

EXHIBIT 20

bill floyd

From: Bill Floyd <wcbfloyd@ix.netcom.com>
Sent: Saturday, August 31, 2019 7:39 AM
To: Nicholas, Allen -FS
Cc: Bill Floyd
Subject: FW: Chattooga River: Concerns about the Two Separate Residential and Golf Course Development Projects Currently Undergoing Section 404 and Section 401 Permitting

Allen,

Allen, I appreciated your email message from August 15, 2019 re your having had a team “look at portions of the watershed north of the iron bridge. I plan to have them do further inventories to look at sediment production.”

However, I wonder what the specific purpose is for looking at “sediment production”. Is it for trying to assess how to reduce sediment inputs going forward?

Clearly, stopping sediment inputs is key to trying to reestablish the suitability of this now severely degraded wild trout habitat and once outstanding wild trout fisheries.

However, my view remains that we must take proactive steps to remove sediment and reestablish suitable spawning and early life cycle habitat.

The law does not provide us with the luxury of simply trying to fix the sources of sediment input and then stand by and hope for nature to cleanse the river.

The USFS possesses a substantial body of science which has been applied out west (in Oregon, etc) for assessing when the accumulation of fine particle sized sediments on a stream bed exceeds the measurable threshold for causing disruptive impacts on successful spawning by salmonids and the early life cycle survival of their newly hatched alevin.

I have already lodged much of this USFS applied science into the administrative record being compiled by the the Nantahala National Forest during the long and winding LRMP planning process.

Could you please outline what it is that you are exactly trying to do by having had a team “look at portions of the watershed north of the iron bridge. I plan to have them do further inventories to look at sediment production.”

I am hoping we are well beyond believing that there is an excessive bedded sediment problem...I remain committed to finding the capital required to fix this problem.

Many thanks.

Bill

From: bill floyd [mailto:wcbfloyd@ix.netcom.com]

Sent: Wednesday, August 28, 2019 6:41 AM

To: 'Nicholas, Allen -FS'; 'Arney, Ken S -FS'; Luczak, Heather L -FS

Cc: wcbfloyd@ix.netcom.com

Subject: RE: Chattooga River: Concerns about the Two Separate Residential and Golf Course Development Projects Currently Undergoing Section 404 and Section 401 Permitting

Allen and Ken

First, I am sending you a copy of a US EPA guidance document regarding stream assessment and restoration—which I would ask you to share with your LRMP planning team.

I would specifically request that you place this documents into the administrative record being compiled during the revision of the LRMP for the Nantahala and Pisgah National Forests as document “P-15 Function Based Framework Stream Assessments and Restoration USEPA Doc 2012.”

This document constitutes a current practice tool being used by the USEPA in stream restoration projects. It might be helpful in addressing the ongoing concerns about the Chattooga’s excessive bedded sediment problem which is so visibly obvious on North Carolina’s headwaters.

Second, referring back to my email of August 16th, I want to follow up on the Forest Service’s plans for commenting on the two massive development projects near the Cashiers Crossroads and within the Chattooga’s upstream watershed.

To remind everyone, there is a public hearing scheduled for Thursday, September 5, 2019 at the library in Cashiers to discuss North Carolina’s possible issuance of a Section 401 water quality certification in connection with the Cashiers Canoe Club Development LLC project around Cashiers Lake.

I have recently reconnected with a slightly older high school classmate from Atlanta who is a Chattooga River whitewater enthusiast and environmental lawyer at Taylor English Duma LLP in Atlanta—Craig is also very concerned about the impacts that these two residential development projects will have on the Chattooga’s already degraded condition—with respect to any potential incremental increases in sediment input which might occur as well as any additional potential discharges of sewage that might be required to be processed through the TSWA plant that discharges into the Chattooga just below Cashiers Lake.

He has circled several others (classmates from the Westminster Schools in Atlanta who frequent Highlands and Cashiers) and who have similar concerns about the Chattooga. I have suggested to this group a possibility that you might be able to share the agency's detailed comments and perspective about these two projects before the public hearing on September 5, 2019 about the Cashiers Canoe Club development around Cashiers Lake.

Is there any possibility of the Forest Service doing so before the September 5 public hearing???

Allen, will you or anyone from your staff be attending??

To press my story, the proper mix of private and public money needed to fix this excessive bedded sediment problem on the Chattooga's headwaters can be circled—but only if we get on the same side of the rock and start pushing.

It's time that we place the primary emphasis on restoring the degraded trout habitat on North Carolina's part of the Chattooga.

It's time that we take proactive steps towards restoring the once outstanding densities and/or biomass of the wild trout that used to exist on North Carolina's headwaters at Wild and Scenic River designation in 1974 and Outstanding Resource Waters classification in 1989.

I look forward to hearing back from you.

Regards

Bill Floyd

From: Nicholas, Allen -FS [<mailto:allen.nicholas@usda.gov>]
Sent: Thursday, August 15, 2019 11:20 AM
To: bill floyd; Arney, Ken S -FS
Subject: RE: Chattooga River

Hi Bill,

I was unaware of these proposed actions but forest staff may have been contacted. I'll check on the status of any response. That said, I will discuss this internally and will provide comments as part of this proposed action. On another note I had a team look at portions of the watershed north of the iron bridge. I plan on having them do further inventories to look at sediment production. You are welcome to visit or go with this team once we get it developed. I'll keep you in the loop on our progress. Hope you are well. A



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Caring for the land and serving people

From: bill floyd [<mailto:wcbfloyd@ix.netcom.com>]
Sent: Wednesday, August 14, 2019 9:06 PM
To: Nicholas, Allen -FS <allen.nicholas@usda.gov>; Arney, Ken S -FS <ken.arney@usda.gov>
Cc: wcbfloyd@ix.netcom.com
Subject: Chattooga River

A large part of the sediment that is in the river has clearly arrived on the waters managed by the USFS because of development in the upstream watershed over time.

There are two large real estate development projects that are in the permitting process right now that threaten adverse impact to this stream's trout habitat: the Canoe Club Cashier Lake development and the High Hampton redevelopment project.

The Forest Service should be actively participating to prevent any additional sediments from being discharged into upstream tribs of the Chattooga because of either of these projects.

Regarding the High Hampton project, I am attaching a copy of the recent USACE public notice of July 19, 2019 re SAW-2017-02281. As you can see, this public notice admits:

“ A public notice for this project was originally published in June 2018. During an inspection in December 2018 of the activities associated with the golf course redesign the Corps observed impacts to waters of the U.S. (WoUS). This impacts were conducted without authorization and were a violation of federal law under the Clean Water Act, Section 301 (33 USC 1311). The Corps issued a notification of unauthorized activity in January 2019. At that time, the applicant's request for a DA permit was administratively withdrawn. The applicant completed the Corps required remedial and corrective measures and the violation has been resolved.”

I witnessed this event. They never put up sediment fences before pushing dirt around the creek next to Highway 107...nevertheless the assumption is that everything will go as planned in the future.

The United States Forest Service owes a non-discretionary duty to manage the Chattooga's headwaters by placing "primary emphasis" on "protecting" the quintessential "scientific feature" which the agency recognized in 1971 as being an outstandingly remarkable value which was unique to North Carolina's headwaters.

Did the Forest Service complain to anybody about the discharge of sediments into this tributary to the Chattooga? Is the Forest Service doing anything to protect the trout habitat from being further degraded? If so, what exactly is being done??

Bill Floyd

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