



**National Park Service**  
**US Department of the Interior**  
**Great Smoky Mountains National Park**  
**North Carolina and Tennessee**

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**FINDING OF NO SIGNIFICANT IMPACT**  
**Laurel Falls Trail Management Plan**

Recommended:

\_\_\_\_\_  
Cassius M. Cash  
Superintendent, Great Smoky Mountains National Park

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Date

Approved:

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Mark A. Foust  
Regional Director, Interior Region 2, National Park Service

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Date

## INTRODUCTION

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS) prepared an environmental assessment (EA) to examine alternatives and environmental impacts associated with the Laurel Falls Trail Management Plan in Great Smoky Mountains National Park (the park) in Tennessee. Laurel Falls Trail is the longest and most popular of four paved trails in the park and is one of the park's most popular destinations, with more than 375,000 visitors in 2020. Parking at the trailhead is limited and frequently exceeds capacity, leading to parking in undesignated locations and impacts to vegetation, road congestion, and safety. The existing asphalt surface of Laurel Falls Trail is rough and uneven and includes sections that are cracked and missing, requiring frequent repairs. Additionally, the area surrounding the falls can be hazardous because of slippery rocks, steep drop-offs, and crowded conditions.

The purpose of the project is to guide future trail management, investment in trail infrastructure, safety, and visitor use of the trail. The project is needed to:

- Protect park resources and improve the visitor experience.
- Rehabilitate the deteriorated trail surface.
- Improve pedestrian flow and reduce safety risks at the trailhead, along the trail, and at the falls.
- Enhance opportunities for visitors to view and enjoy the falls.
- Address crowding and congestion concerns at the falls, in parking areas, and along Little River Road.
- Address safety and congestion concerns associated with informal roadside parking along Little River Road.
- Reduce resource impacts associated with visitor-created trails and informal roadside parking.

The EA analyzed two alternatives: the no-action alternative (alternative 1), which provides a basis for comparing environmental impacts of the action alternative, and one action alternative (alternative 2) that would implement improvements to the Laurel Falls Trail, parking area, and falls viewing area to address trail deterioration and congestion.

The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the *Laurel Falls Trail Management Plan Environmental Assessment* (May 2023) and its associated decision file. The EA was made available for public review from May 3, 2023, through June 4, 2023. Seventy-eight pieces of correspondence were received.

Attachment A summarizes the public comments, including NPS responses to comments, received on the EA. No changes to the EA were necessary as a result of public comments received. As required by NPS *Management Policies 2006* (NPS 2006), a finding of non-impairment is included as Attachment B.

## SELECTED ALTERNATIVE AND RATIONALE FOR THE DECISION

Based on the analysis presented in the EA and after considering public comments, the NPS selected alternative 2 (Proposed Action and NPS preferred alternative). Under the selected alternative, the NPS will implement improvements to the Laurel Falls Trail, parking area, and falls viewing area to address trail deterioration and congestion. Laurel Falls Trail is eligible for listing in the National Register of Historic Places (National Register) as a historic district. Accordingly, the design for the trail improvements will follow the Secretary of the Interior's Standards for Rehabilitation.

Trail improvements will include removing and replacing the deteriorating existing asphalt trail surface, and the resurfaced trail will be widened to 8 feet where possible to allow visitors to comfortably pass each other without stepping off the paved area. Trail widening will improve visitor circulation and reduce visitor-created trails and associated denuded vegetation. The park will add five retaining walls in necessary locations (primarily in steeper sections of the trail where widening is proposed). In the six locations where the trail contains historical stone edging, the park will relocate those stones to the new widened trail edge in the same location, or as close to the original location as possible. The trail design will also include rock batter on the downslope side in some locations to reduce future erosion.

New signage will be installed at the trailhead to provide wayfinding, Leave No Trace practices, and safety (including bear activity/safety) information. Signage near the trailhead will include information about trail conditions, including distance, trail surface, and steepness to allow visitors to make informed decisions before initiating their hike. The Laurel Falls trailhead area will be improved to include an arrival plaza to allow visitors more space to gather before their hike as well as a sidewalk between the parking lot and the plaza. A single stall vault toilet will be installed adjacent to the parking lot.

The park will add five trailside rest areas where the existing trail makes sharp turns to improve visitor circulation, provide space for resting and listening to ranger-led interpretive talks, and to prevent further adverse impacts to trailside vegetation and soil erosion. A sixth, larger rest area, will be sized for small gatherings and groups of visitors for educational/interpretive opportunities and located 0.8 miles northwest of the trailhead; it could also serve as a staging area for emergency response, as needed.

At the falls, the park will construct a multitiered viewing area that includes five platforms and two bridges at the upper and lower falls, connected by walkways and stairs. The viewing area will encircle the lower falls and include stone steps with railings between the existing boulders to transition visitors directly from the trail to the lower viewing platforms. The bridges and viewing platforms will create a looped trail around the falls area and viewing decks for visitors. The existing concrete bridge at the upper falls area will be replaced with a longer and wider bridge that will allow for two-way pedestrian traffic. The bridge will serve as a new viewing platform with railings and will be constructed on top of the bedrock that visitors are currently using as a viewing area (where slips and falls commonly occur). The new upper falls viewing area will provide visitors a safe location to view and photograph the upper and lower falls. The park will formalize existing visitor-created trails leading to the lower falls as a series of steps and platforms to provide safer access, improve pedestrian flow, and offer more opportunities to view the upper and lower falls.

The park will construct a smaller overlook east of the falls where the existing tree canopy opens to provide long-distance views of the park, including Blanket Mountain. The overlook will provide interpretive material and allow visitors to pause to enjoy the view or take photos without blocking the trail corridor.

The park will replace four of the five existing drainage culverts under the Laurel Falls Trail with new, appropriately sized, reinforced concrete pipe culverts to improve water flow and reduce clogging with debris and sediment. The culvert that crosses the Pine Knot Branch will be removed, and the park will install a new three-sided box culvert that will allow the bottom of the waterway to remain in its natural state after the existing culvert is removed. The park will also install five trench drains constructed near trailside rest areas or where water seasonally crosses over the existing trail.

After construction is complete, the park will implement measures to restore the trailside vegetation that was impacted by visitor use and during construction.

Pending funding availability, designated parking areas to support Laurel Falls and Sugarland Mountain trailheads will be expanded to accommodate approximately 50 additional vehicles. The park will construct two new asphalt parking areas to the east of the Laurel Falls trailhead. The first parking area will accommodate about 44 parking spaces and will be constructed primarily on locations previously

disturbed by undesignated parking. Underground utilities in the vicinity will be relocated from the north side of Little River Road to the south side. All utility work will occur within the existing roadway. A second parking area will be built east of the Laurel Falls trailhead parking to accommodate about 10 parking spaces. This area is mostly a previously undisturbed site with turfgrass and some trees.

Both parking areas will include stone curbs to match the existing stone along Little River Road. The park will construct a designated pedestrian pathway to the trailhead. Alongside the roadway, a wooden guardrail will be installed to separate pedestrians from motor vehicles, and a wall on the back side of the pathway in the parking areas will be constructed to keep vehicles and pedestrians safely within the designated areas. The parallel parking area west of the existing trailhead will be slightly widened, should future funding become available, to provide more room for people to exit their vehicles.

The Laurel Falls Trail Management Plan establishes site-level desired conditions, indicators, and thresholds as well as visitor capacities in accordance with the Interagency Visitor Use Management Council, Visitor Use Management Framework (IVUMC 2016). Desired conditions (corresponding to natural and cultural resources, and the visitor experience), indicators and thresholds, and visitor capacity are described in chapter 2 and appendix A of the EA. The park will also employ a variety of management options to maintain desired conditions and meet the identified visitor capacity. Management options may include a shuttle service and a timed-entry parking reservation system. Details of the management strategies are provided in chapter 2 and appendix A of the EA.

## RATIONALE

The NPS selected alternative 2 (preferred alternative) because:

- It satisfies the purpose and need by guiding future trail management and investing in trail infrastructure, safety, and visitor use of the trail.
- It protects park resources, improves visitor experience, and addresses the existing safety and congestion issues on the trail, in parking areas, and at the falls.
- It includes mitigation measures and construction methods that avoid and minimize impacts on natural and cultural resources.

## MITIGATION MEASURES

Under its Organic Act, the NPS has the authority to develop and direct mitigation for impacts to resources under its jurisdiction. This authority is in addition to the requirements that may be created by the need to comply with laws and regulations that manage resource impacts overseen by other agencies. To meet these obligations, the NPS has developed *Management Policies* and Director's Orders that identify the authorities (laws, regulations, and executive orders) directing how impacts and mitigation to resources will be managed and identifying the policies and procedures by which the NPS will comply with these authorities. A full listing of NPS policies is available from the NPS Office of Policy website at:

<https://npspolicy.nps.gov/index.cfm>. The selected alternative includes the following mitigation measures.

- Conduct tree and vegetation clearing between November 15 and March 31 to avoid impacts on federally listed bats and nesting birds unless otherwise approved by the NPS.
- Implement a project-specific revegetation plan to include at a minimum: (1) locations of revegetation sites, (2) soil preparation needs such as aerification and decompaction, (3) locations and details for any needed topsoil storage, (4) plant species/seed mixes to be used, (5) time of year that the seeding would occur and the methodology of the seeding, (6) any needed measures to control invasive vegetation including but not limited to those measures described below, and (7) post-construction monitoring and control for invasive plants for one to three years.
- Implement measures to stop further the spread of invasive plants into and out of the project area, including:

- Clean all earth-moving and seeding equipment prior to entering park lands.
- Use only topsoil, rock, sand, gravel, or other natural materials from park-inspected and approved sources.
- Implement sediment- and erosion-control measures consistent with the permitting requirements and recommendations contained in the Tennessee Department of Environment and Conservation's (TDEC) *Tennessee Erosion and Sediment Control Handbook* (TDEC 2012). File a Notice of Intent with TDEC to obtain coverage under the General National Pollutant Discharge Elimination System Permit for Discharges of Stormwater Associated with Construction Activities (Permit Number TNR100000). Develop a site-specific stormwater pollution prevention plan in accordance with Part 3 of the General Permit that would:
  - Specify erosion-control materials that are weed-free, pest-free, and do not pose an entanglement risk to wildlife. Use natural fiber logs or fascines and natural fiber blankets that are certified as weed-free. Prohibit specific materials in the park, including (1) imported hay bales, straw bales, wood chips, or mulch; and (2) all forms of plastic/synthetic mesh netting, including those that are labeled as biodegradable or photodegradable.
  - Include provisions for removal of temporary erosion- and sediment-control measures after vegetation is established and the site is stable.
- Require the contractor to develop and adhere to a spill prevention control and countermeasures plan during construction.
- Adhere to the Best Management Practices and Conditions included in appendix 2 of NPS Procedural Manual 77-1 (NPS 2016) and the terms and conditions of the TDEC Aquatic Resource Alternation Permit and US Army Corps of Engineers section 404 permit, if applicable, to minimize any potential impacts on streams and wetlands during any in-water work, including removal of the concrete bridge and culvert replacement.
- Temporarily stop work and immediately notify the Superintendent and Park Archeologist if cultural resources are inadvertently encountered during the project. Do not proceed with work until authorized by the Superintendent, in consultation with the Park Cultural Resources Program Manager or the Park Archeologist. Apply the discovery process defined by 36 Code of Federal Regulations (CFR) 800.13, the implementing regulations for the National Historic Preservation Act (16 United States Code [USC] 470). Evaluation of the discovery's significance would include consultation as appropriate with the state historic preservation office (SHPO), the Advisory Council on Historic Preservation, and all Tribes associated with the park. If human remains, funerary objects, sacred objects, or objects of cultural patrimony were discovered, the process defined by 43 CFR 10.4-5, the implementing regulations of the Native American Graves Protection and Repatriation Act (25 USC 3001), would be applied.
- Close the project area to visitor use during the construction period.
- Require the contractor to remove food trash daily or use a bear-proof dumpster.
- Implement measures to preserve historical stone materials, including:
  - Avoid disturbance of historical stone trail edging materials, where feasible. Record, remove, and stockpile historical stones prior to construction in areas where historical stone edging could be disturbed by trail grading, trail repaving, or other construction activities. Following construction, reset historical stones at the new trail edge in the same location or as close to the original location as possible.

- Avoid disturbance of historical stone retaining walls, where feasible. Record, number, remove, and stockpile the top course or the top two courses of each historical stone retaining wall prior to construction in areas where historical stone retaining walls could be disturbed by trail grading, trail repaving, or other construction activities. Following construction, reset historical stones in their original location.
- Prior to construction, salvage stones associated with the two remnant historical stone retaining walls that are not structurally sound and require replacement. Use salvaged stones in support of other trail improvements, including rock batter and stone headwall locations.
- The NPS will provide interpretation to educate visitors about the unique features and significance of the historic district, including its natural and cultural resources. The interpretation will also address the impact of the undertaking on the historic district and its contributing features, including any changes to the landscape, visitor use patterns, and visual character of the area. The plan will be developed in consultation with cultural resource experts and other stakeholders to ensure that it accurately reflects the district's historical significance and local perspectives. Interpretive products can help visitors understand the history and significance of the district, as well as the importance of preserving its historic character. The NPS will:
  - Create and install no less than two interpretive wayside panel exhibits related specifically to the cultural resources and historic preservation efforts of the Laurel Falls Trail Historic District along the trail corridor.
  - Create digital interpretive products related specifically to the cultural resources and historic preservation efforts of the Laurel Falls Trail Historic District and make them available to the public through the Great Smoky Mountains National Park website. This may include, but is not limited to, digital reading materials and before-and-after photographs showing changes associated with the trail rehabilitation. The TN SHPO will have 30 days to review the interpretive panels and digital product before they are completed to provide an opportunity for comments.
- The NPS will complete Additional Documentations clarifying the listed boundaries for resources within the Great Smoky Mountains National Park that were listed in the National Register prior to 1980 and that do not have clearly described or mapped boundaries. These include: Alex Cole Cabin, King-Walker Place, Little Greenbrier School, Tyson McCarter Place, Messer Barn, and John Ownby Cabin. The Additional Documentations will be completed in accordance with 36 CFR 60 and National Park Service *Best Practices Review, Amending National Register Documentation*.
- The NPS will develop and provide historic preservation awareness training opportunities for NPS staff and contractors involved in construction work associated with the undertaking. The training will include pre-construction briefings to identify historic features of the trail and to review preservation requirements for the undertaking, construction drawings and specifications specific to historic features and materials, and procedures for inadvertent discovery of cultural resources.
- The NPS will ensure that all work carried out in accordance with this agreement shall be done by or under the direct supervision of appropriate historic preservation professionals who, at a minimum, meet the *Secretary of the Interior's Professional Qualifications Standards* for landscape architecture, archaeology, history, architectural history, or historic architecture, as appropriate (48 *Federal Register* 44738-44739). All actions taken shall meet the Secretary of Interior's Standards for that activity consistent with 36 CFR § 800.2(a)(1). The NPS will ensure that contractors retained for services also meet these professional qualifications standards.

## **OTHER ALTERNATIVES ANALYZED IN THE EA**

In addition to the NPS selected alternative described above (alternative 2), the EA analyzed a no-action alternative (alternative 1). The no-action alternative was not selected because it would not meet the purpose and need for taking action. Under the no-action alternative, the asphalt trail surface would continue to deteriorate, and there would be no changes to the undersized and frequently clogged culverts. No trailside rest areas would be provided, leading to continued use of visitor-created paths that denude vegetation and increase erosion. Access to the falls and viewing opportunities would continue to be limited to the existing pedestrian bridge and rock area, which can be slippery. Parking capacity would remain at the current level, where it is insufficient to meet demand. The park would not implement management strategies to reduce trail congestion and safety issues and visitor crowding concerns would persist. Routine maintenance would continue under the no-action alternative, but trail conditions would continue to deteriorate, and parking capacity would remain inadequate.

## **FINDING OF NO SIGNIFICANT IMPACT**

The NPS reviewed the environmental impacts described in the EA and determined that no significant direct, indirect, or cumulative impact will occur to any of the park's resources as a result of implementation of the selected alternative.

As described in the EA, the selected alternative has the potential for adverse and beneficial impacts on Park resources, including visitor use and experience, vegetation, special status species – bats, and historic districts. However, under the selected alternative, no significant adverse impacts were identified.

### **VISITOR USE AND EXPERIENCE**

Resurfacing and widening the trail will reduce tripping hazards for visitors and provide more room for two-way pedestrian traffic without leaving the trail surface. Improved information will enhance visitor safety on the trail. Additionally, the expanded trail width and addition of five trailside rest areas will enhance visitor experience by providing space for visitors to stop along the trail edge without creating congestion or disrupting pedestrian traffic flow. The Laurel Falls viewing area improvements will benefit the visitor experience by providing additional locations to view the falls, improving circulation, providing safer conditions from a designated platform with additional room, and addressing the slippery conditions. The proposed bridges, stair steps, viewing platforms, and railings, among other site improvements, will help direct visitors away from the slippery rock outcrops, providing a safer visitor experience. These improvements and management strategies will have a long-term benefit on visitor experience by providing visitors with a high-quality experience that is not substantially degraded by crowding or safety concerns.

Short-term impacts on visitor use and experience will be adverse during the 18-month construction period because the trail will be closed to all visitors during that time. The park will implement a public information program to notify visitors of the closure and make them aware of available trip planning information to help them choose alternative destinations. Visitation and congestion could increase at other park destinations during this time. Additionally, short-term, adverse impacts to visitor use and experience could occur as visitors adjust to needing a parking reservation or shuttle to access the site, but long-term benefits are expected from an improved hiking experience with a less stressful arrival experience, improved trail infrastructure, less congestion, and the ability to view the falls safely from multiple locations.

The selected alternative will have adverse impacts on visitor use and experience, but the NPS has determined the impacts will not be significant because:

- The physical and management changes will improve visitor safety and the quality of visits by reducing congestion, improving the trail surface and falls viewing areas, and managing for the desired conditions.
- Short-term, adverse impacts to visitor experience as visitors adjust to navigating reservation and shuttle systems will be outweighed by long-term, beneficial impacts.

## **VEGETATION**

The selected alternative will have adverse and beneficial impacts on vegetation. The action will require vegetation clearing and removal of trees, resulting in a long-term disturbed footprint of 0.9 acres. The project's trail improvements, restoration of visitor-created trails, and new educational signage will help prevent further damage to understory plant communities and reduce vegetation trampling. The selected alternative will have adverse impacts on vegetation, but the NPS has determined the impacts will not be significant because:

- Off-trail pedestrian use and associated vegetation trampling will be reduced.
- The affected vegetation communities are common and are not imperiled or otherwise considered rare.
- Species composition in the project area will not change.
- Mitigation measures will be implemented to monitor and control nonnative invasive plants.

## **SPECIAL STATUS SPECIES - BATS**

The selected alternative will result in adverse impacts on bats. Removal of forested habitat will result in a permanent loss of suitable summer habitat for bats, permanent loss of fall swarming habitat and non-maternity habitat for the Indiana bat, and permanent loss of maternity habitat for the northern long-eared bat. Up to 160 trees will be removed along the trail and an additional 0.5 acres of tree removal will be required for the new parking areas. The total area of habitat impacted will be minimal and insignificant compared to the surrounding available habitat. Bats may experience temporary disturbance during the construction period, but use of the trail and visitor areas is not expected to result in any new impacts to bats, and alternative 2 is not anticipated to affect bats at the population level or alter species composition.

The selected alternative will adversely impact bats, but NPS has determined that the impacts will not be significant because:

- The project area is already adjacent to a road and trail corridor that bats are likely to avoid in favor of more suitable habitat.
- The impacted habitat area will be minimal and insignificant compared to the overall bat habitat at the park.
- Mitigation measures will be implemented, and the park will conduct tree and vegetation clearing between November 15 and March 31 when bats are hibernating.

## **HISTORIC DISTRICTS**

The selected alternative will affect contributing features of the Laurel Falls Trail Historic District. Trailhead and trail rehabilitation, the construction of trailside rest areas, and the work at the falls viewing area and the Blanket Mountain overlook will have long-term, adverse impacts on the character of the Laurel Falls Trail Historic District. The addition and improvement of three parking areas on Little River/Laurel Creek Road will not alter the location, design, setting, materials, workmanship, feeling, or association of the roadway, and will not result in long-term, adverse impacts on the Little River/Laurel Creek Road Historic District.



The selected alternative will have adverse impacts on the Laurel Falls Historic District, but the NPS has determined that the impacts will not be significant because:

- The trail will retain integrity in terms of location, setting, materials, and association due to the specific design decisions and use of compatible materials, and the Laurel Falls Trail Historic District will maintain its eligibility for listing on the National Register.
- The parking area design and associated materials will be compatible with the rest of the Little River/Laurel Creek Road Historic District and will not affect the district's eligibility for listing on the National Register.
- The NPS and the TN SHPO have developed a memorandum of agreement (provided in attachment C) to resolve the adverse effect under section 106.

## AGENCY AND TRIBAL CONSULTATION

In accordance with section 7 of the Endangered Species Act, the NPS initiated informal consultation with the US Fish and Wildlife Service (USFWS) on May 3, 2023. On June 23, 2023, USFWS concurred that the project may affect, but is not likely to adversely affect Indiana bats, northern long-eared bats, tricolored bats, and little brown bats. As noted above, specific mitigation measures for threatened and endangered species include:

- Conduct tree and vegetation clearing between November 15 and March 31 to avoid impacts on federally listed bats and nesting birds.

On December 22, 2022, the NPS initiated consultation with the TN SHPO under section 106 of the National Historic Preservation Act, presenting a draft Area of Potential Effect, Phase I Archeology Report, and a Determination of Eligibility for the Laurel Falls Trail. The TN SHPO concurred with the eligibility of the Laurel Falls Trail under Criterion A on January 23, 2023, and suggested the potential applicability of Criterion C. The TN SHPO also provided minor comments on the Phase I Archeology Report, leading to the submission of a revised report.

Consultation with seven traditionally associated Native American Tribes commenced on December 22, 2022; the NPS provided drafts of the same documents to the Catawba Indian Nation, Cherokee Nation, Eastern Band of Cherokee Indian, Eastern Shawnee Tribe of Oklahoma, United Keetoowah Band of Cherokee Indians in Oklahoma, Muscogee Nation, and the Poarch Band of Creek Indians. The Cherokee Nation and the Eastern Shawnee Tribe of Oklahoma were the only Tribes to respond. On March 2, 2023, Elizabeth Toombs, Tribal Historic Preservation Officer (THPO) of the Cherokee Nation, confirmed that the project is not anticipated to impact Cherokee cultural resources. On March 13, 2023, Paul Barton, THPO of the Eastern Shawnee Tribe, also concurred, stating no harm or threat to their known sites of interest. No responses, however, were received from the other five Tribes.

In April 2023, the NPS sent an assessment of the project's potential effects to the TN SHPO and the seven tribes. The TN SHPO verified on May 11, 2023, that the proposed project will "have no effect on archeological resources" but will adversely affect the Laurel Falls Trail, a site eligible for the National Register. The Catawba Indian Nation, on May 22, 2023, expressed no concerns regarding traditional cultural properties, sacred sites, or Native American archaeological sites in the proposed project areas. There were no further responses from the remaining six tribes regarding the assessment of the project's potential effects.

To address the adverse effect on historic properties, the NPS and TN SHPO developed a memorandum of agreement, which was approved by both the park Superintendent and the TN SHPO. The approved memorandum of agreement is included in Attachment C.

## PUBLIC INVOLVEMENT

The NPS held three public comment periods, which were announced through news releases, to obtain input on the Laurel Falls Trail Management Plan:

- Civic Engagement (July 9–August 7, 2021): The NPS published a newsletter and held a virtual civic engagement meeting (July 22, 2021). The public provided 71 pieces of correspondence, which were considered in developing a range of concepts and preliminary alternatives for the Laurel Falls Trail Management Plan.
- Public Scoping (December 1, 2022–January 6, 2023): The NPS published a newsletter providing the preliminary alternative elements for public input. The public provided 40 pieces of correspondence, which were considered when finalizing the alternative elements and drafting the environmental analysis.
- Environmental Assessment Review (May 3–June 4, 2023): The NPS published the EA for public review, which resulted in 78 public comments. A summary of the comments received and the NPS response to comments is provided in attachment A.

## CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement. The selected alternative will not have a significant effect on the human environment in accordance with section 102(2)(c) of NEPA.

Based on the foregoing, it has been determined that an environmental impact statement is not required for this project and, thus, will not be prepared.

## REFERENCES

### Interagency Visitor Use Management Council (IVUMC)

- 2016 *Visitor Use Management Framework: A Guide to Providing Sustainable Outdoor Recreation*. Accessed April 5, 2023.  
[https://visitorusemanagement.nps.gov/Content/documents/lowres\\_VUM%20Framework\\_Edition%201\\_IVUMC.pdf](https://visitorusemanagement.nps.gov/Content/documents/lowres_VUM%20Framework_Edition%201_IVUMC.pdf)

### National Park Service (NPS)

- 2006 *NPS Management Policies 2006*.
- 2016 National Park Service Procedural Manual #77-1: Wetland Protection.
- 2023 Great Smoky Mountains National Park. *Laurel Falls Trail Management Plan Environmental Assessment*.

### Tennessee Department of Environment and Conservation (TDEC)

- 2012 *Tennessee Erosion and Sediment Control Handbook: A Stormwater Planning and Design Manual for Construction Activities*. Fourth Edition. August 2012.  
[https://tnepsc.org/TDEC\\_EandS\\_Handbook\\_2012\\_Edition4/TDEC%20EandS%20Handbook%204th%20Edition.pdf](https://tnepsc.org/TDEC_EandS_Handbook_2012_Edition4/TDEC%20EandS%20Handbook%204th%20Edition.pdf)

# **ATTACHMENT A - PUBLIC COMMENT RESPONSE REPORT**

**US Department of the Interior**  
**National Park Service**  
Great Smoky Mountains National Park  
Tennessee

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# Great Smoky Mountains National Park

## Laurel Falls Trail Management Plan Environmental Assessment

### *Public Comment Response Report*

July 2023

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## CONTENTS

Introduction.....	1
Public Outreach During the Comment Period .....	1
Definition Of Terms.....	1
Comment Analysis Methodology .....	1
Concern Response Report.....	2

## LIST OF TABLES

Table 1. AE1000 - Alternative Elements: Trail Rehabilitation/Trail Surface.....	2
Table 2. AE3000 - Alternative Elements: Falls Viewing / Blanket Mountain Overlook .....	3
Table 3. AE4000 - Alternative Elements: Parking.....	3
Table 4. AE5000 - Alternative Elements: Fees (General) .....	4
Table 5. AE5500 - Alternative Elements: Shuttle and Parking Reservations.....	4
Table 6. AE6000 - Alternative Elements: New Alternatives or Elements.....	4
Table 7. AE7000 - Alternative Elements: Vault Toilet.....	5
Table 8. IS1000 - Issues: Natural Resources .....	5
Table 9. IS1500 - Issues: Visitor Experience.....	5

## INTRODUCTION

Great Smoky Mountains National Park (the Park) initiated a 30-day public comment period for the *Laurel Falls Trail Management Plan Environmental Assessment* (EA) on May 3, 2023. The public was encouraged to submit comments through the National Park Service's (NPS) Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/LaurelFalls>). Comments were also accepted by US mail. Seventy-eight pieces of correspondence were received during the comment period from May 3, 2023, until June 4, 2023. This report describes how the comments, which are grouped together by area of concern, were addressed. The report also provides responses to those comments that were substantive, warranted further clarification, or provided an opportunity for education.

## PUBLIC OUTREACH DURING THE COMMENT PERIOD

The NPS issued a press release on May 3, 2023, announcing the availability of the EA. The NPS also sent the press release to more than 200 interested individuals and organizations, notifying them of the opportunity to comment. On that date, the NPS PEPC website (<https://parkplanning.nps.gov/LaurelFalls>) was opened for the public to submit comments. The NPS reviewed the information obtained during this public comment period and prepared responses to substantive comments as well as to comments that park staff felt warranted additional clarity or provided an opportunity for public education.

## DEFINITION OF TERMS

**Correspondence:** A correspondence is the entire document received from a commenter and includes letters; emails, written comment forms; comments entered directly into the PEPC database; and any other written comments provided either at the public meetings, by postal mail, or in person at the park.

**Comment:** A comment is a portion of text within a correspondence that addresses a single subject such as visual resources or mitigation measures. The comment could also question the accuracy of the information provided in the newsletter, question the adequacy of any background information, or present reasonable alternatives other than the potential actions presented in the newsletter.

**Code:** A code is a grouping centered on a common subject. The codes were developed during the comment analysis process and are used to track major issues. In cases where no comments are received on an issue, the code is not identified or discussed in this report.

**Concern Statements:** Concern statements summarize the issues identified by each code. Each code was characterized by concern statements to provide a better focus on the content of the comments.

## COMMENT ANALYSIS METHODOLOGY

Correspondence was received by hard copy letter via US mail or entered directly into the PEPC system. Letters received through the US mail or email were entered into the PEPC system for analysis.

Once all correspondence was entered into PEPC, each was read, and specific comments within each unique correspondence were identified. When identifying comments, every attempt was made to capture the full breadth of comments submitted.

To categorize comments, each comment was given a code to identify its general content and to group similar comments. Ten codes were used to categorize the public comments received. An example of a code developed for this project is *AE1000 – Alternative Elements: Trail Rehabilitation/Trail Surface*. In some cases, the same comment may be categorized under more than one code, reflecting the fact that the comment may contain more than one issue or idea. Once every correspondence was broken into

comments, all comments were categorized into concern statements or summarized with similar comments.

## CONCERN RESPONSE REPORT

This report summarizes the comments received during the public comment period. Tables 1 through 9 provide summaries of comments in concern statements and the NPS responses to comments received during the EA public review period.

Seventy-seven correspondences were received during the public review process for the *Laurel Falls Trail Management Plan Environmental Assessment*. In general, commenters supported the proposed action and NPS preferred alternative.

**TABLE 1. AE1000 - ALTERNATIVE ELEMENTS: TRAIL REHABILITATION/TRAIL SURFACE**

<p><b>Concern ID 1:</b> Commenters provided additional suggestions for the trail surface and recommended reverting it back to a dirt trail surface. Additional trail surface suggestions included removing pavement near the falls, adding improved guardrails in the area, and using interlocking bricks made of recycled plastic bottles for the trail surface.</p>
<p><b>NPS Response:</b> After reviewing potential trail surface options, the NPS selected an asphalt trail surface for its durability, erosion control, ease of access, and consistency with the existing paved trail. Of the more than 800 miles of trail in the park, fewer than 3 miles are paved, meaning that visitors who want to hike on an unpaved surface have many other options to choose from within the park. The 1.3-mile segment of Laurel Falls Trail addressed in the EA was originally paved in 1963 and is in an area of the park that is not managed as wilderness.</p>
<p><b>Concern ID 2:</b> Densely planted native vegetation was proposed in areas where visitors are likely to walk off the trail to keep them on the paved trail.</p>
<p><b>NPS Response:</b> The “Restoration of Trailside Vegetation and Visitor Created Trails” section in chapter 2 of the EA (page 16) discusses the measures the park will implement to restore trailside vegetation, including aerating soils that have been compacted by pedestrian use and planting small native seedlings. The “Mitigation Measures” section of chapter 2 (page 24) also discusses project-specific revegetation measures. In addition, the NPS will add retaining walls in locations where the trail is widened and along curves, which will allow vegetation to recover through passive and active restoration.</p>
<p><b>Concern ID 3:</b> It was suggested to limit widening of the trail to minimize effects on vegetation and prevent further removal of hardwood trees.</p>
<p><b>NPS Response:</b> In determining the appropriate trail width, the NPS explored options that retained the existing trail width as well as an option that widened the entire 1.3-mile trail section to 8 feet. Retaining the existing width does not meet the purpose and need of the project (i.e., improve pedestrian flow and reduce safety risks at the trailhead, along the trail, and at the falls), while widening the entire trail to 8 feet would result in unacceptable impacts on park resources and increased construction costs. The understory plant communities adjacent to Laurel Falls Trail are generally not intact because plants are trampled by off-trail visitor use. As a result, the project will have beneficial impacts on these plant communities because trail improvements will reduce vegetation trampling associated with visitor-created trails.</p>
<p><b>Concern ID 4:</b> Commenters proposed widening the trail to at least 12 feet to give access to emergency vehicles, foot traffic, and off-road wheelchairs. Commenters expressed support for a trail surface that would allow access for wheelchair users and people with strollers. It was noted that Laurel Falls Trail is one of the only trails in the park that is paved, and that accessibility should be a key consideration. It was asked for the management plan to address whether wheeled assistance devices, such as strollers, walkers, manual wheelchairs, and powered wheelchairs would be allowed on the trail and to address any safety considerations associated with their use, noting that outlining these safety considerations</p>



could help people who use strollers and wheelchairs to make informed decisions about whether to use the trail.

**NPS Response:** The NPS welcomes all visitors on its trails, including those with mobility challenges or strollers. The NPS explored the potential of making the trail more accessible in terms of trail slopes and grade; however, the topography and geographic constraints limit the ability to reduce the grade in multiple locations along the trail, which limit the ability for the trail to meet accessibility standards. The park will provide information, consistent with the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation, to visitors about the trail so they can make an informed assessment prior to beginning their journey. The information will include the length of trail, surface type, the minimum trail width, and the maximum trail grade and cross slope.

**TABLE 2. AE3000 - ALTERNATIVE ELEMENTS: FALLS VIEWING / BLANKET MOUNTAIN OVERLOOK**

**Concern ID 5:** Commenters were concerned that some of the proposed improvements such as the falls viewing area and trailside rest areas would alter the natural landscape and set a precedent for similar improvements at other park trails.

**NPS Response:** Visitor experience was a key consideration in the planning process, and the NPS understands that visitor perception of the new construction in the falls viewing area and trailside rest areas could vary. As noted in the visitor use environmental consequences analysis in chapter 3 of the EA (page 33), while many visitors will appreciate that the facilities provide safe, relatively easy access to nature, some who travel to Laurel Falls to experience the natural setting may be disappointed in the level of construction. With more than 464,500 acres of the park managed as wilderness, visitors who want to experience a more rustic, natural setting have a wide variety of options throughout the rest of the park. Because the first 1.3 miles of the Laurel Falls Trail corridor is not managed as wilderness, the trail provides unique opportunities for a wide range of visitors to experience nature safely and easily. The level of constructed trail improvements proposed in the Laurel Falls Trail Management Plan would be inappropriate for trails in areas managed as wilderness and would not be considered for such trails.

**Concern ID 6:** It was suggested that NPS use a composite material to build the viewing platform, noting that it might provide more longevity than wood.

**NPS Response:** During the design process, the NPS spent a considerable amount of time reviewing all potential options for the materials to be used throughout the project, including composite material. Wood was ultimately identified as the preferred material because of its rustic appearance within the cultural landscape, cost effectiveness, durability, and ease of replacement.

**TABLE 3. AE4000 - ALTERNATIVE ELEMENTS: PARKING**

**Concern ID 7:** Commenters opposed constructing the 10-space parking area east of the trailhead, indicating that environmental impacts, construction costs, and impacts on traffic flow outweigh the benefit of only 10 new spaces.

**NPS Response:** Adding 10 parking spaces will increase available parking at the trail by about 25% and will account for about 10% of the additional spaces being proposed. The parking area will allow more opportunities for visitors to access the trailhead by car without exceeding the visitor capacity or preventing the park from achieving the desired conditions for the area.

**Concern ID 8:** It was asked whether lighting would be needed in the additional parking areas and requested that the NPS investigate the impacts of additional lighting.

**NPS Response:** As noted on page 29 of the EA, installation of lighting is not proposed. Lighting exists in administrative parking areas and is not provided at trailheads parkwide. As a result, the impacts of lighting were not analyzed.

**TABLE 4. AE5000 - ALTERNATIVE ELEMENTS: FEES (GENERAL)**

<b>Concern ID 9:</b> It was asked whether the potential fee for a parking reservation would be charged in addition to the parkwide parking fee.
<b>NPS Response:</b> Both a parking tag and a parking reservation will be needed to park at Laurel Falls Trail during the peak visitation. See the section titled “Timed-entry Parking Reservation System” in chapter 2 of the EA for more details (page 23). The timed-entry parking reservation system will guarantee a parking space at trailhead parking areas associated with Laurel Falls Trail. Obtaining a parking reservation ticket will not exempt the ticketholder from the parkwide parking tag requirement. The parkwide parking tag is not location-specific but is required to park anywhere within the boundaries of the park and does not guarantee a parking spot will be available, especially at popular locations.

**TABLE 5. AE5500 - ALTERNATIVE ELEMENTS: SHUTTLE AND PARKING RESERVATIONS**

<b>Concern ID 10:</b> Concerns were raised that timed parking reservations could be a barrier to visitors who wish to take longer hikes because they may not finish their hike in the allotted time.
<b>NPS Response:</b> As noted in chapter 2 of the EA, the reservation system will accommodate hikes of different lengths: “While Laurel Falls is the primary destination for visitors parking near the Laurel Falls trailhead, the reservation system would also accommodate users of the trail beyond the falls, users of the Sugarland Mountain Trail, and backcountry permit holders. The block of time (entry and exit time) for the parking reservation is one means by which users seeking access to areas and trail sections other than the falls would be accommodated. For example, while the most common reservation window may be designed to accommodate short hikes to the falls and back, half-day and full-day reservation windows could also be provided to accommodate other uses” (page 23).
<b>Concern ID 11:</b> Commenters expressed support for a shuttle system to reduce dependence on personal vehicles, reduce crowding, and increase access. Commenters worried about economic barriers associated with parking reservation fees and shuttles but also acknowledged that a shuttle could provide benefits to visitors who do not want to drive. Commenters also suggested adding an electric shuttle from the visitor center to the trailhead.
<b>NPS Response:</b> A shuttle service may be implemented to provide additional visitors access to Laurel Falls Trail. The NPS, a nonprofit partner of the park, a commercial entity, or a combination of partners could own and operate the shuttle. If the shuttle system required a financial investment from the NPS, Director approval will be required. See the “Shuttle Service” section of chapter 2 of the EA for additional details (page 22-23). Existing parking areas will be restriped to accommodate shuttle pickup and drop-off locations (see figure 15 on page 23 of the EA).

**TABLE 6. AE6000 - ALTERNATIVE ELEMENTS: NEW ALTERNATIVES OR ELEMENTS**

<b>Concern ID 12:</b> Commenters proposed new ideas related to congestion management and trail recovery, including implementing a timed entry system, placing limits on trail use, shutting down the trail for a year to allow the area to recover, and enforcing parking regulations currently at the trailhead while promoting hiking in other areas in the park.
<b>NPS Response:</b> Multiple congestion management strategies were developed as part of a visitor use management planning process. These strategies are included as part of the selected alternative, and further detail is included in both chapter 2 and appendix A of the EA. The selected alternative includes a timed-entry parking reservation system (see page 23 of the EA) aimed at managing the number of people hiking the trail at one time. Additionally, the trail will be closed for a year during construction, and the park will implement a revegetation plan (see page 24 of the EA). Increased enforcement of endorsed parking and increased development and distribution of information pertaining to the unique attributes of other hikes in the area are also identified as adaptive visitor use management strategies in appendix A.

**TABLE 7. AE7000 - ALTERNATIVE ELEMENTS: VAULT TOILET**

<p><b>Concern ID 13:</b> Commenters proposed adding a second vault toilet to the plan, noting that a single toilet could be insufficient to meet visitor needs. It was suggested to move the planned toilet to the west side of the parking lot so that the line for the restroom does not interrupt the flow of foot traffic.</p>
<p><b>NPS Response:</b> Topographical and site constraints limit the available footprint for a vault toilet at the trailhead to one. Its use is intended for Laurel Falls visitors only because vehicles without a reservation will not be able to access the parking area when the timed-entry parking reservation system is in effect.</p>

**TABLE 8. IS1000 - ISSUES: NATURAL RESOURCES**

<p><b>Concern ID 14:</b> Commenters were concerned about the natural resource impacts of the plan, particularly tree removal and damage to wildlife habitat. One commenter asked for the plan to address the impacts of removing trees on carbon dioxide removal and suggested developing a plan to replace any trees that are removed.</p>
<p><b>NPS Response:</b> While the project includes tree removal, off-trail pedestrian use and associated trampling will be reduced. Areas with bare soils due to trampling will be restored and protected from future off-trail use, which will improve the health of the remaining trees. The affected habitat area will be minimal and insignificant compared to the surrounding available habitat. Following project construction, disturbance to and trampling of wildlife habitat by off-trail visitor travel will be reduced as a result of the wider trail and retaining walls that will discourage the use of shortcuts or visitor-created trails. The project is expected to have long-term, beneficial impacts on plant communities because trail improvements will reduce vegetation trampling. Chapter 2 of the EA describes the plan for restoring trailside vegetation (page 16). Climate change is also discussed in chapter 1 of the EA (page 4) and in the “Trends and Planned Actions” section of chapter 3 (page 36).</p>

**TABLE 9. IS1500 - ISSUES: VISITOR EXPERIENCE**

<p><b>Concern ID 15:</b> Commenters raised concerns about the current level of congestion on the trail and felt the proposed improvements, including trail widening, the falls viewing area platform, and additional parking, and shuttles would not reduce congestion and would instead draw more visitors to the trail, making congestion worse.</p>
<p><b>NPS Response:</b> The park will implement several strategies to reduce crowding and congestion and improve the visitor experience at Laurel Falls. Construction of two new parking areas will add 50 official spaces. With roadside parking substantially reduced and new, safer, and more designated parking constructed, park staff estimate that parking demand will still continue to exceed parking capacity. In addition to infrastructure improvements, the park will implement a variety of management strategies to manage visitation at the site to the designated trail capacity, including a shuttle system and/or a timed-entry parking reservation system to manage visitor access to the trail. These actions will manage the number of visitors who are able to access the trail and ensure that this number meets the desired conditions and does not exceed the established visitor capacity. The “Visitor Use Management Strategies” section in chapter 2 of the EA (pages 22-23) and appendix A (pages A-1-A-14) provide additional insight into the steps the NPS took to quantify and manage visitor capacity and congestion.</p>

## ATTACHMENT B - FINDING OF NON-IMPAIRMENT

### NON-IMPAIRMENT DETERMINATION FOR THE LAUREL FALLS TRAIL MANAGEMENT PLAN

#### THE PROHIBITION ON IMPAIRMENT OF PARK RESOURCES AND VALUES

National Park Service (NPS) *Management Policies 2006*, section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given NPS the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the NPS must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the NPS. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

#### WHAT IS IMPAIRMENT?

NPS *Management Policies 2006*, section 1.4.5, What Constitutes Impairment of Park Resources and Values, and section 1.4.6, What Constitutes Park Resources and Values, provide an explanation of impairment.

Impairment is an impact that, in the professional judgment of the 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.

Section 1.4.5 of NPS *Management Policies 2006* states:

An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment 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 goal in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Per section 1.4.6 of NPS *Management Policies 2006*, park resources and values that may be impaired include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological

- resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
  - the park’s role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
  - any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park, but this would not be a violation of the Organic Act unless the NPS was in some way responsible for the action.

#### **HOW IS AN IMPAIRMENT DETERMINATION MADE?**

Section 1.4.7 of *NPS Management Policies 2006*, states, “[I]n making a determination of whether there would be an impairment, an NPS decision maker must use his or her professional judgment.” This means that the decision maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969; consultations required under section 106 of the National Historic Preservation Act; relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.

*NPS Management Policies 2006*, further define “professional judgment” as “a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account the decision maker’s education, training, and experience; advice or insights offered by subject matter experts and others who have relevant knowledge and experience; good science and scholarship; and, whenever appropriate, the results of civic engagement and public involvement activities in relation to the decision.”

#### **NON-IMPAIRMENT DETERMINATION FOR THE SELECTED ALTERNATIVE**

This determination on impairment has been prepared for the selected alternative (alternative 2) described starting on page 9 of the *Laurel Falls Trail Management Plan Environmental Assessment*, May 2023. A non-impairment determination is made for all resource impact topics analyzed in detail for the selected alternative with the exception of visitor use and experience because impairment findings relate back to park resources and values. Visitor use and experience is not generally considered to be a park resource or value according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

#### **Non-Impairment Findings for Vegetation**

When the Great Smoky Mountains became a national park unit in 1934, up to 80% of the landscape had been clearcut. Creation of the park allowed forest cover to rebound dramatically through natural processes. The scenic beauty and biodiversity experienced throughout much of the park by today’s visitors is attributable, in large part, to these recovering forests. Healthy forests are fundamental to the park’s purpose. Implementation of the Laurel Falls Trail Management Plan under the selected alternative will require removal of trees, resulting in up to 0.9 acres of vegetation impacts. However, the vegetation communities that will be affected can be found in abundance in the project area and in other areas of the park. In addition, mitigation measures will be implemented, the affected vegetation communities are common and are not imperiled or otherwise considered rare, and species composition in the project area will not change. Therefore, no impairment of vegetation will occur under the selected alternative.

## **Non-Impairment Findings for Special Status Species - Bats**

The wildlife and habitat that currently exist in the project area contribute to the park's outstanding biodiversity, which is recognized as a fundamental resource and value of the park (NPS 2016). Opportunities to view wildlife are an important part of the visitor experience at the park.

Removal of forested habitat represents a permanent loss of suitable summer habitat for bats, permanent loss of fall swarming habitat and non-maternity habitat for the Indiana bat, and permanent loss of maternity habitat for the northern long-eared bat. Up to 160 trees will be removed along the trail, and an additional 0.5 acres of tree removal will be required for the new parking areas. The total area of habitat impacted will be minimal and insignificant compared to the surrounding available habitat. Bats may experience temporary disturbance during the construction period, but use of the trail and visitor areas is not expected to result in any new impacts to bats.

Impacts to bats will not create population-level impacts or alter species composition. Additionally, the impacted habitat area will be minimal and insignificant compared to the overall bat habitat at the park. Therefore, the selected alternative will not result in the impairment of bats.

## **Non-Impairment Findings for Historic Districts**

The historic resources present in the project area contribute to the park's enduring cultural and historical ties to the land, which is recognized as a fundamental resource and value of the park (NPS 2016). Implementing the selected alternative will adversely impact the Laurel Falls Trail Historic District present in the project area; however, the trail will retain integrity in terms of location, setting, materials, and association due to the specific design decisions and use of compatible materials, and Laurel Falls Trail Historic District will maintain its eligibility for listing on the National Register of Historic Places (National Register). Similarly, while the selected alternative will affect, but not adversely affect, the Little River/Laurel Creek Road Historic District, the design and associated materials will be compatible with the rest of the nearly 25-mile historic district and will not affect the district's eligibility for listing on the National Register. Therefore, the selected alternative will not result in the impairment of historic districts.

## **Conclusion**

The NPS has determined that implementation of the selected alternative will not constitute an impairment of the resources or values of the park. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the environmental assessment, comments provided by the public and other agencies, and the professional judgment of the decision maker guided by the direction of NPS *Management Policies 2006*.

## **REFERENCES**

National Park Service, US Department of the Interior (NPS)

- 2006 *Management Policies*. US Department of the Interior, National Park Service, Washington, DC. [https://www.nps.gov/policy/MP\\_2006.pdf](https://www.nps.gov/policy/MP_2006.pdf)
- 2016 *Foundation Document, Great Smoky Mountains National Park, North Carolina and Tennessee*. US Department of Interior, National Park Service, Gatlinburg, TN.
- 2023 *Laurel Falls Trail Management Plan Environmental Assessment*. US Department of Interior, National Park Service, Gatlinburg, TN.

**ATTACHMENT C - MEMORANDUM OF AGREEMENT**

**MEMORANDUM OF AGREEMENT  
BETWEEN THE  
NATIONAL PARK SERVICE AND  
TENNESSEE HISTORICAL COMMISSION**

**PURSUANT TO 36 CFR § 800.6  
regarding the  
REHABILITATION OF LAUREL FALLS TRAIL,  
GREAT SMOKY MOUNTAINS NATIONAL PARK, SEVIER COUNTY, TENNESSEE  
PEPC #69459, TNSHPO # SHPO0002270**

**WHEREAS**, the National Park Service (NPS) proposes to rehabilitate the Laurel Falls Trail and associated parking and viewing areas to address trail deterioration and enhance visitor experience at Great Smoky Mountains National Park as described in Appendix A (NPS assessment of effect for the proposed undertaking), and has consulted with the Tennessee State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act (NHPA), as amended (54 USC §306108), and its implementing regulations found in 36 CFR Part 800 (56 USC §306108); and

**WHEREAS**, the NPS in consultation with the SHPO has defined the area of potential effects (“APE”) as depicted in Appendix A, which encompasses the potential for direct, indirect, and cumulative effects associated with all components of the undertaking; and

**WHEREAS**, the APE includes the Laurel Falls Trail which the NPS and SHPO determined to be eligible for listing in the National Register of Historic Places as a historic district under Criterion A (*property is associated with events that have made a significant contribution to the broad patterns of our history*) and Criterion C (*property embodies the distinctive characteristics of a type, period, or method of construction in the area of landscape architecture*); and

**WHEREAS**, the NPS and SHPO concur that the undertaking will adversely affect contributing features of the Laurel Falls Trail Historic District (Appendix A); and

**WHEREAS**, NPS has determined and SHPO has concurred, that no archaeological sites have been identified in the APE; and

**WHEREAS**, the NPS invited seven Tribes traditionally associated with the lands of Great Smoky Mountains National Park (Catawba Indian Nation, Cherokee Nation, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, United Keetoowah Band of Cherokee Indians in Oklahoma, Muscogee [Creek] Nation, Poarch Band of Creek Indians) to participate in the NHPA Section 106 process, to which no request to participate in the Section 106 process as a consulting party was provided; and

**WHEREAS**, the NPS sought and considered the views of the public on the proposed undertaking during three 30-day public comment periods (July to August 2021, December 2022 to January 2023, and May to June 2023) and all comments received were considered during continued planning for the undertaking; and

**WHEREAS**, the NPS notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination with specified documentation on May 20, 2023, in accordance with



36 CFR §800.6(a)(1) and the ACHP did not advise NPS and SHPO of an intent to participate in the consultations pursuant to 36 CFR §800.6(a)(1)(iii); and

**NOW, THEREFORE**, the NPS and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations that consider the effects of the undertaking on historic properties.

## STIPULATIONS

### I. MITIGATION MEASURES

- A. **Interpretation of Laurel Falls Trail Historic District:** The NPS will provide interpretation to educate visitors about the unique features and significance of the historic district, including its natural and cultural resources. The interpretation will also address the impact of the undertaking on the historic district and its contributing features, including any changes to the landscape, visitor use patterns, and visual character of the area. The plan will be developed in consultation with cultural resource experts and other stakeholders, to ensure that it accurately reflects the district's historical significance and local perspectives. Interpretive products can help visitors understand the history and significance of the district, as well as the importance of preserving its historic character. The NPS will:
1. Create and install no less than two interpretive wayside panel exhibits related specifically to the cultural resources and historic preservation efforts of the Laurel Falls Trail Historic District along the trail corridor.
  2. Create digital interpretive products related specifically to the cultural resources and historic preservation efforts of the Laurel Falls Trail Historic District and make them available to the public through the Great Smoky Mountains National Park website. This may include, but is not limited to, digital reading materials and before-and-after photographs showing changes associated with the trail rehabilitation. The SHPO will have 30 days to review the interpretive panels and digital product before they are completed to provide an opportunity for comments.
- B. **Additional Documentations:** The NPS will complete Additional Documentations clarifying the listed boundaries for resources within the Great Smoky Mountains National Park that were listed in the National Register of Historic Places prior to 1980 and that do not have clearly described or mapped boundaries. These include: Alex Cole Cabin, King-Walker Place, Little Greenbrier School, Tyson McCarter Place, Messer Barn, and John Ownby Cabin. The Additional Documentations will be completed in accordance with 36CFR60 and National Park Service Best Practices Review Amending National Register Documentation.
- C. **Historic Preservation Awareness Training:** The NPS will develop and provide historic preservation awareness training opportunities for NPS staff and contractors involved in construction work associated with the undertaking. The training will include pre-construction briefings to identify historic features of the trail and to review preservation requirements for the undertaking, construction drawings and specifications specific to historic features and materials, and procedures for inadvertent discovery of cultural resources.
- D. **Professional Qualifications and Standards:** The NPS will ensure that all work carried out in accordance with this agreement shall be done by or under the direct supervision of appropriate historic preservation professionals who, at a minimum, meet the *Secretary of*

*the Interior's Professional Qualifications Standards* for landscape architecture, archaeology, history, architectural history, or historic architecture, as appropriate (48 FR 44738-44739). All actions taken shall meet the Secretary of Interior's Standards for that activity consistent with 36 CFR § 800.2(a)(1). The NPS will ensure that contractors retained for services also meet these professional qualifications standards.

## **II. INADVERTANT DISCOVERY**

If previously unknown cultural resources are discovered during construction, all work in the immediate vicinity of the discovery shall be halted and the SHPO and Tribal Historic Preservation Officers (THPOs) shall be notified immediately. Work shall not resume until the NPS determines the resources have been identified and documented and an appropriate mitigation strategy developed, if necessary, in accordance with pertinent laws and regulations.

## **III. DISPUTE RESOLUTION**

Should any Signatory to this MOA object within 30 calendar days to actions or plans for review pursuant to this MOA or dispute the completion of the terms of this agreement, NPS shall consult with the objecting party to resolve the objections. If NPS determines that the objection cannot be resolved, NPS shall forward all documentation relevant to the objection to the ACHP and request the ACHP's comments pursuant to 36 CFR 800.2(b)(2).

ACHP comments provided in response to such a request shall be considered by the NPS before NPS reaches a final decision on the dispute. If the ACHP does not provide comments regarding the dispute within 30 calendar days after receipt of a request for assistance pursuant to 36 CFR 800.2(b)(2), NPS may implement its proposed resolution or render a decision regarding the dispute.

## **IV. AMENDMENT**

Any Signatory to this agreement may request that the other Signatories consider amending it if circumstances change over time and warrant revision of the stipulations. Except in the case of amendments addressing resolution of disputes pursuant to Section III of this MOA, amendments shall be executed in writing and shall be signed by all Signatories in the same manner as the original MOA.

## **V. DURATION**

This MOA shall be in effect for a period of ten (10) years from the date of its execution, unless extended in writing by the Signatories before its expiration.

## **VI. TERMINATION**

If any Signatory determines that the terms of this MOA cannot be met or are not being carried out, the Signatory making the determination shall consult with the other Signatory to seek a resolution. If the Signatories cannot agree on a resolution, either may terminate this MOA by providing written notice to the other Signatory and the ACHP. In the event of termination, the NPS shall consult with the SHPO and the ACHP to develop a new agreement or take other appropriate actions in accordance with 36 CFR § 800.6(c) to resolve the undertaking's adverse effects on historic properties.

**VII. ANTI-DEFICIENCY ACT**

The NPS’s obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act (31 USC Section 1341). The NPS will make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the NPS’s ability to implement the stipulations of this MOA, the NPS will consult in accordance with the amendment and termination procedures found in Stipulations VII and VIII of this agreement.

**VIII. ANNUAL REPORTING**

Each year following the execution of this MOA until all project work associated with the undertaking is completed or the MOA expires or is terminated, the NPS will provide the SHPO via email a summary report describing work undertaken pursuant to its terms. The report will be provided to the SHPO no later than the 31<sup>st</sup> of each December, and each report will include any scheduling changes proposed, any problems encountered, and any disputes or objections received in the NPS’s efforts to carry out the terms of the MOA.

Execution of this MOA and implementation of its terms evidence that the NPS has considered the effects of this undertaking on historic properties and has afforded the ACHP an opportunity to comment on the undertaking and its effect on historic properties. In witness whereof, the Signatories to this MOA through their duly authorized representatives have executed this MOA on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOA as set forth herein. The effective date of this MOA is the date of the last Signatory signature affixed to these pages.

**SIGNATORIES:**

**National Park Service, Great Smoky Mountains National Park**

**ALAN SUMERISKI**  
Cassius M. Cash, Superintendent  
Digitally signed by ALAN SUMERISKI  
Date: 2023.06.14 14:20:08 -04'00' Date: \_\_\_\_\_

**Tennessee Historical Commission**

**E. Patrick McIntyre, Jr.**  
E. Patrick McIntyre, Jr.  
Tennessee State Historic Preservation Officer  
Digitally signed by E. Patrick McIntyre, Jr.  
Date: 2023.06.28 09:36:11 -05'00' Date: \_\_\_\_\_

**APPENDIX A**  
**Assessment of Effect**

The assessment of effect was provided as part of the TN SHPO review but is not included in the Finding of No Significant Impact package.