DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT

Chattooga River Boating Access

US Forest Service – Region 8
Sumter National Forest
Andrew Pickens Ranger District
Oconee County, South Carolina

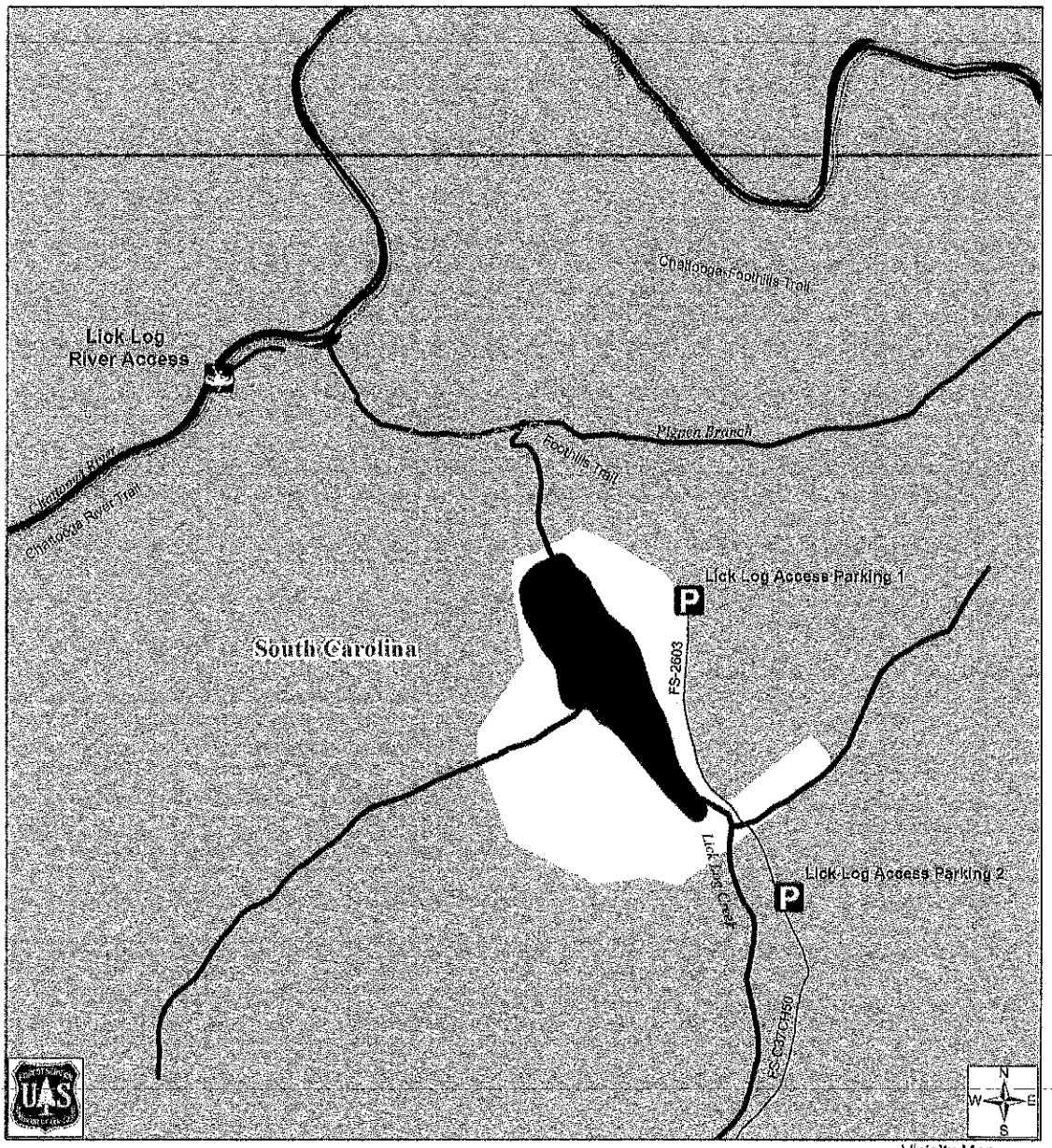
Decision

I have decided to implement Alternative 2 as described in the *Chattooga River Boating Access Environmental Assessment* (EA) on pages 7 - 9. Under this alternative, the Forest Service will designate and construct approximately 500 feet of new trail to be used by forest visitors and, specifically, boaters taking out near Lick Log Creek. The decision requires boaters to complete their trip only at the specific access point at Lick Log (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. 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 Plan Sumter National Forest, 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.

Trail construction will consist of clearing and minor excavation with hand tools and will occur on a sustainable pitch downhill and cross-slope. Trail construction also will begin approximately 25 yards from the water's edge, on the uphill edge of a small plateau. The trail will rise to the north until it intersects with the existing Chattooga River Trail.

Vegetation will be removed within the trail corridor during construction. Trail construction will adhere to design parameters and commonly accepted practices listed in Forest Service Handbook (FSH) 2309.18, 23.11, Exhibit 01. Construction work will primarily include thinning, limbing or removing rhododendron, mountain laurel and trees less than 6" in diameter. Existing large trees will be avoided. Some hazard trees may be cut along the new trail during construction. Up to three new signs, modeled after existing signs, will be installed along the trail to help forest visitors find their way from the river to the parking lot (see map on page 2). FSH design parameters will be followed to reduce soil movement.

Lick Log Boater Access



Chattooga River Access - Lick Log

Miles
0 0.125 0.25 0.5

River Access Parking
Boater Access Site
Boater Access Trail
System Trail
FS Road
Stream
City Limit
State Line
National Forest

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.

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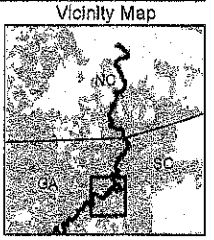
Vicinity Map



This project will adhere to Forest-wide standards to protect water and soil quality and heritage sites (FW-1, FW-2, FW-11, FW-14, FW-75, FW-94, 11.-5 and 11.-7) as described in the *Revised Land and Resource Management Plan Sumter National Forest* (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 criterion that is relevant to the Andrew Pickens Ranger District 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 Nanathala 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, conversation with the state wildlife agency and US Fish and Wildlife Service (USFWS) will outline appropriate survey or project design measures.

Reasons for the Decision

I have selected Alternative 2 because it meets the purpose and need as follows:

- The designation and construction of the trail will provide a location for boaters to land their boats and safely exit from the Chattooga WSR.
- The trail can also be used by all other recreationists and will have minimal impacts on natural resources.
- The trail will help limit the use of user-created trails in the area.
- The trail will improve the recreational experience for forest visitors by providing clearly marked and established access point.

I have also considered the Forest Plan and effects described in the *Final Environmental Impact Statement for the Revised Land and Resource Management Plan Sumter National Forest.*

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 use of 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 as described on page 5 of the EA.

A BA/BE was completed for this project on October 3, 2014 and the U.S. Fish and Wildlife Service concurred with the determinations made relative to rock gnome lichen, Indiana bat and the Northern long-eared bat in the BA/BE in a letter dated October 23, 2014. The Northern long-eared bat was federally listed by the U.S. Fish and Wildlife Service on May 4, 2015. Amendment # 1 to the BA/BE was completed to reflect the new determination for the bat. The U.S. Fish and Wildlife Service concurred with Amendment #1 on May 12, 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 project area was surveyed and no sites eligible for inclusion on the National Register of Historic Places were encountered during the phase I archaeological field survey. The South Carolina State Historic Preservation Office and the Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians both concurred with this finding in a letter dated December 20, 2012 and an email dated January 10, 2013, respectively.

By adhering to Forest Plan standards FW-1, FW-2, FW-11, FW-14, FW-75, FW-94, 11.-5 and 11.-7, 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 construction of a sustainable trail at the Lick Log site.

Finding of No Significant Impact (FONSI)

After considering the environmental effects described in the *Chattooga River Boating Access Environmental Assessment* (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
For the proposed action and alternative, the context of the environmental effects is based on the environmental analysis in this EA. The Lick Log Trail access decision will construct approximately 500 feet (0.09 miles) of new designated trail. Biophysical data currently shows that there are 35.0 miles of designated trails and 19.3 miles of user-created trails currently in the upper segment of the Chattooga River, respectively. The construction of this designated trail will add a minor amount of additional designated trail in the upper segment.

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. All actions are consistent with the *Revised Land and Resource Management Plan Sumter National Forest.* All environmental effects are within the range disclosed in the Final Environmental Impact Statement for the *Revised Land and Resource Management Plan Sumter National Forest.*

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 Lick Log access 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. 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 South Carolina State Historic Preservation Office and

the Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians both concurred that no properties listed in or eligible for listing in the National Register of Historic Places will be affected by this project in letters dated December 20, 2012 and an email dated January 10, 2013, respectively.

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 October 23, 2014 and May 12, 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 (Biological Evaluation and Biological Assessment 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 Sumter National Forest

A. Forest-wide Direction
   - Riparian Area Management, Water Quality, Aquatic Habitats, Soil, and Air - pages 2-1 through 2-5.
   - Proposed, Endangered, Threatened, Sensitive, (PETS) and Locally-rare species - pages 2-8 through 2-9.
   - Recreation - Developed, dispersed, and Backcountry – pages 2-21 through 2-23.
   - Roadless Areas and Wilderness Management - page 2-23.
   - Wild and Scenic Rivers - pages 2-24 through 2-26.
   - Aesthetics/Scenery Management - pages 2-26 through 2-27
   - Heritage Resources - pages 2-27 through 2-28.
   - Access and Road Management - pages 2-29 through 2-30.

B. Management Prescriptions
   - 2.A Chattooga Wild and Scenic River Corridor - pages 3-8 through 3-9.
   - 2.A.1 Designated Wild River Segments, Chattooga River - pages 3-13 through 3-15.

C. *Amendment #1 to the 2004 Revised Land and Resource Management Plan Sumter National Forest, 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-6 and monitoring questions.

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 trail 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 this document 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 this document would be used in determining appropriate treatments. The bat was federally listed by the U.S. Fish and Wildlife Service on May 4, 2015. Amendment # 1 to the BA/BE was completed to reflect the new determination for the bat. The U.S. Fish and Wildlife Service concurred with this determination on May 12, 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 bloomquistii* in specific sites in the Chattahoochee - Oconee National Forest 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 project area was surveyed and no sites eligible for inclusion on the National Register of Historic Places were encountered during the phase I archaeological field survey. The South Carolina State Historic Preservation Office and the Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians both concurred with this finding in a letter dated December 20, 2012 and an email dated January 10, 2013, respectively.

Clean Water Act

By adhering to Forest Plan standards FW-1, FW-2, FW-11, FW-14, FW-75, FW-94, 11.-5 and 11.-7 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 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 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 construction of a sustainable trail at the Lick Log site.

Administrative Review or Objection Opportunities

This project was subject to objection pursuant to 36 CFR 218, and a legal notice of the opportunity to object was published on May 27, 2015, in *The Journal* newspaper, Seneca, South Carolina and 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
112 Andrew Pickens Circle
Mountain Rest, SC 29664

Telephone: (864) 638-9568
FAX: (864) 638-2659

Robert L. Sitzlar
Andrew Pickens District Ranger
Sumter National Forest

1-5-16
Date

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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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