

**DRAFT  
ENVIRONMENTAL ASSESSMENT**

**PROPOSED LAND EXCHANGE  
between  
U.S. Forest Service and Mr. Tom Phillips**

**Involving Federal Tracts C-2322 and C-2322a  
and  
Non-Federal Tract C-2323**

**Chattahoochee-Oconee National Forests  
Chattooga River and Blue Ridge Ranger Districts  
Habersham and Towns Counties, Georgia**

**March, 2008**

**Agency: Forest Service (U.S. Department of Agriculture)**

**Responsible Official: Forest Supervisor**

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# CHAPTER I – PURPOSE AND NEED

## PROPOSED ACTION

The proposed action being considered is a land exchange involving National Forest System (Federal) lands administered by the USDA-Forest Service, and private (non-Federal) lands owned by Mr. Tom Phillips (proponent) of Jasper, Georgia.

The Forest Service presently administers two tracts of Federal land comprised of approximately 72 acres, more or less, in Towns and Habersham Counties, Georgia (refer to Appendix A, Vicinity and Location Maps), as follows:

- Federal Tract C-2322 (**57.31 acres, more or less**) is located in Land Lots 21 and 22, Land District 19, Section 1, in Towns County, Georgia. The tract is located in the Hiawasse River drainage. This tract is a portion of USA Tract 877b, which was acquired in 1937.
- Federal Tract C-2322a (**15.00 acres, more or less**) is located in Land Lots 133 and 134, Land District 11, in Habersham County, Georgia. This tract is located in the Chattahoochee River drainage. The tract is a portion of USA Tract 1450a, which was acquired in 1932.

Mr. Tom Phillips presently owns a tract of non-Federal land totaling 42 acres, more or less, in Habersham County, Georgia, as follows:

- Non-Federal Tract C-2323 (**42.312 acres, more or less**) is located in Land Lots 33 and 34, Land District 11, in Habersham County, Georgia. The tract contains a section of Moates Branch, which is a tributary of Raper Creek and is in the Chattahoochee River watershed.

The proposed action would involve an exchange of the two Federal tracts to Mr. Phillips and one non-Federal tract to the Forest Service. The amount (acreage) of properties to be exchanged is contingent upon the valuation of the tracts owned by both parties. All National Forest exchanges are based on the value of the tracts of land involved, and are not based on an acre-for-acre exchange. Each tract involved in an exchange is appraised on a stand-alone basis.

The properties proposed for exchange were valued using approved appraisal techniques that meet agency standards. The exchange would meet the equal value requirements of the Federal Lands Policy and Management Act (FLMPA).

### FEDERAL TRACTS

|              |                    |                  |
|--------------|--------------------|------------------|
| C-2322       | 57.31 acres        | \$745,000        |
| C-2322a      | 15.00 acres        | 225,000          |
| <b>TOTAL</b> | <b>72.31 acres</b> | <b>\$970,000</b> |

### NON-FEDERAL TRACT

|              |                     |                  |
|--------------|---------------------|------------------|
| C-2323       | 42.312 acres        | \$973,000        |
| <b>TOTAL</b> | <b>42.312 acres</b> | <b>\$973,000</b> |

Any or all of the above-described lands may be exchanged providing the values are equal. If the values are unequal, as is the case with this proposal, either party may equalize the values by payment of cash. For this proposal the Forest Service would be required to pay the difference in values of \$3,000.00.

## **BACKGROUND**

The land exchange being considered meets the intent of the following principle legislation and planning documents relating to Forest Service land exchange activities:

- Weeks Act of March 1, 1911, as amended – This law authorizes the Secretary of Agriculture to acquire lands by exchange “when the public interest will be benefited.” (16 USC 485)
- The Federal Land Policy and Management Act of October 21, 1976, as amended – This act provides for land exchange when the Secretary of Agriculture determines that the public interest will be well served by making that exchange, after consideration of better Federal land management and the needs of State and local people, including needs for lands for community expansion and fish and wildlife habitat. (43 USC 1716 and 1717)
- The Land and Resource Management Plan (Forest Plan) for the Chattahoochee-Oconee National Forests – The Forest Plan provides general direction, including goals and objectives, for land adjustments, with the Forest’s Land Ownership Adjustment Plan (LOAP) setting the priorities for land exchanges and acquisitions. (National Forest Management Act (1976), 16 USC 1604)
- The Federal Land Exchange Facilitation Act of 1988 – The purpose of this Act is to facilitate and expedite land exchanges pursuant to FLPMA and other laws applicable to exchanges involving lands managed by the Departments of the Interior and Agriculture.

## **DETERMINATION OF PUBLIC INTEREST**

A land exchange may be completed only after it has been determined that the public interest would be well served (36 CFR 254.3(b)). Full consideration must be given to the opportunities to achieve better management of Federal lands and resources. It is also important to consider the State and local residents and their economies. Important objectives to consider in this determination include, but are not limited to, protection of fish and wildlife habitats and cultural resources, watershed protection, enhancement of recreation opportunities, public access, expansion of communities and consideration for community needs, and consolidation of lands for more logical and efficient management and development.

Many other considerations, such as the implementation of the Forest Plan, can also play a part in this determination. This land exchange is being proposed to meet the following specific goals and standards of the Forest Plan for the Chattahoochee-Oconee National Forests:

### **GOALS:**

**Goal 81 – Maintain a proactive program of land acquisition through exchanges and purchases. Land will be acquired primarily to meet resource management needs while following the Land Ownership Adjustment Plan with an overall goal of consolidation. (Forest Plan, page 2-68)**

***Objective 81.3: Obtain 50 percent of available inholdings on the Forest within 15 years of plan implementation. (Forest Plan, page 2-69)***

***Objective 81.4: Acquire all known needed rights-of-way within 15 years of Plan implementation. (Forest Plan, page 2-69)***

***Objective 81.5: Acquire additional lands along rivers to facilitate nature-based recreational uses, as well as to provide habitat for aquatic biota with an emphasis for aquatic T&E species or for the reintroduction of native species. (Forest Plan, page 2-69)***

**Goal 82 – Divest those properties through land exchange that are isolated, impacted by urban influence, and generally not conducive to National Forest management and therefore more suitable in private ownership. (Forest Plan, page 2-69)**

**STANDARDS:**

**FW-227 – Contains priorities that will be considered for all land acquisitions and retention of existing National Forest System lands, including (Forest Plan, pages 2-69 and 2-70):**

- **Lands permitting consolidation for more efficient management.**
- **Lands needed to protect riparian ecosystems and associated coldwater fisheries.**
- **Lands needed for protection of Federally-listed endangered or threatened wildlife, fish or plant species and their habitat, and**
- **Lands that increase access for recreational opportunities....and protect aesthetic scenery values.**
- **Lands with high productive potential.**

**FW-228 - Land conveyances will be guided by the following criteria (Forest Plan, page 2-70):**

- **Inaccessible parcels isolated from other National Forest System lands.**
- **Parcels that have boundaries with inefficient configurations of land and that support more logical and efficient management in private ownership.**
- **Lands adjacent to developing communities or intensively developed private land and more valuable for non-National Forest System purposes.**

This proposed land exchange would also meet the following specific goals and objectives of the Forest Service Strategic Plan for Fiscal Years 2007-2012 (Publication FS-880, July, 2007), along with the means and strategies for accomplishing these goals:

**GOAL:**

**#3 – Conserve Open Space**

***Objective 3.1: Protect forests and grasslands from conversion to other uses.***

**Means and Strategies:**

- **Identify those lands that are most at risk for conversion and those that are most important for providing public benefits and take the following actions:**
  - **Acquire land adjacent to or near NFS lands through purchase, conveyance, boundary adjustments, and donations to protect priority forest areas.**

**#4 – Sustain and Enhance Outdoor Recreation Opportunities**

***Objective 4.1: Improve the quality and availability of outdoor recreation experiences.***

***Objective 4.2: Secure legal entry to national forest lands and waters.***

**Means and Strategies:**

- **Acquire and provide appropriate access to recreational opportunities.**

## **ISSUES**

An interdisciplinary (IDT) team of Forest Service personnel reviewed all internal and public responses received (refer to Chapter V – Consultation and Public Involvement). The IDT identified preliminary issues from each response, then determined which issues were significant and needed to be addressed in detail in the EA. Significant issues are those which have a bearing on the decision to be made and should be evaluated for all the alternatives being considered.

### **Significant Issues:**

#### **1) The effects of the exchange on Proposed, Endangered, Threatened, and Sensitive (PETS) species, locally rare species, and their habitat.**

This is considered a standard issue for consideration on all proposed Forest Service projects. Importance is placed on this due to the presence of known sites of endangered plants on Federal lands. This issue is typically addressed by conducting thorough on-site inventories and record searches to determine if any PETS species exist at the project sites, including lands proposed for conveyance by land exchange. If present, or if assumed to be present, the proposed actions would be redesigned as needed for mitigation.

A Biological Evaluation (BE) has been prepared for this land exchange. Although a small population of one Federally Threatened plant species (Small-whorled Pogonia) was found during the field inventory for the proposed project, the original proposed boundary of Federal tract C-2322 was modified to exclude approximately 33 acres of Federal land that contains this population. This area will be retained by the Forest Service and will not be considered for exchange. Two small saplings of butternut, which is considered a Sensitive species, were also found in Federal tract C-2322. Although not common, the two saplings represent a small fraction of the butternut trees known to occur on the Chattahoochee National Forest and the loss of these trees from the Forest via a land exchange would not affect the viability of butternuts on the Forest. In addition, several extensive populations of a Sensitive plant species were found in proximity to Federal tract C-2322a, but these populations will be avoided by the proposed location of this tract. In summary, the BE found that there would be no effect to the Threatened plant population formerly within Federal tract C-2322, no impact to the Sensitive plant populations found near Federal tract C-2322a, and the proposed exchange may impact individuals of butternut but is not likely to cause a trend to Federal listing or a loss of viability. Although comparable habitat for the other PETS species addressed in the BE occurs on both Federal tracts and the private tract proposed for exchange, comparable habitat is also located throughout the Chattahoochee National Forest and therefore there would be no impact from the proposed exchange on the other PETS species addressed in the BE.

#### **2) The effects of the exchange on the watersheds involved, especially as related to soil and water quality and the fisheries resource.**

A Floodplains and Wetlands Evaluation has been prepared by the Forest Soils Scientist to determine compliance of this exchange with Executive Order (E.O.) 11990, Protection of Wetlands, and E.O. 11988, Floodplains Management. The eastern corner of Federal tract C-2322 touches the main channel of the Hiawassee River for a distance of approximately 100 feet, but no wetlands or floodplains were noted at this site or in the remainder of this tract. There are no significant streams on or near Federal tract C-2322a, and no wetlands or floodplains were noted in this tract. Private tract C-2323 contains an approximate 1,000 foot section of Moates Branch, but no wetlands were noted on the tract. A small area of approximately one acre of 100-year floodplains was located along Moates Branch. In summary, the proposed exchange would result in a net gain of 100-year floodplains and no change in wetland acreage and would therefore be consistent with E.O. 11988 and 11990 guidance.

**Non-Significant Issues:**

In reviewing the internal and public responses received, the IDT also identified those issues which were considered non-significant. Conditions such as whether an issue is irrelevant and/or outside the scope of a proposal, whether an issue is already decided by law or policy, or when an issue is not supported by scientific evidence, is not in conflict with the proposal, or is limited in duration, extent, or frequency are factors in this determination. The following were not considered significant issues for this proposal:

Non-Significant Issues Considered:

**1) The USDA-Forest Service (public) will not receive fair market value for the Federal lands.**

Federal land exchange policy requires lands being considered for exchange to have appraisals that are conducted to specific standards. The appraisals typically use a competitive market analysis (direct sales) approach, which involves a comparison to other recent land sales with similar characteristics in the general area of each tract. This results in an estimate of the fair market value for each tract involved in the proposed exchange.

**2) The rationale for exchanging specific tracts of National Forest System lands.**

Although some tracts of Federal lands are considered less desirable for exchange than others, specific Federal tracts of land are prioritized for divestment per the Forest's Land Ownership Adjustment Plan (as required by the Forest Plan). In order for the Forest Service to obtain new properties with significant resource values that meet public objectives, the positive and negative aspects of each tract proposed for exchange must be considered and tradeoffs are usually required by both the Forest Service and the proponent(s).

## **CHAPTER II – ALTERNATIVES CONSIDERED**

### **Alternatives Considered But Eliminated From Detailed Study**

An alternative was considered that would have involved the direct purchase of the non-Federal tract. This alternative was dropped from further consideration due to the lack of sufficient funds needed for a purchase of this size, and due to the proponent (Mr. Phillips) not being willing to sell the land to the Forest Service by direct purchase in this particular situation.

An alternative was considered that would have involved the donation of the non-Federal tract to the Forest Service. This alternative was dropped from further consideration because the proponent (Mr. Phillips) was not willing to consider this option, making it a non-viable alternative.

There were other Federal land tracts considered for inclusion in the proposed land exchange. Complex land exchange projects typically involve consideration of several tracts of land before settling on the preferred tracts based on location, land value, and benefits to both parties. Land exchange projects also can involve changes in acreage of specific tracts during the exchange process due to the land values, with the values of private versus Federal tracts required to be equal (or within 25% of the value of the Federal tracts) to make a viable exchange. This is an evolving process throughout an exchange project, but other alternatives are not typically developed as a result.

### **Alternatives Considered in Detail**

#### **Alternative 1 (Proposed Action)**

The proposed action would involve an exchange of two tracts of NFS (Federal) lands administered by the Forest Service, and one tract of private (non-Federal) lands owned by Mr. Tom Phillips (proponent). The Forest Service presently administers two tracts of Federal lands totalling approximately 72 acres in Towns and Habersham Counties, Georgia (refer to Appendix A, Vicinity Maps), as follows:

- Federal Tract C-2322 - Approximately **57.31** acres located in Land Lots 21 and 22 of District 19 and Section 1 in Towns County, Georgia. This tract is adjacent to Georgia Highway 17/75 and being a portion of U.S. Tract 877b.
- Federal Tract C-2322a – Approximately **15.00** acres located in Land Lots 133 and 134 of District 11 in Habersham County, Georgia. Located adjacent to Lon Lyons Road (County Road 365) and being a portion of U.S. Tract 1450a.

Mr. Tom Philips presently owns a tract of non-Federal land in Habersham County Georgia, as follows:

- Non-Federal Tract C-2323 - Approximately **42.312** acres located in Land Lots 33 and 34 of District 11 in Habersham County, Georgia. The tract contains a section of Moates Branch and is a partial inholding within the Chattahoochee National Forest.

#### **Alternative 2 (No Action)**

This alternative provides for no land exchange to take place, i.e., the tracts described in Alternative 1 would remain in their current respective ownership. The no-action alternative provides a baseline for evaluating the effects of other alternatives. Consideration of no action is required by the National Environmental Policy Act and is a viable alternative for selection by the Responsible Official.

## CHAPTER III – THE AFFECTED ENVIRONMENT AND CONSEQUENCES

### INTRODUCTION TO ANALYSIS

Effects analysis can generally be described as an analysis of the consequences of a proposed action on the physical, biological, cultural and social aspects of the environment. The analysis typically includes the direct, indirect, and cumulative effects of past, present and reasonably foreseeable future actions. Since a proposed exchange of Federal and private lands only conveys land, interests in land, and the natural resources associated with them, the act of conveyance has no direct environmental effects. Indirect and cumulative effects resulting from a land exchange may be difficult to reasonably foresee into the future, especially those effects involving the future use and management of the lands proposed to be acquired and conveyed and the effect of the exchange on the lands that adjoin them. This chapter describes the environmental effects of the alternatives being considered as related to the Forest Plan objectives (pages 4-5) and significant issues (page 6). The following sources were used as the baseline information for this analysis:

**Physical:** The applicable USGS quadrangle maps (C-2322 – Tray Mountain quad, and C-2322a and C-2323 – Clarksville NE quad) were consulted to determine the location of the proposed land exchange tracts in relation to surrounding roads, communities, and other Federal and private lands. The quadrangle maps were also used to determine the basic topography of the Federal and private tract, especially in regards to the watersheds (streams) involved.

The Forest Plan was consulted to determine the Management Prescription Area (MRx's) designation for each proposed Federal tract involved. The MRx map was also analyzed to determine the probable MRx designation(s) for the proposed private tract being considered for acquisition.

A "Mineral-in-Character" Report has been prepared for this proposal by a Forest Service Geologist. The mineral rights would be conveyed with all three tracts. In addition, a determination was made that there are no known hazardous waste locations or public safety hazards on the tracts proposed for exchange (36 CFR 254.3(i)). The private tract (C-2323) had a Phase I environmental site assessment conducted by a private firm.

Wetland/Floodplains Report - Refer to the discussion for Issue #2 on page 6.

**Biological:** The Continuous Inventory of Stand Conditions (CISC) data for the proposed Federal tracts was consulted to help determine the composition of the existing vegetation on the Federal tracts.

Inventories for Proposed, Endangered, Threatened, and Sensitive (PETS) species, and locally rare species, were conducted on the proposed tracts. Data sources consulted in conjunction with PETS analysis include Forest Service Plant Inventory Records and Georgia Natural Heritage Program (GNHP) Element Occurrence Records. A Biological Evaluation (BE) has been prepared for this proposed action.

**Social:** Information used in this analysis was obtained from a combination of sources, including internal and public responses and Forest Service personnel knowledge of the proposed tracts and surrounding areas, especially regarding the history and public use patterns of these areas and adjacent landowners.

**Cultural:** Cultural Resource Surveys of the Federal tracts were completed by a contract Archeologist. A Forest Archeologist then cleared the Federal tracts under the Programmatic Agreement between the Forest Service and the Georgia State Historic Preservation Office (SHPO) and the MOU between the Chattahoochee-Oconee National Forests and the Georgia State Historic Preservation Office (SHPO).

## **BOUNDS OF ANALYSIS**

The **geographic bounds** of the following analyses are generally limited to the specific tracts proposed for exchange, although consideration also included potential effects to Federal and private lands adjacent to, in the vicinity of, or in the viewing distance of these tracts.

The **temporal bounds** (the length of time the effects of the proposed actions are determined to be present) would be primarily limited to consideration of the reasonably foreseeable effects during the immediate planning period for this project, although long-term effects over a longer time period were considered.

## **ENVIRONMENTAL EFFECTS AS RELATED TO THE OBJECTIVES**

The “Determination of Public Interest” (page 4) contains the following objectives from the Forest Plan that would be addressed by this proposed land exchange, as follows:

### **OBJECTIVE 1 – CONSOLIDATION OF PUBLIC LANDS (NATIONAL FOREST SYSTEM)**

The basic reasoning for consolidation of Federal lands is to acquire key tracts of private lands that are adjacent to or surrounded by Federal lands, and to divest Federal tracts of land that are detached from other Federal lands or that have other management problems. Consolidation of Federal lands also improves management efficiency by reducing the overall amount of boundary line and corner maintenance required, thereby resulting in long-term monetary savings.

Alternative 1 (the proposed action) would consolidate National Forest System lands by acquiring a partial inholding of non-Federal land that is at a high risk of private development (for residential use). The non-Federal land (Tract C-2323) proposed for acquisition in this exchange is surrounded by National Forest System lands on three sides.

The Federal tracts (Tracts C-2322 and C-2322a) that would be exchanged are adjacent to non-Federal lands, and both tracts are portions of larger tracts that are total outholdings (totally surrounded by private lands). Tract C-2322 is also adjacent to non-Federal land owned by the proponent. This exchange would eliminate a 57.31-acre portion of an outholding of Federal land that is impacted by adjacent residential development. This tract is adjacent to private land on three sides and is located in a rapidly developing area of Towns County adjacent to Georgia State Highway 17/75. This situation essentially precludes any Forest Service management on this tract, especially for such actions as prescribed burning (to reduce wildfire danger and improve wildlife habitat). National Forest guidelines for land conveyances through land exchanges stress the desirability of divesting lands that are chiefly valuable for non-National Forest System purposes, such as to support community expansion.

The proposed exchange would result in a net elimination of approximately 1.8 miles of boundary line and 19 boundary corners from continued Forest Service maintenance needs.

Although this exchange would result in an overall decrease of approximately 30.00 acres of National Forest System lands in the Chattahoochee National Forest, the non-Federal tract acquired by the Forest Service in the Phillips Exchange would be clearly equal to or exceed the resource values and the public objectives of the Federal lands that would be divested (36 CFR 254.3(b)(2)(i)). A variety of diverse public interests would be served by the acquisition of the non-Federal tract. As previously shown on page 2, this exchange would meet the equal value requirements of 36 CFR 254.3(c).

Alternative 2 (no action) would result in no change to the present ownership of these lands. The Forest Service would continue to be limited in the type of management that can take place on the Federal tracts,

and the private tract would continue to be available for sale to the private sector with the subsequent likelihood of residential development on this tract in the near future. The Forest Service would continue to have no access to the adjacent Federal lands located behind (north and east of) the private tract, with minimal likelihood of ever acquiring a permanent easement for access, including public access for recreational uses.

### **OBJECTIVE 2 – PROVIDE LEGAL ACCESS TO IMPROVE RECREATIONAL OPPORTUNITIES AND MANAGEMENT NEEDS.**

Alternative 1 (the proposed action) would result in securing access into a portion of the Forest that has been lacking adequate access for many years. In the past a temporary road use agreement was used by the Forest Service for permission to cross this private tract to access adjacent Federal lands for management needs, and the public has been required to access the adjacent Federal lands by other avenues. The Forest Service was never able to acquire a permanent easement in the past. This exchange would resolve this issue while providing public access to an area that is popular for fishing and other recreational uses.

Alternative 2 (no action) would result in no change to the present access situation. The possibility of the Forest Service acquiring a permanent easement for access in the future would become much more difficult if this tract is eventually sold for residential development or other private uses. Even securing temporary access would be unlikely under this scenario. The public would continue to have no legal right of access and would be required to access the Federal lands in this area via Raper Creek Road (F.S. #376).

### **OBJECTIVE 3 – ACQUISITION OF LANDS WITH RIPARIAN VALUES**

Acquisition of lands with riparian value is a basic objective of land acquisitions and exchanges for the Forest Service. In many cases the value of the land is secondary to the non-monetary values placed on the riparian systems and the natural resources typically associated with those systems.

Alternative 1 (the proposed action) would result in the acquisition of the non-Federal tract, which would help protect an approximate 1,000 foot section of Moates Branch, which is a perennial stream in the headwaters of the Soque River. This would also support local community efforts, including the Soque River Watershed Association, to protect the water quality within the Soque River watershed.

The existing condition of the riparian areas involved was assessed as part of a floodplains and wetlands evaluation as directed by Forest Service Manual 2527, and to comply with Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands. Evaluations are based on field examination of each tract, with office analysis of maps and supporting documentation (project file). The evaluation of floodplains and wetlands involved in the proposed land exchange was completed by Dick Rightmyer, Forest Soil Scientist, in January, 2006. Mr. Rightmyer determined that no wetlands were identified on the non-Federal or Federal tracts involved in the proposed land exchange. The exchange would result in no loss or gain of wetlands to the Forest Service.

The proposed action would result in a net gain of approximately one acre of 100-year floodplains, which is located in the non-Federal tract along Moates Branch. No significant floodplains were identified on the two Federal tracts.

The proposed action would have no effect to prime farmland or rangeland. All of the tracts involved in the proposed exchange are considered forest land and would remain in that condition for the reasonably foreseeable future.

Alternative 2 (no action) would initially result in no change to the present riparian conditions. The possibility of future development of this tract for residential uses would place additional pressures on Moates Branch, including possible erosion and sedimentation from nearby housing construction or construction of roads for access to new house sites.

**ENVIRONMENTAL EFFECTS AS RELATED TO THE SIGNIFICANT ISSUES**

**ISSUE 1 – EFFECTS OF THE PROPOSED EXCHANGE ON PETS AND LOCALLY RARE SPECIES AND HABITAT**

**Species Evaluated**

There are 126 species (23 Federally listed and 103 Forest Service Sensitive) on the Chattahoochee-Oconee National Forests Proposed, Endangered, Threatened, or Sensitive (PETS) list. Species to be evaluated for the proposed land exchange were primarily chosen due to known occurrences and/or the presence of habitat for the species in or near the project areas. This was determined by: (1) consulting 17 years of Forest Service plant inventory records, (2) consulting Georgia Natural Heritage Program (GNHP) historical records, (3) consulting University of Georgia, Georgia Department of Natural Resources, and Forest Service fish inventory records, (4) reviewing U.S. Fish and Wildlife Service (USFWS) lists for potential species in Habersham and Towns Counties, (5) ongoing discussions with GNHP, Forest Service, and other agency biologists, and (6) the results of project-level surveys.

All 126 PETS species were initially considered during this evaluation. Of these, 117 were dropped from further consideration due to: (1) the range of the species not extending into the project areas, (2) lack of suitable habitat in the project areas, and/or (3) species not found in inventories of the project areas. Following this process, the nine species listed in the following table are considered to be within the range of the Chattahoochee National Forest and were chosen for evaluation for the proposed land exchange:

| Common Name                  | Scientific Name                 | Species Status<br>P/E/T/S | Inventory Status |
|------------------------------|---------------------------------|---------------------------|------------------|
| Small-whorled Pogonia        | <i>Isotria medeoloides</i>      | T                         | X                |
| Whorled Horsebalm            | <i>Collinsonia verticillata</i> | S                         | X                |
| Butternut                    | <i>Juglans cinerea</i>          | S                         | X                |
| Rafinesque’s Big-eared Bat   | <i>Corynorhinus rafinesquii</i> | S                         | 1                |
| Diana Fritillary Butterfly   | <i>Speyeria diana</i>           | S                         | 3                |
| Margarita River Skimmer      | <i>Macromia margarita</i>       | S                         | 2                |
| Appalachian Snaketail        | <i>Ophiogomphus incurvatus</i>  | S                         | 2                |
| Edmunds Snaketail            | <i>Ophiogomphus edmundo</i>     | S                         | 2                |
| Georgia Beloneurian Stonefly | <i>Beloneuria georgiana</i>     | S                         | 2                |

**Inventory Status:**

X = Project-level inventories were conducted.

1 = Presence of the species is presumed; surveys would have low likelihood of detecting the species.

2 = Presence of the species is presumed; protection measures already in place and part of the proposed action.

3 = Presence of the species is presumed; proposed actions would have beneficial or no effects to the species, or any expected adverse effects would not likely cause a trend to Federal listing or a loss of viability.

## **Status of the Species and Habitat in the Project Areas and Determination of Effect**

### **Small-whorled Pogonia**

Sixteen populations of this species are known to occur on the Chattahoochee National Forest, with the populations ranging in size from one plant to approximately 50 individual plants. The Recovery Plan (USFWS 1992) indicates that small-whorled pogonia is found primarily in second and third-growth deciduous and mixed pine-hardwood forests. The typical habitat is highly variable, but is generally mesic with an open understory and often with old woods roads and streams nearby. The plant appears to be a mid-successional species, and declines appear to be related to succession of the surrounding forest. Many of the known populations are so small that they may not be self-sustaining regardless of habitat conditions.

One small population of this species, consisting of ten individuals, was found during the plant inventories for the proposed land exchange project. In consultation with the USFWS, the original proposed boundary of Federal tract C-2322 was modified to exclude approximately 33 acres containing the population of small-whorled pogonia. This area will be retained by the Forest Service and will not be considered for exchange. As a result, the proposed land exchange would have no effect to the small-whorled pogonia.

### **Whorled Horsebalm**

This member of the mint family is known to occur throughout a range from Alabama eastward through North and South Carolina and from Georgia northward through Tennessee and into Kentucky, Ohio, Virginia, and Maryland. It is typically scattered throughout this range but can be locally abundant where it occurs. The typical habitat is described as moist, rich woods, and populations across the range are threatened by habitat destruction through activities such as mining, timber harvesting, and land-use conversion (NatureServe 2007).

Several extensive populations of this species were found in ravines to the immediate south of Federal tract C-2322a. The area surrounding these populations will be retained by the Forest Service and will not be considered for exchange. Tract C-2322a is primarily a ridgetop site and does not contain typical habitat for this species. As a result, the proposed land exchange would have no effect to the whorled horsebalm.

### **Butternut**

Butternut occurs infrequently in forest stands throughout most of the eastern United States and Canada, but the abundance and distribution of this species are both in rapid decline due to butternut canker disease (NatureServe 2007). It is found most frequently in rich woods of coves and stream benches and terraces, on slopes, and on other sites with good drainage (USDA NRCS 2007). It is considered a species of concern in Georgia (nut-bearing trees only), and is distributed across north Georgia including records from Towns County (USDA NRCS 2007).

Two small butternut saplings were found in Federal tract C-2322 during the plant inventories for the proposed land exchange project, but no large, nut-bearing trees were found. Given the location of the two saplings on a steep slope at the base of an exposed rock, it is likely that they would remain protected if the proposed land exchange was approved. Nonetheless, once in private ownership, the future status of this tract could change and these two individuals could be impacted. However, although not common, these two saplings represent a small fraction of the butternut trees known to occur on the Chattahoochee National Forest, and the loss of these trees through the proposed land exchange would not affect the viability of butternuts on the Forest.

### **Rafinesque's Big-eared Bat**

This species likes caves, abandoned sheds, and hollow trees and snags. Historic records indicate the presence of this species at sites in a few counties in north Georgia, including Towns, and several counties in the Coastal Plain of Georgia, but the presence of this species was reconfirmed from only one locality on the coast in extensive surveys throughout the State (Laerm 1981). More recently this species was reported from old mines in Murray County, Georgia (Menzel et al 1998). Bat mist netting across the Chattahoochee National Forest, including several sites on the Blue Ridge Ranger District and areas near known historic records, was conducted in the summers of 2001 and 2002 by Dr. Susan Loeb of Clemson University. Only one bat was collected during this sampling (in eastern Rabun County).

Hollow trees used for summer roosting habitat are common throughout the Chattahoochee National Forest and also in private, forested lands. Hollow trees are present on both of the Federal tracts and the non-Federal tract proposed for exchange. Since comparable acreage of potential habitat for this species is involved, the proposed land exchange will not affect the availability of roosting habitat. In consideration that hibernation and maternity habitat is not present and that summer roosting habitat is abundant on the Forest and its availability will not be affected, the proposed land exchange project would not impact the Rafinesque's big-eared bat.

### **Diana Fritillary Butterfly**

This species occurs throughout the southern Appalachians, and inhabits a wide variety of forest types, including both pine and deciduous forests of various age classes. For this reason nearly the entire Chattahoochee National Forest, including the proposed project areas, can be considered to provide suitable habitat for this species. This species rarity is attributed to such programs as gypsy moth eradication, and not due to any lack of habitat or nectar plants or violets for the larvae (NatureServe 2007). Suitable habitat, including both nectar plants and violets, are present on both of the Federal tracts and the non-Federal tract proposed for exchange. Since comparable acreage of potential habitat is involved, the proposed land exchange will not affect the viability of habitat for this species. For these reasons as well as the fact that most of the entire Forest provides suitable habitat, the proposed land exchange would not impact the Diana fritillary butterfly.

### **Aquatic Species**

#### **Margarita River Skimmer**

This species inhabits shallow pools between riffles in undercut banks and leaf packs (S. Krotzer, pers. comm. with K. Wooster). It has been reported from North Carolina, South Carolina, Virginia, Georgia (Brick 1983) and Alabama (S. Krotzer, pers. comm. with K. Wooster). The Georgia record is a single 1939 report from White County (Kormondy 1960). Suitable habitat for this species occurs in the small streams in both of the Federal tracts and the non-Federal tract involved in the proposed land exchange.

#### **Appalachian Snaketail**

There is much taxonomic uncertainty in this aquatic species complex, with a great deal of intergradations among specimens (Krotzer and Krotzer 1995, Vogt 1995, Tennessen et al. 1996).

The Appalachian snaketail occurs in shallow riffles of low gradient streams with a sand/gravel substrate. There are two records from Georgia, both are fairly recent. There is a record from the Alaculsy Valley, Murray County, from 1998. This was on USFS property on the Chattahoochee National Forest. The second record was close to Helen, Georgia and very near USFS property.

Suitable habitat for this species occurs in the small streams in both of the Federal tracts and the non-Federal tract involved in the proposed land exchange.

### **Edmunds Snaketail**

This dragonfly is found in four states including Georgia, and is currently known to occur in four rivers and streams in eastern Tennessee and adjacent areas in North Carolina and Georgia (NatureServe 2007). It has been reported from two sites in Georgia, including the Conasauga River and in a tributary to the Chattahoochee River north of White County. This species likes clear, moderately flowing mountain streams and rivers with fairly stable substrate. The species is susceptible to alterations of stream flow, and is thought to be declining because of the general sensitivity of the larvae to flood scouring and decline in water quality. Siltation and pesticides are also threats to the species (NatureServe 2007). Suitable habitat for this species occurs in the small streams in both of the Federal tracts and the non-Federal tract involved in the proposed land exchange.

### **Georgia Beloneurian Stonefly**

This insect is known from less than ten occurrences in the splash pools and spring seeps in higher elevations of the southern Appalachian of Georgia, North Carolina, and possibly South Carolina. It has been found in two sites in Georgia (Skelton 2003). This species requires clean watershed conditions for the aquatic portion of its life stages. Suitable habitat for this species occurs in the small streams in both of the Federal tracts and the non-Federal tract involved in the proposed land exchange.

Potential habitat for these aquatic species occurs in both of the Federal tracts and the non-Federal tract involved in the proposed land exchange. Federal tract C-2322 in Towns County contains a short section (approximately 250 feet) of Corbin Creek. There are no perennial streams on Federal tract C-2322a, which is located in Habersham County. The non-Federal tract C-2323 contains approximately 1,000 feet of Moates Branch. Protection of water quality standards and guidelines as well as Georgia Best Management Practices would be used along any streams on lands acquired and managed by the Forest Service. For these reasons there would be no direct or indirect impacts to these four aquatic species as a result of the proposed land exchange.

The proposed exchange would implement mitigation measures that would prevent negative impacts to the Forest Service Sensitive species listed. No new stream crossings would occur. State of Georgia Best Management Practices would be implemented and management activities would follow Forest-wide standards and guidelines to prevent adverse impacts to any aquatic species. Riparian corridor management guidelines would be used when activities take place near any streams. The project proposal should have no direct, indirect, or cumulative impacts to the aquatic species evaluated.

### **Cumulative Effects**

Implementation of the Forest Plan, including water quality standards and guidelines, assists in avoiding adverse cumulative effects on PETS and other species, and also assists in maintaining habitat for PETS species at the Forest level. Any future action requires the appropriate analysis including cumulative effects on PETS species and their habitats.

Surveys have been completed and continue to be conducted in portions of the Forest to determine presence and distribution of various small mammals, birds, amphibians and reptiles, aquatic species, and PETS plants. The Georgia Natural Heritage Program records are checked for known occurrences of PETS species in project areas, and close contact is maintained between the GNHP biologists and Forest Service biologists for sharing of any new information. Forest Service and other records are also checked for occurrences.

Future management activities and project locations will be analyzed utilizing any new information available on PETS species. For Sensitive species, mitigating measures will be implemented to maintain

habitat for these species on the Forest, and to prevent future listing under the Endangered Species Act. These strategies will assist in avoiding cumulative effects on PETS species and their habitats.

### **Summary Of Determination of Effects**

Although a small population of one Federally Threatened plant species (Small-whorled Pogonia) was found during the field inventory for the proposed project, the original proposed boundary of Federal tract C-2322 was modified to exclude approximately 33 acres of Federal land that contains this population. This area will be retained by the Forest Service and will not be considered for exchange. Two small saplings of butternut, which is considered a Sensitive species, were also found in Federal tract C-2322. Although not common, the two saplings represent a small fraction of the butternut trees known to occur on the Chattahoochee National Forest and the loss of these trees from the Forest via a land exchange would not affect the viability of butternuts on the Forest. In addition, several extensive populations of a Sensitive plant species were found in proximity to Federal tract C-2322a, but these populations will be avoided by the proposed location of this tract. In summary, the proposed action would result in no effect to the Threatened plant population formerly within Federal tract C-2322, no impact to the Sensitive plant populations found near Federal tract C-2322a, and the proposed exchange may impact individuals of butternut but is not likely to cause a trend to Federal listing or a loss of viability. Although comparable habitat for the other PETS species evaluated for this proposal occurs on both Federal tracts and the private tract proposed for exchange, comparable habitat is also located throughout the Chattahoochee National Forest and therefore there would be no impact from the proposed exchange on the other PETS species evaluated.

For the reasons discussed above, past, present and reasonably foreseeable future actions in the project area, under any of the alternatives being considered, are not expected to result in any adverse cumulative effects to PETS or locally rare plants, or terrestrial or aquatic vertebrate or invertebrate species.

### **ISSUE 2 – EFFECTS OF THE EXCHANGE ON THE WATERSHEDS INVOLVED, ESPECIALLY AS RELATED TO SOIL AND WATER QUALITY AND THE FISHERIES RESOURCE**

Refer to Objective 3 (pages 11-12) regarding the discussion of riparian values (including wetlands and floodplains) of the tracts being considered for exchange.

In general, the Federal and private tracts proposed for exchange are in good condition from a soil and water standpoint, with no significant areas or sites noted that are causing detrimental effects or that may require mitigation. Federal tract C-2322 primarily consists of forested uplands on steep slopes, with no evidence of recent management on the tract. The eastern corner of the tract contains about 100 feet of the main channel of the Hiawassee River, which is on the opposite side of a private gravel road. Federal tract C-2322a is also forested, with the majority of the tract located on moderately steep uplands. There are no streams on this tract. This tract contains an old woods road that bisects the tract and has been historically used for access to private lands to the west and north. There is some exposed soil along the edges of this road but nothing significant. Neither of the Federal tracts proposed for divestment contain open system roads that would be lost in an exchange. The non-Federal tract, C-2323, is also forested and primarily consists of relatively level terrain that forms the riparian area along Moates Branch. There is one small area of steeper terrain on the north side of the tract. An open gravel road crosses through the tract from the paved county road to the adjacent Federal land, but no watershed problems were noted for this road or for several narrow unimproved roads that branch off the gravel road. The gravel road would fall under the management of the Forest Service if acquired by exchange, but there would be no costs associated with bringing the acquired road up to Forest Service standards.

## **FUTURE USE AND MANAGEMENT**

The tracts involved in the proposed land exchange are currently forested. Federal tract C-2322 is adjacent to (on the west side of) a large tract (over 400 acres) of private land owned by the proponent. Per discussions with the proponent, the Federal tract, if conveyed, would serve as additional buffer for a small amount of residential use already in place on the large private tract. Therefore this Federal tract, if conveyed, would be expected to remain forested in the reasonably foreseeable future and this use would not conflict with the adjacent Federal land south of this tract.

The proponent has also indicated that the future use and management of Federal tract C-2322a would not involve any significant changes. This tract currently has an old access road bisecting the tract which could continue to be used as a point of access for the adjacent private lands to the west and north. This Federal tract, if conveyed, would be expected to remain forested in the reasonably foreseeable future and this use would not conflict with the adjacent Federal lands south and east of this tract.

In summary, the proponent (Mr. Phillips) has declared no intent to substantially change the management of the Federal tracts, if conveyed, in the reasonably foreseeable future. Based on this information, the intended use of the Federal tracts proposed for conveyance would not substantially conflict with established management objectives on adjacent Federal lands. (36 CFR 254.3(b)(2)(ii))

Non-Federal tract C-2323 would be expected to remain forested. This tract is currently adjacent to Federal lands on three sides. The adjacent Federal lands are designated as Management Prescription Area (MRx) 6.B (Areas Managed to Restore/Maintain Old Growth Characteristics), therefore it would be expected that the non-Federal tract, if acquired, would also be designated as MRx 6.B land. Lands within this management prescription area are considered unsuitable (not appropriate) for timber management, although salvage sales and timber management activities that meet the Forest Plan goals and objectives for old growth are permitted (Forest Plan, p. 3-108).

## **CULTURAL EFFECTS**

Cultural surveys were conducted on the two Federal tracts being considered for exchange. No cultural resources or historic properties were found within the areas of potential effect of the two Federal tracts (per Cultural Resources Survey Reports, project file), therefore the proposed land exchange would have no effect on cultural resources or historic properties.

## **SOCIAL EFFECTS**

The proposed land exchange would not be expected to result in a decrease in public values. Most land exchanges involve both positive and negative effects to adjacent landowners, local residents, and the general public. However, the negative effects associated with the proposed Phillips Land Exchange would appear to be minimal and limited in scope. Based on the previous discussion of future use and management of the tracts being considered for exchange, there would be minimal effects to adjacent landowners and local residents, with the change in ownership almost unnoticeable in the reasonably foreseeable future. Neither of the Federal tracts are noted for receiving more than a minimal amount of use by the public, such as for dispersed recreational uses like hunting and hiking. For Federal tract C-2322, this is primarily due to the close proximity to adjacent private lands, the presence of State Highway 17/75, and the steep terrain. For Federal tract C-2322a, the low amount of public use is due to the close proximity to adjacent private lands and County Road 365. Acquisition of non-Federal tract C-2323 into the National Forest System would be a positive effect for adjacent landowners, local residents and the general public. This tract would not be subject to private development if acquired and would be available for a wide variety of dispersed recreation uses by the public.

## CHAPTER IV – FOREST SERVICE PERSONNEL INVOLVED

**IDT:** Alan Polk, District Ranger, Blue Ridge Ranger District  
Jim Kidd, former Forest Lands Program Manager (retired)  
Larry Luckett, Forest Recreation and Engineering Staff Officer  
Terry Stolz, Forest Lands and Fire Staff Officer

**Consultants:** David Jensen, District Ranger, Chattooga River Ranger District  
Blaine Boydston, Zone Realty Specialist  
Ray Bergeron, Zone Geologist  
Mike Hurst, Forest Wildlife Biologist  
James Wentworth, Wildlife Biologist  
John Petrick, Forest Planner  
Murice Brown, Forest Surveyor  
Dick Rightmyer, Forest Soil Scientist  
John Mayer, Forest Archeologist  
Jack Wynn, former Forest Archeologist (retired)

## CHAPTER V – CONSULTATION AND PUBLIC INVOLVEMENT

### Consultation

Georgia Department of Natural Resources – Historic Preservation Division

### Public Involvement

Per National Environmental Policy Act (NEPA) guidelines, the following opportunities for public involvement and comment have been provided:

- A legal notice of the land exchange proposal was published in the principal Habersham and Towns County newspapers (*The Northeast Georgian* and *Towns County Herald*) in June and July of 2007. The notice was published in these papers for four consecutive publication dates (weekly), and allowed the public 30 days to comment on this proposal beginning with the first publication date.
- A scoping letter describing the proposed land exchange was mailed to **115** interested individuals and organizations, including adjacent landowners, county commissioners, and elected officials, in June of 2007. One response in the form of a brief letter was received from an individual in response to the public involvement methods discussed above (project file). This individual only requested additional information and had no issues or concerns with the exchange.
- A copy of the scoping letter and vicinity map of the tracts involved in the proposed land exchange were also made available for public review on the Chattahoochee-Oconee National Forests internet site at [www.fs.fed.us/conf/sopa/documents/Blueridge\\_Scoping\\_PhillipsLandExchange\\_June07.pdf](http://www.fs.fed.us/conf/sopa/documents/Blueridge_Scoping_PhillipsLandExchange_June07.pdf) (scoping letter) and [www.fs.fed.us/conf/sopa/documents/2007\\_phillips\\_exchange\\_vicinity\\_map.pdf](http://www.fs.fed.us/conf/sopa/documents/2007_phillips_exchange_vicinity_map.pdf) (vicinity map).
- The Chattahoochee-Oconee National Forests prepares a “Schedule of Proposed Actions”, which lists all proposed natural resource management actions on the Forests. The Schedule is revised on a quarterly basis and sent to a broad list of interested individuals, groups, and media. This land exchange project is identified as a proposed action in the current Schedule. The Schedule is also available for review on the Forest’s website at [www.fs.fed.us/sopa/components/reports/sopa-110803-2008-01.pdf](http://www.fs.fed.us/sopa/components/reports/sopa-110803-2008-01.pdf).

## CHAPTER VI – LITERATURE CITED AND REFERENCES

The following citations were used in the analysis and preparation of this environmental document. These materials are available for review upon request at the Forest Supervisors office (1755 Cleveland Highway) in Gainesville, Georgia:

- Brick, G. H. 1983. Odonata at risk in conterminous United States and Canada. *Odonatologica* 12:209-226.
- Department of Natural Resources, State of Georgia. 1999. Rule and Regulations for Water Quality Control, Chapter 391-3-6 (Beneficial Uses/Trout Stream Designations).
- Georgia Forestry Commission. 1999. Georgia's Best Management Practices for Forestry. 68 pp.
- Kormondy, E. J. 1960. New North American records of anisopterous Odonata. *Ent. News* 71:121-130.
- Krotzer, R.S. and M.J. Krotzer. 1995. Survey for *Stylurus townesi* (Townes' Clubtail), *Neurocordulia clara* (Apalachicola Twilight Skimmer), *Gomphus consanguis* (Cherokee Clubtail), *Gomphus septima* (Septima's Clubtail), *Progomphus bellei* (Belle's Sanddragon), and *Ophiogomphus incurvatus* (Appalachian Snaketail) in Alabama. 14 pp. Unpubl.
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- Menzel, Michael A., Timothy C. Carter, and Stacey L. Pierce. 1998. A Survey of Macro- and Micro-Habitat Characteristics Influencing the Use of Mines in Smithgall Woods and Fort Mountain State Parks in the Blue Ridge Province of Georgia as Hibernacula for Bats. A technical report submitted to the Georgia Department of Natural Resources Non\_Game Endangered Wildlife Program.
- NatureServe: An online encyclopedia of life [web application]. 2007. Version 6.2. Arlington, VA. Association for Biodiversity Information. Available: <http://www.natureserve.org/explorer>
- Skelton, C.E. 2003. Distributional surveys of sensitive crayfish and insect species on National Forest lands in Georgia. Final Report Submitted to U.S. Department of Agriculture. Contract 43-435H-3-0143.
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- USDA, Forest Service. 2004. Land and Resource Management Plan for the Chattahoochee and Oconee National Forests. Southern Region. Atlanta, GA.
- USDA, Forest Service. 2007. Strategic Plan, FY2007-2012. Pub. FS-880.

## **CHAPTER VII – APPENDICES**

### **Appendix A - Maps**

## Appendix B - Response to Comments

### INITIAL PUBLIC INVOLVEMENT

The first public involvement opportunity for this proposal was provided via a legal notice for a “Notice of Land Exchange Proposal” that was published in the newspapers of record (*The Northeast Georgian* and *Towns County Herald*) for Habersham and Towns Counties, which contain the tracts proposed for exchange. The legal notice was published for four consecutive weeks as per land exchange regulations, and provided for a 30-day comment period. County commissioners and elected officials were notified of the proposed action by letter dated June 1, 2007. A scoping period from June 5, 2007 to July 5, 2007 was also provided via letters to interested individuals and organizations, including adjacent landowners. The scoping letter and maps were also made available on the Forest’s website ([www.fs.fed.us/conf/sopa/nepa\\_docs.htm](http://www.fs.fed.us/conf/sopa/nepa_docs.htm)).

**One written response to the proposal was received during initial scoping.** The respondent asked for additional information. This individual was called on July 22, 2007 and fully informed about the proposed project and project objectives. His response was that he had no issues or concerns about the project and supported the land exchange proposal.