EXHIBIT 31

L-6 Email Chain w Sheryl Bryan 10112016

Bill Floyd

From: Bill Floyd <wcbfloyd@ix.netcom.com>
Sent: Tuesday, October 11, 2016 9:00 PM
To: 'Bryan, Sheryl -FS'
Cc: 'Melonas, James -FS'; Luczak, Heather L -FS; Aldridge, Michelle -FS; wcbfloyd@ix.netcom.com
Subject: RE: NNF & Pisgah LRMP: Aquatic Ecosystems Supplemental Report to DRAFT LRMP

Importance: High

Thank you Ms. Bryan & presumed members of the Interdisciplinary Team

I've studied the 2012 Planning Rule and the requirements of….Assessment, Planning, Monitoring.

Regarding the forthcoming plan, my interest and dedication is narrowly geared towards recovering facts, data sets, and Forest Service institutional knowledge about a very specific area of concern within the Forests…e.g. *the riparian areas and water resources* associated *with a very limited number but highly protected group of streams*—Outstanding Resource Waters and National Wild and Scenic Rivers. I plan to participate in the planning process by enhancing the Forest Service's awareness of the shortcomings of its current management approaches with respect to this narrow geographic area of the LRMP. I hope to achieve some form of compromise and to contribute improvements to the upcoming plan for managing the Nantahala in the future.

Thank you for sharing your understanding of how the Aquatic Ecosystem Assessment was administratively compiled and your broad brush discussion of my concerns (set forth in my September 30th email) about the absence of any discussion in the Assessment about the current ecological condition or integrity of streams in the Savannah River Basin.

I plan to think about your comment quoted below:

" I am in no way suggesting that there is no monitoring data available from the Savannah Basin. I am simply cautioning about mixing data sources and types. There is limited long-term monitoring data from this basin because there is relatively little of the Savannah Basin in North Carolina (when compared to other river basins). Logically, statistically reliable sampling design would put fewer sites in basins with fewer resources. Do I think we have enough data: no—but like I stated earlier, what we have is the best, most-consistent, statistically valid sampling design our collective monitoring efforts can sustain. "

To respond in part, agencies/scientists/etc. often use data sets and statistics gathered over wide geographic areas to *attempt to* extrapolate presumed conditions on a much more discrete geographic area lying within the larger area—especially when such officials possess limited field data about the narrower geographic area. However, in certain circumstances, such as in the case of *water resources* and *riparian areas* related to special bodies of water, *like the Chattooga River*, there are more extensive and focused tools that must be used to satisfy various statutory and regulatory mandates.

I'm not sure there is a need to be concerned about my mixing data sources and types—but I take criticism well and would not be offended to learn otherwise. Instead, my concern is about *possible inconsistencies* in how the responsible agencies apply the limited data that they possess—whether Benthic Community Sampling and *Bioclassification* ratings (Excellent, Good, etc.,) or Fish Community Assemblage Assessments as measured by

NCIBI scores (1 to 60), or Habitat Assessments (scored from 1 to 100). The problem with the *perceived* inconsistent application of data, standards, rules, and guidelines, is that it encourages controversy —whether in the world of policing, finance, law, or science.

As I see it, the problem remains that the Nantahala National Forest has embarked on a decade long campaign to ignore certain *inescapable* facts in order to initiate site specific management directives that have caused, and continue to cause degradation of arguably the most important body of water lying within the Nantahala National Forest—an assessment that I do not believe constitutes exaggeration if we assume that a river's dual classification as a National Wild and Scenic River and an Outstanding Resource Water deserves such recognition.

Whether I am right or wrong, the bottom line is, I still need to obtain the *specific factual data* and *institutional knowledge* held by the Forest Service which was described in my email of October 10th as follows:

"Consequently, could you ……(2) consider providing me with any and all documented details for the 19 NCIBI monitoring sites referenced in the Assessment—including but not limited to the precise latitude and longitude coordinates for each of the NCIBI monitoring sites, the NCIBI score for each of the sites, a list of all of the dates when sampling took place at individual sampling sites, the latest Bioclassification Rating for each site (or a notation that one has not been given), the Assessment Unit reference #, etc. ?"

Your email from this morning carefully addressed the process by which the Assessment was compiled and explained some of the reasons for the absence of any discussion/evaluation of the aquatic ecosystem condition the Savannah River basin. However, your helpful message did not address the request set forth above for the *data sets* and *institutional knowledge* that must have been used to compile the Aquatic Ecosystem Assessment.

Similarly, this morning, you referenced two website pages managed by NCDEQ as follows:

"Fish community data is found here: https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/biological-assessment-branch/fish-stream-assessment-program. NCIBI data is found here: https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/biological-assessment-branch/ncibi-scores-ratings."

To clarify, I've already spent a substantial amount of time reviewing those two website pages plus a third page where NC DEQ maintains a map called "*fish.com.*"
I did so before penning my email request of October 10th and again today before sending this email.

Unfortunately, none of those recommended websites contain the *specific facts* or *institutional knowledge* that I require from the Forest Service. My questions here do not constitute Freedom of Information Act requests—wherein I must try to guess which documents might or might not exist, and then wait weeks or months to obtain a response—and then appeal.

Instead, I am asking to be *timely* provided with a narrowly described set of *facts, data sets, and institutional knowledge* pursuant to the public participation mandate of the 2012 Planning Rule. I need the requested information to craft specific guidance and suggestions to improve the Nantahala forest plan with respect to the *riparian areas and water resources* in the forest. I cannot do so unless the Forest Service cooperates by *sharing facts* and *institutional knowledge* not otherwise published within the administrative record.

To assist the Forest Service, here is a restated list of the facts and data currently being requested:

1) Specific names of *all 19* of the long term NCIBI monitoring sites mentioned on page 14 of the February 2014 Aquatic Ecosystem Assessment (you previously provided me with a list of 15 stream names, thank you, I still need the names of the other 4 long term NCIBI monitoring sites);
2) Specific latitude and longitude locations *for each* of these 19 long term NCIBI monitoring sites;
3) Specific NCIBI scores for each of the 19 long term NCIBI monitoring sites, or if no score is available, a succinct explanation why the site is being referenced in the Aquatic Ecosystem Assessment (since it would hold little or no significance???);
4) For the period of time from 1993 to present,(this is the period that the Assessment's graphs reference) copies of all reports and memorandum prepared in connection with the study and assessment of the fish community for each of these 19 long term NCIBI monitoring sites, *including but not limited to the original field data sheets used to record habitat conditions, fish counts, etc. that were used to compile either an NCIBI score or a Fish Community Assemblage Assessment at each of those 19 monitoring sites.* I would like to see the NCIBI scores for each stream for every year that the NCIBI was calculated for the stream.

   With respect to those *field data sheets,* I would respectfully direct you to the *Standard Operating Procedure, Biological Monitoring, Stream Fish Community Assessment Program,* North Carolina Dept. of Environment and Natural Resources, December 2013 Version 5, Appendix 2 (*Stream Fish Community Assessment Program Field Data Sheet*) and Appendix 5 *(Habitat Assessment Field Data Sheet Mountain Piedmont Streams)*;

5) For each of the 19 streams, please provide the most current Bioclassification rating assigned to such stream (Excellent, Good, etc.) derived from Benthic Community Sampling.
6) For each of the 19 streams, please provide any supporting *field data sheets* underlying any Benthic Community Sampling effort and Bioclassification for the stream;
7) Please describe or provide the specific metrics or numeric standards that constitute the*"historical reference"* mentioned on page 15 of the Assessment (" Across the Forests, only one site within the Catawba River basin during one year of this monitoring (1998) received a NCIBI score lower than the *historical reference.")(italics added).* Stated differently, what is the numeric condition or measurable standard that constitutes the *historical reference* against which the streams within the Catawba River basin have been compared*?*

I do not wish to expound why *I am not* required to chase this information down from the NC DEQ or the NCWRC—but given the pressures place upon me by the fast approaching time deadlines for the forest plan, and for the benefit of the Forest Service's Interdisciplinary Team, here is why the Forest Service should expedite its response to my inquiries for facts and institutional knowledge.

Suffice it to say, the Forest Service has *previously* used much of this *factual information, data sets, and unpublished institutional knowledge* to prepare a public document—an editorial document which is fundamental to the preparation of the land resource management plan—the Aquatic Ecosystem Assessment. The Forest Service should consider itself to be in constructive if not actual possession of the underlying data associated with these reports—even if that information was originally created by the NCWRC or NC DEQ. The Forest Service knows where this information resides and is best equipped to obtain this information in the most expedient time frame.

The easiest solution is for the Forest Service to publish all of these data sets or institutional knowledge to the administrative record—as soon as possible. I would guess that others might be interested in this information

also. In any case, any delay in providing this information prejudices my ability to participate in the planning process. Delays in obtaining this information creates a risk of making it virtually impossible for me to have sufficient time to identify subject areas where the administrative record is inadequate. Such delay also precludes my practical ability to supplement the administrative record with additional facts, analyses, and potential expert opinions. I need this information on a timely basis.

The 2012 Planning Rule does not dictate *how much* public participation must be allowed or *what form* of public participation must be accommodated by the Forest Service as it undertakes the massive revision of the Nantahala National Forest land resource management plan.

However, in promulgating the 2012 Planning Rule, the United States Forest Service reiterated its understanding of the nondiscretionary duty to encourage public participation in the planning process: "The responsible official shall engage the public…early and throughout the planning process as required by this part, using collaborative processes where feasible and appropriate." 36 CFR 219.4(a)

Like the Freedom of Information Act which guarantees maximum government transparency by requiring federal agencies to respond to requests for the production of non-privileged documents, the overriding policy objective of the 2012 Planning Rule's *public participation* mandate is to provide for the free exchange of factual information between Forest Service officials and the public throughout the entirety of the Nantahala Forest's land resource management planning process.

"The public participation requirements are expected to improve plans and increase planning efficiency in a variety of ways. Collaborative efforts during the early phases of planning are expected to result in improved analysis and decisionmaking efficiency during the latter stages of planning; lead to improved capacity to reduce uncertainty by gathering, verifying, and integrating information from a variety of sources; reduce the need for large numbers of plan alternatives and time needed for plan revisions; potentially offset or reduce monitoring costs as a result of collaboration during monitoring; improve perceptions regarding legitimacy of plans and the planning process; increase trust in the Agency, and potentially reduce the costs of litigation as a result of receiving public input before developing and finalizing decisions." *Final rule and record of decision, 36 CFR Part 219, National Forest System Land Management Planning,* 77 Fed. Reg. 21162-21276, at 21195 (April 9, 2012)(the "2012 Planning Rule"

Given this admission, absent some legal privilege to withhold factual information or institutional knowledge, it would be inapposite to claim that this public participation mandate permits the Forest Service to delay or to refuse to answer narrowly written inquiries seeking specific facts and data sets pertaining to the protection, monitoring, or restoration of the integrity of water resources, fish habitat, and riparian areas located on the Nantahala National Forest. The public participation mandate presumes an obligation to respond to narrowly drawn inquiries for otherwise unpublished facts and data—especially (1) when such facts are known or such data is constructively possessed by Forest Service personnel, or (2) when any delay in publishing such facts or knowledge might adversely impact the public's ability to formulate alternatives for protecting, monitoring, or restoring the integrity of *water resources* and *riparian areas*.

During the creation of a land resource management plan, the Forest Service editorially controls both (1) the subject matter and the level of detail that it chooses to publish in the administrative record, and (2) the precise timing for when such information might or might not be released to the public.

Hypothetically, if this editorial power were to be negligently exercised, or purposely abused, an *interested member* of the public could be *untimely* prejudiced or *entirely* precluded from being able to recognize potential analytical omissions or inadequacies of fact within the forest plan's administrative record. This power to choose what information is published poses an inescapable threat to the public's right to become informed in order to

be able to recognize the public's need to supplement the administrative record with additional facts, competing research, comments, criticisms, or suggestions.

In short, there is some point along this public participation continuum where such neglect inappropriately prejudices the public's right to become informed and to participate in the forest planning process. This is why the Forest Service must guarantee that *timely* and responsive communications occur between *individual* Forest Service officials and *interested* members of the public. This is why the Forest Service should *contemporaneously* answer specific questions seeking factual information and knowledge otherwise possessed by the Forest Service but not made public within the administrative record. Absent some legal privilege, the Forest Service should not ignore the public's request for facts and data sets and institutional knowledge—especially in those circumstances where sharing such institutional knowledge might allow the public to create and share its own recommended guidelines for protecting and restoring the integrity of degraded *water resources* and *riparian areas* encompassed by the LRMP.

The purpose of the forest planning process is to achieve the best forest plan possible by seeking input from the public.

Similarly, it would also be inapposite for officials to engage in a practice of instructing the public to redirect their inquiries for information to other federal or state agency sources—especially if the Forest Service already knows the answers to the questions or when the Forest Service should be deemed to be in constructive possession of such data or knowledge (having specifically referenced such data in its own planning documents).

By instructing the public to redirect their inquiries to other government agencies in lieu of simply answering the public's questions, the Forest Service risks suppressing the public's efforts to become informed and to participate in the planning process. By delaying the public's ability to obtain answers to critical but narrowly drawn factual inquiries, the Forest Service inappropriately minimizes the public's *time constrained* ability to raise factual issues within the administrative record—information which if otherwise developed and included in the administrative record might provide future evidence of a failure on the part of the Forest Service to take a *hard look* at inconvenient conflicting information.

As the Interdisciplinary Team may know, one of the only ways that the public can hold the Forest Service accountable is to prove the Forest Service failed to give adequate scientific scrutiny of legitimate concerns raised by the public within the administrative record.

If the Forest Service does not know the answers to my questions, the Forest Service should simply respond by saying so—instead of refusing to provide any response to such public inquiries or redirecting the public to chase down the information from some other federal or state agency.

In closing, I would point out that the Chattooga River constitutes a special body of water having been designated both as an Outstanding Resource Water and Class B trout stream by the state of North Carolina, as well as a National Wild and Scenic River by the United States Congress.

In fact, the Chattooga constitutes just 1 of 39 bodies of water, out of a total of over 12,000 streams and lakes in North Carolina that is entitled to receive the strict *antidegradation protection* mandated by the Clean Water Act as well as the special Trout Buffer riparian area protections mandated by North Carolina law.

Please do not hesitate to contact me if you have any questions regarding *the specifics* of my questions and requests for information. I look forward to receiving the requested information and to working with the Forest Service in developing a forest plan that best serves the purposes of the public and which complies with the various statutory requirements.

Respectfully,

Bill Floyd

From: Bryan, Sheryl -FS [mailto:sbryan@fs.fed.us]
Sent: Tuesday, October 11, 2016 8:06 AM
To: Bill Floyd
Cc: Melonas, James -FS; Luczak, Heather L -FS; Aldridge, Michelle -FS; Farmer, Jason -FS; doug.besler@ncwildlife.org; 'bryn.tracy@ncdenr.gov'
Subject: RE: NNF & Pisgah LRMP: Aquatic Ecosystems Supplemental Report to DRAFT LRMP

Mr. Floyd,

I appreciate your time reviewing the Aquatic Ecosystems Supplemental Report for the Nantahala and Pisgah Forest Plan Revision Assessment (2014). This report was generated as a requirement of the 2012 planning rule specifically for the forest plan revision process. It was (and is) in no way a fair representation of all monitoring efforts in western NC, nor does it bear any relation to particular species' population trends. It is a very brief picture of the "state of aquatic resources" for the Nantahala and Pisgah Forest Plan Revision. These data are presented as representative of forest-wide conditions rather than a comprehensive analysis of individual streams. Hopefully the following will clarify some things and answer your questions.

One of the data sources used in this assessment was the NCDEQ's basin-wide monitoring program. DEQ conducts aquatic community health (fish) monitoring across all river basins in North Carolina using techniques such as the Index of Biotic Integrity (and similar indices for aquatic invertebrates). Metadata for the NCIBI protocols is found here: https://ncdenr.s3.amazonaws.com/s3fs-public/document-library/IBI%20Methods.2013.Final.pdf. The NCIBI method was developed for assessing a stream's biological integrity by examining the structure and health of its fish community. The North Carolina Administrative Code defines Biological Integrity as: "…the ability of an aquatic ecosystem to support and maintain a balanced and indigenous community of organisms having species composition, diversity, population densities, and functional organization similar to that of reference conditions". These indices are intended to gauge biotic integrity rather than population trends of specific species. They do not sample every stream or river as part of this effort, but rather a subset of representative sites. Additionally, they maintain monitoring sites that are, or have been, part of a special study. These sites provide quality aquatic community descriptions, but without replicate sampling, don't contribute to basin-wide aquatic community health trends.

The Assessment report you have been reviewing was created by the Forest Service, specifically for the Nantahala/Pisgah Forest Plan Revision using a relevant subset of the data DEQ collects—those sites located directly within or immediately adjacent to the National Forest because this is the best and most consistent data set we have to describe aquatic community health on the Forest. Of this subset of sites, Norton Mill Creek is the only site within the Savannah River basin. It would have been improper to use data from one site to represent an entire river basin in the assessment report—which is why the report specifically acknowledges the use of very small sample sizes in general, from all basins containing parts of the Nantahala and Pisgah National Forests. The report cautions readers not to apply the information summarized beyond the area from which it was collected because of these small sample sizes. Additionally, if a site was sampled once, it was used as part of the community descriptions, but not as part of the limited trend analysis, which is likely the case with the four streams you refer to. Fish community data is found here: https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/biological-assessment-branch/fish-stream-assessment-program. NCIBI data is found here: https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/biological-assessment-branch/ncibi-scores-ratings.
Similar to DEQ's basin-wide biotic integrity monitoring, the NCWRC has monitored long-term trout population trends on a representative suite of streams across western NC. Some of this data is also presented in the assessment, and more of it will be presented in the environmental impact statement for the plan revision. Again, what is used for our forest planning efforts is a subset of the larger monitoring effort.

As I am sure you are aware, North Carolina is blessed with an abundance of trout streams—so many that it is impossible to monitor each and every one. Therefore, both the NCWRC and NCDEQ take great care to develop statistically sound monitoring programs that can be related to the entire landscape. They use widely accepted methods and maintain strict control over data consistency and quality. DEQ's NCIBI monitoring was not designed to monitor trout population trends specifically. Nor was NCWRC's trout monitoring program data designed to assess full aquatic community health. In my opinion, to mix the two for reasons other than purely descriptive ones would invalidate the reliability of the monitoring information both agencies are striving to achieve. I am in no way suggesting that there is no monitoring data available from the Savannah Basin. I am simply cautioning about mixing data sources and types. There is limited long-term monitoring data from this basin because there is relatively little of the Savannah Basin in North Carolina (when compared to other river basins). Logically, statistically reliable sampling design would put fewer sites in basins with fewer resources. Do I think we have enough data: no—but like I stated earlier, what we have is the best, most-consistent, statistically valid sampling design our collective monitoring efforts can sustain.

The Nantahala-Pisgah Forest Plan revision process is committed to using the best available science in its processes. Again, thanks for your time, thoughts, and interest in your national forests.

Sheryl

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Caring for the land and serving people

From: Bill Floyd [mailto:wcbfloyd@ix.netcom.com]
Sent: Monday, October 10, 2016 12:14 PM
To: Bryan, Sheryl -FS <sbryan@fs.fed.us>
Cc: Bill Floyd <wcbfloyd@ix.netcom.com>
Subject: FW: NNF & Pisgah LRMP: Aquatic Ecosystems Supplemental Report to DRAFT LRMP
Importance: High

Ms. Bryan, I wanted to follow up on my email messages of September 30th and September 19th and your initial response on September 19th—the content of which is set forth below. Being pressed for time, I wanted to recap my position with the hopes of gaining your assistance in answering my questions regarding the Aquatic Ecosystem Assessment—as it relate to the future forest plan.

Consistent with the public participation requirements of the 2012 Planning Rule, I am seeking answers or factual explanations to a series of narrowly drawn questions relevant to the current forest planning process—information that I require in order to be able to formulate several recommendations for protecting, monitoring, or restoring the integrity of the Nantahala's *water resources* and *riparian areas*.

The information being sought is further needed to evaluate the public's possible need to supplement the forest planning administrative record with additional facts, research, and perhaps alternative expert opinions.

Cognizant of your busy schedule, could the Forest Service answer my factual inquiries?

To recap, on February 19, 2014, the Forest Service published a supplemental Assessment report specifically pertaining to the existing condition of Aquatic Ecosystems which was last accessed on October 10, 2016 from http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3793006.pdf. (the "February 2014 Aquatic Ecosystem Assessment").

The February 2014 Aquatic Ecosystem Assessment opines that:
"Overall, stream community, health, and function has been, and remains, good across the Nantahala and Pisgah NFs. Across the Forests, only one site within the Catawba River basin during one year of this monitoring (1998) received a NCIBI score lower than the historical reference." Id. at page 15.

Page 14 of the February 19, 2014 Aquatic Ecosystems Assessment advises that the Forest Service relied on the NCIBI scores associated *with 19 unspecified streams* to reach this sweeping conclusion.

However, the Assessment neither lists nor provides any the specific details or the actual NCIBI scores associated with any of the 19 streams.

Neither does the Assessment explain what was specifically used as the *"historical reference"* against which rivers within the Catawba River basin were compared.

The report further asserts that: "Maintaining an NCIBI rating of good or better [>48] for Forest streams is the desired condition." Id.

The Assessment explains that:

"The North Carolina Index of Biotic Integrity (NCIBI) (NCDWQ 2006) is a modification of the Index of Biotic Integrity (IBI) initially proposed by Karr (1981) and Karr et al. (1986). The IBI was developed to assess a stream's biological integrity by examining the structure and health of its fish community. The scores resulting from this index are a measure of the ecological health of the waterbody, and may not always directly correlate with water quality. For example, a stream with excellent water quality, but with poor or fair fish habitat, would not be rated excellent with this index. However, in many instances, a stream which rated excellent on the NCIBI should be expected to have excellent water quality.

The IBI (and hence, the NCIBI) incorporates information about species richness and composition, trophic composition, fish abundance, and fish condition. The NCIBI summarizes the effects of all classes of factors influencing aquatic faunal communities (water quality, energy source, habitat quality, flow regime, and biotic interactions). While change in a fish community can be caused by many factors, certain aspects of the community are generally more responsive to specific influences. For example: species composition measurements reflect habitat quality effects; information on trophic composition reflects effects of biotic interactions and energy supply; and fish abundance and condition information indicate additional water quality effects. It should be noted, however, that these responses may overlap—for example, a change in fish abundance may be due to decreased energy supply or a decline in habitat quality, and not necessarily a change in water quality.

The NCIBI is an assessment of twelve parameters (or metrics) (Table 2). The values provided by each metric are converted into scores on a 1, 3, or 5 scale. A score of 5 represents conditions which would be expected for

undisturbed streams in the specific river basin or region (the NCIBI takes into consideration physiographic region when defining the 1, 3, or 5 values). A score of 1 indicates that conditions differ greatly from those expected in undisturbed streams if the region. Each metric is designed to give unique information to the overall assessment. The scores for all metrics are then summed to obtain the overall NCIBI score. The NCIBI score (an even number between 12 (extremely disturbed) and 60 (undisturbed)) is then used to determine the ecological integrity of the stream from which the sample was taken." Id. at pages 12-13.

The Assessment specifically asserts that "fish community composition and structure has remained stable to slightly improving within French Broad and Yadkin River Basins. Fish community composition and structure shows slight improvements within Catawba River Basin, although high variability in NCIBI scores are noted (Figure 13)." Id. at 14.

Similarly, the Assessment asserts:

"Fish community composition and structure has improved measurably within the Little Tennessee River basin since the mid-1990s (Figure 13), perhaps due to large-scale grassroots and resource agency efforts in the watershed. Recently, the little Tennessee River basin was named the first native fish conservation area east of the Mississippi River by the National Wildlife Federation, again highlighting the importance of this system and its aquatic health to the planning area….

A closer look at NCIBI values from the Nantahala and Pisgah National Forests reveals that fish community health is stable within the French Broad river basin, and increasing in the Catawba River basin (Figure 14). However, very small sample sizes are likely limiting the reliability of these trends." Id. at pages 14-15.

Despite these optimistic claims, the conclusions drawn by this Assessment are problematic because the public has no way to evaluate or to test the validity of the scientific basis on which these broad claims are based—because the Forest Service has not provided sufficient information to do so.

Hence, could the Forest Service answer my questions about how these opinions have been reached, etc. Without achieving a detailed and comprehensive understanding about how these conclusions were reached, and the comprehensive facts on which they were based, I will be prevented from offering specific suggestions and carefully considered recommendations intended to help resolve the Clean Water Act antidegradation problem associated with the Chattooga River's headwaters in North Carolina, below the confluence of Green Creek.

Ms. Bryan, in response to my September 19th email inquiry, you redirected me to investigate information presumed to be available at the NC DEQ website page https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/biological-assessment-branch.

Unfortunately, this web page neither contains a complete list of the 19 NCIBI monitoring sites relied on in the Assessment nor any readily available data pertaining to the *individual* long term NCIBI monitoring sites that you identified in your original email response on September 19th.

In order to self-help, and before reaching back out to you on September 30th, I spent considerable time investigating other parts of the NC DEQ website—at locations that differed from where you directed me. I also reached out to NCDEQ personnel (although the impacts of Hurricane Matthew do not favor a response in the near term).

In particular I reviewed an interactive NC DEQ map entitled "*fish.com*" found at https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=a7303e0d9730450ead8364fc741c541c.

I searched this "*fish.com*" map for the 15 streams that you identified in your September 19th email.

Unfortunately, the *"fish.com"* map *also* does not facilitate the gathering of any facts regarding many of these presumed NCIBI monitoring sites.

By way of example, if you conduct a Boolean search of this map for *White Oak Creek,* you will locate a stream that is just west of I-40 near Waterville Lake. However, when you click on the location, the map offers no further details about this specific NCIBI monitoring site.

If you conduct a Boolean search for *Mackey Creek,* and click on the results, you will only learn that Mackey Creek is within the Catawba River basin and that it has an FID of 37. The map does not provide an NCIBI score for Mackey Creek.

None of the monitoring sites embedded in this interactive *"fish.com"* map can be identified with longitude and latitude precision.

Consequently, without being provided with all of the underlying detail associated with these 19 long term NCIBI monitoring sites, the public has no way to assess the accuracy of the Forest Service's assertions in the Assessment.

Consequently, could you (1) reconsider answering the narrow questions posed in my email set forth below on September 30th, and (2) consider providing me with any and all documented details for the 19 NCIBI monitoring sites referenced in the Assessment—including but not limited to the precise latitude and longitude coordinates for each of the NCIBI monitoring sites, the NCIBI score for each of the sites, a list of all of the dates when sampling took place at individual sampling sites, the latest Bioclassification Rating for each site (or a notation that one has not been given), the Assessment Unit reference #, etc. ?

Since the Forest Service implicitly references all of this data, the Forest Service must have constructive possession of that detail. It would not seem appropriate for me to experience additional delay in obtaining critical information that I need in order to evaluate and comment on the pending revision to the Nantahala and Pisgah National Forests plan.

Please do not hesitate to contact me if you have additional questions.

I continue to plan to be constructive in offering my criticisms and comments to the forest plan and specific initiatives. The open exchange of information holds the greatest potential for developing a land resource management plan that satisfies the needs of the greatest number of competing constituents—without necessitating further debate about the Forest Service's administrative obligations under 36 CFR Part 219, etc.

I look forward to hearing back from you regarding this urgent request for information pertaining to the Nantahala National Forest plan and I thank you for your time.

Bill Floyd

From: Bill Floyd [mailto:wcbfloyd@ix.netcom.com]
Sent: Friday, September 30, 2016 10:22 AM
To: 'Bryan, Sheryl -FS'
Cc: Bill Floyd
Subject: FW: NNF & Pisgah LRMP: Aquatic Ecosystems Supplemental Reprot to DRAFT LRMP
Importance: High

Ms. Bryan

Considering your suggestion of September 19th, I've reviewed the maps on NC DEQ's website—in particular the *fish.com* map.

I've also studied your listing of 15 of the 19 streams which constitute long term NCIBI monitoring sites cited in the NNF 2014 Aquatic Ecosystems Supplemental Report.

First, could you also identify/reconcile the remaining 4 long term NCIBI monitoring sites?

Second, I've studied Figures 13&14 on pages 14-15 of the 2014 Supplemental Report. I did not see any comments/graphs/evaluation pertaining to the current condition of the fish community composition and structure (and in particular any assessment of brook, rainbow, and brown trout populations) for the Savannah River basin.

Why is this? I would point out that Norton Mill Creek ultimately drains through the Savannah.

Third, you caution that "several sites included … did not have sufficient data to summarize temporal trends (there is much more data available for use in community descriptions and snapshots of community health)"

For the purposes of this email, I presume that your use of the term "community health" refers to an assemblage of populations of two or more different species occupying the same geographic area.

Given this, to which specific monitoring sites does this disclaimer of insufficient data refer? Also, could you explain the specific deficiencies in data, e.g. lack of sufficient number of samples taken, etc.?

Finally, are you suggesting there isn't any specific population trends data gathered for eastern brook, rainbow, and brown trout populations on streams within the Savannah River basin such as the Whitewater and the Chattooga? Does this explain why there are no graphs etc. for the Savannah River basis on page 14-15 of the 2014 Supplemental Report?

Thanks.

Bill Floyd

From: Bill Floyd [mailto:wcbfloyd@ix.netcom.com]
Sent: Monday, September 19, 2016 10:06 PM
To: 'Bryan, Sheryl -FS'
Cc: 'Melonas, James -FS'; 'Farmer, Jason -FS'; bryn.tracy@ncdenr.gov; 'Luczak, Heather L -FS'; 'Wilkins, Mike -FS'; Bill Floyd
Subject: RE: NNF & Pisgah LRMP: Aquatic Ecosystems Supplemental Reprot to DRAFT LRMP

Thank You.

From: Bryan, Sheryl -FS [mailto:sbryan@fs.fed.us]
Sent: Monday, September 19, 2016 9:47 AM
To: Bill Floyd
Cc: Melonas, James -FS; Farmer, Jason -FS; 'bryn.tracy@ncdenr.gov'; Luczak, Heather L -FS; Wilkins, Mike -FS
Subject: RE: NNF & Pisgah LRMP: Aquatic Ecosystems Supplemental Reprot to DRAFT LRMP

Mr. Floyd,

A complete list of NCIBI sites and data is available at https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/biological-assessment-branch. The list below includes sites used in the NP Plan Revision Assessment. Note that there are several sites included that did not have sufficient data to summarize temporal trends (there is much more data available for use in community descriptions and snapshots of community health). Also note that sites may have been added to their monitoring network since this report was created, and that the state's monitoring network is much larger than the National Forests. I am not aware of summary reports being prepared by the specifically for the Forest Plan Revision or Nantahala National Forest, other than what is included in the Assessment Report you are referring to.

Armstrong Creek
Big Laurel Creek
Curtis Creek
Gragg Prong
Horsepasture River
Little Laurel Creek
Mackey Creek
Mill Creek
Nantahala River
Norton Mill Creek
Shelton Laurel Creek
Silvermine Creek
Stony Fork
West Fork French Broad River
White Oak Creek

Sheryl

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From: Bill Floyd [mailto:wcbfloyd@ix.netcom.com]
Sent: Friday, September 16, 2016 1:55 PM
To: Bryan, Sheryl -FS <sbryan@fs.fed.us>
Cc: wcbfloyd@ix.netcom.com
Subject: NNF & Pisgah LRMP: Aquatic Ecosystems Supplemental Reprot to DRAFT LRMP
Importance: High

Ms. Bryan:

Page 14 of the *Aquatic Ecosystems* (Feb. 19, 2014) supplemental report to the current working draft of the NNF LRMP states:

"*There are nineteen long-term NCIBI monitoring sites within the eighteen-county area evaluated in this assessment.*"

Would it be possible to obtain a list of the streams that are being monitored using NCIBI within the Nantahala National Forest? Or alternatively a copy of the actual NCIBI summary report being prepared for said streams in the Nantahala National Forest ?

Many thanks for this small accommodation.

Bill Floyd