and Chattahoochee-Oconee). Also, Alternative 2 will provide an improved route from the parking area to the river bank using gravel or other natural and sustainable materials on approximately 200 feet of trail, and it would decommission two of the undesignated routes by placing large woody debris across the current tread; this will help eliminate the use of user-created trails in the area and improve the recreational experience for forest visitors by providing a clearly marked and established access point.

2. Response to Public Concerns

Based on comments received during the scoping and comment period, the Forest Service responded to comments from agencies, groups and individuals. Comments and responses are summarized in this document, on page 5 and 6 and in Appendix A of the EA.

I have also considered the Forest Plan and effects described in the *Final Environmental Impact Statement for the Revised Land and Resource Management Plan Chattahoochee-Oconee National Forests (2004)*.

My decision is based on the analysis in the EA and supporting project record, which documents a thorough review of relevant information and on how the Proposed Action addressed the main environmental issues identified through scoping and interdisciplinary review.

Alternatives Considered

One other alternative was considered in detail in the EA.

No Action Alternative. Under this alternative, no new trail would be constructed or designated and current river access points would continue to be used by boaters and other recreationists. I did not select this alternative because a sustainable trail is needed to reduce resource impacts and reduce user-created trails in the area.

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 Appendix A of the EA.

Findings Required by Other Laws and Regulations

The selected alternative is consistent with the Forest Plan and Amendment #1 to the Forest *Plan* as described on page 5 of the EA. Also, the CONF is in the final stages to amend their forest plan to provide protection to the Indiana bat (federally listed as an endangered species) that was recently discovered on the forest. Equivalent protection measures are proposed in the EA.

A Biological Evaluation and Biological Assessment (BA/BE) was completed for this project on October 3, 2014 and the USFWS concurred with the determinations made relative to rock gnome lichen, Indiana bat and the Northern long-eared bat in the BA/BE in December 5, 2014. The Northern long-eared bat was federally listed by the USFWS on May 4, 2015. Amendment # 1 to the BA/BE was completed to reflect the new determination for the bat. The USFWS concurred with Amendment #1 on May 13, 2015. A “no impact” determination was made for aquatic and wildlife sensitive species and a “may impact individuals but not likely to cause a trend to federal listing or a loss of viability” was made for 13 sensitive botanical species.

The CONF conducted a heritage survey of the Burrells Ford Access in November 2012 and no sites were found. According to the Programmatic Agreement, no consultation with the Georgia SHPO or Tribes is required for negative surveys.

By adhering to CONF Forest Plan standards (FW-056, FW-058, FW-060, FW-066, FW-068, FW-070, FW-208, FW-209, FW-211, and FW-212), trail work will comply with requirements of the Clean Water Act.

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.

The EA evaluated the Chattooga’s five ORVs on pages 21-67 and the free-flowing condition and water quality on pages 67-77. The ORVs will continue to be protected and enhanced with adherence to Forest Plan standards and guidelines, including Amendment #1. There will be no impacts to the free-flowing condition and water quality impacts will be reduced with the activities proposed in the Burrells Ford Bridge access area.

Finding of No Significant Impact (FONSI)

This FONSI incorporates by reference the project record, including the BA/BE. After carefully considering the environmental effects described in the EA, I have determined that the actions in Alternative 2 are not a major federal action having 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 findings on the following:

Context

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. The Burrells Ford Bridge access area will eliminate two user created trails in the area totaling 375 feet and designate a sustainable trail (approximately 200 feet) to the Chattooga River. All actions are consistent with the Forest Plan

and Amendment #1. All environmental effects are within the range disclosed in the *Final Environmental Impact Statement for the Revised Land and Resource Management Plan Chattahoochee-Oconee 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 page 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 site by the Forest Service archaeologist (EA pages 66-67). There are no prime farm lands based on the type of soils and the topography found at the Burrells Ford Bridge site (EA pages 72-77). Wetlands will not be impacted by the activities (EA pages 78-81). 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 (EA pages 83-96).
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 effects documented in the EA are not highly uncertain and do not involve unique or unknown environmental 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 actions will have no adverse effect on sites eligible for listing in the National Register of Historic Places and will not cause loss or destruction of significant scientific, cultural, or historic resources. The Chattahoochee-Oconee National Forests conducted a survey of the Burrells Ford Access in November 2012 and no sites were found. According to their Programmatic Agreement, no consultation with the Georgia SHPO or Tribes is required for negative surveys.
9. The actions will not adversely affect any endangered or threatened species or habitat that has been determined to be critical under the Endangered Species Act of 1973 (see BA/BE and USFWS concurrence letter dated December 5, 2014 and May 13, 2015).
10. The actions 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 (BA/BE in the project record, and section Findings required by Other Laws and Regulations in the Decision Notice)

Forest Plan Consistency

Revised Land and Resource Management Plan Chattahoochee-Oconee National Forests

A. Forest-wide Direction

- T & E and Sensitive / Locally Rare Species – pages 2-12 through 2-15
- Watershed Management (Water Quality, Aquatic Habitats, and Soils) - pages 2-19 through 2-24.
- Aesthetics/Scenery Management - pages 2-28 through 2-30
- Recreation Opportunities / Experiences - pages 2-31 through 2-35.
- Wilderness Management / Roadless Areas - page 2-36 and 2-37.
- Wild and Scenic Rivers - pages 2-43.
- Access /Road Management - pages 2-44 and 2-45.
- Heritage Resources - pages 2-62 through 2-64.

B. Management Prescriptions

- 2.A.2 Chattooga River - Designated Scenic River Segments, pages 3-28 and page 3-29.

- C. *Amendment #1 to the 2004 Revised Land and Resource Management Plan
Chattahoochee-Oconee National Forests, Managing Recreation Uses in the
Upper Segment of the Chattooga Wild and Scenic River Corridor*
- D. Refer to Appendix A of the January 31, 2012 Decision Notice and Finding of No
Significant Impact – pages A-1 through A-8.

Endangered Species Act

A BA/BE was completed for this project on October 3, 2014. The following findings were made:

Proposed, Endangered and Threatened Species

A. Rock Gnome Lichen

MAY AFFECT, NOT LIKELY TO ADVERESLY AFFECT

Rationale: There are no known occurrences of this species within or in close proximity to the project area. The rock gnome lichen population is being annually monitored to determine if any recreational use is resulting in any effects.

B. Indiana Bat

MAY AFFECT, NOT LIKELY TO ADVERSELY AFFECT

Rationale: The scale of the project is small and there are no known occurrences of this species within or in close proximity to the project area. In addition, Forest Plan Amendments number 5, 10 and 25 for the NNF would be followed relative to Indiana bat habitat. Furthermore, adherence to conservation/mitigation measures as outlined in Section IX of the BA/BE would be used in determining appropriate treatments on the CONF.

C. Northern Long-eared bat

MAY AFFECT, NOT LIKELY TO ADVERSELY AFFECT

Rationale: The scale of the project is small and there are no known occurrences of the species within or in close proximity to the project area. Adherence to conservation/mitigation measures as outlined in Section IX of the BA/BE would be used in determining appropriate treatments. The bat was federally listed by the USFWS on May 4, 2015. Amendment # 1 to the BA/BE was completed to reflect the new determination for the bat. The USFWS concurred with this determination on May 13, 2015.

Sensitive Species

Aquatic Sensitive Species

A. Chauga crayfish

NO IMPACT

Rationale: The activities are not expected to impact this species due to the small scale of the project, the proposed actions and the volume of recreational user (hikers, boaters and anglers).

B. Brook floater

NO IMPACT

Rationale: The activities are not expected to impact this species due to the small scale of the project, the proposed actions and the volume of recreational user (hikers, boaters and anglers).

C. Edmund's Snaketail and Mountain River Cruiser Dragonflies

NO IMPACT

Rationale: The activities are not expected to impact these species due to the small scale of the project, the proposed actions and the volume of recreational user (hikers, boaters and fisherman). Moreover, there would be no stream crossings or other in-stream activities associated with new trail construction.

Botanical Sensitive Species

- A. *Acrobolbus ciliatus*, *Cephalozia macrostachya ssp. australis*, water fan, *Lejeunea blomquistii*, *Lophocolea appalachiana*, Fraser's loosestrife, *Marsupella emarginata* var. *latiloba*, *Plagiochila austinii*, *Plagiochila caduciloba*, *Plagiochila sharpii*, *Plagiochila sullivantii* var. *sullivantii*, Carolina star moss and *Radula sullivantii*

MAY IMPACT INDIVIDUALS BUT NOT LIKELY TO CAUSE A TREND TO FEDERAL LISTING OR A LOSS OF VIABILITY

Rationale: Thirteen Regional Forester's sensitive plant species, *Acrobolbus ciliatus*, *Cephalozia macrostachya ssp. australis*, water fan, *Lejeunea blomquistii*, *Lophocolea appalachiana*, Fraser's loosestrife, *Marsupella emarginata* var. *latiloba*, *Plagiochila austinii*, *Plagiochila caduciloba*, *Plagiochila sharpii*, *Plagiochila sullivantii* var. *sullivantii*, Carolina star moss and *Radula sullivantii* have been recently or previously located within the upper Chattooga WSR headwaters where recreational activities are occurring. With implementation of the annual monitoring plan to detect stringers (logs or trees that have fallen into the river) and survey for the following rare plants at locations with previous documentation of *Lophocolea appalachiana* and *Lejeunea blomquistii* in specific sites in the CONF and *Cephalozia macrostachya ssp. australis*, Carolina star moss and *Plagiochila sullivantii* var. *sullivantii* in specific sites in the Nantahala National Forest to determine their presence, the continued recreational use in the upper segment of the Chattooga WSR headwaters may impact individuals of all the above 13 species but is not likely to cause a trend to federal listing or a loss of viability.

Individual plants may be crushed or otherwise damaged or destroyed and habitat could be altered during trail improvement activities or recreational use. However, considering the small scale of the project, the proposed actions and the number of recreational users, viability would not be affected for the

majority of the sensitive species. However, a monitoring plan will continue to be implemented for six species to ensure no local habitat impacts. No habitat impacts have been noted for the three species in the Nantahala National Forest.

Wildlife Sensitive Species

A. Bald Eagle

NO IMPACT

Rationale: This species is highly mobile; therefore, any disturbance associated with trail construction, hikers, anglers or those involved in boating activities might cause a temporary displacement of individuals to undisturbed areas. There would be no impacts to this species.

B. Eastern Small-footed Myotis and Rafinesque's Big-eared Bat

NO IMPACT

Rationale: Since these species are highly mobile, any disturbance associated with trail construction, hikers, anglers or those involved in boating activities might cause a temporary displacement of individuals to undisturbed areas. Moreover, the scale of the project is small and there are no known occurrences of these species within or in close proximity to the project area. There would be no impacts to these species.

Historic Preservation Act

The CONF conducted a survey of the Burrells Ford Access in November 2012 and no sites were found. According to their Programmatic Agreement, no consultation with the Georgia SHPO or Tribes is required for negative surveys.

Clean Water Act

By adhering to CONF Forest Plan standards (FW-056, FW-058, FW-060, FW-066, FW-068, FW-070, FW-208, FW-209, FW-211, and FW-212), 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.

Wild and Scenic Rivers Act (WSRA)

The EA evaluated the five ORVs listed for the Chattooga River on pages 21-67 and the free-flowing condition and water quality on pages 67-77. The ORVs will continue to be protected with adherence to Forest Plan standards and guidelines including Amendment #1. There will be no impacts to the free-flowing condition and water quality impacts will be reduced with the activities proposed in the Burrells Ford Bridge access area.

Administrative Review or Objection Opportunities

This project was subject to objection pursuant to 36 CFR 218, and legal notices of the opportunity to object were published in *The Clayton Tribune* and *The Northeast Georgian* newspapers on May 28, 2015 and May 27, 2015, respectively. Notifications were sent to those who provided comments during the project's development. Six objections were filed, but only one objection was specific to this project decision. That objection was processed by the objection reviewing officer.

Implementation

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

Contact

For further information on this decision, contact:

District Ranger
9975 Highway 441 South
Lakemont, GA 30552
Telephone: (706)754-6221
FAX: (706)754-1021

/s/ Suzanne Taylor

Suzanne Taylor
Acting Chattooga River District Ranger
Chattahoochee-Oconee National Forests

5-Jan-16

Date

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(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

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