



United States  
Department of  
Agriculture

Forest  
Service

National Forests in North Carolina  
Pisgah National Forest  
Appalachian Ranger District  
Hot Springs Station

PO Box 128  
Bridge St  
Hot Springs, NC 28743-0128  
828-622-3202

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File Code: 2730-2

Date: October 2, 2006

Dear Interested Citizen:

The Decision Notice for the Hickey Fork Storm Damage Restoration Project was signed by District Ranger Paul Bradley on September 29, 2006. A copy of the Decision Notice (DN) and Finding of No Significant Impact (FONSI) and Response to Comments (Appendix D) is enclosed. The DN and FONSI discuss his decision in detail and rationale for reaching that decision.

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date the notice of this decision is published in *The Asheville Citizen-Times*. The Appeal shall be sent to National Forests in North Carolina, ATTN: Appeals Deciding Officer, P.O. Box 2750, Asheville, North Carolina 28802. Appeals may be faxed to (828) 257-4263. Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. at our office located at 160 Zillicoa Street, Asheville, North Carolina. Appeals may also be mailed electronically in a common digital format to: **[appeals-southern-north-carolina@fs.fed.us](mailto: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 (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 Paul Bradley, District Ranger, Appalachian Ranger District, P.O. Box 128, Burnsville, North Carolina 28714, Phone: 828-682-6146; or Karen Compton, Environmental Coordinator, P.O. Box 2750, Asheville, North Carolina, 28802, Phone: 828-257-4230. Thank you for your continued interest in management of Pisgah National Forest.

Sincerely,

/s/Paul L. Bradley  
PAUL L. BRADLEY  
District Ranger  
Enclosure



United States  
Department of  
Agriculture

Southern Region  
Forest Service



September 2006

# Decision Notice

## Hickey Fork Storm Damage Restoration Project

Pisgah National Forest, Appalachian Ranger District  
Madison County, North Carolina

Decision Notice  
& Finding of No Significant Impact

## Hickey Fork Storm Damage Restoration Project

USDA Forest Service  
Pisgah National Forest, Appalachian Ranger District  
Madison County, North Carolina

### Introduction

An Environmental Assessment (EA) has been written that documents the results of site-specific analysis concerning the proposed Hickey Fork Storm Damage Restoration Project on the Appalachian Ranger District. This Decision Notice (DN) and Finding of No Significant Impact (FONSI) documents my decision to allow road restoration and protection of road embankments along the Hickey Fork Road, including approximately 1050 feet of road relocation, stream bank stabilization along East Prong Hickey Fork Creek, installation of rock vanes for protection of the restored road bed, and culvert replacement and repair within the Hickey Fork Analysis Area.

### Decision and Rationale for the Decision

#### Decision

Based upon my review of the alternatives, I have decided to select Alternative C (Selected Alternative) in the Environmental Assessment for the Hickey Fork Storm Damage Restoration Project. The Selected Alternative will:

- ❖ Restore the road and protect road embankments along the Hickey Fork Road.
  - Site 1 (Stations 8+00 to 10+50): Remove old gabions and repair fill slope failure by installation of a rock embankment and protect the restored road with the installation of a special rock embankment and rock vanes. Temporary dewatering of the stream will be required at this site.
  - Site 2 (Stations 16+80 to 18+00): Place fill material (rock) at bridge approaches. Re-enforce bridge using concrete under wing walls and footings of bridge. Reshape ditch and place riprap along road edge. If needed, a temporary bridge will be installed over the existing bridge during project implementation. Temporary dewatering of the stream will be required at this site.
  - Site 3 (Stations 20+50 to 24+00): Reshape ditch for about 270 feet. Shift road alignment two to three feet into the existing embankment and install a rock embankment.
  - Site 3a (Stations 29+00 to 35+60): Install rock vanes for the protection of the restored road.

- Site 4: Obliterate road from Station 34+50 to Station 44+90 and construct a new section of road (approximately 1050 feet) above the existing road and out of the flood plain. Armor, with boulders, the section of the new road directly adjacent to the stream. Temporary dewatering of the stream will be required at this site. The dewatered stream area would serve as a work area during project implementation.
  - Site 5: Reshape and repair slope from Station 46+50 to 57+50. Reshaping will include shifting of the roadbed into the existing embankment, removal of rock from the existing embankment, and placing of riprap for fill protection. Install rock vanes between stations 50+00 and 61+00 for protection of the restored road.
  - Site 6 (Stations 65+30 to 66+65): Place fill material (rock and large boulders) to repair slope and as needed to restore the road prism. Install rock vanes between stations 65+00 and 67+00 for protection of the restored road.
- 
- ❖ Repair slide areas using hydro- and manual seeding.
  - ❖ Clean out culverts as needed. Remove existing damaged culverts and install new culverts as needed and indicated in the construction plans.
  - ❖ Fallen trees, limbs and dislodged brush within the cross section of the existing or original stream channel up to and including the debris line shall not be removed unless identified for removal by the Forest Hydrologist.
  - ❖ Stabilize approximately 500 feet of severely damaged stream bank along East Prong Hickey Fork Creek using a combination of bioengineering techniques such as the establishment of native plant cuttings and planting of vegetation.

The following design features will be built into the implementation of the project and are required for unavoidable actions associated with the proposed resource management. Should a design feature or mitigation measure be implemented and subsequently fail, corrective measures must be taken and appropriate Forest Service officials notified immediately.

1. Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to downstream resources. Examples of this are the installation of silt fences and hay bales where flow parallels the work area.
2. Temporary vegetation (e.g. grass seed and mulch) or erosion control mat should be placed on soil expected to remain bare greater than 48 hours between the implementation phases of the project. Permanent vegetation (e.g. planting other than cuttings associated with bioengineering) should be seeded within 15 days of the completion of the project. If it appears that vegetation will not be established before the growing season is over, erosion control fabric or other similar material should be placed over the bare soil until the spring growing season allows for vegetation to be established. These actions will minimize the amount of bare soil (and hence erosion and sedimentation potential) during and after project implementation.

3. Work within the stream channel should be conducted in a dry work area and stabilized before water is diverted where possible.
4. Only clean, sediment-free rock should be used for bank stabilization.
5. Native trees and shrubs should be planted along the stream bank to re-establish the riparian area and to provide long-term bank stability and cover for fish and wildlife.
6. Construction within the 25-foot buffer area (as identified by the North Carolina Wildlife Resources Commission) is prohibited during the trout spawning period of October 15 to April 15 in order to protect egg and fry stages from sedimentation.
7. Any spoil materials must be disposed of off-site, and not threaten any aquatic resources.
8. All mechanized equipment operated in or near surface waters should be inspected and maintained regularly to prevent contamination of stream waters by fuels, lubricants, hydraulic fluids, or other materials.
9. Fueling of all vehicles and equipment should be done in a manner that prevents contamination of stream waters by fuel.
10. Rocks needed for the site repair may not be excavated from Forest Service lands unless created as a direct byproduct of the repair efforts.
11. Soil storage, if needed, will be minimized and temporary in nature.
12. If during the implementation of a ground disturbing activity, a previously unknown archeological or historic site is encountered the disturbance would stop immediately. The activity would not be permitted to continue until a forest archeologist surveys and evaluates the site and makes a recommendation to permanently stop, modify, or proceed with the activity using appropriate mitigation measures.

## **Rationale**

I selected Alternative C because it meets the purpose and need for action. This alternative provides for protection of resource values and public safety; meets Forest Plan direction and standards for access, forest and wildlife management, and recreational opportunities; and reduces the threat to property. I believe Alternative C protects resource values and at the same time meets the needs for access to the area for recreation as well as forest and wildlife management.

Responses to the EA during the comment period were varied. Some felt Alternative B should be selected due to the lower cost of the alternative, the possibility that the road may fail again in the future, and the location of the road adjacent to Hickey Fork creek and the potential for it to be a continued sediment source in the future. Others felt Alternative C should be selected to restore the motorized access to the Hickey Fork road to benefit fisherman, hunters, and other recreationists; to provide access to the area for rescue and fire control, and to provide access to the area for wildlife habitat improvement including timber management activities.

I feel Alternative C best meets the purpose and need by protecting resources and providing efficient access for management activities such as timber and wildlife management, fire control, law enforcement, stream surveys, and monitoring peregrine falcon nesting sites. I believe that these activities are most efficiently carried out with the benefit of motorized access. In addition, motorized access provides better access to the area for recreational opportunities.

The road and stream bank stabilization work would prevent long-term degradation of aquatic and riparian habitats of the entire project area by greatly reducing the extent of further stream bank damage and sedimentation that would continue to occur without treatment. Stabilization would also improve the visual/aesthetic values of the damaged areas. Repair of the transportation system would provide for continuation of public motorized access and administrative access for fire and law enforcement protection and to achieve future management opportunities established in the Forest Plan.

The damaged portions of the road are primarily located in Management Area (MA) 2C which encourages motorized access for the purpose of viewing scenery. However, a portion of the Hickey Fork road is located along the boundary of MA 4D. The East Fork of Hickey Fork Creek is the actual boundary between the management areas until the split of the creek into Hickey Fork Creek and Little Prong Creek. The Hickey Fork road is within 100 feet of the boundary between MAs 2C and 4D and the road does not provide access into the interior of MA 4D.

According to the Forest Plan (p. III-66), MA 2C is to be managed as Roaded Natural 1 (RN1), which provides public access on National Forest System roads. A desired future condition for MA 2C is to provide motorized opportunities, favoring driving for pleasure. In addition, provide some non-motorized recreation opportunities including day-use hiking, viewing wildlife, and access for fishing. A desired future condition for MA 4D is to provide limited access for motorized vehicles and non-motorized recreational opportunities including hunting, access for fishing, viewing wildlife, horseback riding, bicycle riding, and hiking.

Restoring the Hickey Fork road would maintain access to MA 2C for driving for pleasure and provide vehicular access to the area for fishing, hiking, hunting, and wildlife viewing. Part of this open access would be adjacent to the boundary of MA 4D; however, managing the Hickey Fork road as open would not provide access into the interior of MA 4D.

MAs 3B and 4D are suitable for timber production. There are about 1,373 acres (35%) of the analysis area located in these management areas. Restoring the Hickey Fork road would maintain administrative access into these areas for conducting timber management activities.

Desired future conditions for wildlife management in the analysis area cover a broad spectrum ranging from managing for game and non-game species that desire young to middle-aged forests to older forests and species able to tolerate vehicular disturbance to those that cannot tolerate vehicular disturbance. Restoring the Hickey Fork road would maintain administrative access into these areas for conducting wildlife management activities including maintenance of grass/forb openings as directed in the Forest Plan (p. III-23) and using timber management practices as the primary tool to create desired wildlife habitat in MAs 2C, 3B, and 4D (Forest Plan, pp. III-68, 74, and 84).

## Other Alternatives Considered

In addition to the Selected Alternative, I considered two other alternatives in detail: Alternative A – No-Action and Alternative B – Stabilize and Close Hickey Fork Road. A comparison of these alternatives can be found in Section 2.5 of the EA.

### Alternative A – No Action

I considered the no action alternative (Alternative A) but it does not meet the purpose and need for action. Specifically, Alternative A would not provide for protection of resource values and public safety. Failure to stabilize the streambanks would result in long-term degradation of the aquatic and riparian habitats of the entire project area and sedimentation would continue to impact Hickey Fork Creek. The Hickey Fork road poses a safety hazard for those trying to access the area using the road in its current condition. Additional time would be required to rescue hikers or hunters in the area and for fire control. Those walking along the Hickey Fork road face unsafe conditions including the need to navigate debris piles, extremely narrow sections of road, steep drop offs along the edge of the road, and blown out culverts.

Under Alternative A, the Hickey Fork road could be used for non-motorized recreational activities such as fishing, hiking, hunting, and wildlife viewing; however, all of these activities would have to be accessed by foot travel only. Foot travel down the Hickey Fork road would require navigating around large debris piles deposited in the road as a result of the flood and walking along narrow strips of remaining roadbed. There would be no administrative motorized access to the area for forest and wildlife management, stream surveys, monitoring peregrine falcon nesting sites, law enforcement, rescue, or fire protection.

### Alternative B – Stabilize and Close Hickey Fork Road

I also considered Alternative B in my decision. Alternative B met the purpose and need for the project area. This alternative would provide for the protection of water quality and aquatic habitat, basic resource protection, public safety, reduced threat to property, and non-motorized public access through the damaged areas. Access to the Hickey Fork Area would be limited to foot travel beyond the gate just below where the bridge for Hickey Fork trail was destroyed. There would be no motorized administrative access to the area for activities such as forest and wildlife management, stream surveys, and monitoring peregrine falcon nesting sites. There would be no vehicular access to the area from North Carolina for emergency services such as fire suppression, law enforcement, or search and rescue.

Management activities such as timber and wildlife management, fire control, law enforcement, stream surveys, and monitoring peregrine falcon nesting sites would not be carried out as efficiently or would be precluded without the benefit of motorized access. In addition, the loss of motorized access would restrict access to recreational opportunities in the area to some members of the public. Due to the negative impacts on management activities and restricted public access resulting from the removal of motorized access to the project area, I have decided not to select Alternative B.

### Other Alternatives Not Considered

I considered an alternative that would have stabilized and closed the Hickey Fork road as described in Alternative B and built a new road into the area in a location away from Hickey Fork Creek. This alternative was considered and reviewed by our engineers and they determined that this was an impractical alternative because the terrain of the area is very limiting and it would be very difficult to locate and build a new road. In addition, the costs of stabilizing the road and stream banks and the costs of building a new

road in very difficult terrain would have been extreme; therefore, this alternative was dropped from further consideration.

I considered suggestions from the public identifying specific routes to be considered for road access. All of these routes were reviewed and dismissed for various management reasons. One of the suggested routes recommended connecting the existing road at Bearwallow Gap, FSR 42, with the existing road to Huckleberry Gap, FSR 465. The connector for these roads would be located in Management Area 14 which consists of the Appalachian National Scenic Trail and its foreground corridor. New road construction in this Management Area can only be considered when it is the only feasible alternative for location of a needed road; therefore, this alternative was dropped from further consideration.

## **Public Involvement**

On October 2, 2001, a letter from District Ranger Paul Bradley describing site-specific proposed actions and requesting comments was mailed to 93 individuals, groups, and organizations. Comments were requested by November 2, 2001. Sixteen letters and/or emails were received from individuals, groups, and organizations as a result of this scoping. In addition, this project has appeared in the Schedule of Proposed Actions for the National Forests in North Carolina, which is published quarterly, since January of 2002.

On March 25, 2002, District Ranger Paul Bradley signed a Categorical Exclusion documenting his decision to restore the Hickey Fork road. Requests were received for additional documentation and more comprehensive environmental analysis of this decision. On April 29, 2002, District Ranger Bradley made the decision not to implement the road restoration until additional analysis and documentation were completed and available for public review. Additional comments were requested by May 20, 2002. No additional comments were received. On March 7 of 2003, District Ranger Bradley issued a preliminary EA for comment. Sixteen individuals, groups, and organizations responded to the preliminary EA. Many of the comments received requested more detailed analysis to properly evaluate and comment on the proposed action. Due to the concern over the lack of detailed information, no decision was made at that time.

Additional analysis including development of a more detailed engineering design for the proposed action has been conducted over the past two years and is documented in the environmental assessment. These engineering plans were developed using input from the United States Army Corps of Engineers (ACoE) and the Divisions of Water Quality (DWQ) and Land Quality (DLQ) of the North Carolina Department of Environment and Natural Resources (NCDENR).

Alternative C was identified as the preferred alternative on July 18, 2006 when the EA for the Hickey Fork Storm Damage Restoration Project was mailed to agencies and individuals who commented on the project proposal. A request for comments was published in the Asheville Citizen Times on July 19, 2006. The formal 30-day notice and comment period ended on August 18, 2006. Comments on the EA were received from seven individuals, groups, and organizations.

## Finding of No Significant Impact

1. The actions of Alternative C are consistent with the Land and Resource Management Plan (hereafter, the Forest Plan) for the Nantahala and Pisgah National Forests and the National Forest Management Act. The following paragraphs discuss my reasoning for the finding:
2. The actions of this project are consistent with the forest wide management objectives given in Chapter III (pp. 62, 70, and 87) of the Forest Plan and in the general forest direction. The proposed activities are located in Management Area (MA) 2C and just in the boundary of MA 4D. These actions are consistent with the management prescriptions and practices for MA 2C and 4D and with general forest direction in that it would provide public motorized access in MA 2C and limited motorized access in MA 4D.
3. The actions of this project are consistent with the Forest Plan because design features and mitigation measures for impacts have been fully applied in the planned actions. The project is feasible and reasonable, and will result in applying management practices that meet the Forest Plan overall direction of protecting the environment while producing goods and services.
4. The actions of this project have met all requirements of the Endangered Species Act and all agreements with the State Natural Heritage Program, in that the impacts to Proposed, Endangered, Threatened, or Sensitive (PETS) species or critical habitat for these species are minor in scope and will not affect the population viability of any PETS species.
5. There are no known Class II heritage sites within the proposed activity areas.
6. There are no significant irreversible or irretrievable resource commitments.

I have determined that Alternative C is not a major federal action, individually or cumulatively, and will not affect the quality of the human environment. Therefore, an environmental impact statement will not be prepared. I have considered both context and intensity in my determination that is based on environmental analyses documented in the environmental assessment. I base my finding on the following:

Context: The actions of Alternative C are limited in context. Effects will not go beyond the local area.

Intensity:

1. Both beneficial and adverse impacts have been considered (EA Sections 1.7, 3.2, 3.3, 3.4, 3.5 and 3.6).
2. There will be no significant effects on public health and safety and implementation will be in accordance with design features (EA Sections 2.3 and 3.6).

3. There will be no significant effects on unique characteristics of the area, because there are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the project area, nor are there local laws or requirements for the protection of the environment (EA Section 1.7.7). Riparian areas will be protected by application of Forest Plan standards and state laws and project design features (EA Section 2.3).
4. The effects on the quality of the human environment are not highly controversial. Concerns expressed by interested publics over environmental effects have been mitigated through application of site-specific design feature requirements (EA Sections 1.7.7 and 2.3).
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 risks (EA Sections 1.6, 1.7, 3.2, 3.3, 3.4, 3.5, and 3.6 and Appendix B pp. B-6 and B-7).
6. This 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 and will not cause loss or destruction of significant scientific, cultural, or historical resources (EA Section 1.7.5).
7. There are no apparent significant adverse cumulative effects between this project and other past, present and reasonably foreseeable actions. Other Federal, State and private projects have been considered (EA Sections 1.7.2, 1.7.3, 1.7.4, 1.7.5, 3.3.2, 3.3.3, 3.3.4, 3.4.2, 3.4.3, 3.4.4, 3.5.2, 3.5.3, and 3.5.4; EA Appendix B pp. B-6 and B-7).
8. This action is not likely to establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. The project is site specific and effects are expected to remain localized and short-term (EA Sections 1.7, 3.2, 3.3, 3.4, 3.5, and 3.6).
9. The action will not adversely affect any endangered or threatened species or their habitat that has been determined to be critical under the Endangered Species Act of 1973 (EA Sections 1.7.1, 1.7.2, 1.7.3; EA Appendix B pp. B-6 and B-7).
10. This action will not violate Federal, State or local law or requirements imposed for the protection of the environment. Applicable laws and regulations were considered in this EA (EA Section 1.7.7).

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

My decision to implement the Selected Alternative is consistent with the intent of the long-term goals and objectives 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 (EA Section 1.3).

## 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 notice of this decision is published in *The Asheville Citizen-Times*. The Appeal shall be sent to National Forests in North Carolina, ATTN: Appeals Deciding Officer, P.O. Box 2750, Asheville, North Carolina 28802. Appeals may be faxed to (828) 257-4263. Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. at our office located at 160 Zillicoa Street, Asheville, North Carolina. Appeals may also be 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 (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 Paul Bradley, District Ranger, Appalachian Ranger District, P.O. Box 128, Burnsville, North Carolina 28714, Phone: 828-682-6146; or Karen Compton, Environmental Coordinator, P.O. Box 2750, Asheville, North Carolina, 28802, Phone: 828-257-4230.

## 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 (36 CFR 215.15). When an appeal is filed, implementation may occur on, but not before the 15<sup>th</sup> business day following the date of appeal disposition (36 CFR 215.2).

    /s/ Paul L. Bradley      
**PAUL L BRADLEY**  
District Ranger  
Appalachian Ranger District

    9/29/06      
**Date**

**APPENDIX D – RESPONSE TO COMMENTS**  
**for the**  
**HICKEY FORK STORM DAMAGE RESTORATION PROJECT**  
**ENVIRONMENTAL ASSESSMENT**

**Hickey Fork Storm Damage Restoration Project**  
Environmental Assessment

**Response to Comments**

<b>Interest 1:</b>	<b>Changes to Management Direction</b>
<b>Interest 2:</b>	<b>Economics</b>
<b>Interest 3:</b>	<b>Locally Rare Species</b>
<b>Interest 4:</b>	<b>Management Indicator Species (MIS)</b>
<b>Interest 5:</b>	<b>Non-Native Invasive Plant Species</b>
<b>Interest 6:</b>	<b>Risk of Road Failure in the Future</b>
<b>Interest 7:</b>	<b>Roadless Areas</b>
<b>Interest 8:</b>	<b>Roads</b>
<b>Interest 9:</b>	<b>Support Alternative C</b>
<b>Interest 10:</b>	<b>Water Quality and Protection of Aquatic Habitat</b>

## General Discussion

The formal 30-day Notice and Comment period for the Hickey Fork Storm Damage Restoration Project Environmental Assessment began July 20, 2006 and ended on August 18, 2006. Six timely letters or e-mails were submitted by individuals, agencies, and organizations. Comments below are grouped by Interest. All respondents who provided comments to that Interest are identified.

### Interest 1: Changes to Management Direction

#### Letters and Comments on this Interest:

Wildlaw
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#### Comment 1-1:

*“The EA also asserts that changing the “zoning” of this area is beyond the scope of the analysis. It goes on to assert that management direction is determined during the forest planning process or plan revision process, and is thus not appropriate at the project level. While generally true, especially in the past, recent changes to laws and regulations have given the Forest Service near unfettered discretion to amend the Forest Plan at any time, for virtually any reason. Certainly if the District Ranger and Forest Supervisor desired to change the management direction for a small area of the Forest, the new NFMA planning regulations provide them with the discretion to do so.”* (Wildlaw) Citations omitted

#### Agency Response to Comment 1-1:

Comment noted. The newer regulations do give additional discretion for amending Forest Plans. The EA will be corrected to note this change. However, the project did not propose changing the management direction for the Hickey Fork Project area and considering do so is outside the scope of this analysis.

### Interest 2: Economics

#### Letters and Comments on this Interest:

Wildlaw
Southern Appalachian Biodiversity Project (SABP)

#### Comment 2-1:

*“It appears that a very large amount of taxpayer dollars, something over 1.1 million, would be expended to repair and restore the Hickey Fork road. This is a large amount of money for a road such as Hickey Fork. Where would this money come from? Is there a specific appropriation of money for this road alone, or would it come out of the general operating budget for the Forest Service? Would it impact the ability of the Appalachian District to perform other needed restoration or management activities elsewhere on the District?”* (Wildlaw)

#### Agency Response to Comment 2-1:

This project would be financed from Emergency Relief for Federally Owned roads (ERFO) funding. The ERFO fund was authorized by title 23 USC 125, for “the repair or reconstruction of highways and roads

which are found by the Secretary of Transportation to have suffered serious damage as the result of a natural disaster over a wide area, or a catastrophic failure.” The funds to repair the Hickey Fork Road would not come out of the general operating budget for the Forest Service or reduce funding on the Appalachian Ranger District.

**Comment 2-2:**

*“Given the importance to the economy of recreation and aesthetics in this part of North Carolina, an economic efficiency analysis should have been done. This would include:*

*This analysis uses the cost and revenue estimates included in the financial efficiency analysis, and adds other economic costs and benefits that are not part of Forest Service monetary transactions. This analysis is not required, but may be useful and appropriate, especially where timber sales are designed primarily to achieve forest stewardship objectives (sec 26). Completion of an economic efficiency analysis is strongly recommended where substantial non-market costs and/or benefits are anticipated as a result of the project.” (FSH 2409.18 ch.10.13-2) (Wildlaw)*

**Agency Response to Comment 2-2:**

The FSH quoted above (2409.18) is from the Timber Sale Preparation Handbook and only applies to preparing economic efficiency analysis for timber sale projects. Forest Service policy and regulations do not require the preparation of an economic efficiency analysis on the Hickey Fork Road project.

**Comment 2-3:**

*“[W]e would like to point out that it would be financially irresponsible to consider rebuilding Hickey Fork road when the alternative for closing the road is a much less expensive and viable alternative.” (SABP)*

**Agency Response to Comment 2-3:**

The cost of Alternative B (Stabilize and Close Hickey Fork Road) is approximately 25% less than the cost of the selected alternative (Repair and Restore Hickey Fork Road). However, economics were only one of the determining factors in choosing the selected alternative. The decision maker also considered protection of resource values and access to the area for forest and wildlife management, recreational opportunities, law enforcement, and fire protection.

**Interest 3: Locally Rare Species**

**Letters and Comments on this Interest:**

Wildlaw
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**Comment 3-1:**

*“The Hickey Fork Road project could negatively affect the Cerulean warbler, among numerous others. This species is in decline across the region due to habitat destruction.” (Wildlaw)*

**Agency Response to Comment 3-1:**

The Hickey Fork project area does not contain habitat for the Cerulean warbler due to its low elevation. Therefore, there will be no direct, indirect, or cumulative impacts to the Cerulean warbler or its habitat as a result of this project. A Biological Evaluation (BE) was completed for this project and is included as Appendix B of the EA. The BE determined that “[t]his proposal will have no direct, indirect, or cumulative effect on any wildlife, aquatic, or plant Threatened, Endangered, or proposed federally listed species or Sensitive species” (EA Appendix B p. 7).

**Interest 4: Management Indicator Species (MIS)**

**Letters and Comments on this Interest:**

Southern Appalachian Biodiversity Project (SABP)

**Comment 4-1:**

*“An assessment of habitat change linked to Management Indicator Species (MIS) must be documented and a checkpoint of the anticipated changes in habitat used by MIS and the likely contributions to forest-wide trends must be quantified.....It is the responsibility of the Forest Service to investigate how these changes in habitat will affect the species presence and viability within the AA and project areas, and moreover, the cumulative effects on species integrity.” (SABP)*

**Agency Response to Comment 4-1:**

A project level MIS Report was completed for this proposal and is included as Appendix C of the EA. Analysis of population trends for widely distributed species is best accomplished at the Forest level. The Nantahala and Pisgah MIS Report and the FY 2003 and 2004 Monitoring and Evaluation Reports for the National Forests in North Carolina provided information on Forest-level monitoring of population trends for MIS. Project-level MIS for this analysis were selected from the species list that became effective Forest-wide on October 1, 2005.

**Interest 5: Non-Native Invasive Plant Species**

**Letters and Comments on this Interest:**

Wildlaw

**Comment 5-1:**

*“This project will undoubtedly increase the prevalence of non-native invasive plants. The proposed actions will exacerbate this growing and recognized threat to forest health....Roads, especially disturbance which occurs during road construction, are well-known vectors for the introduction of invasive and exotic plant species.” (Wildlaw)*

**Agency Response to Comment 5-1:**

All contracted road work on Forest Service lands in North Carolina require contract provisions that protect against introduction of invasive and exotic plant species. All contracts issued for implementation of the selected alternative would include such provisions. These provisions include the washing of equipment and machinery prior to entering Forest Service lands.

**Interest 6: Risk of Road Failure in the Future**

**Letters and Comments on this Interest:**

Wildlaw

**Comment 6-1:**

*“This road has washed out twice from severe storm events in recent years. Climatologists have repeatedly stated that catastrophic and severe storm events have increased in the past decade. They have expressed with increasing certainty, the belief that such events will continue to increase with continued global warming....The EA follows with the statement that “it is unlikely that there will be another catastrophic loss of road investment due to flooding in the Hickey Fork area in the next 25 to 50 years.” How can the Forest Service make this prediction after noting that the previous events were “unpredictable”, and follow this same prediction with the statement that there can be no guarantee for such a prediction?....We do not concur with these assumptions.”*  
(Wildlaw)

**Agency Response to Comment 6-1:**

Comments noted. In answer to the question, what is the likelihood of the restored road suffering another failure due to flooding in the future? The EA at page 10 notes: “[t]here is no definitive answer to this question; however, the three flood events that resulted in the previous failures of the road were individually very unusual rainfall events.....[a]lthough the Hickey Fork road is located adjacent to the creek, the location of the original road prism is located above the typical flood zone of the creek. Restoration techniques in the selected alternative include repair techniques that would reduce the extent of damage in the unlikely event of another flood. Therefore, we believe based on the rainfall history in the project area, the location of the road above the typical flood zone, and the restoration techniques proposed that it is unlikely that there will be another catastrophic loss of road investment due to flooding in the Hickey Fork area in the next 25 to 50 years. However, since floods are natural disasters, there can be no guarantee that another catastrophic flood will not happen in the Hickey Fork area in the next 50 years”.

**Interest 7: Roadless Areas**

**Letters and Comments on this Interest:**

Wildlaw
Southern Appalachian Biodiversity Project (SABP)

**Comment 7-1:**

*“[T]here is some concern that there may be Inventoried (or uninventoried) Roadless Areas in the project area. Please address whether or not any neighboring Roadless Areas are impacted by the proposed road construction and reconstruction.”*  
(Wildlaw)

**Agency Response to Comment 7-1:**

The Hickey Fork Road project is not located in a roadless area. The Bald Mountain Roadless Area is offset several hundred feet to the west and northwest of the Hickey Fork Road until the road turns due east toward White Oak Flats. At that point the roadless area approximately follows the boundaries of Management Areas (MAs) 4D and 3B and between MAs 5 and 4D and 5 and 14 to Huckleberry Gap. A map of the Bald Mountain Roadless area is available at the National Forest in North Carolina’s Forest Supervisor’s office in Asheville, North Carolina. No impact to the Bald Mountain Roadless area is expected as a result of this project.

**Comment 7-2:**

*“According to our GIS data (provided by the USFS and SAFC) the Hickey Fork Road is located in the Bald Mountain Roadless Area. If this in fact true and this is an inventoried roadless area the Forest Service cannot perpetuate the existence of open roads in the area.”* (SABP)

**Agency Response to Comment 7-2:**

See agency response to Comment 7-1.

**Comment 7-3:**

*“As only 15% of the Nantahala and Pisgah National Forests fall under the category of roadless, turning the Hickey Fork road into a trail offers a great opportunity to increase the acres of land considered to be roadless.”* (SABP)

**Agency Response to Comment 7-3:**

Closing the Hickey Fork road would not automatically qualify the Hickey Fork Road area for roadless designation. There is a specific process that must be followed to designate an area as roadless. The consideration of the Hickey Fork area as roadless is outside the scope of this analysis.

**Interest 8: Roads**

**Letters and Comments on this Interest:**

Wildlaw

**Comment 8-1:**

*“Forest Service Regulations require that a roads analysis be preformed and that it comprehensively address road issues as part of forest management and planning.” (Wildlaw)*

**Agency Response to Comment 8-1:**

The Forest Service completed a roads analysis for this project and it is located in the project file. The roads analysis followed the interdisciplinary process and was prepared using input from public scoping for the Hickey Fork Project.

**Comment 8-2:**

*“There was no discussion or evaluation of the roads in the project area, just a few conculsory remarks assuring the public that no further damage is likely from all the miles of road reconstruction. That simply will not suffice.” (Wildlaw)*

**Agency Response to Comment 8-2:**

The EA in Section 3.4 discusses “Roaded Access into the Project Area”. The existing road conditions in the project area are discussed from both a pre-flood and post-flood perspective (EA, Section 3.4.1). The environmental effects of all alternatives on road access is discussed (EA, Sections 3.4.2, 3.4.3, and 3.4.4). In addition, because the alternatives include one which closes the Hickey Fork Road (Alternative B) and one which repairs and reopens the Hickey Fork Road (Alternative C), road issues and the effects of different alternatives on the various resources are discussed throughout the EA.

**Comment 8-3:**

*“Open road density is an issue touched upon, but never really addressed or adequately explained in the PA[sic] ....Some discussion and analysis of this important Forest Plan standard is required.” (Wildlaw)*

**Agency Response to Comment 8-3:**

The open road density of the project area would not change from pre-flood conditions with the selected alternative. The portion of the road proposed for restoration and repair is located in Management Areas (MA) 2C and 4D. There are no activities proposed in any other MAs. The open road density of MA 2C under the selected alternative and prior to the flooding is approximately 1.22 miles per square mile (mi/sqmi) which is within the forest plan standard of 2.0 mi/sqmi in MA 2C. The open road density of MA 4D under the selected alternative and prior to the flooding is approximately 1.0 mi/sqmi which exceeds the forest plan standard of 0.25 mi/sqmi. However, the situation with MA 4D is atypical because the Hickey Fork Road enters and exits MAs 2C and 4D since the MA boundary follows the creek until East Prong Fork Hickey Creek and Little Prong Creek split.

The fact that Hickey Fork road is located in both MAs makes it impossible to meet the management direction of both MA 2C, which has roads that are generally open, and MA 4D, which closes most roads to private motorized vehicles. Although the Hickey Fork Road is located in both MAs 2C and 4D it does not provide access into the interior of MA 4D; therefore, it does not jeopardize the management intent of MA 4D which is to provide high quality habitats for wildlife requiring older forests and freedom from disturbance from motorized vehicles. If this portion of Hickey Fork road was the boundary between the two MAs instead of the creek, the open road density in MA 4D would be 0.41 mi/sqmi.

**Interest 9: Support Alternative C**

**Letters and Comments on this Interest:**

North Carolina Wildlife Resources Commission (NCWRC)
Verlin Enloe (VE)
Southern Appalachian Multiple-Use Council (SAMUC)

**Comment 9-1:**

*“The Commission supports restoring the motorized access that Hickey Fork Road once provided to benefit fishermen, hunters, and others that enjoyed uses of fish and wildlife resources and, more importantly, to provide motorized access for direct wildlife habitat improvements including timber management and prescribed fire. The Commission does not believe there will be any opportunities for development of quality early successional habitat in the area through these habitat improvements without the historic motorized access. Therefore, the Commission must support Alternative C since it has been identified by the USFS as the only practical way to accomplish these needs.” (NCWRC)*

**Agency Response to Comment 9-1:**

Comment Noted.

**Comment 9-2:**

*“I encourage and support immediate action for repair and restoration preferred EA and Alternative C.” (VE)*

**Agency Response to Comment 9-2:**

Comment Noted.

**Comment 9-3:**

*“We fully support the proposed action Alternative C, as it will restore access to the area and allow for the implementation of the forest plan objectives to improve the area for fish & wildlife, forest health, recreation and other natural resource management activities.” (SAMUC)*

**Agency Response to Comment 9-3:**

Comment Noted

**Interest 10: Water Quality and Protection of Aquatic Habitat**

**Letters and Comments on this Interest:**

North Carolina Wildlife Resources Commission (NCWRC)
Southern Appalachian Biodiversity Project (SABP)
United States Fish And Wildlife Service (USFWL)
Wildlaw

**Comment 10-1:**

*“Please explain how you intend to keep the turbidity of the designated trout waters below 10 Nephelometric Units (NTU), as you are required to do by law.” (Wildlaw)*

**Agency Response to Comment 10-1:**

A Buffer Variance for the Hickey Fork Project has been applied for with the North Carolina Division of Land Quality. Within this application, is a site-specific Erosion and Sediment Control Plan (E&SC Plan) developed by the Forest Hydrologist and design Engineer designed to meet Clean Water Act and applicable State turbidity and sedimentation criteria. The variance, if granted, will contain this E&SC Plan as proposed, or will recommend additions or changes, which the Forest Service will meet. Integration of the proposed or amended E&SC Plan will ensure compliance with the North Carolina Sediment and Pollution Control Act and the Clean Water Act.

The U.S. Army Corps of Engineers has issued a Section 404 Permit for the Hickey Fork Project (hereafter, the Permit). Pages 3 through 13 of the Permit list conditions that must be met to maintain compliance with the Clean Water Act. Additionally, pages 17 through 19 of the Permit include additional regional conditions applicable to the Hickey Fork Project. Additionally, the North Carolina Division of Water Quality issued a Section 401 Water Quality Certification for the Hickey Fork Project (hereafter, the Certification). Pages 1 through 3 of the Certification lists conditions that must be met to maintain compliance with the Clean Water Act. Actions necessary to meet all of these permit and certification conditions are part of the project design. These documents are located in the project file.

Furthermore, Section 2.3 of the EA lists eleven project design features that have been incorporated into the project design to ensure protection of aquatic habitat during project implementation.

**Comment 10-2:**

*“[T]he forest service failed to adequately assess the substrate conditions in streams within the AA, how these conditions have affected MIS, and the cumulative effects of these events within the analysis area, as required by NEPA and CEQ regulations.” (SABP)*

**Agency Response to Comment 10-2:**

The Aquatic Analysis for the Hickey Fork Project, which is located in the project file, describes the effects of flooding on instream habitats, particularly trout spawning habitat (pp. 5-7). Rainbow trout is the aquatic management indicator for this project. The Aquatic Analysis also describes not only anticipated response of the resident rainbow trout population within Hickey Fork to flood effects on spawning habitat, but also actual catastrophic event monitoring results from several streams on the Pisgah National Forest (pp. 5-7).

Additionally, pages C-1 through C-4 of the Environmental Assessment provide a description of potential local and forest-wide effects of the Hickey Fork Project on all Management Indicator Species (MIS). Also see Agency Response to Comment 4-1 for additional information on MIS.

**Comment 10-3:**

*“Although some floodplain encroachment cannot be avoided with construction along the creek, the amount of erosion this causes during flooding can be reduced through the use of natural stream design techniques. Some techniques, like rock vanes, often can be used instead of bank armoring. They provide more durable bank protection than armoring because they train stream flow and energy to scour pools rather than deflecting it laterally and downward along the face on embankments. These structures also create aquatic habitat diversity.”* (NCWRC)

**Agency Response to Comment 10-3:**

Comments noted. Alternative C includes the use of natural stream design techniques including rock vanes in its design.

**Comment 10-4:**

*“As with similar creek-side, gravel roads, Hickey Fork Road was an appreciable, chronic source of sediment to the creek. It may continue to be a problem if the project does not include road design features that reduce erosion like out-sloping without ditches, water bars, and sediment traps.”* (NCWRC)

**Agency Response to Comment 10-4:**

Comment noted. All of these erosion control techniques are a part of the project design.

**Comment 10-5:**

*“As stated in our earlier letters, we have no strong preference for either action alternative. Our priority is the stabilization of the stream bank, which would ensure that there is no further degradation of riparian and stream habitats, and either alternative would result in this stabilization. We encourage the use of natural stream design wherever possible.”* (USFWL)

**Agency Response to Comment 10-5:**

Comments noted. Alternative C includes the use of natural stream design techniques including rock vanes in its design.

## **References and Data Sources**

National Forests in North Carolina, Monitoring and Evaluation Report. 2003. National Forests in North Carolina, Asheville.

National Forests in North Carolina, Monitoring and Evaluation Report. 2004. National Forests in North Carolina, Asheville.

## **Edit to July 2006 Hickey Fork Storm Damage Restoration Project EA**

The only change to the July 2006 Environmental Assessment for the Hickey Fork Storm Damage Restoration Project was a slight wording change in Section 1.8.2 to clarify that changes to management areas can be made outside of the Forest Planning process if a manager chooses to pursue such action. Therefore, we will not be producing and mailing new copies of the EA. The new wording is as follows:

### **1.8.2 Closing the Area to Logging and Re-zoning the Area for Recreation**

**Issue BB:** A suggestion was made to permanently close the area to logging and to re-zone the area for recreation use such as hunting and fishing only.

**Reason this Issue is Beyond the Scope of this Analysis:** Timber harvesting is an approved use of National Forest System land as set forth by laws that regulate Forest Service activities. The Forest Plan for the Nantahala and Pisgah National Forests identifies areas where timber harvesting is an appropriate activity in accordance with rules and regulations based on these laws by dividing the forest into management areas. Some management areas allow timber harvesting and others do not. It is outside this scope of this analysis to change the management area designations within the project area. However, Alternatives A and B would change the character and use of the area and would introduce discussions on changing the management area designations.