# DECISION MEMO

## NANTAHALA RIVER TEMPORARY SPECIAL USE PERMIT ISSUANCE

NANTAHALA RANGER DISTRICT
MACON & SWAIN COUNTIES
NORTH CAROLINA
January 11, 2011

I have decided to issue a maximum of 12 Temporary Use Commercial Permits to groups such as colleges, universities, camps and clubs who request a permit to use the Nantahala River in 2011. The permitted use will be instruction and training for hard boats on Mondays through Thursdays, May 1 to November 10. Each permit holder will be allowed a maximum of 15 boats per trip with a maximum of 20 people. The guide ratio will be one to five. These permit holders will use Takeout #3. This decision is for temporary use which is limited to a maximum of 200 service days per permit. I will allow three permits per day on Monday through Thursday. Applicants must note the day of the week they are requesting. Applications will be accepted February 1 to February 28, 2011. Applications must be postmarked by midnight, February 28, 2011. If there are more than 12 applications received, the recipients will be selected by a lottery system.

Applicants must demonstrate that the logistics of their proposed trip are feasible. Key elements must include identifying a staging location for vehicles and the ability to move boaters and equipment out of Take Out #3 within 10 minutes of arrival. They will need to designate the type and number of vehicles they will use per trip. The existing outfitters have a reserved site at this take out for which they pay a site reservation fee. Pick-up vehicles can stage for no more than 10 minutes and must move out when necessary for existing outfitters' arriving boaters. Failure to address these criteria will result in the application not being considered.

Pick -up vehicles cannot stage at the public picnic pull-offs along the river or at Ferebee Memorial Park. Applicants must abide by all requirements in the current Outfitter Operating Plan for the Nantahala River which includes a 15 minute time limit at the launch site to unload, move out vehicles and get on the water.

In 2008, the Forest Service implemented regulations that would allow the issuance of temporary use permits for outfitting and guiding on National Forest System lands. As a result, the Forest Service was contacted by various groups seeking commercial use of the Nantahala River.

On July 20, 2010, the Forest Service opened a public comment period to determine public need and receive input on a proposal to issue a maximum of 32 permits a year to groups such as colleges, universities, camps and clubs. News releases were sent to local newspapers, and approximately 24 letters were sent to interested parties and 45 written responses were received.

In reaching my decision to issue a limited number of temporary use commercial permits, a major consideration was the crowding issues with Take Out #3, where parking and restroom facilities are concerns. The take out is very difficult for the current outfitters to effectively, efficiently and safely move customers and equipment in an acceptable and timely manner. Private lands and local businesses cannot be expected to accommodate commercial use by other outfitters. Due to the existing land ownership pattern and physical features of the river, take-out space is very limited. Take Out #3 is small and the adjoining roadway is highly traveled. Sight distance is limited. Paddlers have to successfully reach Take Out #3 or be exposed to the hazards of Big Wesser Falls.

I also considered the economic effects of issuing new temporary permits and it's effect on existing outfitters. I expect that some permits will be new use on the river and some of this use might be from summer camps who use the river by contracting with existing outfitters. However, the effects should be minimal due to the limited number of permits and the requirements for hard boat instruction only. For these reasons, I have decided that 12 permits is the maximum that will be issued. This proposal for the issuance of temporary permits will be evaluated at the end of the 2011 season to determine if permits should be issued and how many permits would be available in future years. If no changes are needed, the application window would be opened yearly.

Scoping has indicated no individuals or agencies that might be significantly affected by the project. Consultation with the district botanist, wildlife biologist, fisheries biologist and arc haeologist was conducted for input into the proposed action. There are no biological or cultural concerns that would result from this additional use.

The proposed action falls under Category 3, Section 31.2 of the Forest Service Handbook 1909.15 as the "Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land. The effects of implementing this action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environment. There are no extraordinary circumstances that might cause the action to have significant effects upon the quality of the human environment, either cumulatively or individually.

This decision is not subject to appeal pursuant to 36 CFR 215.8(a)(4) and may be implemented immediately.

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| MICHAEL L. WILKINS | Date |
| District Ranger | |