



United States  
Department of  
Agriculture

Forest Service

August  
2008



# **Decision Notice & Finding Of No Significant Impact**

## **North Fork Mills River Project**

**Pisgah National Forest  
Pisgah Ranger District  
Henderson County  
North Carolina**

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### Decision and Rationale for the Decision

#### Decision

Based upon my review of the alternatives, I have decided to select **Alternative C** (Selected Alternative) of the North Fork Mills River Project Environmental Assessment (EA – Section 1.3, Chapter 1) within the Pisgah Ranger District, Pisgah National Forest. My decision also incorporates Project Design Features listed in Section 2.4, Chapter 2 and Appendix D. The Selected Alternative will:

- Remove degraded section of gabion baskets
- Slope back banks to a 2:1 slope along approximately 700 feet
- Stabilize and restore sloped banks with riparian type vegetation
- Relocate approximately 600 feet of gravel walking trail
- Construct up to five J-hook type rock vanes
- Construct log vanes (4-5 each) and install root wads (7-10 each)
- Treat all floodplain areas for noxious, non-native invasive plants
- All disturbed ground would be quickly stabilized with native grass seed and mulch.

#### Rationale

The North Fork Mills River Recreation Area is a Forest Plan Management Area (MA) 12, Developed Recreation Area used by the public for camping, picnicking, and river recreation, and MA 18, Riparian Areas. Stream bank erosion near the picnic area has been treated in the past with a stone and mortar wall and gabion baskets. Over time, both types of bank

hardening have begun to degrade, resulting in a need for maintenance. Rather than replacing the gabion baskets, more natural channel design techniques will be installed not only to stabilize stream banks, but also improve aquatic and riparian habitat, which will better meet the needs of the public, and help protect the historic stone and mortar walls. Additional activities will occur within this 3,100 feet reach of river that will improve the stream ecosystem by improving channel stability and habitat quality, and improve riparian and streamside vegetation condition. In reaching my decision, I reviewed the purpose and need for the project and the alternatives presented in the EA. I then weighed the effects analyses of the alternatives analyzed in detail and the public comments received. The North Mills River Stream Rehabilitation Interdisciplinary Team (IDT) conducted field surveys, database queries, and other localized analyses in order to determine the effects each alternative analyzed in detail could have. During their analysis, they took a hard look at past, present, and reasonably foreseeable future actions that could be combined with expected effects from the proposal. I believe they provided me sufficient analyses and conclusions to make a reasoned decision.

#### Alternatives Considered

A comparison of these alternatives can be found in Section 2.5, Chapter 2 of the EA.

#### Action Alternatives B & C

In addition to Alternative C, the Forest Service also evaluated a second action alternative, Alternative B. Alternative B differs from Alternative C only by adding the removal and relocation of the parking area. I have decided not to include the removal of this parking lot in the selected alternative at this time. Under Alternative C, the streamside zone currently occupied by the parking area would not be restored.

Since this length of stream bank would remain at risk of erosion and failure, the proposed rock vanes of Alternative B are also proposed in this alternative to protect the bank.

In addition to these action alternatives (Alternative B and C), the Forest Service also evaluated a no-action alternative (Alternative A). The no-action alternative would not take any action to improve the stream bank condition in the North Fork Mills River corridor.

#### No Action Alternative

Under the no-action alternative, current management plans would continue to guide management of the project area. However, river bank stabilization would not be implemented, which will result in continued short and long-term sedimentation and damage to recreation sites. Additionally, this alternative would not contribute to the goals and objectives of the Nantahala and Pisgah National Forest Land and Resource Management Plan, as amended.

Alternative B, the action alternative, would address the project objective by stabilizing the river banks and, thus, protect aquatic habitat and recreational resources. Short-term input of sediment and disruption of recreation activities through implementation of this project would be mitigated by project design criteria, including use of Best Management Practices (BMPs). The long-term benefits of implementing the project would outweigh the short-term impacts.

#### **Public Involvement**

The proposal was listed in the July and October 2007 and the January, April and July 2008 editions of the Schedule of Proposed Actions (SOPA); a scoping package was mailed to 9 members of the public, special interest groups and government offices who have expressed interest in stream restoration projects on the Pisgah Ranger District. Pursuant to 36 Code of Federal Regulations (CFR) 215.6(a)(1)(i) and 215.6(a)(1)(iv), a formal 30-day Notice and Comment period for the proposal began August 4, 2007, and ended on September 4, 2007; two agencies provided written comments on the proposal. Pursuant to 36 CFR 215.5, the legal notice initiating the 30-day Notice and Comment period was placed in the August 4, 2007, edition of *The Asheville Citizen-Times*, the National Forest's in North Carolina's newspaper of record.

#### **Finding of No Significant Impact**

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

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action (Section 1.3, Chapter 1).
2. There will be no significant effects on public health and safety and implementation will be in accordance with project design features (Section 2.4 Chapter 2; Section 3.2, Chapter 3; and Appendix D).
3. There will be no significant effects on unique characteristics of the area, because there are no park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas in the project area, nor are there local law or requirements imposed for the protection of the environment (Section 3.3, Chapter 3).
4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (Sections 3.1, 3.2, and 3.3, Chapter 3).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (Sections 3.1, 3.2, and 3.3 Chapter 3).
6. The action is not likely to establish a precedent for future actions with significant effects, because the project is site specific and effects are expected to remain localized and short-term (Sections 3.1, 3.2, and 3.3 Chapter 3).
7. The cumulative impacts are not significant (Sections 3.1, 3.2, and 3.3, Chapter 3). The action will have no effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (Section 3.2.2, Chapter 3). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (Section 3.2.2, Chapter 3). A heritage review was completed for this project during the spring of 2008 by Rodney Snedeker, National Forests in NC Archeologist. This project was

declared “an exempt undertaking” and did not require further documentation. The letter, dated April 17, 2008 states, “*The proposed project has no potential for effect, adverse or beneficial, to a NRHP eligible heritage resource, and therefore is an Exempt Undertaking, no further Section 106 compliance documentation is required, other than recommended mitigation or protection measures.*”

8. *Consultation with the U.S. Fish and Wildlife Service is not required.* A biologic assessment (BA) was completed on March 21, 2007, that determined: The North Fork Mills River Stream Restoration Project will have **no effect** on any proposed, endangered, threatened, or sensitive (PETS) aquatic or plant species since none are known or likely to occur within the aquatic analysis area.

This project **may affect, but is not likely to adversely affect** the bog turtle (*Glyptemys muhlenbergii*) because habitat for the species will be improved by the implementation of this project. No consultation is required on species listed due to similarity of appearance.

9. 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. The action is consistent with the Nantahala and Pisgah National Forests Land and Resource Management Plan Amendment 5 (Section 1.3, Chapter 1).

#### **Findings Required by Other Laws and Regulations**

My decision to implement the Selected Alternative is consistent with the intent of the long-term goals listed

on pages III-1 and III-2 of Forest Plan Amendment 5. The project was designed to meet land and resource management plan standards and incorporates appropriate land and resource management plan guidelines.

#### **Administrative Review and Contacts**

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in *The Asheville Citizen-Times*. The Appeal shall be sent to:

National Forests in North Carolina  
ATTN: Appeals Deciding Officer  
160 Zillicoa Street, Suite A  
Asheville, North Carolina 28801-1082

Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. Appeals may be faxed to (828) 257-4263 or mailed electronically in a common digital format to: **appeals-southern-north-carolina@fs.fed.us**.

Those who provided comments or otherwise expressed interest in a particular proposed action by the close of the comment period may appeal this decision (as per the recent *The Wilderness Society v. Rey* ruling). Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision contact Brady Dodd, National Forests in NC Hydrologist at 828-257-4214.

#### **Implementation Date**

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

*/s/ Jeff Owenby*

*9/25/08*

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**JEFF B. OWENBY**  
Acting Pisgah District Ranger

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**Date**

**APPENDIX A**

**Comment From: US Fish and Wildlife Service (USFWS)**

1-1: All work done in the river would require a 404 permit issued by the US Army Corps of Engineers, Section 401 Water Quality Certification from the NCDWQ, consultation with the NCWRC, and a trout buffer zone waiver from the NCDENR.

**Agency Response:** Non-significant: All permits listed (which are required) will be obtained prior to any work beginning.

**Comment From: USFWS**

1-2: We have no major concerns regarding the intent of the proposed action, but we do have questions regarding the project design. To address/ answer our questions, we would like to meet with you and/or Mr. Brady Dodd (Forest Service Hydrologist) to review the project. Please contact Ms. Anita Goetz of our staff at (828)258-3939, Ext. 228, to arrange this meeting. Ms. Goetz has considerable expertise in stream evaluation and restoration, and we would be more than willing to work with you on the design of this project.

**Agency Response:** Non-significant: A fully developed project plan will be shared with USFWS.

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**Comment From: NC Wildlife Resources Commission (NCWRC)**

2-1: The North Fork Mills River is a popular trout fishing area that is stocked under the Commission's Delayed Harvest Program. It supports some natural reproduction by trout as well. In addition, several sensitive species of aquatic life such as the Tennessee heelsplitter (State E, FSC), slippershell (State E), and Appalachian elktoe (State E and Federal E) mussels are found in the watershed downstream of the recreation area.

**Agency Response:** Non-significant: The North Fork Mills River Stream Rehabilitation Project Preliminary Analysis addresses impacts to aquatic species and habitat.

**Comment From: NCWRC**

2-2: The replanted 50 foot buffer in the existing wildlife plot should be flagged or otherwise marked to prevent incidental disturbance during field maintenance activities.

**Agency Response:** Non-significant: The new vegetation will be marked post-implementation.

**Comment From: NCWRC**

2-3: Where possible, plants that are beneficial to wildlife such as eastern gamma grass, switch cane and persimmon should be incorporated into the riparian vegetation restoration.

**Agency Response:** Non-significant: Native plants, including those beneficial to wildlife, will be used in the rehabilitation.

**Comment From: NCWRC**

2-4: A rock "hook" is recommended on all vane structures that are constructed in the river. Commission staff has found that this helps the hydraulic performance of these structures by reducing flow deflection. They also help with sediment transport and maintenance of the downstream scour pool, as desired.

**Agency Response:** Non-significant: all of the vane structures where grade is an issue will be "J-hook" vane structures. Deflector wings will be developed on the most downstream section where there is not a grade issue. According to our Forest Hydrologist, Brady Dodd, it is unnecessary to construct hooks unless there is an issue with grade within the stream channel.