

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

**Transportation System and Related Recreation Management Actions  
for the Upper Tellico Off-Highway Vehicle System (Excluding Trail 1)  
and Non-Significant Amendment #24 to the Nantahala and Pisgah Land  
and Resource Management Plan**

USDA Forest Service Southern Region  
National Forests in North Carolina  
Tusquitee Ranger District  
Cherokee County, North Carolina

**THE PURPOSE OF THIS PROJECT**

The proposal is to implement a series of road and trail modifications and other management actions for the Upper Tellico Off-Highway Vehicle Road and Trail System (hereafter, the OHV system, or Tellico OHV system). The purpose is to greatly reduce the amount of soil and other material leaving the road and trail system and entering the upper Tellico River and its tributaries and thereby improve the habitat for native brook trout. This outcome depends on three categories of activities: fixing existing problems with an initial intense period of heavy maintenance, reconstruction, and closures; defining a system that can be maintained in the future without extraordinary maintenance costs; and managing the conditions of future motorized use so as to reduce the potential for future soil loss.

**THE DECISION**

Based on my review of the Environmental Assessment (EA) for the Transportation System and Related Recreation Management Actions for the Upper Tellico OHV System and the Travel Analysis, 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 C as described for Trails 2 through 12. Alternative C eliminates the OHV System. This alternative was developed to achieve a very low level of risk of sedimentation from the closed trail system. Trails would be either converted for other use or closed and rehabilitated. The area remains completely open for foot travel. I am selecting Alternative C because it best meets the purpose and need for action.

In making this decision I have considered the analysis in the EA and the project record which references the best available science. This includes documents listed in the EA under "References;" results from extensive condition surveys; results of user surveys and economic surveys conducted by the University of Tennessee; a Biological Evaluation; a

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Heritage Resources report; and, water quality studies of turbidity, suspended solids, in-stream macroinvertebrates, fish counts, pebble counts, and pool filling. The record also shows a consideration of responsible opposing views, and acknowledges incomplete or unavailable information, scientific uncertainty and risk.

In this alternative:

- Most of Trail 2, all of Trail 6, and parts of Trails 4, 5, and 7 become forest roads open for various uses;
- Portions of Trails 4, 5, and 6 would be open seasonally for public access;
- A Forest Plan amendment will remove Tellico as one of the OHV trail systems designated in the Forest Plan.

A trail by trail summary of this alternative is provided in the table below:

<b>ALTERNATIVE C:</b>			
<b>Trail #</b>	<b>Trail Name and Action</b>	<b>OHV Miles</b>	<b>Challenge Areas on Trail as Proposed?</b>
2	Tipton Knob – Close and rehabilitate the Rock Garden segment. Remainder would be system road: closed in part and open in part.	0	Closed
3	Bearpen – Close and rehabilitate (decommission). Remove culverts and bridges. Restore hydrology. Remove pressure treated material; leave native material. Seeding and mulching of bare soil. Minor recontouring to put fill slope back in road. Replant.	0	NA
4	Fain Ford – From intersection with Trail 1 to intersection with Trail 3 (2.63 miles), this portion would remain on the Forest Road System as a seasonally-open road available for resource management and public access. The road would be open to public access for up to four months each year, September-December. Improve and maintain for high-clearance 4WD highway-legal vehicles. Fain Ford Bridge would not be constructed. Close and rehabilitate (decommission) remainder of road similar to Trail 3.	0	NA
5	Tellico River - Leave and fix portion through Rough Crossing Bridge (1.01 mile). Construct turn-around across bridge and leave this section available for motorized access, fishing access, and resource management access. Implement a winter seasonal closure. Eliminate fish passage barriers for this section. Close and rehabilitate (decommission) remainder of road similar to Trail 3.	0	NA
6	State Line Loop - Right-of-way prevents closeout. Gate. Retain on the Forest Road System as a seasonally-open road (2.25 miles) available for resource management, private and public access. The road would be open to public access for up to four months each year, September-December. Improve and maintain for high-clearance 4WD highway-legal vehicles. Improve existing turnaround at intersection with Trail 7. Decommission (close and rehabilitate) parking area.	0	NA
7	Peckerwood Connector – A short section of 7 that connects	0	Closed

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	Trail 6 to a closed road that provides access to private property would remain available to the private landowner. Gate. Minimally maintain and monitor. Close and rehabilitate (decommission) remainder of road similar to Trail 3.		
8	Bob Creek – Close and rehabilitate (decommission). Remove culverts and bridges. Restore hydrology. Remove pressure treated material; leave native material. Seeding and mulch bare soil. Minor recontouring to put fill slope back in road. Replant.	0	NA
9	Mistletoe Connector - Same as Trail 8	0	Closed
10	Round Mountain – Same as Trail 8	0	Closed
10A	Round Mountain Spur – Same as Trail 8	0	NA
11	Chestnut Mountain – Same as Trail 8	0	Closed
12	Hawk Knob – Close and rehabilitate (decommission). Intensive recontouring and intensive planting.	0	Closed

The table below describes the plan amendment associated with Alternative C:

<b>Current Forest Plan Language</b>	<b>New Forest Plan Language</b>
Pg. III-11: General Direction #5. Provide recreational riding opportunities for use by vehicles commonly classified as off-road vehicles (ORV’s) on designated routes within established ORV areas. This includes Upper Tellico, Brown Mountain, and Wayehutta. Permit no cross-country travel in Management Areas 1 through 18.	Pg. III-11: General Direction #5. Provide recreational riding opportunities for use by vehicles commonly classified as off-road vehicles (ORV’s) on designated routes within established ORV areas. This includes Brown Mountain and Wayehutta. Permit no cross-country travel in Management Areas 1 through 18.

**MITIGATION MEASURES**

1. All standards and guides for the protection of the Indiana bat, as listed in Amendment 10 of the LRMP, would be followed. No suitable snags would be cut between April 15 and October 15.
2. There would be no in-stream construction during the trout-spawning season (October 15 – April 15) to protect trout eggs and larvae while they are within the gravel.
3. Impacts to five known sites eligible for listing in the National Register of Historic Places will be mitigated through data recovery (excavation).

The decision for Trail 1 may be found in a separate decision notice: *Decision Notice and Finding of No Significant Impacts; Transportation System and Related Recreation Management Actions for Trail 1 of the Upper Tellico Off-Highway Vehicle System.*

**BACKGROUND**

The Upper Tellico Off-Highway Vehicle Road and Trail System (or OHV System) is located in Cherokee County North Carolina, about 13 miles north of Murphy. The

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approximately 39.3 miles of existing roads and trails that comprise the OHV System are concentrated within an area approximately 8,000 acres in size. Trails 2 through 12 total approximately 34 miles of the total system. The area borders Monroe County, Tennessee, and the OHV System is accessible from both states. Most of the OHV System occurs within the Upper Tellico River watershed. The Tellico River flows from its headwaters in Cherokee County, North Carolina through the area that encompasses the OHV System and on into Tennessee. The North Carolina Wildlife Resources Commission in 1991 classified the North Carolina segment of the Tellico River as “Wild Trout Waters.” This section contains self-sustaining wild trout populations, native brook trout in particular.

The OHV System was established May 1, 1986 with an amendment of the Off-Road Vehicle (ORV) Management Plan for the National Forests in North Carolina. At the time, analysis of the 58 miles of roads lying within the upper watershed found “user conflict, user safety conditions, and damage to natural and cultural resources are at an unacceptable level. In order to improve these conditions and to meet the minimum criteria established for ORV management by Forest Service policy:

1. The Upper Tellico River area will be closed to ORV use unless signed open.
2. ORV use will be restricted to designated routes only.”

The 1986 analysis called for using a range of 18-25 miles of the existing 58 miles of roads for ORVs.

The analysis concluded that “It is within the Forest Supervisor’s authority to close areas where motorized vehicle use is causing or is likely to cause considerable adverse effects. However, these changes should be sufficient to meet Forest Service policy and still allow user enjoyment of the area.”

In condition surveys conducted in 2007 and 2008, it became clear that damage to natural and cultural resources was ongoing. As a result of these surveys the Forest Service initiated an environmental assessment for the Upper Tellico OHV System, in accordance with the National Environmental Policy Act. Also, in accordance with the Travel Management Rule (Federal Register, November 9, 2005), the Forest Service conducted an area-wide Travel Analysis concurrent with this OHV system environmental assessment. The Travel Analysis addresses the general and specific criteria for designating roads and trails in the Upper Tellico watershed, including a wide range of resource and use considerations. The findings of the environmental assessment - *Transportation System and Related Recreation Management Actions for the Upper Tellico Off-Highway Vehicle System* and the area-wide Travel Analysis are incorporated into this decision by reference.

## THE NEED FOR THE PROJECT

**There is a need to stem the flow of sediment that is entering the Upper Tellico River and its tributaries from the OHV System, and thereby improve habitat for native brook trout.**

**1) Forest Plan standards for soil and water are being violated.**

- The Nantahala and Pisgah Land and Resource Management Plan (the Forest Plan or LRMP) standard for soil and water management states: “Prevent visible sediment from reaching perennial and intermittent stream channels...” (LRMP III-40).
- Field surveys conducted in 2007 and 2008 revealed approximately 1,889 sources of visible sediment along the 34 miles of Trails 2 through 12. This is over 50 points of visible sediment for each mile of trail (EA Chapter 3.1.1).
- Approximately a third of the 1,889 sources of visible sediment are reaching the upper Tellico River and its tributaries. For each of these locations a path of soil particles could be seen and followed on the ground from an OHV trail to a waterbody in the stream network (EA Chapter 3.1.1).
- Five miles of these trails (2 through 12) are within 100 feet of streams about 1 mile is within 25 feet of streams (EA Chapter 3.1.1).

**2) Best management practices are currently failing.**

- Best management practices (BMPs) include almost 2000 trail drainage features- waterbars, broad-based dips, grade sags, ditches, cross drain culverts, outsloping, and sediment traps. Less than half of the trail drainage features are functioning properly.
- Poorly designed, located, and maintained drainage features coupled with excessive use has resulted in significantly deteriorated travel-ways to the point that regular road or trail BMPs are no longer adequate to protect trails from erosion and stream channels from sedimentation.

(EA Chapter 3.1.1)

**3) BMPs are not sustainable due to severely erosive soils and heavy rainfall.**

- The area receives greater than 80 inches of rainfall per year with the wettest period occurring during the winter months.
- All trails on the system are classified as severe hazard by the Natural Resources Conservation Service (NRCS). A rating of severe indicates that erosion of the trail is expected, the trail requires frequent maintenance, and costly erosion control measures are needed.
- The soil types in the watershed rate as *poorly suited* for using the natural soil surface for roads. Poorly suited ratings indicate that overcoming the risk of

erosion would require special road designs, extra maintenance, and costly alteration

- About 75,000 tons of soil has eroded from the existing trail system (Trails 1 through 12) since the old logging transportation system was put in place, beginning many years before the Forest Service acquired the land.
- The effectiveness of the BMPs is continuously compromised due to the sheer number of sediment control features that must receive very frequent maintenance due to the severe soils and heavy rainfall.
- It is virtually impossible to remove the water from deeply entrenched trail sections using standard road and trail engineering or drainage structures. If the trail becomes worn down to bedrock it may also expose springs that add to water flow and thus potential sedimentation. Several trail sections on the OHV System exhibit this deeply entrenched condition, making it difficult to manage the runoff without closure and rehabilitation.
- The trails are highly susceptible to damage from traffic during the winter months when the soils are moist and experience frequent freezing and thawing.

(EA Chapter 3.1.1)

**4) North Carolina standards for turbidity are being violated.**

- In 1991, the North Carolina Wildlife Resources Commission classified the Tellico River as “Wild Trout Waters” (EA Chapter 1.1).
- The state of North Carolina’s standard for turbidity states, “the turbidity in the receiving water shall not exceed...10 NTU in streams, lakes, or reservoirs designated as trout waters...Compliance with this turbidity standard can be met when land management activities employ BMPs...BMPs must be in full compliance with all specifications governing the proper design, installation, operation and maintenance of such BMPs” (EA Chapter 3.1.1)
- Turbidity measurements from the Tellico River have been recorded up to 370 NTU at the state line during storm events (EA Chapter 3.1.1).

**5) Brook trout reproduction is being negatively affected.**

- Improving “habitat of wild streams as a first priority” is a Forest Plan standard (LRMP III-185). All streams within the Upper Tellico River watershed are suitable for brook trout.
- There are elevated fine sediment deposits in the Tellico River and its tributaries compared to nearby reference streams that are not impacted by the trail system (EA Figure 3.1.1.1.9 Plot B). Brook trout spawning is reduced by increases in fine sediment deposits (EA Chapter 3.2.1).

**There is a need to have trail management be consistent with the Forest Plan.**

**1) Level of challenge is being exceeded.**

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- The Forest Plan direction for all OHV trails on the National Forests in North Carolina calls for providing “easy to moderate levels of challenge” (LRMP III-11).
- Several trails on the Tellico OHV System provide a high degree of challenge and do not meet the Forest Plan direction (EA Chapter 3.6.1).
- Either the trails must meet the “easy to moderate” challenge level of the Forest Plan would need to be amended to allow a higher challenge level.

**2) Trail density is being exceeded.**

- The Forest Plan direction calls for providing approximately two miles per square mile of OHV trails (LRMP III-59 & III-69).
- The current system is currently over four miles per square mile (EA Table 3.6.2.1).
- Either some trails should be closed to meet the existing trail density standard, or the Forest Plan would need to be amended to allow higher density for the Upper Tellico OHV System (see 36 CFR 219.8(e)).

**There is a need to comply with the Travel Management Rule and corresponding Directives.**

In 2005 a Travel Management Rule was promulgated that addresses the administration of motorized vehicle use and travel on National Forest System lands. On January 8, 2009, directives which provide specific direction on implementation of the Rule went into effect. While directing that the agency provide “a variety of trail opportunities, settings, and modes of travel consistent with the applicable land management plan”, the directives also charge the agency with emphasizing long-term cost-effectiveness and need when developing or rehabilitating trails, and providing a trail system that is environmentally, socially and financially sustainable (FSM 2353.03).

The current trail system is not in compliance with the Forest Plan, and is not financially or environmentally sustainable in its current configuration. A Travel Analysis has been completed and is available on the Forest web site. The Travel Analysis addresses broad scale concerns in the Upper Tellico watershed, and informs this decision.

**OTHER ALTERNATIVES CONSIDERED IN DETAIL**

**Alternative A is the “No Action” alternative.** The OHV System would remain as is, with 39.3 miles of trails, existing high challenge opportunities, current use restrictions, current fees, current levels of maintenance and monitoring.

**Alternative B** would reduce the trail system to 24 miles. Alternative B would:

- Reduce the number of challenge areas;

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- Implement a winter closure and storm-event closure;
- Restrict camping adjacent to the trail system;
- Require 4WD vehicles to lock in 4WD.
- Include a Forest Plan amendment to modify the OHV density standard and the OHV trail difficulty level standard.

**Alternative D-modified** would eliminate the trail system but leaves in place a residual road system of 18.8 miles (including 5.3 miles of Trail 1) open for high clearance highway-legal vehicle to access the area. This alternative was modified from Alternative D in the predecisional EA in response to comments asking for more motorized access to the area than offered in Alternative C. Alternative D-modified would:

- Close Trails 3, 9, 10, 10A and 11, and 12;
- Eliminate all the challenge areas;
- Close the Rock Garden portion of Trail 2 but retain the remainder as a closed system road;
- Reconstruct Trails 4, 5, 6, and most of 8 for high-clearance vehicles; reconstruct Trail 7 with a reroute around the challenge area;
- Require the road be closed until repairs are completed;
- Include a Forest Plan amendment to remove Upper Tellico from the list of designated OHV trail systems.

**Alternative E** would reduce the trail system from 39.3 miles to 30.2 miles. It was developed to better meet the demand for OHV opportunities than Alternative B, while still reducing sediment from the trail system. Alternative E would:

- Reroute Trail 9 while retaining access to the challenge area (Slickrock);
- Construct an additional challenge area on Trail 11;
- Reconstruct Trail 10 (including a partial reroute) for full-sized OHV use;
- Add a new parking lot at the intersection of Trails 4 and 11 and reconstructing a piece of Trail 4 from its intersection with Trail 1 to this new parking lot (to provide OHV and ATV-UTV access from the southern end of the trail system);
- Eliminate the storm-event closure;
- Eliminate new camping restrictions;
- Eliminate 4WD lock-in.

In **Alternative F-modified** the miles of trail change from 39.5 to 44.5 and the alternative provides new trail opportunities for OHVs. It was developed to provide a trail system with opportunities similar to what they are today, but with repairs, relocations, and with new or replacement construction that would alleviate many of the current sedimentation concerns. Alternative F-modified adds a new Trail 13 at the southern end of the system. Alternative F would:

- Construct 7.3 miles of new OHV Trail 13;
- Reroute Trail 9 while retaining access to the challenge area (Slickrock);
- Retain Trail 2 and the Rock Garden as part of the OHV trail system;

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- Retain part of existing Trail 12 beyond “School Bus” and reroutes the western end of the trail;
- Reconstruct 1 mile of Trail 10 (including a partial reroute) for full-sized OHVs use but closes the remainder;
- Eliminate the storm-event closure;
- Eliminate additional camping restrictions;
- Eliminate 4WD lock-in.

### **ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL**

1. **The “Add Trails/Rotate Trails” Alternative.** This general concept was proposed by several individuals who submitted comments during the 30-day Notice and Comment period. Such an alternative would either re-open some of the old historic logging roads and trails that were closed after Forest Service acquisition or build new trails within the area. These would either replace the high-sediment producing trails on the current system, and/or be used to establish a trail rotation where some trails would be closed and some open. The idea would be to allow some trails to rest for one or several years, thereby reducing wear and tear overall. The ID Team has seen no indication that the historic roads and trails that were closed were in better locations or on less hazardous soils than the current trails. Since actual rehabilitation and revegetation would be impractical given the intent to reopen, the resting trails would continue to be sediment producers, given at a reduced level. This could increase the number of sediment sources, which would not support the purpose and need for the project. Therefore this alternative was not analyzed in detail.

2. **The Caliber Alternative.** This alternative would:

- Retain Trails 2, 3, 4, 5, 6, 7, 8, 9, 10A, 11, and 12 with some reroutes and bypasses, and 1 mile of Trail 10;
- Add Trail 13 as proposed in Alternative F in the EA but construct it for full-sized OHVs;
- Retain all existing challenge areas and constructs bypasses around them;
- Include a seasonal winter closure;
- Require a Forest Plan Amendment

Many pieces of this alternative were already included in alternatives considered in the predecisional EA, and some additional pieces were added to Alternative F-modified in the final EA. In particular, retaining Trail 2 including the Rock Garden, a reroute of Trail 12, and constructing Trail 13 for full-sized OHVs were added in response to public comments. The School Bus challenge area on Trail 12 is not included due the many issues associated with the deeply entrenched section leading to the challenge area. The Peckerwood Ledge challenge area on Trail 7 is also not included in Alternative F-modified due to it being in such a state that few OHVs even attempt to traverse it. Additional details of this alternative are in the project record.

**3. The BDX Alternative.** This alternative was presented by an interested party as combining some elements of Alternative B and D in the predecisional EA with some additional ideas. This proposal also included a number of specific construction details. It would:

- Reduce the “active” miles of trail to 21.4 miles for the first five years;
- Rests Trails 2, 7, 10, 10A and 12 for five years; and reduces the number of high challenge areas;
- Requires 4x4 lock-in, licensed vehicles only (first five years), camping restrictions, and winter closures;
- Reevaluate and rotate 5 mile closed trail in, and five miles open trail out of active use.
- Require amendment to the Forest Plan.

Many elements of this alternative are within the range of alternatives already considered in detail. Some specifics not included in existing alternatives:

- Reconstruction of a portion of Trail 8 proposed for closing in Alternatives B through F;
- Stream crossing methodologies on Trails 4 and 8;
- The concept of “resting” certain trails for five years.

As previously stated, resting a trail without being able to actually close and rehabilitate would not have the same effectiveness in reducing accelerated erosion, although we anticipate some reduction would occur. Also, the stream crossing methodologies suggested would likely not comply with Forest policy regarding crossings on open roads and Forest Service fish passage requirements. Given many other elements are already within the range of alternatives analyzed in detail and could be combined in a decision; we did not analyze Alternative BDX in detail.

Additional details of this alternative are in the project record.

**4. The Response #2247 Alternative.** This alternative was presented by an interest party as focusing on a less challenging trail system for ATVs, UTVs, and high-clearance highway-legal vehicles. It would:

- Close Trails 7, 9, 11, and 12, upper and lower Trail 2 (this essentially closes all the high challenge areas);
- Construct an ATV lane on Trail 1;
- Construct some connectors for more ATV loops;
- Construct the Fain Ford Bridge.

Additional details of this alternative are in the project record.

Some elements of this alternative are incorporated in Alternative D-modified in the final EA. However the paved ATV lane as proposed would not be appropriate for ATV use due to safety considerations. Generally, ATVs come with a warning sticker advising the rider not to drive the vehicle on pavement. In Alternative D-modified we

have limited motorized use to high-clearance highway-legal vehicles, thus circumventing the ATV access issue. Rather than analyzing this alternative in detail as presented, we have incorporated elements into Alternative D-modified.

5. **The Trails Unlimited Alternative.** Three members of an internal USDA Forest Service enterprise team reviewed the Upper Tellico OHV System over the course of two days in January, 2007. Trails 7 and 12 were not reviewed. The following recommendations were considered for an alternative:

- Relocate 1.2 miles of trail;
- Heavy reconstruction on 5.7 miles of trail;
- Establish “bailout” routes adjacent to extreme rock crawl sections;
- Applying revised maintenance techniques on 24.8 miles;
- Construction of a “monolithic concrete and boulder structure” to hydrologically isolate the Rock Garden;
- “Barriers” placed to restrict widening of routes (large boulders and logs, for example);
- Five unspecified “large projects” to provide stability and increase sustainability for the extreme rock crawling routes.

This alternative represents recommendations made after a short field inspection and with little data collection as opposed to the month-long condition survey conducted by multiple teams of local Forest Service personnel. Trails Unlimited reviewers did not look at Trails 12 and 7, and did not have the benefit of the more extensive information available to the ID Team when the range of alternatives was developed. The suggestions presented by Trails Unlimited for restricting the widening of routes do not appear practical given the logistical difficulties that would be involved in building and/or placing massive barriers to prevent trail widening over extensive lengths of trails, and that would be expected to be safe and effective over a long period of time. The suggestion to establish bailout routes would not be practical in many cases due to terrain features. For these reasons this alternative was not analyzed in detail.

## **RATIONALE FOR THE DECISION**

- Alternative C gives us the best chance of meeting the “no visible sediment” standard in the Forest Plan and therefore related state water quality standards. Closing the OHV system and reducing the road system to 18.8 miles and rehabilitating the closed road and trails will greatly reduce the potential for sediment entering the stream system. This alternative will eliminate 2.47 miles of road within 100 feet of the stream, of which 0.62 miles is within 25 feet. These are the miles with the greatest risk of contributing sediment to the stream system (EA Chapter 3.1.2, Tables 3.1.2.4.1 & 3.1.2.4.2).
- Reducing the miles of open road and changing the use will allow a better chance for maintenance activities to be sufficient for BMPs to remain functional. Fewer miles of road receiving less use and less impacting use will

be easier to maintain with existing resources (EA Table 3.1.2.1.1 and Chapter 3.1.2.3).

- Closing and rehabilitating four of the five trails with the most miles of entrenchment - Trails 10, 10a, 11 and 12 - will eliminate those stretches of trail where water formerly picked up speed, sediment and debris before leaving the trail system (EA Chapter 3.1.1, Table 3.1.1.3)..
- By reducing the sediment from Trails 2 through 12, the overall sediment load into the Tellico River and its tributaries will be reduced, reducing the total suspended sediment and thus potentially reducing the turbidity in the river (EA Chapter 3.1.2).
- All these actions will lead to improved habitat for native brook trout (EA Chapter 3.2.3). I have an obligation as a land manager to do all I can do to reduce the human induced sedimentation from Trails 2 through 12 and lessen this environmental stressor to the aquatic resources. This will help ensure meeting water quality standards and support long-term persistence of brook trout within the watershed.

### THIS DECISION IN REGARD TO THE SIGNIFICANT ISSUES

Eight significant issues were identified during the scoping process which could broadly be divided into environmental concerns, concern regarding amending the Forest Plan, and recreation opportunity concerns. Alternative C addressed the identified environmental concerns equally well or better than any other alternative. It is the environmentally preferable alternative. In regard to amending the Forest Plan, Alternative C was equal to other action alternatives. In regard to the recreation opportunities identified, Alternative C does not address these issues as well as the other alternatives. While Alternative C does not support the OHV recreation opportunity in the area, it does not preclude other recreational uses. Refer to Chapter 1.4 for a description of the significant issues, and Table 2.3.2, *Relative Ranking of How Well the Alternatives Address the Significant Issues*.

### **PUBLIC AND AGENCY INVOLVEMENT**

A scoping letter describing the proposed action and soliciting comments was mailed and/or e-mailed to individuals, organizations, and agencies that had previously expressed interest in Upper Tellico OHV System management, or who were on the Tusquitee District or Nantahala/Pisgah mailing lists. In addition, a news release was faxed to numerous media outlets. Notices appeared in the Asheville Citizen-Times on June 9, 2008 and the Cherokee Scout on June 11, 2008. On June 28, 2008 an open house was held in Murphy, North Carolina to provide additional information on the proposed action and the condition surveys, as well as resource information. This was also an opportunity for attendees to provide written comments, have their questions answered, and to contribute information to an economic impact survey being conducted by the University of Tennessee to assess the impacts of the OHV System on the local communities.

During the scoping period the Forest Service received almost 1500 comment letters, form letters, and/or e-mails. The comments were entered into a spreadsheet and organized by key phrases. The vast majority of responses to scoping were “form e-mails” that came through efforts of various special-interest organizations. Many of the individually generated responses contained helpful ideas and suggestions for ways to improve the OHV System and reduce sedimentation. The Interdisciplinary Team drew heavily on public comments received during scoping to identify issues and develop alternatives to the proposed action to address these issues.

A predecisional EA describing and analyzing the effects of six alternatives was distributed to interested parties for a 30-day Notice and Comment period. A cover letter identified Alternative C (see Chapter 2 for details) as the preferred alternative. Over 2,000 individuals, organizations, or agencies submitted comments during the 30-day Notice and Comment period. In response to these comments, two alternatives were modified and some additions, clarifications, and modifications were made to the EA.

## **FINDING OF NO SIGNIFICANT IMPACT**

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

### **(a) Context:**

In this site-specific project the environmental effects are local to area of the upper Tellico watershed. The social effects are more regional in scope as many users of the OHV system come from North Georgia and East Tennessee and some visit from farther away. However many other OHV opportunities are available within a day’s drive, so loss of one OHV system is not significant in the regional context. Economic effects are very local and are not significant to the economies of Monroe and Cherokee Counties.

### **(b) Intensity:**

1. Both beneficial and adverse effects have been considered (EA, Chapter 3).
2. The action will not significantly affect public health or safety. (EA, Chapter 3.10).
3. The action will not significantly affect any unique characteristics of the geographical area, including historic or cultural resources, wetlands,

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floodplains, wilderness areas or outstandingly remarkable wild and scenic river values. The upper Tellico River from its headwaters at the Cherokee/Graham County line in North Carolina, through Cherokee County and on into Tennessee, is eligible and suitable for consideration in the Wild and Scenic River system and effects to these values are disclosed in Chapter 3.8.

4. There exists some controversy regarding the effects of this action on the quality of the human environment. In particular, some members of the public believe there will be much more impact to the economies of the local communities than what is indicated by our analysis. However, this belief is not backed by scientific studies or an economic analysis comparable to what is presented in the EA, and therefore is not considered significant. There also exists some controversy as to the basic premise for this action; that there is a need to stem the flow of sediment from the trail system to the stream network. Some members of the public express disbelief that the problem exists, or if it does exist that it should be easily fixed. The Forest Service has collected a vast quantity of empirical data, including photographic and videographic evidence of the problems that exist on the trail system. The analysis in the EA also makes a clear case that the problems would be very difficult and costly to fix and keep fixed. Therefore this difference of opinion, while it persists, is not considered significant since it is not supported by credible data similar to the data analyzed in the EA.
5. The effects on the human environment are well known and do not involve unique or unknown risks, since road and trail closures and reconstruction are common practices.
6. This action will not establish precedent for future actions with significant effects. The environmental effects are based on very site specific data and analysis, would not carry over to any other area, and are therefore local in context. The effects to the OHV recreation opportunity are more regional in context, impacting users primarily in a three-state area – Tennessee, Georgia, and North Carolina (EA Table 3.5.1.2). These effects are not significant due to the existence of over 1,000 other miles of OHV opportunities within an 8-hour drive of the Upper Tellico area, some of which contain high challenge opportunities.
7. This action has been considered cumulatively relative to other actions (EA Chapter 3, various sections).
8. Five sites listed in or eligible for the National Register of Historic Places will be affected by this project; however those effects will be mitigated by data recovery (excavation) (EA, Chapter 3.9).

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9. This action is not likely to adversely affect endangered or threatened species or critical wildlife habitat (EA, Chapters 3.2, 3.3, and 3.4, and Biological Evaluation)
10. This action does not violate any federal, state, or local environmental laws. Implementing the action will help ensure that any current violation of water quality standards that might exist would be mitigated (EA, Chapters 1, 3.1, and 3.2).

**FOREST PLAN CONSISTENCY**

Project-Specific Forest Plan Amendment #24

My decision to implement the selected alternative includes a project-specific Forest Plan Amendment as described in the EA, Chapter 2.1.3, which would remove the Upper Tellico OHV system as one of those listed in a plan standard in the Nantahala and Pisgah Land and Resource Management Plan on page III-11.

I have determined this amendment is not a significant amendment under the National Forest Management Act (NFMA) implementing regulations [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. Recreation opportunities will continue to be available in the area although the nature of those opportunities will change. The availability of other goods and services will not change.
- This amendment will not affect a large portion of the planning area during the planning period. The affected area represents about 1.3% of the Nantahala National Forest.

**ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date the legal notice is published in The Asheville Citizen-Times. The appeal shall be sent to USDA, Forest Service, ATTN: Appeal Deciding Officer, 1720 Peachtree Rd. N.W. Suite 811 N, Atlanta, Georgia 30309-9102, within 45 days of the date of this legal notice. Appeals may be faxed to (404) 347-5401. Hand delivered appeals must be received within normal business hours of 7:30 a.m. to 4:00 p.m. Appeals may also be mailed electronically in a common digital format to:

*Upper Tellico OHV System Project Decision Notice*

[appeals-southern-regional-office@fs.fed.us](mailto:appeals-southern-regional-office@fs.fed.us)

Those who meet requirements of 36 CFR 215.11 may appeal this decision. Appeals must meet content requirements of 36 CFR 215.14.

**IMPLEMENTATION DATE**

As per 36 CFR 215.9, if no appeal is received, implementation of the activities in this decision may occur on, but not before, the 5<sup>th</sup> business day following the close of the appeal-filing-period (215.15). When an appeal is filed, implementation may occur on, but not before the 15<sup>th</sup> business day following the date of appeal disposition (36 CFR 215.2).

**CONTACT INFORMATION**

For further information on this decision, contact Candace Wyman, Project Coordinator, 160A Zillicoa Street, Asheville, North Carolina, 28801, Phone: 828-259-0510.

**RESPONSIBLE OFFICIAL APPROVAL**

*/S/ Marisue Hilliard*

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**MARISUE HILLIARD**  
**Forest Supervisor**  
**National Forests in North Carolina**

*10/14/09*

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**Date**