UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECORD OF DECISION

NORTH SHORE ROAD FINAL ENVIRONMENTAL IMPACT STATEMENT
GREAT SMOKY MOUNTAINS NATIONAL PARK

SWAIN COUNTY, NORTH CAROLINA
November 2007

1.0 Introduction

The Department of the Interior, National Park Service (NPS), has prepared this Record of Decision (ROD) on the Final Environmental Impact Statement (EIS) for North Shore Road in Swain County, North Carolina pursuant to federal regulations 40 CFR 1505.2 and 23 CFR 771.127. Eastern Federal Lands Highway Division of the Federal Highway Administration (FHWA), the Tennessee Valley Authority (TVA), and the United States Army Corps of Engineers (USACE) are cooperating agencies for the EIS, working in coordination with Great Smoky Mountains National Park (GSMNP, also referred to as the Park) throughout the planning process. This ROD is a statement of the decisions made as a result of environmental and socioeconomic analyses in combination with consideration of comments provided by the public, organizations, tribal representatives, elected officials, and other agencies. An outline for the remainder of this document is included below.

- Project Background
- Key Issues
- Decision (Selected Action)
- Other Alternatives Considered
- Environmentally Preferred Alternative
- Basis for the Decision
- Measures to Minimize Environmental Harm
- Finding on Impairment of Park Resources and Values
- Public and Interagency Involvement
- Conclusion and Signatures

The Final EIS, dated September 2007, identifies the Monetary Settlement Alternative as the NPS Preferred Alternative. The Monetary Settlement Alternative would ensure that resources of GSMNP and the Appalachian National Scenic Trail (AT) would be unimpaired for the enjoyment of future generations. It would fulfill project goals and objectives including the protection of natural, cultural, and recreational resources. The Monetary Settlement Alternative has been recommended by Swain County and supported by the state of North Carolina to satisfy the 1943 Agreement.

2.0 Project Background

The North Shore Road Project has a long history, spanning over six decades. In July 1943, the Tennessee Valley Authority (TVA), the U.S. Department of the Interior (DOI), the state of North Carolina, and Swain County, North Carolina, entered into a Memorandum of Agreement (1943 Agreement) that dealt

with the creation of Fontana Dam and Reservoir and the resultant flooding of lands and roads within Swain County. The 1943 Agreement contained a provision by which the DOI was to construct a road through GSMNP, along the north shore of the newly formed Fontana Reservoir, to replace the flooded NC 288.

The obligation of the DOI to construct the road was subject to, and contingent on, an appropriation by Congress of all funds necessary for the road's construction. The United States was at war when the 1943 Agreement was executed and no funds were appropriated for construction. After the war, between 1948 and 1970, the DOI, through the NPS, built 7.2 miles (11.6 kilometers [km]) of the originally proposed North Shore Road (known as Lake View Road) within GSMNP. (Approximately 30 miles [48.3 km] have not been constructed.) Due to environmental concerns with acid rock, high construction cost, and construction feasibility, construction of Lake View Road was stopped in 1972. The need of the project is to determine whether or not it is feasible to complete the road and to evaluate other alternatives that would satisfy the obligation. In October 2000, Congress budgeted $16 million of Department of Transportation (DOT) appropriations to resume construction of the North Shore Road in GSMNP. The NPS prepared an EIS to analyze alternatives for resolving issues related to the North Shore Road. The purpose of the proposed action is to discharge and satisfy any obligations on the part of the United States associated with the 1943 Agreement.

The project study area is in western North Carolina and includes a portion of GSMNP in Swain County and a portion of the AT in Swain and Graham counties. The study area extends from just west of Fontana Village to the eastern municipal limits of Bryson City, covering an area of roughly 120,000 acres (48,562 hectare [ha]). Fontana Lake divides the study area to include land south and north of the lake. The southern limits of the study area are parallel to and just south of NC 28 and US 19/US 74, while the northern limits follow an arc that includes the majority of land transferred in the 1943 Agreement.

Recognized as both a World Heritage Site and an International Biosphere Reserve by the United Nations, GSMNP has over 9 million annual visitors. People visit from around the globe to experience the significant natural, cultural, and recreational resources located in the area. GSMNP is also home to one of the most biodiverse areas in eastern United States. It offers many optimal and diverse habitats to over 200 bird species, 60 mammal species, 50 fish species, and 30 salamander species.

2.1 Project Goals and Objectives

The project study team developed goals and objectives during the EIS planning process to be consistent with GSMNP's General Management Plan and other NPS management documents, and in consideration of input provided by the public as well as comments received from resource and regulatory agencies. Draft goals and objectives were presented to the public and the agencies at scoping meetings held in March 2003. After reviewing all public and agency comments, the study team finalized the following goals and objectives.

While addressing the project's purpose and need and ensuring that resources within GSMNP, including the AT, are unimpaired for the enjoyment of future generations, the following goals will be fulfilled by the proposed action:

- Ensure that proposed management actions are consistent with legislative and executive mandates and NPS policies.

- Protect the significant and diverse natural resources and ecosystems (forest communities, water resources, and soundscapes) and the intangible benefits (peace and solitude) currently available in the areas where natural processes dominate.
- Protect the tangible (archaeological sites, cemeteries, historic structures, landscapes, and Traditional Cultural Properties [TCPs]) and the intangible (feelings of attachment, family life, myth, folklore, and ideology) aspects of the cultural resources.
- Foster and build relationships with Swain County and other North Carolina gateway communities.
- Continue to provide the traditional recreational activities of hiking, camping, fishing, and horse use.
- Avoid alternatives that would require taking of privately held lands.

Project objectives incorporate natural and cultural resource management strategies that include the following elements:

- Protect streams, seeps, wetlands, floodplains, and other water resources.
- Protect federally-listed threatened and endangered species and their habitats.
- Develop alternatives that minimize areas of disturbance. If disturbance is required, maximize the use of previously used roadway corridors.
- Protect park resources from adverse effects of problematic geologic formations and acidic runoff.
- Ensure that any human remains, funerary objects, objects of cultural patrimony, or traditional grave sites are treated in accordance with the provisions of the Native American Graves Protection and Repatriation Act, and any other applicable laws and regulations.
- Protect TCPs present within the study area.
- Ensure that all cultural resources located within the study area are evaluated and considered in accordance with the provisions of the National Historic Preservation Act (NHPA).

In addition to the lists above, public involvement was a vital project objective. NPS has completed a comprehensive and inclusive public involvement program that incorporated full consideration of all input provided by the public, as summarized in Section 10.0 of this ROD, and captured in detail within the Final EIS.

3.0 Key Issues

An initial list of environmental impact topics was identified by the EIS study team and presented as a draft to the public and agencies at the March 2003 scoping meetings. After consideration of input from the public and agencies, the impact topics were refined, finalized, and presented at the September 2003 public workshops. Key issues for the project were addressed through analysis of these impact topics in the EIS, which include: community, economics, land use, visitor use and experience, environmental justice, cultural resources, public health and safety, geology, floodplains, air quality, soundscapes, wetlands (jurisdictional and special aquatic habitats), streams and lakes, water quality, aquatic ecology, vegetation communities, terrestrial wildlife, black bears, migratory birds, invasive exotics, federally protected species, and visual resources. Other topics with discussions of effects in the EIS include utilities, hazardous materials, energy, indirect and cumulative effects, private in-holdings, and sustainability and long-term management.

Many local residents consider the 1943 Agreement to be "a broken promise" by the Federal government while many others believe the road is not needed and should not be constructed in a pristine national park. Selection of the NPS Preferred Alternative was made after full consideration of public and agency input and thorough examination of the impact topics listed above.

4.0 Decision (Selected Action)

A decision has been made by the NPS to select and implement the Monetary Settlement Alternative. See Section 7.0 for the basis of this decision. Swain County proposed a settlement in the amount of $52 million in a 2003 resolution and again restated the same in letters written in 2004, 2005, and 2006 as an amount that was acceptable to them. The $52 million proposal amount was used by NPS in the EIS for analysis purposes only. The Secretary of the Interior will designate a representative to convene a meeting of the signatories of the 1943 Agreement to discuss and agree upon an equitable method for determining the amount of a monetary settlement.

5.0 Other Alternatives Considered

In addition to the Monetary Settlement (Preferred Alternative), the EIS documented the evaluation of four other detailed study alternatives: No-Action, Laurel Branch Picnic Area, Partial-Build Alternative to Bushnell, and Northern Shore Corridor. The Partial-Build Alternative to Bushnell and the Northern Shore Corridor, are presented throughout the EIS as baseline routes with segment options and two road type options. The baseline routes for these alternatives share the same northern alignment for 8.0 miles related to the Primitive Park Road and 5.8 miles related to the Principal Park Road. Baseline routes for each road type have been compared to existing conditions (i.e., the No-Action Alternative). Southern crossings of embayments and the terminus location provide options that may be used in any combination to form alternate routes for the Northern Shore Corridor and the Partial-Build Alternative to Bushnell. These two alternatives are described and were analyzed in this fashion to simplify the information for the public and reviewers. (Please refer to the following page for a Comprehensive List of route and road type combinations.)

The Laurel Branch Picnic Area, Partial-Build Alternative to Bushnell, and Northern Shore Corridor were not selected as the NPS Preferred Alternative because they are anticipated to substantially impact GSMNP resources as compared to the Monetary Settlement Alternative. The Laurel Branch Picnic Area would create: major adverse impacts to the Park's topography, geology, soils, and floodplains; moderate adverse impacts to natural resources; and minor adverse impacts to the soundscape and one federally protected species. The Partial-Build Alternative to Bushnell would create: major adverse impacts to the Park's natural resources, visual resources, cultural resources, topography, geology, and soils; moderate adverse impacts to floodplains and soundscape; and minor adverse impacts to one federally protected species. The Northern Shore Corridor would create: major adverse impacts to the Park's natural resources, visual resources, cultural resources, soundscape, topography, geology, soils, and floodplains; and minor adverse impacts to one federally protected species. A complete discussion of these impact topics and all the impact analyses is included in the FEIS.

5.1 No-Action Alternative

The No-Action Alternative would forego any improvements to Lake View Road with the exception of routine maintenance. Under this alternative, there would be no changes to the existing conditions within the study area. No compensation would be provided in lieu of building the road. NPS would continue to provide transportation across Fontana Lake for annual cemetery visits and would maintain current

amenities, policies, and practices of GSMNP. NEPA requires the No-Action Alternative as a basis for comparing the potential benefits and impacts of other alternatives.

5.2 Laurel Branch Picnic Area (partial-build)
The Laurel Branch Picnic Area would consist of a day-use area on the north side of existing Lake View Road, just east of the existing tunnel parking area. A new, two-way, paved entrance/exit road would provide access to the day-use area. Outdoor facilities would include a multi-use picnic shelter, picnic tables, several loop trails, drinking fountains, and restrooms. The trails would provide an opportunity to explore stream ecology along Laurel Branch and to present local history. Wayside exhibit panels would provide a tribute to local heritage. Occasional ranger-led programs would be conducted from the day-use area, including educational programs.

5.3 Partial-Build Alternative to Bushnell
This alternative would include up to 8 miles (12.9 km) of new roadway from the existing tunnel west to the vicinity of the former Bushnell settlement. This alternative would include a bridge crossing Forney Creek north of the impounded waters (also referred to as the baseline). The alternative would provide a boat-launching ramp and restricted boat dock. The dock would accommodate NPS or concession-operated boats that would provide transportation on Cemetery Decoration Days from Bushnell or Cable Cove, as appropriate. The boat dock would also be used for scenic boat tours and would be available to the public for temporary docking to access concessions, restrooms, and other facilities.

Exhibit space would be designed to highlight local heritage of the area and may include concession opportunities. Located near the terminus of the new roadway would be a multi-use picnic shelter and picnic tables, a backcountry permit station, an information kiosk, restrooms, and a parking area. Interpretive, self-guided loop trails would recognize local heritage through a series of

Simplified List
of the Five Detailed Study Alternatives

1) No-Action
2) Monetary Settlement
3) Laurel Branch Picnic Area
4) Partial-Build Alternative to Bushnell (two route options and two road type options)
5) Northern Shore Corridor (eight route options and two road type options)

Comprehensive List
of Options for Route and Road Type Combinations

Partial-Build Alternative to Bushnell:

A) Baseline (northern route at Forney Creek), Primitive Park Road
B) Baseline (northern route at Forney Creek), Principal Park Road
C) Southern Option at Forney Creek Embayment, Primitive Park Road
D) Southern Option at Forney Creek Embayment, Principal Park Road

Northern Shore Corridor:

A) Baseline (northern routes at Forney, Hazel, and Eagle creeks with a terminus at NC 28), Primitive Park Road
B) Baseline (northern routes at Forney, Hazel, and Eagle creeks with a terminus at NC 28), Principal Park Road
C) Southern Option at Forney Creek Embayment, northern route at Hazel and Eagle creeks, and terminus at NC 28, Primitive Park Road
D) Southern Option at Forney Creek Embayment, northern route at Hazel and Eagle creeks, and terminus at NC 28, Principal Park Road
E) Southern Option at Forney Creek Embayment, Southern Option at Hazel and Eagle Creek Embayments, and terminus at NC 28, Primitive Park Road
F) Southern Option at Forney Creek Embayment, Southern Option at Hazel and Eagle Creek Embayments, and terminus at NC 28, Principal Park Road
G) Southern Option at Forney Creek Embayment, Southern Option at Hazel and Eagle Creek Embayments, and Southern Option Crossing Fontana Dam, Primitive Park Road
H) Southern Option at Forney Creek Embayment, Southern Option at Hazel and Eagle Creek Embayments, and Southern Option Crossing Fontana Dam, Principal Park Road
I) Southern Option at Forney Creek Embayment, northern route at Hazel and Eagle creeks, and Southern Option Crossing Fontana Dam, Primitive Park Road
J) Southern Option at Forney Creek Embayment, northern route at Hazel and Eagle creeks, and Southern Option Crossing Fontana Dam, Principal Park Road
K) Northern routes at Forney, Hazel, and Eagle creeks, and Southern Option Crossing Fontana Dam, Primitive Park Road
L) Northern routes at Forney, Hazel, and Eagle creeks, and Southern Option Crossing Fontana Dam, Principal Park Road
M) Northern route at Forney Creek, Southern Option at Hazel and Eagle Creek Embayments, and Southern Option Crossing Fontana Dam, Primitive Park Road
N) Northern route at Forney Creek, Southern Option at Hazel and Eagle Creek Embayments, and Southern Option Crossing Fontana Dam, Principal Park Road
O) Northern route at Forney Creek, Southern Option at Hazel and Eagle Creek Embayments, and terminus at NC 28, Primitive Park Road
P) Northern route at Forney Creek, Southern Option at Hazel and Eagle Creek Embayments, and terminus at NC 28, Principal Park Road

wayside exhibits explaining particular points of interest along the trails.

The Partial-Build Alternative to Bushnell would also include provisions for enhancements at Hazel Creek for the former community of Proctor. A new, accessible trail from the boat dock to Proctor and new wayside exhibits would convey the history of the area.

The Bushnell Area would provide a unique park experience because it would have the only boating access directly in GSMNP boundaries. It would likely attract a broad range of visitors to the North Carolina side of GSMNP. A *Commercial Services Plan* would need to be prepared to determine the type of concessions that would be necessary and appropriate, financially viable, and of service to the public. In conjunction with the design and construction of the roadway leading to the Partial-Build Alternative to Bushnell's destination, planning and public involvement activities would be conducted to detail the final complement of facilities and design their location on the landscape.

Southern Option at Forney Creek Embayment: A major bridge crossing of the Forney Creek embayment was studied as an option to the baseline corridor. The Southern Option at Forney Creek Embayment would continue west past the existing tunnel and turn to the south to cross the embayment of Forney Creek. This route is approximately 1.3 miles (2.1 km) to 1.5 miles (2.4 km) shorter in length than the baseline.

5.4 Northern Shore Corridor

The Northern Shore Corridor is the full-build alternative evaluated in the EIS. It would connect Lake View Road to NC 28. The alternative (or baseline corridor) would include a small bridge crossing of Forney Creek north of the impounded waters and would avoid major bridge crossings of the Hazel Creek and Eagle Creek embayments. The corridor would turn north just west of Calhoun and Mill branches to follow Lakeshore Trail to the vicinity of the former Proctor settlement. Once north of the Hazel Creek embayment, the corridor would turn to the west and continue through a portion of Flint Gap. West of Eagle Creek, the corridor would turn to the south and continue west to NC 28 toward Deals Gap. The estimated length of the baseline corridor is 30.8 miles (49.6 km) or 34.3 miles (55.2 km) depending on road type.

Depending on options chosen at Forney, Hazel, and Eagle creeks and the western terminus, the length ranges from approximately 24.9 to 34.3 miles (40.2 to 55.2 km). These three options are discussed in more detail below.

The Northern Shore Corridor would include provisions for the development of an auto-tour guide describing the historic and natural points of interest along the route for the study area, telling local history, and illustrating the location of trails and backcountry campsites. Wayside exhibit panels would be provided along the new road and at appropriate pull-off areas and overlooks. Interpretation would be provided at Proctor. Also, restrooms would be built at appropriate locations.

Major bridge crossings of the embayments of Forney, Hazel, and Eagle creeks were studied as options to the baseline corridor. In addition to these options, another option for the western terminus would involve the corridor tying into Fontana Dam Road and crossing Fontana Dam before intersecting with NC 28. (Lengths vary depending on the road type.)

Southern Option at Forney Creek Embayment: This option would continue west past the existing tunnel and turn to the south to cross the embayment of Forney Creek. This route is approximately 1.3 miles (2.1 km) or 1.5 miles (2.4 km) shorter in length than the baseline.

Southern Option at Hazel and Eagle Creek Embayments: This option would continue west past Calhoun and Mill branches, bridging the embayments of Hazel Creek and Eagle Creek. This route is approximately 2.3 miles (3.7 km) or 3.1 miles (5.0 km) shorter in length than the baseline. This option would turn to the north near Calhoun and Mill branches.

Southern Option Crossing Fontana Dam: This option would tie the Northern Shore Corridor into the existing GSMNP roadway segment that crosses Fontana Dam. This connection would have less roadway construction (approximately 1.5 miles [2.4 km] or 1.6 miles [2.6 km] shorter in length than the baseline corridor).

5.4.1 Road Types

The EIS documented the evaluation of two road types, Principal Park Road and Primitive Park Road, for the Partial-Build Alternative to Bushnell and the Northern Shore Corridor.

Principal Park Road: The proposed roadway typical section for the Principal Park Road has a two-way, asphalt surface with two 10-foot (3-meter [m]) travel lanes and 3-foot-wide (1-m) grass shoulders. It has a maximum posted speed limit of 30 mph (50 kilometers per hour [kph]).

Primitive Park Road: The proposed roadway typical section for the Primitive Park Road has a two-way, gravel surface with two 9-foot (2.8-m) travel lanes and 2-foot-wide (0.6-m) grass shoulders. It has a maximum posted speed limit of 15 mph (25 kph).

5.5 Common Elements

All detailed study alternatives include continued cemetery access into GSMNP. Annual ferry service, as it is currently provided by the NPS, would continue under alternatives that would not include provisions for a new road, would not intersect an administrative road, or would reach only a portion of the cemeteries.

Several enhancement features are recommended for consideration with all detailed study alternatives. These include coordinating with the TVA to rehabilitate and enhance interpretive exhibits at the Fontana Dam visitor information center to include local history; adding informational exhibits at the GSMNP boundary, in the vicinity of Bryson City, to orient the public; and providing scheduled, ranger-led programs.

6.0 Environmentally Preferred Alternative

As defined by the Council on Environmental Quality (CEQ): "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (CEQ 2005a).

Section 101(b) of NEPA establishes goals for carrying out the policy set forth in the Act. The section states "it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may:

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
5. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources" (CEQ 2005b).

After consideration of Section 101 with regards to the detailed study alternatives, the Monetary Settlement Alternative (Preferred Alternative) was selected as the Environmentally Preferred Alternative for this project because it best adheres to the goals described by CEQ. The Environmentally Preferred Alternative is not necessarily the same as the Preferred Alternative and the NPS is not required to select the Environmentally Preferred Alternative as the Preferred Alternative. However, for this project, the Environmentally Preferred Alternative is consistent with the agency's selection of the Monetary Settlement as the Preferred Alternative.

7.0 Basis for the Decision

After full review of the EIS and careful consideration of comments, the Monetary Settlement Alternative has been identified by NPS as the agency's Preferred Alternative because it is the alternative that best meets the project's purpose and need and accomplishes the project's goals and objectives.

While addressing the project's purpose and need, and ensuring that resources within GSMNP, including the AT, are unimpaired for the enjoyment of future generations, the Monetary Settlement Alternative will avoid impacts to natural, cultural, and recreational resources within GSMNP, including the AT, and will fulfill the project's goals and objectives presented in Section 2.1.

The Monetary Settlement will allow for the continued protection of the significant and diverse natural resources and ecosystems of the Park (forest communities, water resources, protected species, and soundscapes). It will avoid disturbance to the Park and allow the Park to protect resources from adverse effects of problematic geologic formations and acidic runoff. The Monetary Settlement will also allow for the continued protection of the tangible (archaeological sites, historic structures, landscapes, cemeteries, and TCPs) and intangible (feelings of attachment, family life, myth, folklore, and ideology) aspects of cultural resources in the Park. The NPS will maintain current cemetery visitation practices and the Park will develop a budget request that will specifically describe the operations and maintenance needs to continue these activities, including annual ferry service.

The Monetary Settlement Alternative will be consistent with NPS management of the portion of the Park within the study area as backcountry. The Monetary Settlement Alternative will allow for the continued provision of the traditional recreational activities of hiking, camping, fishing, and horse use in this backcountry area of the Park. It will maintain the existing balance of visitors and resource use in this backcountry area of GSMNP and preserve the associated peace and solitude currently available there. The Monetary Settlement Alternative is consistent with the current General Management Plan.

In addition to meeting project goals and objectives, the Monetary Settlement Alternative is consistent with the goals established in Section 101 of NEPA (as discussed in Section 6.0 of this ROD). The Monetary Settlement Alternative will allow the Park to continue to accommodate the existing uses of this area of the Park, while protecting the resources of this portion of the Park for future generations. It will permit the Park to continue to preserve the beauty and recreational opportunities of this area, and maintaining visitor safety. The Monetary Settlement Alternative will allow for the preservation of important historic, cultural, and natural aspects of our national heritage present in the Park. It will permit the continued provision of backcountry choices in this area of the Park that support diversity of experiences and variety of individual choice for visitors to the Park. As noted previously, the Monetary Settlement Alternative will maintain the existing balance of visitors and resource use in this backcountry area of GSMNP, allowing visitors to continue to enjoy the existing amenities in the area, including the peace and solitude currently available there.

Lastly, the Monetary Settlement Alternative has the potential to discharge and satisfy any obligations on the part of the United States that presently exist as a result of the 1943 Agreement among the DOI, TVA, Swain County, and the state of North Carolina by providing an alternative that can achieve the consent of the signatories to settle the agreement, thus meeting the purpose of and need for the project. The Swain County Commissioners passed a resolution on February 11, 2003, that stated the county will accept a monetary settlement to settle the 1943 Agreement. The County restated their position that a monetary settlement of $52 million was the only acceptable resolution to this longstanding issue in letters dated December 17, 2003, August 18, 2004, April 1, 2005, and February 20, 2006. Correspondence dated April 6, 2006, from the Governor's office of the state of North Carolina has been submitted to GSMNP, supporting a monetary settlement for Swain County. The use of the funds will be at the discretion of the county and these proceeds will provide an opportunity for Swain County to spur local economic and community development, stimulate economic diversification, and enhance intraregional competitiveness.

8.0 Measures to Minimize Environmental Harm

All practicable measures to minimize environmental effects that could result from implementation of the Monetary Settlement Alternative have been incorporated into the decision. The Monetary Settlement Alternative (Preferred Alternative) does not require mitigation because it is not anticipated to negatively impact visual, natural, or cultural resources; soundscapes; or air quality for GSMNP or the AT. The financial compensation to Swain County provided by this alternative mitigates impacts to the community by discharging the 1943 Agreement while avoiding impacts to Park resources.

9.0 Finding on Impairment of Park Resources and Values

The purpose of GSMNP is provided in the NPS Organic Act of 1916 and in the legislation establishing the Park. The National Park Service Organic Act of 1916 states that the NPS: "shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified . . . by such means and measures as conform to the fundamental purpose of the said parks,

monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The Park's enabling legislation states that GSMNP is "for the benefit and enjoyment of the people" and directed that the newly created park be administered, protected and developed under the direction of the Secretary of Interior. As further refined in the Park's *2005-2008 Strategic Plan*, the purpose of GSMNP is "to preserve its exceptionally diverse natural and cultural resources, and to provide for public benefit from and enjoyment of those resources in ways that will leave them basically unaltered by modern human influences." NPS Management Policies define "impairment" as "an impact that, in the professional judgment of a responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values" (NPS 2006b). An impact would be more likely to constitute an impairment (as defined by NPS policy) to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified as a specific goal in the park's general management plan or other relevant NPS planning documents.

Implementation of the Monetary Settlement Alternative (Preferred Alternative) will not impair resources or values of the GSMNP or the AT. The Monetary Settlement allows continued fulfillment of the specific purposes identified in the enabling legislation of these parks; it has the least potential to impair the resources that are key to the natural and cultural integrity of these parks or to opportunities for enjoyment of them; it is consistent with the goals in the general management plans of these parks and other relevant NPS planning documents; and will not violate the NPS Organic Act.

10.0 Public and Interagency Involvement

Public involvement has been an essential component of the EIS, supporting an informed decision-making process. It has been integral in selecting appropriate study alternatives, analyzing potential impacts, and fulfilling NEPA requirements. In accordance with NEPA and implementing regulations, the NPS and the Federal Highway Administration (FHWA) developed an extensive public involvement program. The North Shore Road Public Involvement Program has included a variety of media to inform the public on the status of the EIS planning process and to solicit and incorporate public feedback. It included numerous public meetings at multiple locations, social advertisements in local newspapers, national press releases, a comprehensive mailing list for project newsletters, and an interactive project website.

In addition, interagency coordination and informal consultation facilitated distribution of project information, open communication, and the collection of comments. Input from state and federal resource and regulatory agencies was incorporated throughout all phases of the project's planning process. Meetings were held to collect existing data, discuss necessary fieldwork, solicit comments on the planning process, obtain concurrence on the detailed study alternatives, review impacts, and provide an opportunity for the public to comment on the Draft EIS.

Formal agency coordination began with the Notice of Intent (NOI) and the distribution of scoping letters. This was followed by interagency meetings, meetings with one or more agencies, and field site visits. Meetings were also conducted in accordance with Section 106 of the NHPA and informal coordination in compliance with Section 7 of the ESA.

The NOI to prepare the EIS for the North Shore Road Project in GSMNP was published in the *Federal Register* on April 24, 2003. The NOI explained the purpose of the EIS and established the public scoping process. The scoping process was proposed to elicit public comments regarding the full spectrum of public issues and concerns, including a suitable range of alternatives, the nature and extent of potential environmental impacts, and appropriate mitigation strategies.

The Draft EIS was distributed to local, State, and Federal resource and regulatory agencies and released to the public on January 4, 2006. A Notice of Availability (NOA) was published by NPS on January 4, 2006, in the *Federal Register* and established an initial comment deadline of March 20, 2006. The NOA provided official notice of the Draft EIS publication, solicited comments on the Draft EIS, and announced the public hearings. As required, an NOA for the Draft EIS was also filed by the U.S. Environmental Protection Agency (EPA) on January 6, 2006, informing the public that the Draft EIS was available for review. EPA noted their standard 45-day comment period in the January 6, 2006, publication of the *Federal Register* and provided an update in the February 3, 2006, *Federal Register*, which extended the comment deadline to match that originally identified by NPS. An additional update was made in the March 17, 2006, *Federal Register* noting the comment period extension to April 7, 2006, for a total 93-day comment period.

The Final EIS was also distributed to local, State, and Federal resource and regulatory agencies and released to the public on October 2, 2007. The NOA was published by NPS on October 2, 2007, in the *Federal Register*. The NOA provided official notice of the Final EIS publication, identified the Monetary Settlement as the NPS Preferred Alternative, and noted availability of the Final EIS on the project website as well as at nine public viewing locations. As required, an NOA for the Final EIS was also filed by EPA on October 12, 2007, with similar text to that of the NOA by the NPS, informing the public that the Final EIS was available and that the NPS had identified the Monetary Settlement as the NPS Preferred Alternative.

10.1 Enhanced Outreach

The North Shore Road Public Involvement Program utilized aggressive media strategies to reach people interested in the project:

- A series of five public meetings were each held at five different locations (Bryson City, Robbinsville, and Asheville, North Carolina; and Knoxville, and Gatlinburg, Tennessee), providing interested individuals with many opportunities to participate.
- Court reporters, (also referred to as transcribers), were available at the workshops to record verbal comments from the public.
- Interpreters for the hearing impaired were available at the workshops.
- Public workshop locations complied with regulations stated under the Americans with Disabilities Act.
- Information concerning the project and the public meetings were provided to the following newspapers through press releases: *The Smoky Mountain Times*, Bryson City, North Carolina;

The Cherokee One Feather, Cherokee, North Carolina; *The Mountaineer*, Waynesville, North Carolina; *The Sylva Herald*, Sylva, North Carolina; *Asheville Citizen Times*, Asheville, North Carolina; *The Smoky Mountain News*, Waynesville, North Carolina; *The Mountain Press*, Sevierville, Tennessee; *The Knoxville News-Sentinel*, Knoxville, Tennessee; *The Daily Times*, Maryville, Tennessee; and other major newspapers in Alabama, Georgia, Florida, Kentucky, Indiana, Illinois, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee. Announcements were also placed on the following websites: www.nps.gov\grsm, www.efl.fhwa.dot.gov, and www.NorthShoreRoad.info.

- Project newsletters were distributed via mail and electronic correspondence.
- Project website conforms to Section 508 of the Rehabilitation Act: Electronic and Information Technology Accessibility Standards.
- More than nine document viewing locations are available in North Carolina and Tennessee for individuals unable to access the Internet.

11.0 Conclusion

The Monetary Settlement Alternative (Preferred Alternative) provides the best balance of satisfying any remaining obligations on the part of the United States that may be associated with the 1943 Agreement while protecting and preserving historic, scenic, natural, and recreational resources as compared to other alternatives considered. The Monetary Settlement Alternative will ensure that resources of GSMNP and the AT will remain unimpaired for the enjoyment of future generations while also fulfilling the project's goals and objectives.

Recommended:

11/26/07

Dale A. Ditmanson, Superintendent — Date
Great Smoky Mountains National Park
National Park Service

Approved:

12/28/07

Paul R. Anderson, Acting Regional Director — Date
Southeast Regional Office
National Park Service

cc: Office of Environmental Quality, WASO