

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

For
The Rich Mountain Road Project

USDA Forest Service
Southern Region
Chattahoochee-Oconee National Forests
Toccoa Ranger District
Gilmer County, Georgia

BACKGROUND

Rich Mountain Road is located on the Chattahoochee National Forest, Toccoa Ranger District in Gilmer County, Georgia. This 9.3-mile road lies between Persimmon Gap (west end) and Brownlow Gap (east end) on the Rich Mountain Wildlife Management Area and forms the northern boundary for the Rich Mountain Wilderness Area (Figure 1). Existing prior to the acquisition of National Forest lands in the area in the late 1960s and early 1970s, the ownership and jurisdiction of the route has been questioned and debated for at least thirty years. The road is believed to have been constructed originally as a logging road for the removal of timber from the area by private timber companies. The route has been generally recognized as open to public access, although neither Gilmer County nor the Forest Service had records of established jurisdiction. The Atlanta office of the USDA Office of General Counsel (OGC) issued an opinion as to the road's public jurisdiction status in May 2003. The legal opinion resolved the jurisdictional question and concluded the current route known as Rich Mountain Road is under the jurisdiction of the Forest Service and is not a state, county, or municipal road.

Because the Forest Service did not have clear jurisdiction over the road until very recently, maintenance activities have been very limited. As a result, the road is currently in poor condition and does not meet Forest Service standards. This condition has created numerous degraded segments along the route, resulting in erosion, sedimentation, creation of user located detours, and a general loss of road integrity. The route has become difficult to navigate except for off-highway vehicles (OHV). The road currently is used as an OHV destination for both four-wheeler ATVs and state licensed off-road vehicles; as access to the northern boundary of the Rich Mountain Wilderness Area; and as access to the interior of Rich Mountain Wildlife Management Area.

PURPOSE AND NEED FOR ACTION

When it was determined that the Rich Mountain Road was under jurisdiction of the Forest Service, a need for action was identified to correct existing resource problems and to bring the road in line with the goals of the Forest Plan. Due to the poor condition of

the road, several Forest-wide goals related access and road management, watershed management, wilderness management, recreational opportunities/experiences, and heritage resources were not being met. Based on this need for action, the following purpose and need was developed for the project:

1. **Provide forest users with safe and well-managed access to the northern boundary of the Rich Mountain Wilderness Area and the interior of the Rich Mountain Wildlife Management Area.** This addresses Forest-wide Goals 31, 32, and 47 that relate to providing a transportation system and spectrum of high quality, nature-based recreation settings and opportunities that are safe, environmentally sustainable, equitable, financially sound, and operationally effective.
2. **Remove user-created trails, leading from the current road prism into the edge of the wilderness, that were formed when users encountered impassible conditions within sections of the road.** This addresses Forest-wide Goals 35 and 37 that relate to providing primitive or semi-primitive recreational experiences and managing wilderness, roadless, and other un-roaded areas to provide the ecological benefits they can offer.
3. **Reduce erosion and sedimentation from the Rich Mountain Road.** This addresses Forest-wide Goals 22, 24, 26, and 48 that relate to the management and restoration of watersheds, soil productivity and quality, and aquatic ecosystems to protect ecological functions and support viable populations of aquatic flora and fauna.
4. **Protect known Heritage Resource sites adjacent to the Rich Mountain Road.** This addresses Forest-wide Goal 77 that relates to identification, enhancement, interpretation, and protection of significant heritage resource values.

DECISION

Based on my review of the Final EA, including the discussion of the alternatives considered, the issues associated with this proposal, the environmental effects analysis, and my personal knowledge of the area, I have decided to select the actions in Alternative 4. The actions for each road segment are as follows (Figure 1):

The first 1.3 miles on the western end of the road (Segment A) will be decommissioned. Treatments will be implemented to obliterate the roadway. This will involve the placement of additional fill material (from an off-site source) as needed, shaping of roadbed for proper drainage, the reestablishment of a natural channel at one perennial stream crossing, and the revegetation of all exposed soils. This section would be closed to all vehicles and only foot traffic would be allowed.

The next 1.9 miles going to the east (Segment B) would be reconstructed to Road Maintenance Level 1. Reconstruction will involve the reshaping of the road template to improve the travel surface, removal of surface rock by blasting, draining and filling of the

large mud holes in the roadway, closing user-created “detours”, the reconstruction of cross drainage structures, surfacing where needed with up to four inches of stone, and the revegetation of all exposed soils. This segment would be closed to vehicles except for administrative use with a gate on the eastern end of the segment. It will be open to foot travel, mountain bicycle, and horseback use year-round, but not to motor vehicle traffic.

The remaining 6.1 miles (Segments C and D) would be reconstructed to Maintenance Level 2. Reconstruction will involve the reshaping of the road template to improve the travel surface, removal of surface rock by blasting, draining and filling of the large mud holes in the roadway, closing user-created “detours”, the reconstruction of cross drainage structures, reconstruction of stream crossings (fords) at two major perennial streams, revegetation of all exposed soils, and surfacing of the entire roadway with one (1) to four (4) inches of gravel, depending on site conditions. This portion would be open seasonally to State licensed vehicle traffic for public use with a gate at the end of FS Road 338 at Brownlow Gap. These segments will be open to foot travel, mountain bicycle, and horseback use year-round.

ATVs will not be allowed on any road segment after completion of the project.

In addition to the 3 major perennial stream crossings, there are several small streams and a number of springs that flow across the road. These crossings, about 20, will be hardened with gravel.

The road segments proposed for reconstruction will have wider road widths where naturally occurring turnouts already exist. Additional turnouts are not planned in the design for reconstruction. Travel speeds will be low, controlled by the overall road tread width along the open road segments.

Borrow material required for reconstruction activities will be secured from appropriate material sites located off the National Forest. Material will be hauled to the required locations by truck.

Mitigation and Monitoring Measures

Mitigation measures are actions taken to lessen adverse impacts or enhance beneficial effects. General mitigation and monitoring measures are listed in Chapter 2 and in Appendix C of the EA.

All mitigation and monitoring measures directly related to Alternative 4 are listed below.

- Rich Mountain Wilderness and Wildlife Management Area have been posted with signs that clearly show the public where they can legally ride motorized vehicles.
- Signs will be posted to clearly identify the boundary of the Rich Mountain Wilderness.

- Established roads or routes will be monitored to determine further encroachment by illegal motorized use and corrective actions will be taken as needed.
- During reconstruction, warning and safety messages will be posted for forest visitors to the area.
- The known locations the Locally Rare plant species starflower (*Trientalis borealis*) and horse gentian (*Triosteum aurantiacum*) will be protected from disturbance.
- The known Heritage Resources sites will be protected from disturbance.
- Appropriate erosion control measures will be used to minimize potential impacts from the proposed activities. Examples may include the use of silt fences, hay bales, brush barriers, and prompt revegetation of exposed soils. Georgia's Best Management Practices for Forestry (1999), the Manual for Erosion and Sediment Control in Georgia, Fifth Edition, 2000, and Forest Service engineering technical handbooks are sources for design specifications for erosion and sediment control measures.
- Mitigation measures for the protection of soil and water, recreation, wildlife, and vegetation include directions and standards found in the revised Land and Resource Management Plan for the Chattahoochee-Oconee National Forests, January 2004.
- Riparian Corridors are designated on all perennial and intermittent streams in the vicinity as directed by Management Prescription 11 in the Forest Plan. The designation of these corridors identifies an area that will provide protection of streams and aquatic habitat.
- Management of seasonal use periods of Rich Mountain Road will provide controls of potential damage to the road surface and adjacent slopes, but also provide vehicle access during hunting seasons or other designated periods of use.
- Forest Supervisor Closure Orders will be developed to establish the seasonal and/or permanent closure status of individual road segments. Information will be provided to the public to make them aware of the current road status.
- Law Enforcement presence on the area will be maintained to ensure compliance with the established closure orders.
- Monitoring of implementation will involve contract inspections by certified contracting officer representatives to assure that the specified mitigation measures, best management practices, and contract specifications are appropriately utilized.

- Field reviews will be conducted by District and Forest-level staff to ensure that the appropriate standards and mitigation measures are implemented and that these measures are effective in protecting soil productivity, water quality, and other resources as they were designed to do. These practices also will be monitored after completion of the project to determine any maintenance needs. Specific water quality monitoring will be conducted to measure the effectiveness of the road reconstruction activities and mitigation measures. Baseline sampling of habitat conditions and aquatic invertebrate populations has already been conducted on selected stream segments.

RATIONALE FOR THE DECISION

Based on the analysis presented in the Environmental Analysis for the Rich Mountain Road, I have decided to select Alternative 4 because it best meets the purpose and need and the Forest-wide Goals discussed above. The following is the rationale for my decision.

I first eliminated the No-Action Alternative (Alternative 1) since it failed to meet the purpose and need established for the project in several ways. The road would remain in poor condition, limiting access for forest users as well as law enforcement, emergency services, and fire suppression personnel. Poor access also would continue to limit USFS and Georgia DNR management activities on the area. Under the No-Action Alternative, existing soil and water quality impacts would continue. It would allow year-round vehicular access on the Rich Mountain road, which will detract from the primitive or semi-primitive recreational experiences in the Rich Mountain Wilderness and Natural Area. It also would provide unrestricted access to known heritage resources sites, increasing the potential for looting.

I next eliminated Alternative 2. Reconstruction activities planned in this alternative would correct many of the existing water quality impacts, but since the road would remain open year-round, the potential for erosion along the entire length of the road will continue. As with Alternative 1, it would allow year-round vehicular access on the Rich Mountain road, which will detract from the primitive or semi-primitive recreational experiences in the Rich Mountain Wilderness and Natural Area. It also would provide unrestricted access to known heritage resources sites increasing the potential for looting. This alternative also is the most costly alternative both in terms of costs of reconstruction and annual maintenance.

I then eliminated Alternative 6. This alternative would decommission the entire Rich Mountain road, closing it to all vehicular use on a permanent basis. This would significantly limit access to the area, and as a result would not meet the purpose and need of providing safe, well-managed access to the area. All motorized recreational opportunities would be eliminated. Hunter access would be significantly limited, as would opportunities for wildlife habitat enhancement. Since the entire road would be obliterated, there would be no vehicular access even for administrative purposes such as law enforcement, emergency services, or fire suppression personnel.

I next eliminated Alternative 5. Although administrative use of the road would be permitted, this alternative would close the entire Rich Mountain road to public vehicular use on a year-round basis. This would significantly limit access to the area, and as a result would not meet the purpose and need of providing safe, well-managed access to the area. All motorized recreational opportunities would be eliminated. Although wildlife habitat enhancement would be possible through administrative use of the road, vehicular use by the public would be prohibited, significantly restricting access for hunters.

This left Alternatives 3 (Proposed Action) and Alternative 4. As compared to the proposed action (Alternative 3), I found Alternative 4 superior because it provides enhanced protection for heritage resources. Vehicular access will be prohibited from the western third of the road, restricting access to existing heritage resource sites. Alternative 4 also is less costly than Alternative 3 due to the lower maintenance level planned for a portion of the road (Segment C).

Alternative 4 provides the greatest flexibility for recreational users, administrative use, soil and water restoration, and wildlife management. The actions planned in Alternative 4 will provide a transportation system that supplies safe, environmentally sustainable, financially sound, and operational effective access to the northern boundary of the Rich Mountain Wilderness Area and the interior of the Rich Mountain Wildlife Management Area. Road improvements will permit the restoration of maintenance activities of existing wildlife openings by Georgia DNR personnel and lead to additional opportunities for wildlife habitat enhancement. The planned actions will reduce erosion and sedimentation from the Rich Mountain Road and correct the ongoing water quality impacts. The actions will meet the goals of providing primitive or semi-primitive recreational experiences. It will result in opportunities for a wide variety of both motorized and non-motorized recreational opportunities. Motorized opportunities will be provided during high use periods such as hunting seasons, while providing for resource protection and enhancement of primitive recreational experiences through seasonal road closure. The actions planned in Alternative 4 also will meet the goal of protection of heritage resources. Enhanced access for law enforcement personnel and seasonal or administrative closure of portions of the road will result in improved protection of existing heritage resources.

Table 7 of the EA provides a summary of the 6 Alternatives in terms of their ability to meet these Forest-wide goals.

OTHER ALTERNATIVES CONSIDERED IN DETAIL

In addition to the selected alternative (Alternative 4), I considered all of the other alternatives as presented in the EA. A complete description of these alternatives is provided in Chapter 2 of the EA.

Alternative 1 (No Action) – No road improvements or changes to the existing road conditions would occur on any portion of the Rich Mountain Road. The entire road would

remain open year round for foot travel, mountain bicycle, horseback, and State-licensed motor vehicles. Use by ATV's would not be allowed.

Alternative 2 – The entire Rich Mountain road length would be reconstructed to Road Maintenance Level 2. The entire road would remain open year round for foot travel, mountain bicycle, horseback, and State-licensed motor vehicles. Use by ATV's would not be allowed.

Alternative 3 (Proposed Action) – Road segment A (1.3 miles) would be decommissioned and closed to all vehicles. Only foot traffic would be allowed. Road segments B (1.9 miles), C (3.3 miles), and D (2.8 miles) would be reconstructed to Road maintenance Level 2. These segments would be open to foot travel, mountain bike, and horseback use year-round and open seasonally to State-licensed motor vehicles. Use by ATV's would not be allowed.

Alternative 4 (Selected Alternative – described above)

Alternative 5 – The entire road length would be reconstructed to Road Maintenance Level 1. It would be closed to all motor vehicles, including State-licensed vehicles and ATV's, except for administrative use. It will be open to foot travel, mountain bicycle, and horseback use year-round.

Alternative 6 – The entire road length would be decommissioned and closed to all motor vehicles, including State-licensed vehicles and ATV's. It will be open to foot travel only.

Mitigation and monitoring measures describe above would be followed on all action alternatives.

ALTERNATIVES ELIMINATED FROM DETAILED STUDY

An alternative was considered to reconstruct the road for OHV users and to charge a user fee. The road would be left relatively unimproved with minimal maintenance to retain the difficulty and allure to OHV users. This was not considered in detail due to the fact that OHV use on this road would not be in compliance with the Forest Plan or be ecological sound for the soil and water resources. The road lies within Management Prescription 4.I (Natural Area – Few Open roads) which prohibits the construction or designation of any new OHV/ATV travel routes. Allowing this road to be an OHV trail system also is not within the purpose and need of the decision to be made. The purpose and need is to reduce erosion and sedimentation and to improve water quality, while providing forest users with safe and well-managed access into these areas.

PUBLIC AND AGENCY INVOLVEMENT

A team of Chattahoochee-Oconee National Forest personnel conducted public involvement with the primary objective of discovering the concerns of the public. Forest Service personnel took the following steps to gather issues from the public.

- Scoping for the Rich Mountain Road began June 4, 2003. The District mailed a “scoping letter” to 89 individuals and groups known to be interested in the management of the Forest. The letter described the proposed actions to be taken on the various sections of the road and the primary purposes for those actions. The scoping comment period ended on July 4, 2003.
- Simultaneous with the mailing, the Forest issued a press release statewide to newspapers and radio stations (June 2003). Various newspapers- including *Atlanta Journal Constitution*, *North Georgia News*, *Marietta Daily Journal*, *Gwinnett Daily Post*, *The News Observer* among others- printed articles about the issue and the Forest’s request comments.
- The Forest posted a press release and a scoping letter dated June 2003, on the forest-wide website, www.fs.fed.us/conf, and also provided the public an opportunity to e-mail their comments to an identified Forest Service employee.
- 120 individuals responded during scoping and provided comments (see Appendix A, Responses to Scoping).
- A follow-up meeting was held with the County Commissioners of Gilmer and Fannin County in July 2003, providing a short presentation to inform them of the upcoming proposal and the opportunity to comment at a future date on an environmental assessment.
- In December 2003, the District sent a letter to the landowners with property in the vicinity of the west end of Rich Mountain Road. This letter described the potential watershed improvement projects on the Rich Mountain Road and the possible increase in Forest Service vehicle traffic on that road during the implementation of the project.
- The EA was made available for the 30-day notice and comment period from March 10, 2004 to April 8, 2004. A legal notice summarizing the proposed project and notifying the public of the availability of the EA for comment published in *The News Observer* (Blue Ridge, Georgia) on March 9, 2004. The EA was made available to the public on the Forest’s Internet site. Copies of the EA also were mailed to those individuals that had responded by mail during the scoping period. Approximately 310 comments were received and were reviewed by the IDT. A summary of these comments is available in the project file. Where needed, comments were addressed by providing additional information and clarification in the EA.

FINDING OF NO SIGNIFICANT IMPACT

Based on the Environmental Assessment, I have determined that Alternative 4 with the mitigating measures and management requirements applied, is not a major Federal action,

either individually or cumulatively, will not significantly affect the quality of the human environment. Therefore, the preparation of an environmental impact statement is not necessary. This determination is based upon the following factors found at 40 CFR 1508.27 (b):

1. Both beneficial and adverse effects have been considered. The proposed actions will not have a significant effect on the quality of human environment. (EA pages 27-114).
2. Public health and safety are minimally affected by the proposed actions. (EA pages 109-114).
3. Within the limited context of the planned actions along with the restrictions and mitigation measures (EA Appendix C), there will be no significant effect on any unique characteristics or features of the geographic area. (EA pages 27-114).
4. The effects on the quality of the human environment are not likely to be highly controversial based on new or unusual methods, tools, or quantity of activities being approved. (Issues from scoping efforts: EA pages 6-9). None of the actions involves an irreversible commitment of resources.
5. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. Numerous road management projects of a similar nature have been completed on the Forest such that the environmental consequences (EA pages 27-114) of this project are well understood.
6. The actions in this decision will not set a precedent influencing approval of future actions with significant effects.
7. The possible cumulative effects of the proposed actions have been analyzed with consideration for past and reasonably foreseeable future activities on adjacent private and public lands. Each environmental component in Chapter III of the EA includes consideration of cumulative effects. The context and intensity of cumulative impacts over space and time will not be significant. (EA pages 27-114)
8. The proposed actions will not adversely affect any sites listed, or eligible for listing, in the National Register of Historic Places, or will they cause the loss or destruction of significant scientific, cultural or historical resources. This is based on findings of site-specific cultural resource surveys of the road corridor and concurrence by the State of Georgia Historic Preservation office as per Section 106 of the National Historic Preservation Act. (Heritage Resources Report and SHPO concurrence in Project Folder).

9. Implementing this decision will not adversely affect threatened or endangered species, or result in loss of any other species' viability, or create significant trends toward Federal listing of the species under the Endangered Species Act. This determination is based site-specific surveys, the Biological Evaluation for the Rich Mountain Road project, and concurrence from the U.S. Fish and Wildlife Service under Section 7(a) (2) of the Endangered Species Act. (BE and USFWS concurrence in Project Folder).
10. None of the actions threaten a violation of federal, state, or local laws imposed for the protection of the environment. The proposed actions will be implemented in a way that is consistent with the standards and management requirements established in the Forest Plan for the Chattahoochee-Oconee National Forests, and in site-specific mitigation measures. (EA Appendix C)

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Forest Management Act

This decision is consistent with the National Forest Management Act (NFMA) of 1976 regarding the effective management, use, and protection of the natural resources of the area affected by this project.

Forest Plan Consistency

I have determined that all actions of the selected alternative will be consistent with the management requirements for the revised Land and Resource Management Plan (Forest Plan) for the Chattahoochee-Oconee National Forests, January 2004. This includes general standards of the Forest Plan and the specific management direction for lands in Management prescriptions 1.A. (Designated Wilderness Areas), 4.I.(Natural Areas – Few Open Roads), and 11 (Riparian Corridors) as designated by the Forest Plan.

Vegetative Manipulation

Actions involving vegetative manipulation will meet the following applicable requirements of 36 CFR 219.27 (b):

1. The methods used are best suited to the multiple-use goals established for the area; potential environmental, biological, cultural, aesthetic, engineering, and economic impacts, have been considered in this determination.
2. No permanent impairment of site productivity is expected from the actions. Mitigation measures specified in the EA were designed to achieve these goals.
3. Actions were chosen after considering potential effects on residual trees and adjacent stands.

4. Actions will provide the desired effects on water quantity and quality, soil productivity, wildlife and fish habitat, recreation uses, aesthetic values, and other resource yields. Standards and guidelines along with Georgia's BMP's will be followed, and actions will comply with the Clean Water Act. The desired effects for each of these factors are described in the EA.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

The Decision is subject to appeal, pursuant to the Forest Service regulations 36 CFR 217.3(a)(1) by those who provided comments or otherwise expressed interest in this particular proposal during the 30-day public comment period. A written Notice of Appeal of this decision must be fully consistent with 36 CFR 215.14, "Content of Notice of Appeal", including the reasons for appeal. Appeals must be postmarked or received in duplicate within 45 days after the legal notice publication date in *The News Observer*, Blue Ridge, Georgia. The appeal should be sent to: Regional Forester, USDA Forest Service; ATTN: Appeals; 1720 Peachtree Road, NW; Suite 811N; Atlanta GA, 30309.

IMPLEMENTATION DATE

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

CONTACT INFORMATION

For additional information concerning this decision, contact Jim Wentworth, Rich Mountain Road Project IDT Leader at: U. S. Forest Service, P. O. Box 9, Blairsville, GA 30514, or phone (706) 745-6928 ext. 107, or by email at jwentworth@fs.fed.us.

For additional information on the appeals process or this decision contact John Petrick at USDA Forest Service, Chattahoochee-Oconee National Forest, 1755 Cleveland Hwy, Gainesville, GA 30501; or by phone at (770) 297-3005, or by e-mail at jpetrick@fs.fed.us.

RESPONSIBLE OFFICIAL APPROVAL

/s/ Alan Polk

June 10, 2004

ALAN POLK
Acting District Ranger

Date

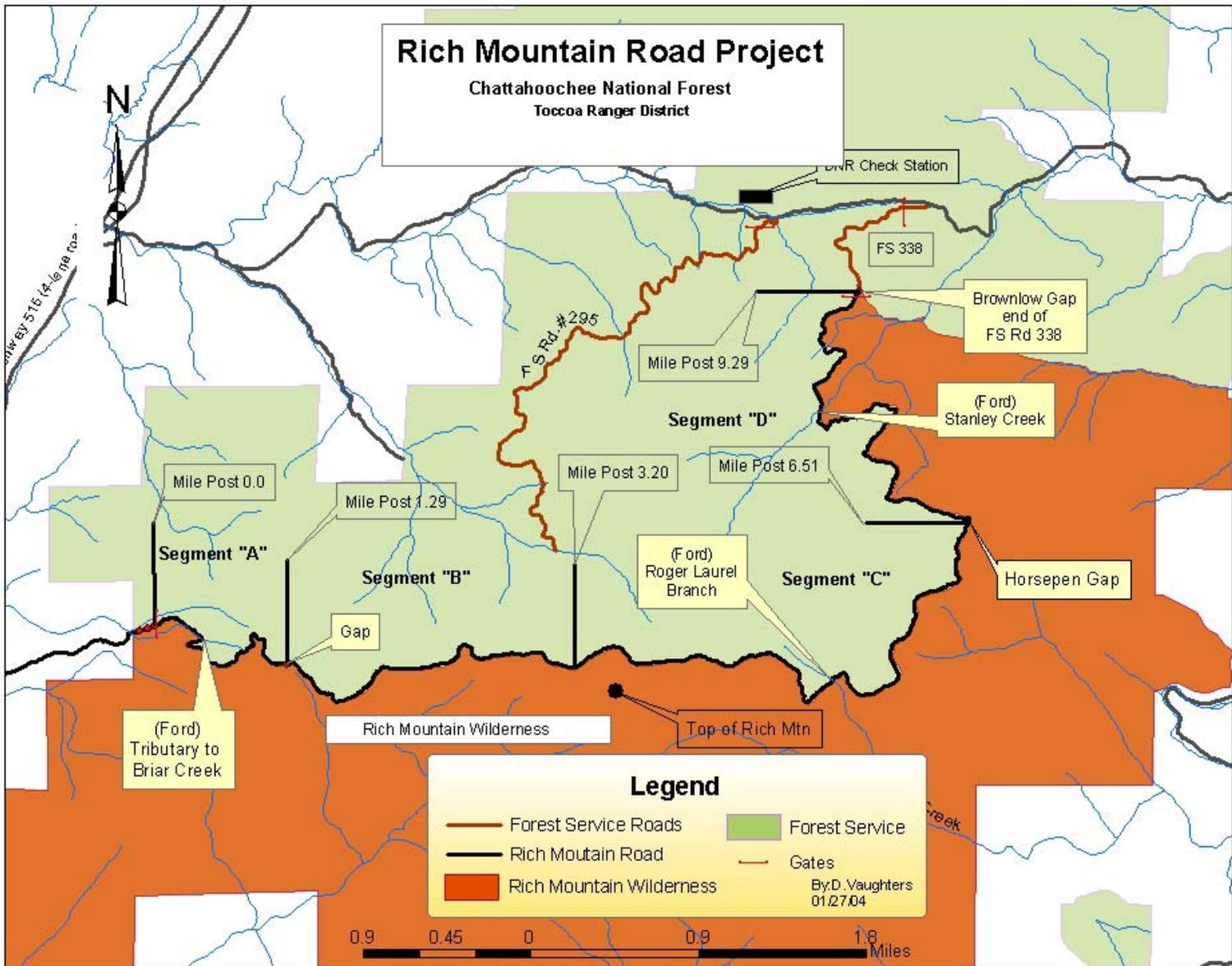


Figure 1. Rich Mountain Road