

**FINAL DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT  
ROAD/TRAIL DECOMMISSIONING AND SEASONAL CLOSURE PROJECT**

**U.S. FOREST SERVICE  
CHATTAHOOCHEE-OCONEE NATIONAL FORESTS  
CONASAUGA RANGER DISTRICT  
FANNIN, MURRAY, GILMER, AND WALKER COUNTIES, GEORGIA**

**DECISION**

Based upon my review of the Road/Trail Decommissioning and Seasonal Closure Project Environmental Assessment (EA), I have decided to implement Alternative 2, which includes the following:

- decommission approximately 1.5 miles of Patterson Creek Road (FSR 124) located on National Forest (this does not include the approximate 0.7 mile segment located on private lands),
- decommission a 1.6 mile segment of McClure Creek Road (FSR 796),
- decommission the 2.7 mile Taylor Ridge Trail (FDT 14),
- decommission a 1.5 mile segment of Tibbs Trail (FDT 78) and trailhead located on Potato Patch Road (FSR 68),
- and seasonal closure (January 1-March 31) of Rock Creek Trail (FDT 175), Windy Gap Trail (FDT 154), Milma Creek Trail (FDT 176), and Tibbs Trail.

**DECISION RATIONALE**

The purpose of the proposed action is to decrease erosion and sedimentation to streams and damage to soils in the sites proposed for decommissioning. This action is needed because the road and trail segments proposed for decommissioning are sustaining resource damage, are not essential for public or administrative access, and are no longer maintained or are difficult to maintain. Furthermore, the seasonal closure of off-highway vehicle (OHV) trails will align the management of these trails (Rock Creek, Windy Gap, Milma Creek, and Tibbs Trails) with other OHV areas located on the Chattahoochee-Oconee National Forests regarding seasonality of use.

In making my decision, I considered three alternatives. The no action, Alternative 1, serves as a benchmark for other alternatives. A second alternative (Alternative 2), proposed action, was developed to meet the purpose and need for action. Another alternative was considered, based on input during the comment period, but was not given detailed study.

I have selected Alternative 2 for implementation because I believe that it best meets the purpose and need for action by reducing erosion of these segments of roads and trails and sedimentation into adjacent streams. Alternative 2 will also align the management of OHV trails, with respect

to seasonality of use, with other OHV areas on the national forest. All of the 6<sup>th</sup> level watersheds associated with this project are “functioning at risk” due to a number of factors, including erosion and sedimentation. In fact, Tumbling Creek is listed as a Georgia 303(d) stream that does not support designated uses (fishing). Fish diversity in Tumbling Creek is lower than predicted and is most likely attributed to sedimentation from roads in the watershed.

In selecting Alternative 2, I also considered social factors, such as the loss of access, in making my decision. Implementation of Alternative 2 will result in the loss of 0.2% of roads on the Chattahoochee National Forest, 2.7% of OHV trails, and 1.0% of hiking trails (open to foot travel) on the Conasauga Ranger District. All national forests have been tasked with determining and maintaining a minimal road system. I understand that the proposed action will increase the driving distance for a very small segment of the population (primarily those living in the Hell’s Hollow vicinity) to access the forest by motorized means. However, foot travel will still be allowed on any of the closed roads and trails. I also understand that there is limited use of FSR 124 by other recreational users (such as dual sport motorcyclists and horse riders) as part of a larger loop route. However, access to this area will still exist (by foot travel), and other roads in the area offer a similar experience. The trails proposed for closure (Taylor Ridge Trail and the upper portion of Tibbs Trail) have essentially closed themselves due to lack of use and maintenance. Taylor Ridge Trail is seldom used and encroached by vegetation and does not provide any recreational value that can’t be found on other trails located in the area. Furthermore, there is a gated road that parallels below this trail and provides access to the same general area for hunting and other recreational purposes. The upper segment of Tibbs Trail is almost impassable due to gullies and exposed rock ledges resulting from erosion and the inability to perform maintenance. User-created trails by-pass the worst sections of Tibbs Trail and will eventually result in similar conditions on these illegal trails.

Another factor that I considered in making this decision is the budgetary constraints that the Forest Service is under. In the case of roads, the Chattahoochee-Oconee roads maintenance budget has decreased considerably over the past ten years. These decreases are expected to continue in the near future.

Another alternative that was considered, but not in detail, was based on public input to convert FSR 124 and 796 to trails. Several problems associated with this alternative are discussed on page 6 of the EA.

The Road/Trail Decommissioning and Seasonal Closure Project EA documents the environmental analysis and conclusions upon which this decision is based.

## **PUBLIC INVOLVEMENT**

This action was originally listed as a proposal on the Chattahoochee-Oconee National Forests Schedule of Proposed Actions on February 3, 2014 and updated periodically during the analysis. People were invited to review and comment on the proposal through a scoping letter that was sent out to the district mailing list and nearby landowners, and the scoping letter was published in *The Chatsworth Times* during the scoping period.

A total of fifteen responses were received as a result of initial public involvement. An interdisciplinary team identified two issues based on comments received during the scoping

period. These included the 1) need for soil and water quality improvements and 2) loss/limitation of access. Other comments were received during this time and were considered to be outside the scope of this proposal but are included as part of the project record.

A draft EA was prepared and disseminated to the district mailing list, several new individuals/groups that commented during the February scoping period, and published on the Forest website on June 24, 2014. Additionally, a legal notice requesting comments on the proposal was placed in *The Daily Citizen* (Dalton, Georgia), newspaper of record, on June 24, 2014.

Twenty individuals and/or groups provided comments on the draft EA. No new substantive comments were received during this comment period; however, there were several comments regarding the limitation of access for hiking and equestrian use. These comments were used to develop another alternative that was considered but not given detailed study. More information about this alternative can be found in the EA.

On February 14, 2015 a 45-day objection period began for this project. An opportunity to object to the draft decision was published in *The Daily Citizen* (Dalton, Georgia) and letters were sent to individuals/organizations that had previously submitted specific written comments regarding the proposed project during scoping or other designated opportunities for public comment. Two responses were received during this timeframe from Phillip Croy and Teresa Pulliam Locke. Mr. Croy's response met the requirements of 36 CFR 218.8, while Ms. Locke's response did not meet those requirements. An objection meeting was held with Mr. Croy, Forest Supervisor Betty Jewett, and District Ranger Jeff Gardner on May 17, 2015. Mr. Croy's issue centered around the loss of access to Patterson Creek Road. A final written response was mailed to Mr. Croy on June 8, 2015 that considered the objection, EA, Decision Notice and Finding of No Significant Impact, analysis in the project file, and comments submitted during public scoping for this project.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the Chattahoochee-Oconee National Forests Land and Resource Management Plan. The project was designed in conformance with Forest Plan Goals 34 and 48. These Forest Plan Goals state that "trails/roads do not adversely affect soil and water resources.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

Alternative 2 does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. Alternative 2 would be consistent with the following applicable laws and Executive Orders:

American Indian Religious Freedom Act of 1978

Antiquities Act of 1906 (16 USC 431433)

Archaeological and Historical Conservation Act of 1974 (16 USC 469)

Archaeological Resource Protection Act of 1979 (16 USC 470)

Cave Resource Protection Act of 1988  
Clean Air Act of 1977 (as amended)  
Clean Water Act of 1977 (as amended)  
Endangered Species Act (ESA) of 1973 (as amended)  
Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 (as amended)  
Historic Sites Act of 1935 (16 USC 461467)  
Multiple Use Sustained Yield Act of 1960  
National Environmental Policy Act of 1969, (as amended) (42 USC 43214347)  
National Forest Management Act (NFMA) of 1976 (as amended)  
National Historic Preservation Act of 1966 (16 USC 470)  
Organic Act 1897  
Prime Farmland Protection Act  
Wild and Scenic Rivers Act of 1968, as amended 1986  
Forest Service Manuals such as 2361, 2520, 2670, 2620, 2760  
Executive Order 11593 (cultural resources)  
Executive Order 11988 (floodplains)  
Executive Order 11990 (wetlands)  
Executive Order 12898 (environmental justice)  
Executive Order 12962 (aquatic systems and recreational fisheries)  
Executive Order 13112 (NNIS)

## **FINDING OF NO SIGNIFICANT IMPACT**

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

## **CONTEXT**

The geographic area in which effects would occur includes the immediate environment of the roads and trails that will be decommissioned or seasonally closed and segments of streams in the vicinity. Forest visitors that have utilized these areas in the past will experience effects from the proposed action.

## INTENSITY

The intensity of effects was considered in terms of the following:

1. Both beneficial and adverse effects have been considered. Impacts associated with the project are discussed in Chapter 3 of the EA. These impacts are within the range of those identified in the Forest Plan. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. The degree to which the proposed action affects public health or safety. There will be no significant effects on public health and safety because the project areas would be blocked to public access during the implementation of the project (EA page 6).
3. There will be no significant effects on unique characteristics of the geographic area such as parklands, historical and cultural resources, prime farmlands, wetlands, floodplains, wild and scenic rivers, or ecologically critical areas. (EA, Chapter 3)
4. Although some people are not supportive of the proposed action, the effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. (See EA page 12)
5. The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. (EA, Chapter 3)
6. The action is not likely to establish a precedent for future actions with significant effects, because they do not represent a decision in principle about future proposals.
7. The cumulative impacts are not significant. The EA includes all connected, cumulative, and similar actions in the scope of the analysis. The cumulative effects of past, present and reasonably foreseeable actions are considered and disclosed in the EA on page 14.
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because a cultural heritage survey found no sites. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because none are present in the project area. (See EA page 15)
9. This action is not likely to adversely affect Indiana bats or jeopardize the continued existence of Northern long-eared bats because very few trees will be removed, and these will be evaluated for their potential as roosting habitat if the project takes place during the summer months when these bats might utilize them. Similarly, this action is not likely to impact Rafinesque's big-eared bats for the same reason. (See EA page 14)
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 9 regarding the Clean Water Act, page 13 regarding the Endangered Species Act, and page 15 regarding the National Historic Preservation Act). The action is consistent with the Chattahoochee-Oconee National Forests Land and Resource Management Plan.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

### OBJECTION OPPORTUNITIES

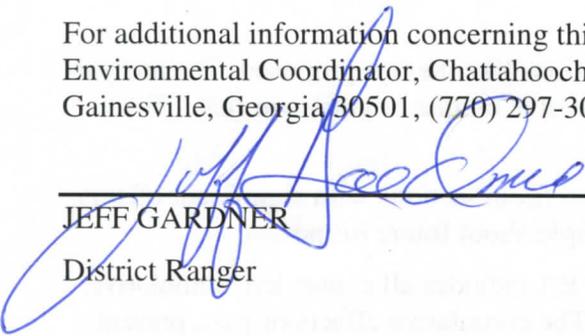
This decision was subject to objection pursuant to 36 CFR 218, and a legal notice of the opportunity to object was published on February 14, 2015 in *The Daily Citizen* and sent to those who provided comments during the project's development. Two objections were filed and processed during the 45-day objection period by the objection reviewing officer.

### IMPLEMENTATION DATE

Project implementation of this decision may occur immediately.

### CONTACT

For additional information concerning this decision, contact: Nelson Gonzalez-Sullow, Forest Environmental Coordinator, Chattahoochee-Oconee National Forests, 1755 Cleveland Highway, Gainesville, Georgia 30501, (770) 297-3051

  
JEFF GARDNER  
District Ranger

6/12/15  
Date

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