

# LUMBER RIVER

2(a)(ii) Wild And Scenic River

## ELIGIBILITY REPORT & ENVIRONMENTAL ASSESSMENT

United States Department of the Interior



National Park Service  
Southeast Regional Office

July 1998





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# Finding of No Significant Impact

**Project Name:** Lumber River Wild and Scenic River Study

**Project Description:** The proposed action is in response to a request made by North Carolina Governor James Hunt to the Secretary of the Interior, Bruce Babbitt, to designate the Lumber River in North Carolina as a national wild and scenic river. The National Park Service (NPS), in response to that request, completed the *Lumber River 2(a)(ii) Wild & Scenic River Eligibility Report and Environmental Assessment*. Recommendations by the NPS are forwarded to the Secretary of the Interior for action.

Under Section 2(a)(ii) of the Wild and Scenic Rivers Act, the only possible alternatives are designation of the Lumber River as a national wild and scenic river or no action.

The only reasonably foreseeable physical impacts to the Lumber River, if designated, are those that could result from an increase in visitor use. These impacts could include: disturbance of nesting areas of wildlife, including the endangered red-cockaded woodpecker, threatened bald eagle, and threatened American alligator; degradation of fish habitat due to disturbance of riparian zones; and degradation of the ecosystem of the river and of its natural appearance. However, due to existing federal, state and local laws, regulations, zoning ordinances, and programs, these potential impacts are expected to be localized and minor on the segments of the Lumber River that the NPS is recommending for designation and can be mitigated for, as described below.

The North Carolina Natural and Scenic Rivers Act (Section 113 A-36 (a)) authorizes the North Carolina Department of Natural Resources and Community Development to administer and control the North Carolina Natural and Scenic Rivers System. The North Carolina General Assembly created the Lumber River State Park, which through its Master Plan recognizes and provides for State and local government protection of the various parts of the river so as to preserve the river's outstanding character in perpetuity. The management standards and procedures of the Lumber River State Park Master Plan address concerns for resource protection. The Lumber River State Park will conduct recreational carrying capacity studies to monitor the effects of increased visitor use on the natural resources and visitor experience. Designation of the Lumber River to the National Wild and Scenic Rivers System will not have significant further effect on management of the river or corridor land use.

**Compliance:** Requirements for the National Environmental Policy Act, Wild and Scenic Rivers Act, Clean Water Act, Endangered Species Act, Migratory Bird Conservation Act, National Preservation Act, all NPS directives, and all applicable executive orders were followed throughout this study. All existing and proposed river management plans have likewise complied with all provisions of relevant statutes, regulations and executive orders.

**Public Review:** A draft of the NPS's eligibility report and environmental assessment was released for a 45-day public review period beginning on April 6, 1998. The review period was

extended 21 days; all comments postmarked by June 12, 1998, were considered timely. During the review period, 23 comments were received; all letters supported designation, none opposed. Most letters were expressions of opinions; of those that did provide substantive comment, none necessitated major change to the assessment. Minor changes to the report were incorporated.

**Finding of No Significant Impact:** Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that the project does not constitute a major federal action significantly affecting the quality of the human environment under the National Environmental Policy Act, Section 102(2)(C). Therefore, an EIS will not be prepared.

**Decision:** It is my decision to recommend the project as described in the Designation Alternative of the environmental assessment.

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Bruce Babbitt  
Secretary, Department of the Interior

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Date

## Executive Summary

On April 15, 1996, North Carolina Governor James Hunt petitioned the Secretary of the United States Department of the Interior to include 115 miles of the Lumber River in the National Wild and Scenic River System. The National Park Service assessed the state of North Carolina's application in accordance with the Wild and Scenic Rivers Act, Section 2(a)(ii), and conducted the environmental analysis as required by the National Environmental Policy Act.

On April 6, 1998, a draft of the National Park Service's eligibility report and environmental assessment was released for public and agency review to all persons, organizations and agencies with a known or potential interest in designation of the Lumber River. The draft report was noticed in the *Federal Register* on that date. In addition, newspapers in the area of the Lumber River announced the availability of the report. Initial public review was scheduled to end May 22, 1998.

The review period of the draft report was subsequently extended 21 days to June 12, 1998, with the extension published in area newspapers and the *Federal Register* on April 17, 1998. The 90-day federal agency review period, as required by the Wild and Scenic Rivers Act, ended on July 6, 1998. All comments postmarked by these respective dates were considered to be timely.

The National Park Service draft study reported that three of four requirements for designation of the entire 115 miles of the Lumber River as a National Wild and Scenic River were met. The requirements met were: 1) designation of the river into a State river protection system; 2) management of the river by a political subdivision of the State; and 3) possession of eligibility criteria common to all national wild and scenic rivers, that is, the river is free-flowing and possesses one or more outstandingly remarkable values.

However, at the release of the draft report, 51 miles of the 115-mile nomination (the sections of the Lumber River from the Scotland/Robeson County lines at the end of Airport Swamp (River Mile 22) to Jacob Swamp Canal (River Mile 73)) failed to fully meet the fourth requirement for wild and scenic river designation -- the existence of effective mechanisms and regulations to protect the Lumber River without federal management. In the draft report, the National Park Service recommended that this reach be designated when the state of North Carolina and local jurisdictions developed a management plan that afforded future protection of the river in accordance with the Wild and Scenic Rivers Act.

On May 11, 1998, the City Council of Lumberton passed a resolution supporting inclusion of the segment of the Lumber River within the city of Lumberton and its Extraterritorial Jurisdiction in the National Wild and Scenic River System and to protect and maintain that segment of the river through the Lumber River Protection Overlay District Ordinance. This portion of the river is described as the segment of the river from Back Swamp (River Mile 56) to Jacob Swamp Canal (River Mile 73).

As a result, the National Park Service now recommends that the following reaches of the Lumber River (approximately 81 miles) be included in the National Wild and Scenic Rivers System: the reach from State Route 1412/1203 (River Mile 0) to the Scotland/Robeson County lines at the end of the Maxton Airport Swamp (approximately River Mile 22) and the reach of the Lumber River including the city of Lumberton (River Mile 56) to the North Carolina/South Carolina border (River Mile 115). The National Park Service recommends that most segments be classified as scenic, with the exception of the segments of the Lumber River flowing through the city of Lumberton and the town of Fair Bluff, which are classified as recreational.

Finally, the National Park Service found that designation of the Lumber River into the National Wild and Scenic Rivers System would not significantly impact the quality of the natural and human environment and that an environmental assessment fulfills the requirements of the National Environmental Policy Act.

No comments received objected to designation of the Lumber River into the National Wild and Scenic River System. Copies of these comments can be found in Appendix E, beginning on page 78. For a complete discussion of the National Park Service's conclusions and recommendations, please turn to page 72.

## **Acknowledgments**

The National Park Service gratefully acknowledges the support and assistance of the North Carolina Division of Parks and Recreation in the writing of this report; their assistance was critical in its development. Much of this document was taken directly from, or based on, the *Lumber River State Park Master Plan: Columbus, Hoke, Robeson and Scotland Counties, North Carolina* (1995).



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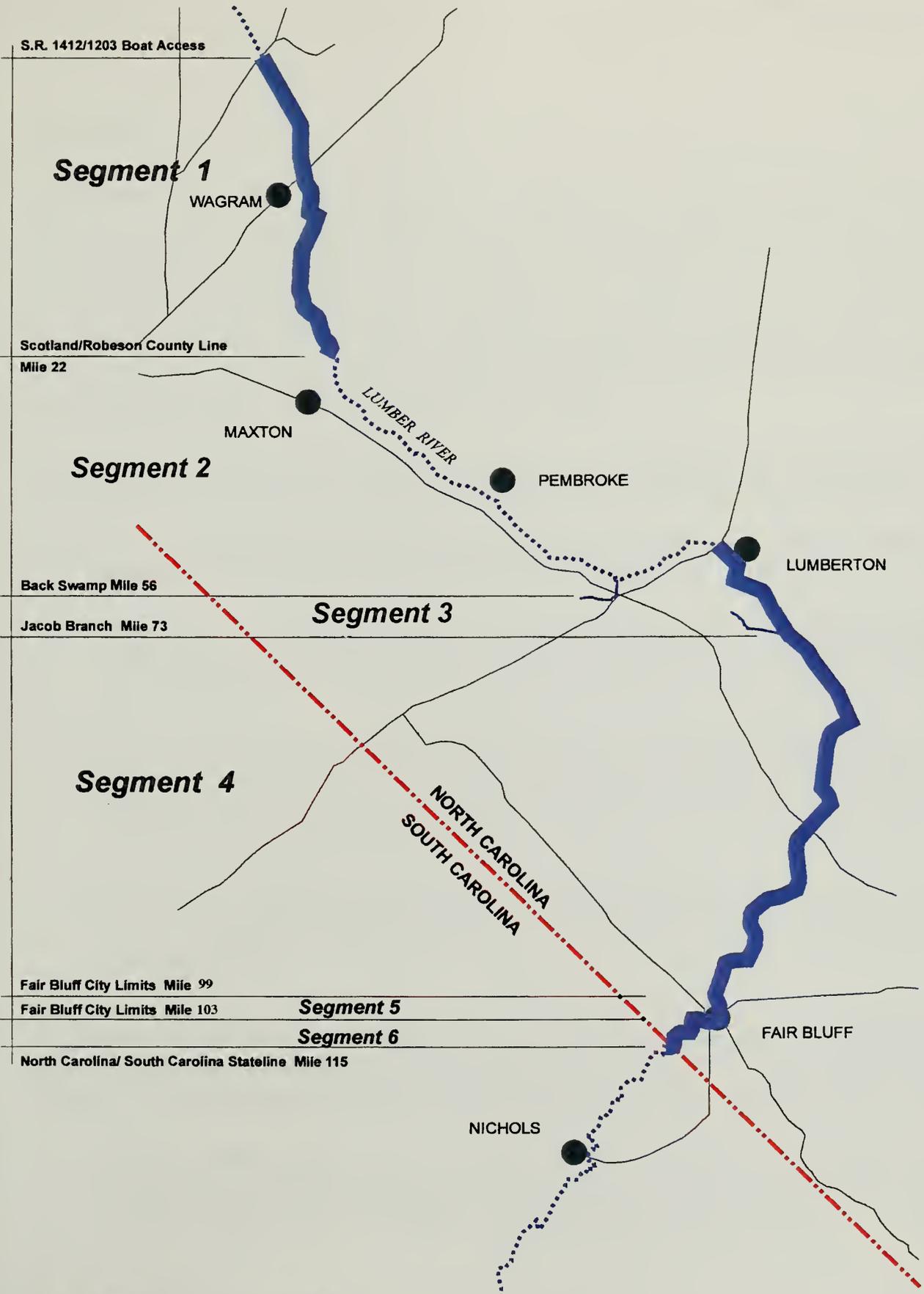
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**LUMBER RIVER**  
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# INTRODUCTION

## Purpose

On April 15, 1996, North Carolina Governor James Hunt petitioned the Secretary of the Interior (Secretary) to exercise his authority under Section 2(a)(ii) of the national Wild and Scenic Rivers Act (WSRA; Public Law 90-542, as amended) to designate a segment of the Lumber River in North Carolina as a national wild and scenic river. This application was forwarded to the National Park Service (NPS) for evaluation as required by the WSRA and Department of the Interior guidelines. This document presents the findings of this evaluation, as well as an assessment of the impacts to the environment as required by the National Environmental Policy Act (NEPA; Public Law 91-190).

For a river to qualify for the National Wild and Scenic Rivers System (National System) through Section 2(a)(ii) of the WSRA, the following four requirements must be met:

- 1) The river must first have been designated as a component of a state's wild or scenic rivers system by, or pursuant to, an act of the legislature of that state.
- 2) Management of the river must be administered by an agency or political subdivision of the state, except for those lands already administered by an agency of the federal government.
- 3) The river must meet eligibility criteria common to all national wild and scenic rivers, that is, the river must be free-flowing, as determined by standards set by the Departments of the Interior and Agriculture, and possess one or more outstanding resources of significance to the region or nation.
- 4) There must be effective mechanisms and regulations in place -- local, state or federal -- to provide for the long-term protection of those resources for which the river was deemed eligible.

In addition, if designated, the river is given one of three classifications. Each classification carries with it different responsibilities in management and protection. A designated river may be divided into several different segments, with each segment having a different classification. As defined by the WSRA, the three classes of national wild and scenic rivers are:

- 1) *Wild river areas* -- Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

- 2) *Scenic river areas* -- Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.
- 3) *Recreational river areas* -- Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Finally, before the Secretary can take action, a proposed wild and scenic river designation must be evaluated for potential impacts to the environment as required by the NEPA, and both the proposal and the NEPA documentation must be circulated to appropriate federal agencies for review as required by both the NEPA and the WSRA. The NPS also releases the report and NEPA documentation for extensive public review and comment.

## Report Structure

This first section of the report presents a summary of the WSRA, provides a description of the river segments being considered for designation, and identifies the principal assessments and documents that are referenced in this report.

The second section of the report describes the Lumber River's status as a state-protected river and provides an overview of existing State protection mechanisms, which are more fully considered in the Resource Protection Section. This section of the report, and most sections to follow, concludes with findings on whether the requirements for designation have been met.

In the third section, the river's eligibility and classification are evaluated. The question of free flow is addressed, and natural, cultural and recreational resources are evaluated to determine their significance to the nation or region.

Section four provides a summary of the protection mechanisms already in place, determines if they are sufficient to protect the river's resources in perpetuity, and considers if they provide an adequate framework for future management.

Section five is the environmental assessment for this proposed action as outlined in the National Park Service's National Environmental Policy Act Compliance Guidelines (NPS-12). This section also includes a description of the area and resources as required by the NEPA.

The final section summarizes the report and includes the NPS's preliminary recommendations on the state of North Carolina's application for wild and scenic river designation for the Lumber River.

## Wild & Scenic Rivers Act -- Criteria and Process

Enacted in 1968, the WSRA was intended to preserve selected free-flowing rivers in their natural condition for the use and enjoyment of the public. This alternative to dam construction was intended to balance the nation's water resources development policies with river conservation and recreation goals. Designated rivers receive protection from new hydropower projects, federal water projects, and other federally assisted water-resource projects -- defined as grants, licenses, permits or funding -- that would alter the river's free-flowing characteristics, or have a direct and adverse effect on the river's outstanding resources.

The WSRA established two processes by which a river can enter the National System. One is through direct congressional designation. This is frequently preceded by a congressional amendment to Section 5(a) of the WSRA, authorizing a study to assess a river's qualifications for the National System before Congress takes action to designate the river. Management of these rivers is then usually by a federal agency, although there are instances of local management of congressionally designated rivers.

Rivers can also be added to the National System through an administrative action by the Secretary. Section 2(a)(ii) of the WSRA allows the governor of a state to apply to the Secretary for national designation.<sup>1</sup> The NPS then evaluates whether the requirements of Section 2(a)(ii) have been met and prepares a draft report and an assessment of the environmental impacts of designation. The NPS also publishes a notice of proposed administrative designation in the *Federal Register* and notifies the Federal Energy Regulatory Commission (FERC) and other affected federal agencies of the pending action. Following a 90-day comment period for federal agencies and a concurrent 45-day comment period for the public, the NPS advises the Secretary of its findings. If the NPS finds -- and the Secretary agrees -- that the application meets the requirements, the Secretary publishes a notice of administrative designation in the *Federal Register*, and the river is added to the National System.

Rivers designated through Section 2(a)(ii) receive the same protection afforded all rivers in the National System. Rivers designated through this process are managed by the state, or political subdivision of the state, rather than the federal government, except for those lands owned by the federal government. Section 2(a)(ii) is ideally suited to rivers where there is a strong tradition of state or local management and protection of the river.

When a river is added through Section 2(a)(ii), it is done with the condition that it be administered without cost to the federal government. This means that there can be no condemnation or other acquisition of lands or water rights by the federal government related to wild and scenic river designation. These prohibitions do not extend to state and local governments.

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<sup>1</sup>If a river passes through more than one state, the governors of those states could submit a joint application for designation.

## Lumber River Segment Proposed For Designation

The Lumber River is located in south-central North Carolina in the relatively flat physiographic region known as the Coastal Plain. The river's headwaters are in Montgomery, Moore and Scotland Counties, where the river is known as Drowning Creek. The waterway known as the Lumber River extends from State Route 1412/1203 along the Scotland County-Hoke County border 115 miles downstream to the North Carolina-South Carolina border. Soon after crossing the State line, the Lumber River flows into the Little Pee Dee River, which eventually flows into the Great Pee Dee River and on into Winyah Bay and the Atlantic Ocean. It is the 115-mile river reach from Drowning Creek to the State border that the state of North Carolina has nominated for wild and scenic river designation.

## Lumber River Segments Considered for Designation

Under the WSRA, rivers are often divided into different segments. Segmentation may be based on a number of factors related to a river's natural or cultural resources, management, and future protection goals, which may differ along the river. These factors may include: management jurisdictions, adjacent land management objectives, river access, topography, level of land or shoreline development, communities, suitability analysis, and eligibility assessment. Due to the existence of communities and differences in topography, state acquisition goals, levels of development, levels of access, degrees of protection along the river, the NPS has divided the nomination into six segments, summarized in the table below.

<i>Lumber River Segments Considered</i>		
<i>Segment</i>	<i>Segment Description</i>	<i>State Classification</i>
1	State Route 1412/1203 (River Mile 0) to the Scotland/Robeson County border at the end of the Maxton Airport Swamp (RM 22).	Scenic
2	The Scotland/Robeson County border at the end of the Maxton Airport Swamp (RM 22) to Back Swamp (RM 56).	Scenic
3	Back Swamp (RM 56) to Jacob Swamp Canal (RM 73).	Recreational
4	Jacob Swamp Canal (RM 73) to the upstream city limits of Fair Bluff (RM 99).	Natural
5	The upstream city limits of Fair Bluff (RM 99) to the downstream city limits of Fair Bluff (RM 103).	Recreational
6	The downstream city limits of Fair Bluff (RM 103) to the North Carolina/South Carolina border (RM 115).	Natural

In some instances, it was appropriate to consider the river in its entirety. This was done primarily when considering the physical eligibility of the river and when assessing the river's inclusion in a state river system. Addressing the entire nomination is appropriate when considering the river as an ecosystem and a recreational resource; this is also in keeping with the Department of the Interior's philosophy of considering rivers in the context of their watersheds.

However, the social requirement that the river must meet to be eligible for the National System -- protection by the state, local jurisdiction, or existing federal laws -- is the primary reason the NPS considered different segments of the Lumber River separately. This will be discussed in detail in the Resource Protection Section of this report.

## Existing Assessments and Reports

The North Carolina section of the Lumber River has been studied several times. In 1980, the river's outstanding resources were noted in the NPS's *Nationwide Rivers Inventory* (NRI). In January of 1989, the North Carolina Division of Parks and Recreation (NCDPR) assessed the river's eligibility for the North Carolina Natural and Scenic Rivers System (State System) in the *Lumber River Natural and Scenic River Designation: A Report to the Governor and General Assembly*. In July of 1995, following the establishment of the Lumber River State Park, the NCDPR released the previously mentioned *Lumber River State Park Master Plan: Columbus, Hoke, Robeson and Scotland Counties, North Carolina* (Master Plan). Much of this report has been taken from, or is based on, this Master Plan. The Master Plan is important to the analysis of the State's ability to ensure permanent protection of resources, and will be addressed later in greater length. Following is a brief description of these prior reports.

### *Nationwide Rivers Inventory*

When the WSRA was passed in 1968, it included a provision to identify possible additions to the National System. Section 5(d) states:

*The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all federal agencies as potential alternative uses of the water and related land resources involved.*

In 1980, the NPS released the NRI, which is a listing of rivers that, at first analysis, are potential candidates for study and/or inclusion into the National System. In the NRI, the Lumber River was identified as one of the possible future additions to the National System. The significant resources noted by the NRI included the river's heavily forested cypress swamps -- some of which are old growth -- and the exceptional diversity and abundance of plants and animals.

The NRI review team also noted the Lumber River provided excellent boating and fishing opportunities and had numerous historical and archeological resources. Finally, the NRI review team noted the unusual lack of development for most of the river's length.

### *Lumber River Natural and Scenic River Study Report*

In 1989, the Lumber River was added to the State System established by the North Carolina Natural and Scenic Rivers Act of 1971 (NCNSRA). Prior to this action by the General Assembly of North Carolina, the NCDPR had assessed the abundant and varied resources of the Lumber River and outlined various designation options in a report to the Governor and General Assembly.

### *Lumber River State Park Master Plan*

As a result of the Lumber River being added to the State System, and subsequent to its becoming a State park, the NCDPR developed the Master Plan in consultation with members of the Lumber River Citizens Advisory Committee, whose appointments are made by the Secretary of the North Carolina Department of Environment and Natural Resources. Funded in large part by Carolina Power and Light Company challenge grants matched by donations from local businesses, local governments, organizations and individuals, the Master Plan describes the river's setting, resources and people. The Master Plan also sets forth the development of the Lumber River State Park's infrastructure, management goals, and plan for implementation of these goals. Of critical importance to the NPS assessment are the protection priorities, development goals, and land acquisition plans outlined in the Master Plan. These components will be examined in greater detail under the Resource Protection Section of this document.

# STATE DESIGNATION & MANAGEMENT FRAMEWORK

There are two requirements relating to state policy and management that must be met before the Secretary can take action to designate a river under Section 2(a)(ii) of the WSRA. The first is that the river must be designated as a component of a state wild, scenic, or recreational river system by, or pursuant to, an act of the state legislature. The second requirement is that the river be administered by an agency or political subdivision of the state at no cost to the federal government, except for those lands already in federal ownership. This requires that the state has an adequate framework in place through which to manage the river and has the legal and administrative resources with which to accomplish these goals. The purpose of this section is to determine whether the state of North Carolina's application meets these requirements.

## State Scenic River Designation

The NCNSRA was passed to preserve, protect and maintain certain free-flowing rivers and adjacent land for their outstanding natural, scenic, educational, geological, recreational, historic, fish and wildlife, scientific and cultural values. These rivers are protected for the present and future benefit of the people of North Carolina. In 1989, the Lumber River was added to the State System. However, even before this action by the General Assembly, the NCDPR had assessed the abundant and varied resources of the Lumber River and outlined various designation options in a report to the Governor and General Assembly.

Under the NCNSRA, there are three classifications that a river can receive -- *natural*, *scenic*, and *recreational*. The Lumber River has all three classifications at some point along its State-designated course. The uppermost part of the river from State Route 1412 (Turnpike Bridge) to Back Swamp is the narrowest section of the river, measuring an average of 40 feet in width. This section is classified as *scenic*, which is defined by the Act as largely primitive, undeveloped, and free of impoundments, but accessible by roads. This classification lends itself to wilderness-type experiences, such as solitude and wildlife viewing. The middle portion from Back Swamp to Jacob Swamp Canal is wider, averaging 75 feet, and is classified as *recreational* because it offers outstanding recreational and scenic values and is largely free of impoundments, but has development and an extensive road system along its banks. The segment downstream of Jacob Swamp Canal to the border with South Carolina varies in width from 30 to 75 feet and is classified as *natural*, with the exception of the portion within the Fair Bluff city limits, which is designated *recreational*. A *natural* river segment is defined by the NCNSRA as unpolluted, surrounded by lands in an essentially primitive condition, free of man-made impoundments, and generally inaccessible except by trail.

Based on the provisions and character of the NCNSRA, the NPS has concluded that all segments of the Lumber River meet the first requirement for designation as a national wild and scenic river.

## State and Local River Management Framework

The second requirement for wild and scenic river designation, that the river be managed by a state agency, or some other unit of state government, is directly addressed in the NCNSRA. Section 113A-36(a) states that *“the Department of Natural Resources and Community Development is the agency . . . with the duties and responsibilities to administer and control the North Carolina natural and scenic rivers system.”* In addition, in 1989, the North Carolina General Assembly created the Lumber River State Park, and directed the NCDPR to *“prepare a general management plan for the Lumber River State Park to include a master plan which shall recognize and provide for State and local government protection of the various parts of the river so as to preserve its outstanding character in perpetuity.”* The NCNSRA acknowledges this possibility in Section 113A-40, which states, *“Any component of the State natural and scenic rivers system that . . . become[s] a part of any State park . . . shall be subject to the provisions of this Article and the Articles under which the other areas may be administered . . .”*

The NCNSRA even provides for federal designation. Section 113A-41 reads:

*Nothing in this Article shall preclude a river or segment of river from becoming part of the national wild and scenic river system. The Secretary of the Department is directed to encourage and assist any federal studies for the inclusion of North Carolina rivers in the national system. The Secretary may enter into cooperative agreements for joint federal-state administration of a North Carolina river or segment of river: Provided, that such agreements relating to water and land use are not less restrictive than the requirements of this Article.*

Based on the articles of North Carolina law, and on direct involvement with agencies of the state of North Carolina, the NPS concludes that this requirement has been fulfilled for all segments of the Lumber River.

## Conclusions

Based on the designation of the Lumber River as a State natural and scenic river according to the provisions of the NCNSRA, the first Section 2(a)(ii) criterion has been fulfilled for all segments of the river. Further, a framework for the State management of the Lumber River has been established through the NCNSRA and the North Carolina State Parks System; the second Section 2(a)(ii) criterion has been established for all segments of the river.

# EVALUATION OF ELIGIBILITY & CLASSIFICATION

## Eligibility Findings

The WSRA requires that, to be eligible for inclusion in the National System, a river or river segment must be free-flowing (as defined by the Departments of Agriculture and the Interior) and, with its immediate environment, must possess one or more “outstandingly remarkable” scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values (i.e., it must have at least one resource important to the region or nation).

### *Free-Flowing Condition*

Free-flowing, as defined in Section 16(b) of the WSRA, is applied to “any river or *section of a river*,” and means:

*. . . existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures . . . shall not automatically bar its consideration for inclusion: Provided, that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the National Wild and Scenic Rivers System.*

The entire Lumber River, which contains no dams, major diversion structures, significant channel or other modifications, or excessive rip-rapping was found to be free-flowing.

### *Outstandingly Remarkable Values*

The second criterion that a river must meet to be eligible for inclusion in the National System is that it must possess one or more outstandingly remarkable resources important to the region or nation. The term “outstandingly remarkable” is not precisely defined in the WSRA. As directed by 1982 interagency guidelines, the determination of whether or not a river area contains outstandingly remarkable resources is based on the professional judgement of the study team. However, the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) in the Pacific Northwest have developed standards for certain categories of values; these standards have become widely accepted by both agencies. As these standards have been consistently upheld and are widely used, the NPS frequently applies them to Section 2(a)(ii) evaluations; we have elected to use them in evaluating the Lumber River for designation into the National System. Under the USFS/BLM criteria, the river is judged on eight different classes of resources -- scenic, recreational, geological, fish, wildlife, prehistoric, historic, and a catch-all category, “other” -- as described below.

## *Recreation Resources*

The USFS/BLM criteria:

*Recreational opportunities are, or have the potential to be, unique enough to attract visitors from outside the region of comparison. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting and boating/rafting.*

*Interpretive opportunities may be exceptional and attract, or have the potential to attract, visitors from outside the region of comparison.*

*The river may provide, or have the potential to provide, settings for national or regional usage or competitive events.*

The Lumber River has regional recreational value for canoeing and sightseeing opportunities. The river offers visitors an opportunity to experience multi-day canoe trips on an unusually long and meandering blackwater river in a natural and uncrowded setting. The Lumber River is one of few rivers in the region that travels through two distinct physiographic regions -- starting in the Sandhills Region and flowing through the Coastal Plain -- providing a diverse canoeing setting. Currents and obstructions by fallen trees provide additional variety and offer navigability challenges.

The Lumber River's significance as a canoe trail was formally recognized in 1978 when the upper river was designated the State's first recreational water trail. In 1981, this segment of the river was designated a National Water Trail, the first such trail in the southeastern United States. In 1984, the lower river was included in the list of National Canoe Trails.

While no visitor-use studies on the Lumber River have been conducted, Lumber River State Park staff do have evidence of considerable recreational use from outside the geographic region. Within the North Carolina State Parks System, approximately one-fourth of visitors are from out of state. With easy access from I-95, the Lumber River receives visitation from across the United States. NCDPR surveys indicate that the average one-way visitation to North Carolina's state parks is 139 miles, indicating that the Lumber River State Park is a "destination location."

It is likely that boating use of the Lumber River will continue to grow. The city of Lumberton actively promotes recreational use of the river. The NCDPR conducts natural and cultural interpretive canoe trips and is planning to increase this activity. New outfitters have made inquiries about providing additional boating concessions along the river. The Lumber River has the potential to be used for canoe or kayak flatwater racing. Nearby family camping facilities provide the infrastructure for family-based recreation opportunities. According to Lumber River State Park personnel, there is already considerable boating use from off-duty

military personnel at nearby Fort Bragg, and this number could grow as marketing by the NCDPR and local communities increases.

The Lumber River also provides numerous recreation opportunities besides canoeing. Sandbars, fallen logs, overhanging branches, and an abundant food supply provide excellent habitat and structure for fish; fishing from the banks and from small boats is popular along most of the river. The species most frequently sought include sunfish (bluegill, warmouth, redbreast), largemouth bass, catfishes, pickerel, and yellow perch. Unusual deposits of fossils and sharks teeth provide a unique fossil hunting activity, although collecting is discouraged and is prohibited on State lands. Other recreation opportunities along the Lumber River include excellent wildlife observation, hiking, photography and hunting.

Continuing development of the Lumber River State Park will provide additional facilities for camping, nature study, hiking, and picnicking. These facilities, which will attract additional visitors, are being designed to be compatible with protection of the river's natural resources and the river's designation as a State natural and scenic river. Additional recreational facilities for picnicking, river access, hiking, and nature study are provided by local governments.

Twelve State Natural Heritage Priority Areas have been identified along the river. These contain high-quality natural communities or habitat for rare species; six natural community types are found in these 12 areas. These, as well as other areas along the river, offer excellent opportunities for environmental interpretation and education. Opportunities also exist for interpretation of Native American culture and the importance of lumber and naval store industries in the early development of the region. Natural sites for developing and providing interpretation with easy access exist within the communities of Lumberton and Fair Bluff and at the interim Lumber River State Park headquarters at Princess Anne.

Based on the Lumber River's value as a destination site for canoeing, the all-round opportunities for recreation, and the high-quality locations to provide interpretation on the river and the area's history, recreation is an outstandingly remarkable resource.

## *Fish*

The USFS/BLM criteria:

*Fish values may be judged on the relative merits of either fish populations or habitat or Native American cultural use -- or a combination of these river-related conditions. Consideration shall be given for potential as well as existing values.*

*The river is internationally, nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed threatened, endangered and sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.*

The Lumber River is a popular fishing stream and receives considerable fishing pressure from anglers across the State. The river has historically provided excellent fishing for various sunfish (*Lepomis* spp.), largemouth bass (*Micropterus salmoides*), catfishes (*Ictalurus* spp.), chain pickerel (*Esox niger*), and yellow perch (*Perca flavescens*). The river supports a diverse fish assemblage and a high quality sport fishery, especially for redbreast sunfish (*Lepomis auritus*) and largemouth bass. Sampling conducted by the North Carolina Wildlife Resources Commission (NCWRC) categorizes the redbreast sunfish population in the Lumber River as a high quality fishery; many southeastern anglers rate the Lumber River as the premier riverine sport fishery for bluegill, redbreast, and red ear sunfish in the State. American shad (*Alosa sapidissima*), an anadromous species, has also been collected from the Lumber River.

The Lumber River supports two unique fish species designated of "special concern" by the state of North Carolina. These species are the pinewoods darter (*Etheostoma mariae*) and the sandhills chub (*Semotilus lumbee*).

Based on the regional importance of the Lumber River fishery, and the large, continuous, highly productive habitat the river provides, the NPS has determined that the fishery should be considered an outstandingly remarkable resource under the WSRA.

## *Wildlife*

The USFS/BLM criteria:

*Wildlife values shall be judged on the relative merits of either wildlife populations or habitat or Native American cultural use -- or a combination of these conditions.*

**Populations** -- *The river or area within the river corridor contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species considered to be unique, or populations of federal or state listed or candidate threatened, endangered and sensitive species. Diversity of species is an important consideration and could in itself lead to a determination of outstandingly remarkable.*

**Habitat** -- *The river or area within the river corridor provides exceptionally high quality habitat for wildlife of national or regional significance, or may provide unique habitat or a critical link in habitat conditions for federal or state listed or candidate threatened, endangered and sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.*

The Lumber River provides habitat for several species listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS). The headwaters of the Lumber lie in the Sandhills Region which is considered one of the best red-cockaded woodpecker habitats north of Florida; the red-cockaded woodpecker is listed as a federally endangered species. The Lumber River also provides habitat for the federally threatened bald eagle. American alligators, a federally threatened species in the state of North Carolina, can be found in the river. Other

species that are included in the federal listing of “Species of Special Concern” include: Carolina crawfish, river frog, black vulture, Cooper’s hawk, glossy ibis, snowy egret, golden-crowned kinglet, loggerhead shrike, Keen’s bat, southeastern bat, Rafinesque’s big-eared bat, and the star-nosed mole. The Lumber River is also home to an elipteo freshwater mussel which is currently being evaluated as a new genus.

The Lumber River functions as a corridor of dispersal for a diversity of species in addition to those having national significance listed above. Black bear have been documented as far west as Lumberton in Robeson County. The NCWRC, with support from the National Wild Turkey Federation and private landowners, has stocked wild turkeys within its native habitat of the Lumber watershed. The riverine bottomland forested areas of the river are also important to a variety of species of neotropical migrant birds. Many of these species, which are provided with an exceptional habitat in the watershed of the Lumber, are declining and may receive federal listing in the future.

Based on the presence of numerous endangered or threatened species, or species of concern; the wide diversity of wildlife, both common and rare; and the long, continuous forested riverine habitat, the NPS has concluded that wildlife is an outstandingly remarkable resource of the Lumber River, warranting protection under the WSRA.

### *Scenic/Aesthetic Resources*

The USFS/BLM criteria:

*The landscape elements of landform, vegetation, water, color and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.*

The study corridor possesses a high level of scenic integrity (i.e., the landscape character is remarkably intact and natural in appearance) for most of its 115 miles. The river is predominately bottomland hardwood swamp, which is rare in the National System. Only the upland pine forest areas of Pembroke, Lumberton, and Fair Bluff are comprised of significantly developed land. Though other rivers within the region, such as the Black, South and Waccamaw, rival the Lumber’s scenic attractiveness, the Lumber River is unique in providing scenic integrity over such a long reach.

The corridor contains some visual features which detract from the river’s natural scenic attractiveness, primarily in the Pembroke, Lumberton, and Fair Bluff areas. Visual intrusions include homes and small businesses, a few canals, farms, and several bridge and power line crossings. Within the vicinity of Lumberton there is a dike, buildings to the water’s edge, parks, one significant water intake structure, very short stretches of bank hardening, and a small junkyard. However, the duration of these intrusions as the river is being traveled is very

short; many of the intrusions, such as the dike, are well screened and/or set well back from the river; and many of the features, such as parks, are attractive in their own right. None of the intrusions significantly alter the river's overall scenic integrity or landscape character; only the junkyard is a significant visual detraction.

The Lumber River has a significant litter problem along much of its course. While this litter problem does not disqualify scenery as an outstandingly remarkable resource, the NPS recommends that the NCDPR and local jurisdictions establish a river clean-up program in order to ensure a high-quality scenic and recreational experience.

Outside population centers, remnants of cypress logging railroad trestles hidden along the river and intermittent bridges are among the very infrequent reminders that man ever played a role in the bottomland swamp of the Lumber River. Violent winds from Hurricane Andrew have made parts of the river almost impassable due to tree blow-downs, contributing to the natural character and a sense of remoteness on the river. Expansive views through a baffle of cypress, Spanish moss, and cypress knees add to the river's swamp like character. The slow-moving, tea-colored water reflects the vegetation of the surrounding banks, yet is clear enough to allow a glimpse of vigorous aquatic life. Light and dark contrast as sunlight filters through the dense forest canopy and dances on the smooth water surface. Colorful flowering plants and wildlife add variety of scenery.

Seasonal variation contributes to interesting color changes, including the burnt-orange colored leaves of the cypress and the red to yellow colors of the swamp red maple in the fall, as well as the bright red seed pods of the maple and the light green foliage of cypress in the early spring. These spectacular colors are accentuated by reflections on the dark water surface. In winter months, areas of the forest not visible in spring and summer open to deeper recesses of the forests and swamps.

In addition to the topographic and vegetative variation from the upland to swamp areas, variety of landform is provided by tight meanders, varying channel width, white sand point bars, low natural levees, islands, sloughs, and the backwaters of abandoned river channels. A few steep outcrops along the riverbank expose Coastal Plain formations and abundant marine fossils, providing additional scenic variation and complexity.

Other sensory perceptions contribute to the unique swamp like character of the Lumber River, such as the sounds of a variety of wildlife and insects. These include a surprising churning of the water surface by wood ducks taking flight, the crash of the beaver's tail at an approaching boat, or the rare grunt of an alligator. Cicadas, frogs and birds add more variety to the recreational and aesthetic experience visitors enjoy. Smells of fragrant flowering plants such as the native wisteria add a pleasant touch to the aesthetic experience.

Based on the variety of experiences described above, the exceptionally long natural setting, the diversity of wildlife, and the relaxing character of the Lumber River, the NPS has concluded that scenery is an outstandingly remarkable resource as defined under the WSRA. As stated,

the National System is seriously lacking in blackwater, bottomland hardwood forest rivers. If the National System is to be truly representative of the rivers in the United States, then rivers like the Lumber and the setting they provide need to be included in greater numbers.

### *Geological Resources*

The USFS/BLM criteria:

*The river or the area within the river corridor contains an example(s) of a geologic feature, process, or phenomena that is rare, unusual, or unique to the region of comparison. The feature(s) may be in an unusually active stage of development, represent a "textbook" example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial and other geologic structures).*

Though they are not unique to the region, several geologic features exhibited in the river corridor are noteworthy. As Drowning Creek emerges from the Sandhills Region and becomes the Lumber River, it crosses a regional physiographic feature known as the Orangeburg Scarp. This feature is commonly thought to have developed as a paleo-shoreline feature during the upper Pliocene Epoch (approximately 3 million years ago) as the sea reached a point of relative standstill and wave action cut into the highland now known as the Sandhills. The Orangeburg Scarp can be traced from Florida to Virginia, but it is particularly well developed through North and South Carolina, where it marks the boundary between the upper and middle Coastal Plain. As a result of this geologic occurrence, fossil shells and shark teeth have been deposited in sand deposits in bluffs, ridges and banks along the Lumber River.

As the Lumber River flows across the relatively low-relief surface of the middle Coastal Plain Region, its valley cuts into a surface marked by a great number of northwest-southeast oriented elliptical depressions known as Carolina Bays. Since their discovery in the Carolina's in the 1800's, these swampy or sometimes water-filled features with unique floral assemblages have been the object of debate and controversy as to their origin. Although now known to number in the tens of thousands throughout the Atlantic Coastal Plain, and to occur in several other regions of the world, the middle Coastal Plain area of Bladen and Robeson Counties, North Carolina, exhibit particularly well-developed and numerous Carolina Bays.

There are several other interesting features of the Lumber River. The river possesses a greater amount of meanders than other rivers in the region. There are high bluffs at Princess Anne and High Hill (south of Lumberton). These bluffs are atypical for blackwater rivers in the area. Unusual sand ridges were formed along the river when the Ice Ages dried the area, allowing sand to be blown from the riverbed onto the banks. However, while these features contribute much to the character and wildlife diversity of the river, they are not outstanding geologic features, or exceptionally important.

While many geologic features of the Lumber River and its surrounding landscape are interesting and worthy of study, there is nothing that is unique or exemplary about these

features when considered in a regional context. Geology is not considered an outstandingly remarkable resource under the WSRA.

### *Prehistoric Resources*

The USFS/BLM criteria:

*The river or area within the river corridor contains a site(s) where there is evidence of occupation or use by Native Americans. Sites must have rare or unusual characteristics or exceptional human interest value(s). Sites may have national or regional importance for interpreting prehistory; may be rare and represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; or may have been used by cultural groups for rare or sacred purposes.*

The Lumber River has long been used by Native Americans for travel and subsistence. The earliest Native Americans, who may have lived in the region from as early as 20,000 B.C., were nomadic and subsisted through food-gathering and hunting (Matois and Gardner, 1986). By the 18th century, the river and its associated swamps had become a melting pot for several Indian tribes, some of them refugees who had fled to the backwoods and swamplands from the coastal regions to escape the attacks of other tribes as well as the advance westward by Europeans. It has been speculated that members of Sir Walter Raleigh's "Lost Colony" may have been among these Native American immigrants to the area (Dial and Eliades, 1975). The earliest European settlers in Robeson County found several thousand Indians already on the scene who spoke broken English and farmed as Europeans did. Some of them were blue-eyed and bore familiar English names (Sharpe, 1954). Because of a lack of recorded history and a loss of linguistic identity, however, the history of these people has been shrouded in mystery, conjecture and myth; their true origins will probably never be known. Having survived the encroachment of their lands, they established rural communities on the banks of the river where their descendants, known as the Lumbee, live today. They adopted their tribal name officially in 1953 from the Indian name for the river.

A number of archaeological sites are found on high ground along the river. Most of these areas have been disturbed by the agricultural and forestry practices of the post-Columbian era, however. Isolated artifacts and fossils that have been discovered include a dugout canoe estimated at over 1,025 years old, an indication that pre-Columbian peoples navigated the river for trading, fishing, hunting, and other cultural activities. Accounts of finding stone artifacts in the Riverton area likely indicates the area was inhabited by Native Americans (Wright, 1991).

While the prehistory of the Lumber River is interesting in its own right, there is nothing unique or exemplary about it. All of the major river systems in the region supported Native Americans and were used in essentially the same manner. There are no known sacred sites along the river. While the archaeological sites are, of course, important -- and the NCDPR plans

to provide interpretive programs within the Lumber River State Park -- they do not qualify as outstandingly remarkable according to the WSRA.

### *Historic Resources*

The USFS/BLM criteria:

*The river or area within the river corridor contains a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare, unusual, or one-of-a-kind in the region. An historic site(s) and/or feature(s) in most cases is 50 years or older.*

According to poet John Charles McNeill (1874-1907), the Indian name of Lumbee was originally used for the river, from an Indian word that means "black water." Early European surveyors and settlers called it Drowning Creek. This name appears in Colonial records of 1749, which identify the river as a branch of the Little Pee Dee River. The name was changed by legislative action in 1809 to the Lumber River, most likely because of the river's heavy use by the lumber industry.

In the late 18th and the 19th centuries, the lumbering and naval stores industries were very important to the region, and the river was a vital route for transporting products of these industries. One-hundred-foot logs were rafted downriver in the late 1800's to Georgetown, South Carolina. Lumberton itself was an important turpentine and timber town. Unfortunately, no standing structure related to these industries has been found that could be considered of historic value. The few existing structures are from this century and are in a state of decay. Remnants of bridge abutments, tram bridges, and dock pilings in the Net Hole area are reminders of the lumbering and naval stores industries.

While the area around the Lumber River has been settled for almost 300 years, the history along or associated with the river is not unique nor exemplary compared to other rivers in the region. History is not an outstandingly remarkable resource under the WSRA.

### *Other Values -- Botany*

While most river values of regional or national significance can be described under one of the other categories, sometimes there is a resource or traditional use of the river that is unique and does not fit any of the standard categories. An example can be found on the Klamath River in Oregon. There, the BLM and the NPS found that the river had been used continuously by three different Native American tribes for religious and spiritual purposes for at least the last 7,000 years. The agencies determined this to be a unique, nationally significant value, and Native American Traditional Use was determined to be an outstandingly remarkable resource. Under USFS and BLM guidelines, the criteria for an outstandingly remarkable rating are:

*While no specific national evaluation guidelines have been developed for the "other similar values" category, assessments of additional river-related values consistent with the foregoing guidance will be completed -- including, but not limited to, hydrologic, paleontologic, ecologic and botanic resources.*

The NPS has determined that the Lumber River has one additional resource that should be considered outstandingly remarkable -- its plants. A more complete discussion of the river's common vegetation can be found in the Environmental Assessment Section; it is the broad range of uncommon plants and the high-quality natural habitats that make botany an exceptional value of the Lumber River.

A preliminary natural heritage inventory of the river corridor was conducted in 1989 (Ash, 1990). Twelve Natural Heritage Priority Areas were identified, containing high quality natural communities or habitat for rare species. There are six natural community types (Schafale and Weakley, 1990) represented in these 12 areas: sand and mud bar, coastal plain levee forest (blackwater subtype), cypress gum swamp (blackwater subtype), coastal plain bottomland hardwoods (blackwater subtype), pine savannah, and xeric sandhill scrub. Sixty percent or more of these areas are represented by coastal plain bottomland hardwoods, 20 percent by cypress gum swamp, and 15 percent by coastal plain levee forest.

One of the results of this wide variety of habitat types and substratum is that numerous rare and sensitive plants exist throughout the river corridor, particularly in the unique Natural Heritage Priority Areas. Among the rare and endangered plants is sarvis holly (*Ilex amelancther*), a distinctive blackwater river plant that grows mainly along the river banks and is distributed along the river's entire length. This plant is on the State endangered species list as being "significantly rare" and is a candidate for the federal list of threatened or endangered plants. Comfortroot (*Hibiscus aculeatus*) is another uncommon plant found mainly below the Carolina Power & Light cooling lake; comfortroot is a candidate for State listing. On the 700-acre Big Sandy Ridge located north of Fair Bluff, there are two significant species: woody goldenrod or chrysoma (*Chrysoma pauciflosculosa*) and threadleaf sundew (*Drosera filiformis*). Woody goldenrod is listed as endangered by the state of North Carolina, and threadleaf sundew is listed as "significantly rare." Three final scarce plant species known to occur in the river corridor are: Carolina bog mint (*Macbridea caroliniana*), which is in the process of being listed by the State as "threatened" and is a "species of concern" at the federal level; savannah yellow-eyed grass (*Xyris flabelliformis*), which is a State candidate species; and southern bog button (*Lachnocaulon beyrichianum*), which is listed by North Carolina as being "significantly rare."

Based on the wide variety of habitat types supporting a diversity and abundance of wildlife -- found in an unusually long, largely unbroken, riverine corridor -- and the presence of large numbers of rare, threatened or endangered plant species at both the State and federal level, botany is considered an outstandingly remarkable value under the WSRA.

A synopsis of the "outstandingly remarkable resources" of the Lumber River can be found in the following table.

## *Outstandingly Remarkable Values Of The Lumber River, North Carolina*

Resource	Characteristics
Recreation	Heavily used canoeing and fishing river. One of the first National Water Trails. One of the best warm-water sport fisheries in the Southeast. Sight-seeing is exceptional due to diverse scenery and wildlife. Opportunities for family-based recreation, covering a wide spectrum of activities. Environmental and cultural interpretation possible. State park.
Fish	Prolific fishery considered to be one of the best for sunfishes. Highly intact, exceptionally long habitat providing for a high diversity of species. Presence of two "species of concern" in North Carolina.
Wildlife	Several threatened and endangered species, both in North Carolina and at the federal level. Numerous other "species of concern." High diversity of wildlife. Important habitat for several declining passerine species. Possible new species of mussel.
Scenery / Aesthetics	Exceptionally long blackwater bottomland hardwood forest, a river type conspicuously lacking in the National System. Near-wilderness experience possible in a highly scenic setting. Seasonal changes, topography, geologic features and diverse plants and wildlife provide a highly varied and interesting landscape.
Botany	High diversity of plant communities. Habitat supporting many rare wildlife species. Numerous rare plant species, both in North Carolina and at the federal level; one species listed by North Carolina as being endangered and another will probably soon be listed.

## Classification

After determining a river's eligibility for inclusion in the National System, it must be classified according to the category -- wild, scenic or recreational -- that best fits each eligible segment. Classification is based on the degree of naturalness and extent of development of the river and its adjacent lands as they exist at the time of the study.

As mentioned at the onset, there are three classification categories for designated rivers as defined in Section 2(b) of the WSRA. In designing the State System, the North Carolina General Assembly used the national WSRA as the model. As a result, the three North Carolina classifications (natural, scenic and recreational) are virtually analogous to the national classifications (wild, scenic and recreational), respectively. The national classifications are:

*Wild river areas* -- Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

*Scenic river areas* -- Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely undeveloped, but accessible in places by roads.

*Recreational river areas* -- Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

According to national classifications, a wild river is an undeveloped river with limited access by trail. The existence of a few inconspicuous roads leading to the boundary of the river area at the time of study would not necessarily bar wild river classification. To qualify for scenic classification, the river segment should not show substantial evidence of human activity. The portion of the watershed within the boundary of a scenic river may have some discernible existing development. A recreational classification is appropriate in developed areas, such as where a river runs parallel to roads or railroads, with adjacent lands that have agricultural, commercial, or other developments -- provided that the waterway remains generally natural and riverine in appearance.

Water resource development, shoreline development, accessibility, and water quality are the criteria that are considered when determining classification. Each criterion is important, but their collective intent is more important. Although each classification permits existing development, the criteria do not imply that additional inconsistent development is permitted in the future. Developments that are compatible with designation would be allowed, provided they are carried out in an environmentally sound manner. The classification of the river, or individual segment, prescribes the appropriate management plans and prescriptions. In other words, the classification will help to determine the compatible, appropriate activities that could occur on the river.

In providing a classification for the Lumber River, the NPS chose to break the Lumber River into smaller units to consider different classifications for each (as well as to consider the adequacy of State protection, as discussed later). This is often done for rivers in the National System. For example, a river might be wild in its mountainous headwaters, scenic through multiple-use lands, and recreational in its more populous lower valley. Factors considered in deciding whether to classify the Lumber River in its entirety or to segment it included: 1) management strategies for administering the river area; 2) the effect of landownership patterns on management strategies; 3) the acquisition plans of North Carolina; 4) the current levels of development and access along the river; and 5) the desire to avoid excessive segmentation of the river area. The segments the NPS, in consultation with the NCDPR, decided on are:

*Segment 1* -- State Route 1412/1203 (River Mile 0) to the Scotland/Robeson County lines at the end of the Maxton Airport Swamp (River Mile 22).

*Segment 2* -- The Scotland/Robeson County lines at the end of the Maxton Airport Swamp (River Mile 22) to Back Swamp (River Mile 56).

*Segment 3 -- Back Swamp (River Mile 56) to Jacob Swamp Canal (River Mile 73).*

*Segment 4 -- Jacob Swamp Canal (River Mile 73) to the upstream town limits of Fair Bluff (River Mile 99).*

*Segment 5 -- The upstream town limits of Fair Bluff (River Mile 99) to the downstream town limits of Fair Bluff (River Mile 103).*

*Segment 6 -- The downstream town limits of Fair Bluff (River Mile 103) to the North Carolina/South Carolina (River Mile 115).*

As mentioned, there are four factors considered when determining the classification of a river for the National System. These are water resource developments, shoreline development, accessibility, and water quality. Following are brief discussions of how these factors were considered by the NPS in providing classification for segments of the Lumber River.

### *Water Resource Developments*

Currently, there are no impoundments on the Lumber River. Numerous segments have bridge crossings, or are defined by bridges, and the waterway is modified by bridge abutments. For the most part, with the exceptions of development in Lumberton and Fair Bluff, the banks of the river are natural in appearance. Even through Lumberton, where a dike parallels portions of the river, the banks are natural in appearance, since the dike is set back from the river and is relatively well screened. In the vast majority of the river, the natural processes of the river creating and changing its channel are allowed. Rip-rapping is very limited, although unplanned rip-rapping occurs along the junkyard near Lumberton due to its presence on the river. There is only one significant water intake structure. Canals are very limited in frequency and scope. The few docks and piers that are present are small and unobtrusive. While these water-related projects have led to some modifications of the waterway, the impacts are not overpowering, and the river essentially retains its natural character.

### *Shoreline Development*

As discussed previously, the river is predominantly natural in appearance. The only areas of significant shoreline development are in Lumberton and Fair Bluff, although the area around Pembroke exhibits some levels of development. Most of this development is limited to single family homes or small businesses, and much of this is screened. Several City parks, while considered development, are in reality attractive and contribute to the recreational character of the river. While there are several power line crossings, these primarily follow existing road crossings, so impact is minimal. Away from roads and population centers, the evidence of human intrusion is slight, limited primarily to the structures described earlier in this section

under "History" and "Water Resource Developments." The only significant detrimental shoreline development is the presence of a moderately sized junk yard near Lumberton.

### *Accessibility*

The Lumber River is accessible in several places by road. However, even in Lumberton, these roads cross the river, and there are no reaches with significant paralleling of the river by road. Thick vegetation screens much of the visual impacts from these roads. The only other access to the river is at parks or by foot on private property, and most of this is within the areas of population centers. Private dirt roads do reach the river; however, they tend to dead end at the river and do not parallel it for any significant stretch. In general, the Lumber River is not easily accessible outside of population centers, except for infrequent road crossings and recreational put-ins.

### *Water Quality*

Water quality is a factor only in considering a segment for a wild classification. Water quality criteria do not differentiate between scenic and recreational river areas; water must simply be of sufficient quality to support the resources for which the river was designated, which it clearly is here. Since none of the segments being considered qualify for a wild classification either as a result of development or as a conscious choice due to management considerations, the NPS has eliminated water quality as a factor in classifying the segments of the Lumber River.

## **Lumber River Classifications**

The table on page 24 summarizes the classifications given to each of the segments of the Lumber River. The lowest ranking under each segment for any one of the four factors determines the highest possible classification for that segment. For example, if a river qualified as scenic for water resource development, water quality, and accessibility, but qualified only as recreational for shoreline development, the highest possible classification in the National System would be recreational. It should be noted that segmentation of the Lumber River could have been done so as to find "wild" segments. However, this would have placed severe limits on the state of North Carolina on the development of park and recreational facilities, while providing no additional benefits to the river or North Carolina. For this reason, the NPS and the NCDPR decided that none of the segments would receive a wild classification; hence, water quality was eliminated as a mandatory consideration in classification since it is a factor only in wild classifications.

### *Segment 1*

In segment 1, there are no water resource developments. There are several road crossings and boat access points, which prevent a wild classification. However, development is not so prevalent that a scenic classification is precluded, and access is quite restricted and limited to select points along the river. The NPS has classified this segment as scenic, which is consistent with the State classification.

### *Segment 2*

The justification for classifying segment 2 as scenic is identical to that of segment 1, although segment 2 exhibits more access points and higher levels of shoreline development. However, access and development are still consistent with a scenic classification, which is identical to the State classification. Segment 2 is classified as scenic.

### *Segment 3*

Segment 3 encompasses the city of Lumberton and the City's Extraterritorial Jurisdiction (land outside the City limits over which the City has jurisdiction related to planning, zoning and building inspection). Access is relatively easy through public and private property, including streets and developed parks. Numerous houses, small businesses, power line crossings, water intakes and outfalls, a parallel dike, etc., while not intrusive, are not consistent with a scenic classification. The level of shoreline hardening is consistent with a recreational classification, which coincides with the State classification. Segment 3 is classified as recreational.

### *Segment 4*

Segment 4, 5 and 6 are considered to be the most beautiful by many canoeists. Segment 4 is one of the least developed of all the segments and contains potentially "wild" segments had the NPS and NCDPR redefined the segmentation as discussed above. There are no water resource developments. However, the river is crossed in several places by roads, precluding a wild classification within the defined segmentation. Some channeling and the presence of a few homes likewise preclude a wild classification. However, access is very limited, and the presence of humans is seldom seen throughout this segment, and then only for very short stretches. Development and access in this segment are consistent with a scenic classification, which is different from the State's natural classification. The National System has a different definition for "wild" than does the State, which is understandable considering the extent of the National System and the rivers it includes -- rivers which travel through vast wilderness areas in Alaska, Idaho and Oregon and are essentially untouched by humans. Segment 4 is classified as scenic.

## Segment 5

Segment 5 includes the community of Fair Bluff. Again, there are homes and small businesses along the river. Some bank hardening has occurred. Access is limited, but certainly easier than along most of the other segments. There is a road crossing, and a secondary road parallels the river for a short distance. However, the river retains its natural character, and these intrusions do not preclude eligibility. Development and access are consistent with a recreational classification, which is consistent with the State classification. Segment 5 is classified as recreational.

## Segment 6

Segment 6 is exceptionally natural in appearance. Access is very limited. The presence of small farms is the only real preclusion from a wild classification. The NPS classification of scenic is consistent with the State classification of scenic. Segment 6 is classified as scenic.

<i>Classification of the Lumber River, North Carolina</i>		
<b>Segment</b>	<b>State Classification</b>	<b>Federal Classification</b>
Segment 1	Scenic	Scenic
Segment 2	Scenic	Scenic
Segment 3	Recreational	Recreational
Segment 4	Natural	Scenic
Segment 5	Recreational	Recreational
Segment 6	Natural	Scenic

## Conclusions

The Lumber River meets or exceeds all of the physical eligibility requirements for designation into the National System. It is free flowing as defined by the Departments of the Interior and Agriculture and possesses at least one outstandingly remarkable resource value; in fact the Lumber River possesses five classes of resources found to be important to the region or nation -- recreation, fish, wildlife, scenery and botany.

With regard to classification, none of the segments considered meet the criteria for a wild classification. Shorelines are not primitive, and access is often available by road. However, with the exception of population centers, the river is remarkably undeveloped. Access, while

available, is limited, and the river is natural in appearance. Few water resource developments impact the river. Even within the population centers of Pembroke, Lumberton and Fair Bluff, the river is very natural in appearance, access is restricted, and water development is almost nonexistent. Water quality is sufficient to support the outstandingly remarkable values of the Lumber River. As a result, the NPS finds that the entire nominated segment is physically eligible for the National System with classifications of scenic for segments 1, 2, 4 and 6 and recreational for segments 3 and 5. However, please see the Evaluation of Protection and Management Section for a discussion of the river's eligibility for designation.

# EVALUATION OF PROTECTION & MANAGEMENT

The final condition that must be met before a state application can be approved is that of state/local protection. This is by far the most challenging -- and most critical -- aspect of the assessment of North Carolina's application for wild and scenic river designation. Section 2(a)(ii) rivers are managed by state or local governments at no cost to the federal government. Since the federal government is not and **cannot** be involved in the day-to-day management and protection of the river, as mandated by the WSRA, it is imperative that the NPS take a critical look at the protections provided by the state. These protections must be sufficient to provide for the long-term protection of the river and its resources. These mechanisms may be federal or state laws and regulations, special designations, local zoning, or any other land use and resource protection overlay. Various protection mechanisms are in effect for the Lumber River. These include federal and State laws and regulations; NCDPR management guidance from the *Lumber River State Park Master Plan: Columbus, Hoke, Robeson and Scotland Counties, North Carolina*; and local zoning, as described below.

## State and Local Laws and Regulations

### *North Carolina Natural and Scenic Rivers Act*

On its face, the NCNSRA is a fairly strong act with regard to control of State actions impacting, or potentially impacting State-designated rivers. The NCNSRA is designed to preserve, protect and maintain designated rivers and adjacent lands for their outstanding natural, scenic, educational, geological, recreational, historic, fish and wildlife, scientific and cultural values. Under §113A-44,

*The State Utilities Commission may not permit the construction of any dam, water conduit, reservoir, powerhouse transmission line, or any other project works on or directly affecting any river that is designated as a component or potential component of the State Natural and Scenic Rivers System. No department or agency of the State may assist by loan, grant, license, permit, or otherwise in the construction of any water resources project that would have a direct and adverse effect on any river that is designated as a component or potential component of the State Natural and Scenic Rivers System . . . No department or agency of the State may recommend authorization of any water resources project that would have a direct and adverse effect on any river that is designated as a component or potential component of the State Natural and Scenic Rivers System, or request appropriations to begin construction of any such project, regardless of when authorized, without advising the Secretary in writing of its intention to do so at least 60 days in advance. Such department or agency making such recommendation or request shall submit a written impact statement to the General Assembly to accompany the recommendation or request specifically describing how construction of the project would be in conflict with the purposes of this act and how it would affect the component or potential component.*

Although this provision of NCNSRA does not have a long and proven track record in North Carolina court and regulatory systems, the provisions would appear to be clear cut, and the NPS believes that the river is fairly well protected from State agency actions that would threaten the free-flowing nature or the outstandingly remarkable resources of the Lumber River.

### *North Carolina State Parks Act and the Lumber River State Park*

Under §113A-40 of the NCNSRA,

*Any component of the State natural and scenic rivers system that is or shall become a part of any State park, wildlife refuge, or state-owned area shall be subject to the provisions of this Article and the Articles under which the other areas may be administered, and in the case of conflict between provisions of these Articles the more restrictive provisions shall apply.*  
(Emphasis added)

The North Carolina State Parks Act defines the mission of the North Carolina State Parks System as managing representative examples of the unique natural and cultural heritage of North Carolina, including its archeological, geological, biological, scenic and recreational resources. This reflects the North Carolina Constitution which declares that State policy is to conserve and protect lands and waters for the benefit of the people of North Carolina through the acquisition and preservation of parks, recreation areas and scenic vistas. North Carolina does this through the control and limitation of air and water pollution, excessive noise, and uses all other appropriate methods to preserve North Carolina forests, wetlands, estuaries, beaches, historic sites, open spaces, and scenic areas as part of the State's heritage. Specifically, the mission of the North Carolina State Parks System is:

*The North Carolina state parks system exists for the enjoyment, education, health, and inspiration of all our citizens and visitors. The mission of the state parks system is to conserve and protect representative examples of the natural beauty, ecological features and recreation resources of statewide significance; to provide outdoor recreation opportunities in a safe and healthy environment; and to provide environmental education opportunities that promote stewardship of the state's natural heritage.*

In 1989, the North Carolina General Assembly created the Lumber River State Park (Section 156(c) of Chapter 752 of Sessions Laws) to be managed as a Natural and Scenic River "to preserve its outstanding character in perpetuity." In addition, the NCDPR was directed to "prepare a general management plan for the Lumber River State Park to include a master plan which shall recognize and provide for State and local government protection of the various parts of the river . . . ." While it is not feasible for the state of North Carolina to purchase and manage the entire river corridor, much of the protection provided to the non-developed areas of the Lumber River will be through planned purchases of fee title or conservation easements, as discussed below.

## *Lumber River State Park Master Plan and Acquisition Goals*

The Master Plan (July 1995) calls for the protection of segments of the river corridor where the highest biologic, scenic, geologic, archaeological and recreation resources values are concentrated. The main objective of the Master Plan was "to identify the river segments where state government action is most appropriate. State ownership and management of the entire corridor is neither practical nor feasible because of such factors as the length of corridor, fiscal resources, conflicting land use, large number of landowners, and municipal boundaries." Lands are being acquired to: protect Natural Heritage Priority Areas; provide river corridor buffers between the Natural Heritage Priority Areas; and provide recreational access and facility areas. Where lands cannot be purchased, the Master Plan states that protection would be encouraged by working with: 1) landowners to create conservation or scenic easements; and 2) local governments through existing and future land use and zoning regulations.

In order to accomplish acquisition and management goals, two major management areas were established, north and south of Lumberton. The upstream area stretches from State Route 1412/1203 (RM 0) to Airport Landing (RM 18.8), roughly coinciding with Segment 1 as defined in this report. The downstream area runs from State Route 2121 (RM 82.8) to Fair Bluff (RM 99), which encompasses most of Segment 4 as defined in this report.

Within these two management areas, there are different acquisition schedules. Phase I, the most immediate acquisition priority, reaches from State Route 2121 to Princess Ann. Phase II includes the upstream management area and the river from Princess Ann to Fair Bluff. After these acquisition phases are completed, Lumber River State Park needs will be reassessed to determine if there are other critical needs (Phase III). This reassessment is not expected to take place for years.

In addition to the purchase of Natural Heritage Priority Areas and recreation sites, the Master Plan calls for the purchase of stream corridor lands, an especially important component of protecting the Lumber as a wild and scenic river. The Master Plan sets a goal for vegetative buffers of at least 250 feet from each shoreline, with a preferred width of 400 feet. Given the flat terrain, corridors this wide would provide for substantial screening and would generally protect most of the outstandingly remarkable resources of the Lumber River.

To date, State acquisition efforts have focused on access and natural areas along the river. The Lumber River State Park currently includes 2,364 acres located in Robeson County south of Lumberton. A total of 463 additional acres are currently under option or have been approved for acquisition. This proposed land acquisition is composed of seven different tracts in three

<i>Conservation Lands Ownership</i>	
<b>Landowner</b>	<b>Acres</b>
N.C. State Parks - owned	2364
N.C. State Parks - under acquisition	2733
City Parks	167
Private Conservation	190
<b>Total</b>	<b>5454</b>

counties: two tracts totaling 200.5 acres in Scotland County, three conservation easements covering 26 acres in Columbus County, and two tracts totaling 236 acres in Robeson County. An additional 2,270 acres, comprised of 12 tracts in Robeson County south of Lumberton, are currently in the acquisition process, with closure expected by the summer of 1998.

### ***Best Management Forest Practices in North Carolina Wetlands***

The “North Carolina Forest Practices Guidelines Related to Water Quality” requires a “best-management practices” buffer near rivers in order to qualify for cost-share assistance in reforestation. Logging within this buffer would result in forfeiture of cost-share assistance. Within wetland areas (slopes of 0-5°), the “North Carolina Forest Practices Guidelines” recommends a minimum streamside management zone of 50', although this may be greater depending on the circumstances. This would include the entire length of the Lumber River in North Carolina, except for sections within the city limits of Lumberton and Fair Bluff. Additional issues addressed by these mandatory standards include prohibition of debris entering streams and water-bodies; access roads and skid trail stream crossings; access road entrances; prohibition of waste entering streams, water bodies and groundwater; pesticide application; fertilizer application; stream temperature; and rehabilitation of project sites.

### ***City of Lumberton Parks and Recreation Master Plan***

State law provides local governments the authority to make land use regulations, including those related to floodplains. The *City of Lumberton Parks and Recreation Master Plan* (1991), although not codified, recommends that the Lumber River through Lumberton be used for canoeing, camping and other related activities as per the Statewide Comprehensive Outdoor Recreation Plan. This plan also recommends establishment of greenways and trails for hiking, walking and bicycling to meet citizen’s recreation and leisure needs. The City currently owns five parks adjacent to the river which have been developed for active and/or passive recreation. The total of 167 acres represents 5,787 linear feet of river frontage. Unfortunately, this plan only applies to the Lumber River within City limits, leaving the area upstream (between Phase II and the City limits) uncovered.

### ***City of Lumberton Land Use Ordinance***

Under North Carolina General Statute, Section 160A-360, all the powers granted to municipalities to regulate planning and development, including zoning and subdivision regulations, historical properties, historic development, land acquisition of open space, building inspections, community appearance, and other miscellaneous powers within corporation limits, extends to a defined area known as a city’s Extraterritorial Jurisdiction. This would mean that the city of Lumberton has at least some control of the Lumber River outside of city limits.

On May 11, 1998, the city of Lumberton passed a special resolution amending its Land Use Ordinance by adding the Lumber River Protection Overlay District (District). The District includes the Lumber River within the city of Lumberton and the City's Extraterritorial Jurisdiction. This area extends from River Mile 56 to River Mile 73 and includes a 100' buffer strip along both sides of the river.

The city of Lumberton's amended Land Use Ordinance establishes standards and requirements for the use and conservation of land and water within the District, in recognition of the Lumber River's eligibility for national wild and scenic river designation. The ordinance provides for regional conservation of the river corridor. Specifically, the ordinance will prevent development of new buildings or septic systems, excavation, or mining, as well as the disturbance of vegetation, scenic areas, and fish and wildlife habitat.

The NPS has determined that the current land uses of the river corridor within the city of Lumberton and its Extraterritorial Jurisdiction are consistent with other designated wild and scenic rivers that are classified as recreational and that the protection afforded the river in that section is adequate for designation.

### *Town of Fair Bluff Zoning*

As mentioned, North Carolina law provides local jurisdictions the power to set land use ordinances. Since urban areas are readily susceptible to resource degradation -- at least as far as wild and scenic rivers are concerned -- it is important to look closely at local regulations. Zoning ordinances for Fair Bluff were last updated in November of 1991. Under these ordinances, the majority of the Lumber River within the incorporated limits of Fair Bluff lies within a 'light density residential-agricultural' district. A small segment is zoned 'moderate density residential,' and an even smaller segment is zoned 'central business-office.' Light density residential-agricultural districts are intended to "preserve the light density/agricultural character of areas which are removed from readily available urban services." Medium density residential districts "provide for the retention and creation of residential areas with a maximum density of seven units per acre." Central business-office districts "permit land development for a concentrated business-office complex in the central portion of town.

As all of the permitted uses are readily apparent in the Fair Bluff zoning ordinances, it is not necessary to spell out those uses here. Based on comparisons with other designated rivers, the NPS has determined that, with the exception of a few uses within the central business-office district, all of the zoned uses are compatible with a recreational wild and scenic river classification. Given the extremely limited area of the central business-office district, and the overall character of the Lumber River as a whole, these few, minor deviations should not be considered an impediment to designation.

## Federal Laws and Regulations

There are no federal lands within Lumber River corridor; however, the waters and lands in the river corridor do receive some protection from federal programs, apart from the WSRA. For example, the Army Corps of Engineers (ACOE) is charged with regulating waters of the United States. By definition these waters include coastal and navigable inland waters, lakes, rivers and streams; other intrastate lakes, rivers and streams (including intermittent streams); mudflats; sandflats; wetlands; sloughs; wet meadows; and certain impoundments.

### *Statutes and Regulations Common to All Lands*

American Indian Religious Freedom Act  
Antiquities Act  
Archaeological Resource Protection Act  
Bald and Golden Eagle Protection Act  
Clean Water Act  
Clean Air Act  
Electric Consumers Protection Act  
Endangered Species Act  
Federal Power Act  
Fish and Wildlife Coordination Act  
Historic Sites Act

Historic Preservation Act  
Land and Water Conservation Fund Act  
Migratory Bird Treaty Act  
Migratory Bird Conservation Act  
Mineral Leasing Act  
Mining Law  
Mining and Minerals Policy Act  
National Environmental Policy Act  
Sikes Act  
Soil and Water Resources Conservation Act  
Wild and Scenic Rivers Act

### *Section 7 of the Wild & Scenic Rivers Act*

Section 7 is one of the most important and powerful parts of the WSRA. This key provision directs federal agencies to protect the free-flowing condition and other values of designated rivers and congressionally authorized study rivers. Through the language of Section 7 of the WSRA, Congress expressed the clear intent to protect river values from the harmful effects of federal water resources projects.

More specifically, the WSRA prohibits the FERC from licensing the construction of hydroelectric facilities on rivers that have been designated as components of the National System. Further, the WSRA prohibits other federal agencies from assisting in the construction of any water resources project that would have a direct and adverse effect on a designated river. The WSRA also includes a standard that governs federal water resources projects below or above a designated river. Determinations under Section 7(a) or 7(b) of the WSRA as to the severity of the impacts of federal water resource projects are made by the river-administering agency; in the case of the Lumber River, this would be the NPS.

The USFS has developed definitions for “water resources projects” that are accepted by the other wild and scenic river administering agencies. Water resources projects include any dam,

water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, or other construction of developments which would affect the free-flowing characteristics of a wild and scenic river. In addition to projects licensed by the FERC, water resources projects may also include: dams; water diversion projects; fisheries habitat and watershed restoration or enhancement projects; bridges and other roadway construction or reconstruction projects; bank stabilization projects; channelization projects; levee construction; recreation facilities such as boat ramps and fishing piers; and, activities that require a 404 permit from the ACOE. It is important to note that Section 7 review is limited solely to federal water resources projects. For a complete description of Section 7 of the WSRA, please refer to the *Interagency Wild and Scenic River Council Reference Guide* available through any of the four river-administering agencies.

### ***Section 10 of the Rivers & Harbors Act and Section 404 of the Clean Water Act***

The Secretary of the Department of Army, acting through the Chief of Engineers of the ACOE, is authorized to issue permits for specified activities on the waters of the United States through Section 10 of the Rivers and Harbors Act and Section 404 of the Federal Water Pollution Control Act (Clean Water Act).<sup>2</sup> These permits are issued only after notice and opportunity for public hearings (to evaluate the impact of the proposed work on the public interest). Typical activities that would require permitting by the ACOE include:

- Construction of structures such as piers, wharves, docks, dock houses, boat hoists, boat houses, floats, marinas, boat ramps, marine railways, and bulkheads;
- Construction of revetments, groins, breakwaters, levees, dams, dikes, berms, weirs and outfall structures;
- Placement of wires, cables or pipes in/above the water, including intake/outfall pipes;
- Dredging, excavation and depositing of fill and dredged material; and
- Construction of fill roads and placement of riprap.

Section 10 of the Rivers and Harbors Act of 1899 gave authority to the ACOE to regulate obstructions (both structures and activities) to navigable waters of the United States. "Navigable waters" under Section 10 include those subject to the ebb and flow of the tide and those used for interstate commerce in the past, in the present, or (potentially) in the future. Dredging and disposal, filling, placement of in-water structures, and bank stabilization are regulated in navigable waters up to the ordinary high water line. These activities would require a permit from the ACOE.

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<sup>2</sup> The ACOE's regulations are found at 33 CFR 320-330. The scope of the ACOE jurisdiction pursuant to these regulatory authorities is defined at 33 CFR 328-329.

Section 404 of the Clean Water Act requires the ACOE to regulate disposal of dredged or fill material in “waters of the United States” -- a much broader term than the “navigable waters” of Section 10 jurisdiction. Section 404 covers traditionally navigable waters, tributary streams, and wetlands. Most major activities on these lands would require a permit from the ACOE.

As defined by the river-administering agencies, ACOE permits are considered to be “federal assistance” under Section 7 of the WSRA. As such, ACOE permit applications for activities in wild and scenic rivers are subject to the provisions of Section 7. A permit from the ACOE will require a Section 7 determination by the river-administering agency when the proposal occurs in a designated river and is a water resources project, i.e., affects the river’s free-flowing condition. The ACOE process requires a written determination from the river-administering agency for such projects.

Of particular interest to protection of the Lumber River is the protection of wetlands under Section 404. The ACOE and the U.S. Environmental Protection Agency (EPA) jointly define wetlands as:

*Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include [forested and shrub] swamps, marshes, bogs, and similar areas.*

Much of the Lumber River study area meets the classification requirements for wetlands. Through the city of Lumberton, a substantial percent of the land through which the Lumber flows has been shown to meet the requirements for wetland designation. In practicality, most **major** actions within the river corridor that could alter the free-flowing character of the river, or negatively impact the outstandingly remarkable resources, would require a permit from the ACOE, which would trigger a review by the river-administering agency for compliance with Section 7 of the WSRA.

### *Nationwide Permits and Wild and Scenic Rivers*

It is critical to note that certain types of activities are typically exempted from requiring Section 404 permits. Normal farming, forestry, and ranching activities, structure maintenance, and other actions with minimal adverse effects may be exempted under the 1977 amendments to the Clean Water Act.

In addition to activities exempted by the 1977 amendments, other minor activities, including fills placed at minor stream crossings, utility line crossings, or limited bank protection are often covered by what is known as a Nationwide Permit, provided certain standard conditions are met. On most waterways, these activities are usually of limited consequence; on wild and scenic rivers, they usually have insignificant impacts as well. However, these activities occasionally have significant impact on a wild and scenic river, or cumulatively impact the

character of the river. To accommodate this very real possibility, ACOE rules (61 FR 47726-47728, September 10, 1996; Nationwide Permit Conditions, General Conditions, Subsection 7) provide that:

*No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely effect the Wild and Scenic River designation, or study status.*

This allows the administering agency the opportunity to evaluate the impacts of an activity before the activity is authorized under the Nationwide Permit. In principle, this should protect the Lumber River from the cumulative impacts of a long series of minor activities, or the inadvertent impacts of what normally would be a minor project on most rivers.

### *Section 10 and Section 404 Permits and Fish and Wildlife*

While the ACOE is ultimately responsible for issuance of permits under Section 10 and Section 404, the Fish and Wildlife Coordination Act requires that the ACOE consult with the USFWS and state fish and wildlife agencies about possible adverse impacts to aquatic life from waterway development. The National Marine Fisheries Service (NMFS) is also involved in this permit review, to ensure that fish and wildlife are considered equally with other factors when determining the suitability of waterway projects. The USFWS also makes broad-ranging recommendations on mitigation needed to compensate for unavoidable adverse impacts. While recommendations of these agencies have significant influence on permit decisions, the ACOE has final authority.

The ACOE is also required to consult with the USFWS if an endangered species may be impacted by an activity. The USFWS prepares a separate biological opinion, and the activity may not be authorized unless it is determined that the project is not likely to jeopardize the continued existence of the species or result in the destruction of the habitat of the species.

## **Other Resource Classifications and Protections**

The classifications, land use protections, and laws described below also provide protection to the natural and cultural resources of the Lumber River. These other factors either directly protect, set standards for protection, or influence management decisions for the Lumber River Basin.

## *Endangered Species Act*

As mentioned in the Eligibility Section, the Lumber River provides habitat for several species listed as threatened or endangered by the USFWS, including the red-cockaded woodpecker (endangered), bald eagle (threatened), and American alligator (threatened). Other species which are included in the federal listing of "Species of Special Concern" include: Carolina crawfish, river frog, black vulture, Cooper's hawk, glossy ibis, snowy egret, golden-crowned kinglet, loggerhead shrike, Keen's bat, southeastern bat, Rafinesque's big-eared bat, and the star-nosed mole. The Lumber River is also home to an elipteo freshwater mussel which is currently being evaluated as a new genus. Under the Endangered Species Act, the federal government must develop restoration plans for listed species and must take no actions to further endanger these species. This, in theory, should preclude federal actions which would harm these outstandingly remarkable resources, and should provide for further habitat protection, which is consistent with wild and scenic river designation.

## **Conclusions**

At present, the Lumber River has sufficient mechanisms in place to protect the outstandingly remarkable resources and the free-flowing character found within the State-owned segments of the Lumber River. These same protections will be afforded to lands designated for State park acquisition under Phases I and II. Other areas of the Lumber River lie within broad floodplains and wetlands; these areas are protected by both natural means -- i.e., they are unsuitable for development due to flooding -- and regulatory means through State and federal wetlands protections. These segments are also generally inaccessible by current road systems.

Within higher (drier) segments of the river, protection varies. Within the incorporated town limits of Fair Bluff, zoning is generally sufficient to protect the character of the river. This protection is bolstered by the geographic location of the community. Fair Bluff is a quiet, historic community somewhat off the beaten path. No major highways go through the area, so it is unlikely that there will be any great developmental pressure on the river, at least in the foreseeable future. Based on the protections in place, the lack of threats facing the river, and the limited length of river within the urban environment, it would be acceptable and desirable to include the Fair Bluff segment of the Lumber River in the National System.

Within the city of Lumberton, zoning, community planning, and the floodplain are sufficient to protect the river; 5,787 linear feet of river frontage are protected within the city of Lumberton by virtue of City ownership. The Lumber River Protection Overlay District Ordinance protects and maintains land within a 100' buffer on both sides of the river in the City jurisdiction as well as the City's extraterritorial jurisdiction, protecting approximately 11 miles of river.

However, just upstream of Lumberton, (RM 22 to RM 56) the NPS cannot find any real protection in place to warrant wild and scenic river designation. In addition, this area sits adjacent to a major interstate highway (I-95), and it is readily apparent that the area is experiencing growth and development. While it would be desirable to include this segment of the river due to its natural, scenic and recreational qualities, the lack of protection in the area precludes designation at this time. The NPS would recommend, however, that the local community develop a plan for protecting the river and present it to the NPS for approval. If such a plan were developed and found to be acceptable, the NPS would recommend to the Secretary that those segments be added to the National System at that time.

It is the conclusion of the NPS that segments 1 (State Route 1412/1203 to the Scotland/Robeson County lines at the end of the Maxton Airport Swamp), 3 (Back Swamp to Jacob Swamp Canal), 4 (Jacob Swamp Canal to the upstream town limit of Fair Bluff), 5 (upstream town limit of Fair Bluff to the downstream town limit of Fair Bluff), and 6 (downstream town limit of Fair Bluff to the North Carolina/South Carolina border) are sufficiently protected by State or local governments to warrant inclusion in the National System. Segment 2 (Scotland/Robeson County lines at the end of the Maxton Airport Swamp to Back Swamp) is not sufficiently protected at this time to warrant national wild and scenic river designation. Further planning by the local community and/or the state of North Carolina could result in this conclusion being reversed, and this segment of the Lumber River being added in the future. Protection of the designated 81 miles of the river could well serve as an impetus for development of protection mechanisms for the remaining segments.

# ENVIRONMENTAL ASSESSMENT

In addition to meeting the Section 2(a)(ii) requirements discussed in earlier sections of this report, an application for designation must be considered from the perspective of the NEPA. The NEPA requires federal agencies to review any proposed actions to determine whether their actions could cause significant environmental impacts. The required review includes an analysis of alternatives, including measures that would reduce or mitigate adverse impacts. For actions that appear likely to cause significant impacts, an environmental impact statement (EIS) is usually prepared by the administering agency. In those instances where significant impacts are less likely, a more concise environmental assessment (EA) is prepared. If the EA discloses major impacts to physical resources, an EIS is developed. In most instances, the NEPA evaluation of the potential impacts of federal wild and scenic river designation under Section 2(a)(ii) is initiated through an EA rather than an EIS.

This section of the report evaluates the likely impacts of wild and scenic river designation on the Lumber River and its environs. Included in the assessment is a description of the area, an identification of possible alternative actions, an analysis of the potential impacts of the reasonable alternatives (environmental consequences), and an identification of the preferred alternative. Some redundancy exists between the EA section and earlier portions of this report. This is to provide clarity and completeness for the EA.

## Purpose and Need

Without the designation of the Lumber River into the National System, the nationally significant resources associated with the river are at risk from federal water resource projects. Designation will preserve these resources for current and future enjoyment and use. It is in the public interest to consider wild and scenic river designation as a means to protect these nationally important resources. Therefore, the development of this EA is necessary.

## Description of the Area

This section provides a description of the natural and human environment surrounding the section proposed for designation. As the proposed designation could potentially impact an area greater than the designated area, the following analysis is expanded beyond the designation boundaries when appropriate. Even though the NPS has found one of the segments ineligible for designation at this time, we are covering all of the segments with this EA in the anticipation of the appropriate jurisdictions developing a management plan or other protection standards acceptable to the NPS and the Secretary in the near future. This will allow for a shortened NEPA process to add that additional segment to the National System.

## *Physiography and Hydrology*

The Lumber River is surrounded by a broad floodplain. Except for some adjacent raised terraces, the topography is relatively flat, with a gradual slope from the river's source at Drowning Creek to its southern limit 115 miles downstream at the North Carolina-South Carolina border. Elevations vary from 245 feet above mean sea level in the Sandhills to 110 feet in Lumberton to 55 feet at the North Carolina-South Carolina border. On a landscape scale, the land has slopes of five percent or less.

Paralleling the east bank of the river downstream from U.S. 74 to the border with South Carolina is a series of sand ridges. Typically, the ridges are surrounded by poorly drained depressions, wherein diverse pocosin-type vegetation occurs. The Big Sandy Ridge is an outstanding example of these sand ridges; it is secluded and relatively undisturbed.

Many tributaries of varying volume and length drain into the river, increasing its flow and width. Notable among these are Back Swamp, due west of Lumberton, and Big Swamp, flowing from east of the Net Hole area. Stream evaluation data are collected at the Highway 71 bridge at Maxton and the U.S. 74 bridge at Boardman. The drainage area at Maxton is 365 square miles, and the one at Boardman is 1228 square miles. Data for the Maxton drainage area is available only for the period 1987-1991. Data collected for the Boardman drainage area for the period from October 1990 to September 1991 show the average daily discharge to be 1167 cubic feet per second (cfs). Mean monthly flows based on data collected over the period of 1930-1991 showed the flows to be lowest during the months of June-November and highest in February-March as illustrated in the following table.

<i>Mean Daily Flows in Cubic Feet Per Second</i>		
Month	Maxton (1987-1991)	Boardman (1930-1991)
January	556	1791
February	498	2179
March	614	2349
April	543	1905
May	406	1014
June	283	763
July	304	821
August	332	949
September	294	980
October	406	795
November	419	869
December	440	1293

## Socioeconomics

Information cited here was obtained from the Master Plan and is somewhat dated. However, the intent is to provide a picture of the area. Because the NPS does not believe there will be any significant environmental impacts if the Lumber River is designated as a wild and scenic river, as will be explained throughout this EA, these figures are sufficient for the purpose intended.

**Population.** Four counties make up the Lumber River Basin. The populations of the four counties differ significantly. Robeson County ranks 17th of North Carolina's 100 counties in population (105,179) and is therefore among the most populous counties in the State. The populations of Columbus, Scotland, and Hoke counties are 49,587, 33,754, and 22,856 respectively. Three percent (211,376) of the State's population lived within the four counties in 1990, which reflected net out-migration of 7,619 individuals (3.4 percent) from the previous year. In general, the population of the four-county region is fairly dispersed and rural, with a density that varies from 52.9 to 110.8 people per square mile. This density is well below the State's average population density of 136.1. The population is ethnically diverse (47 percent white, 30 percent black, 22 percent Native American, and just over 1 percent other races) and fairly young (over 70 percent of the population of the four counties is under the age of 45).

<i>Population Characteristics of the Lumber River Drainage</i>				
	Hoke County	Scotland County	Robeson County	Columbus County
Population (1990)	22,856	33,754	105,179	49,587
Land Area (Square Miles)	391.2	319.2	948.9	936.8
People Per Square Mile	58.4	105.7	110.8	52.9
Total Households	5,794	8,971	27,429	13,754
Married Households	3,847	6,225	18,451	10,381
Female Head of households	1,605	2,338	7,353	2,757
Individuals Living Alone	342	408	1,625	616
Race: White	9,635	19,025	37,986	32,897
Black	9,878	12,176	26,185	15,181
Native American	3,176	2,430	40,511	1,370
Hispanic	218	318	704	242
Asian	85	83	239	53
Other	82	86	258	86
Male	11,448	15,764	49,714	23,379
Female	11,408	17,990	55,465	26,208

**Employment and Personal Income.** Over one third of the workforce (37 percent, 1989 figures) in the Lumber River drainage was employed in manufacturing, followed by retail trade (16.3 percent); government (14.7 percent); service industries (12.9 percent); agriculture, forestry and fishing (4.5 percent); construction (3.6 percent); finance, insurance and real estate (2.4 percent); and transportation and public utilities (1.9 percent). Various non-agricultural workers made up the remaining 6.7 percent. Unemployment rates in 1990 ranged from 5.8 percent to 8 percent (Economic and Statistical Administration, State Data Center Management and Information Services).

<i>Employment and Wage Characteristics of the Lumber River Drainage</i>				
	Hoke County	Scotland County	Robeson County	Columbus County
Occupation (1990 Estimates)				
Agriculture, Forestry, Fishing	220	250	1,960	1,460
Construction	170	410	1,670	840
Manufacturing	3,610	7,640	14,980	5,950
Transportation, Utilities	60	410	860	310
Trade	670	2,900	7,070	3,530
Finance, Insurance, Real Estate	8	290	1,020	720
Services & Miscellaneous	680	2,670	4,880	2,460
Government	1,460	1,810	6,610	2,850
Non-Agricultural	750	850	2,630	1,550
Average Annual Wage (1988)	\$15,044	\$16,873	\$14,934	\$16,554
Estimated Family Income (1990)	\$26,900	\$30,900	\$24,800	\$24,100
Unemployment Rate (1990)	5.8	8.0	6.9	5.8

### *Access*

The Lumber River is accessible by interstate and other highways and by State and county roads. Of particular significance is Interstate 95, the most traveled north-south highway in the eastern United States, carrying an enormous number of potential State park visitors. Interstate 95 crosses the river in Lumberton. Many other State roads cross, run parallel to, or provide access to the river. Highway 74 roughly parallels the river for about 30 miles, running in a southeasterly direction from Maxton to Pembroke and past Lumberton and then to the southeast from Lumberton to Boardman.

## *Land Uses*

The four county region that surrounds the river (2,596 square miles) is composed of forests, farms, and small townships; Lumberton is the only major city. The character of the region is predominately rural.

### *Agriculture*

In 1987, there were 59,284 farms in North Carolina comprising 9,447,705 acres. Of this total, 5.3 percent of the State's farms, 5 percent of the State's farmland, and 4 percent of the State's cropland were found within the combined counties of Hoke, Scotland, Robeson, and Columbus. The primary crops grown in this region include soybeans (147,492 acres), corn (100,567 acres), wheat (29,567 acres), tobacco (23,387 acres), cotton (18,428 acres), and hay and alfalfa (6,682 acres). The market value of crops, including nursery and greenhouse products, totaled \$112,394,000, or 7.8 percent of the State's total. Livestock and poultry products totaled \$52,249,000 or 3.6 percent of the State's total (Bureau of the Census).

Hog production is also a major agricultural activity. The Carolina Food Processors' plant near Lumberton has a peak operating capacity of 28,000 hogs processed per day. The plant's location has encourage increased hog production in the Lumber River region, with a significant increase in the amounts of water needed and the waste generated. While there have been concerns that both of these factors would have negative impacts on the rivers water quality, quantity, and flow, to date the river has not been significantly impacted.

### *Forestry*

About 60 percent (989,354 acres) of the total land area in the Lumber River counties of Hoke, Scotland, Robeson, and Columbus is forested. Of this, nearly 88 percent (877,300 acres) is controlled by private land owners. These private lands account for 73 percent of the total harvest. Both natural and plantation pines account for more than 50 percent of total forest land, 35 percent is hardwood, and 13 percent is oak-pine. About 80 percent of these forests, both private and public, are considered fully or medium stock. Approximately two-thirds of the pine stands are loblolly pine, with the rest made up of slash, longleaf, shortleaf, Virginia, and pond pines. Net annual growth of softwood is 43,614,000 cubic feet. The volume of hardwood growing stock was 835,357,000 cubic feet, made up mainly of tupelo, black gum, oak species, hickory, cypress, and sweetgum. Net annual growth of hardwood is 23,648,000 cubic feet. The net annual growth of hardwoods and softwoods is nullified, however, by an equivalent amount removed by harvesting and by mortality.

Forestry and its related industries -- furniture, paper, lumber, and wood -- employ approximately 4,670 people (1990 figures). Lumber and wood account for the employment of 3,120 persons. Columbus County employs the largest number of people (2,700), followed by

Robeson (1,400), Scotland (520), and Hoke (50; Civilian Labor Force Estimates for North Carolina, 1990).

<i>Forest Types By Acre (1990)</i>				
	Hoke County	Scotland County	Robeson County	Columbus County
Loblolly/Shortleaf Pine	30,099	22,525	76,533	166,783
Longleaf/Slash	30,262	45,959	3,098	25,400
Oak-Pine	58,403	22,525	40,278	31,789
Oak-Hickory	16,028	19,545	35,063	46,471
Oak/Gum/Cypress	28,141	4,864	125,977	150,327

## *Description of Resources*

### *Recreation*

The Lumber River is one of the most highly prized recreation sites in North Carolina; recreation varies from active outdoor recreation, to festivals, to passive activities. Among the most popular activities are canoeing and boating, fishing, hunting, picnicking, camping, nature study, swimming, biking, jogging, crafts and fossil and artifact hunting.

**Canoeing.** One of the best way to experience the unique characteristics of the Lumber River is by canoe. The visitor experiences miles of natural settings that one would normally expect in highly isolated areas. The visitor can choose between a variety of canoeing challenges and trip lengths. Trips can vary from one hour along some river sections to several days navigating the entire river.

The river has been divided into recreation water trails and has 24 canoe access points at road intersections. (The uppermost segment between U.S. 15-501 and State Route 1412/1203, however, is Drowning Creek and is not a part of the proposed wild and scenic river designation.) Under a system used by the state of North Carolina, most of the river is classified as "A," which is smooth water with a velocity of less than two miles per hour; the remainder is classified as "B," which has flows of between two to four miles per hour. The most popular portion of the river for canoeists is the Lower Lumber River Recreational Trail, a part of the North Carolina Trails System, which has 17 segments. Intensive canoeing activity can take place within the eight-mile stretch of river through Lumberton in Robeson County, ranging from N.C. 72 at McNeill's bridge to its intersection with N.C. 72 at High Hill. This area is not subject to significant degradation by boaters and has good accessibility.

In Scotland County, the Lumber River Canoe Regatta took place between 1976 and 1986 on the Lumber River Canoe Trail. This annual event was discontinued because fallen trees had made that section of the river impassable. The regatta was a popular event, and local officials are interested in reviving it now that most of the obstructions have been removed. The Lumber River Canoe Trail is the designation of the upper Lumber River between the intersection of U.S. 15-501 with the river and N.C. 71 and the river. The Lumber River Canoe Trail was made a part of the North Carolina Trails System in 1978. It was the first official canoe trail in North Carolina. In 1981, the Lumber River Canoe Trail was designated as one of the first national water trails in the southeastern United States.

The Lumber River provides a variety of flatwater canoeing opportunities. The upper sections of the river require greater canoeing skills than in lower sections because of fallen trees, narrow stream widths, and somewhat swifter water. There are serious impediments to passage on the upper portion of the river; the lower river has few obstructions. The meandering nature of the river and the force of unseen currents provide challenging variations in navigability to boaters. The NCWRC tries to maintain a small boat passageway along the lower river by cutting up to a six-foot-wide opening where downed trees cross the river.

The popularity of canoeing is reflected by the number of canoe rental operators in the Wagram, Burnt Island, and Fair Bluff areas, as well as at Pembroke and Lumberton, the Robeson County Recreation Department being among them. In addition, canoeing enthusiasts who live along the river have organized clubs such as the Upper Lumber River Association and the Lumber River Canoe Club.

**Fishing.** Bank, small boat and canoe fishing occur all along the river. Sandbars and fallen logs provide suitable habitat for fish and various river biota on which the fish feed. Common species fished are catfish, bass, jack and bluegill bream. For a complete description of fishing, see the Outstandingly Remarkable Resources Section.

**Hunting.** Hunting for survival and for sport has always been an important activity in the region. All along the river there are opportunities for hunting deer, squirrel and other game. The NCWRC manages three boating access areas along the river, which provide access for hunters. In addition, the Sandhills Game Lands are located in the upper watershed of the river. An 18,191-acre portion is found in Scotland County, composed of a number of tracts of land. One tract occupying about 580 acres is located in the upper region of the river around its intersection with State Route 1412. Hunting also takes place at the 231-acre Bullard and Branch Hunting Preserve in Robeson County.

State park regulations do not permit hunting on State park property. Hunting may be permissible on lands along the river that are not acquired as State park lands. Hunting on these non-State park lands is subject to normal regulations by the NCWRC and the control of private landowners.

**Picnicking, Camping and Recreation Sites.** A number of points along the river, accessible by canoe or road, are ideal for family and group picnicking and camping. The towns of Maxton, Pembroke, Lumberton and Fair Bluff offer opportunities for picnicking and provide playgrounds for children. In Lumberton, recreational opportunities are afforded at Luther J. Britt Park and James Stephens Park, which are categorized as Open Space Areas; Turner Gore Park, Bicentennial Park, and Noir Street Playground are categorized as Neighborhood-Serving Areas. In addition to these public recreation areas, a number of private recreational sites exist along the river.

**Biking and Jogging.** Hiking and walking along the river are popular recreational pursuits for residents in the Lumberton area. Jogging and bicycling are activities associated with these hiking trails. McMillan Beach has the potential to be incorporated into the open space trail system of the City.

**Swimming.** Swimming takes place at many areas along the river, particularly by local residents who are familiar with the river. The black appearance of the water, swirling undercurrents, fallen trees, and underwater snags can make swimming unsafe.

**Fossil and Artifact Hunting.** Many amateur and professional paleontologists enjoy finding fossils and artifacts in North Carolina, particularly in the eastern part of the State, which is rich in locations. A diverse number of species of fossilized plants and animals ranging from a few thousand to millions of years old can be seen on the State's river banks and exposed geologic areas.

One particular area on the banks of the Lumber River near Lumberton has been singled out due to ease of access, abundance and diversity of fossils, and historical and geological significance. It is on the east bank of the river about one-quarter of a mile upriver from the N.C. 72 intersection with the river. The location has a basal oyster-rich bed, a middle bed with abundant and diverse open marine mollusks and a few estuarine mollusks, and an upper bed with mostly fragmented shells. Such fossil areas are important for resource interpretation and education. It should be noted that fossil collecting is not permitted on State park property under State park regulations.

## *Wildlife*

The Lumber River supports a diverse wildlife community. Most of the species are common to eastern hardwood forests and swamps (whitetail deer, raccoon, beaver, mink, turkey, ducks, etc.); however, there are several notable rare and endangered animal species within the river system. The American alligator (*Alligator mississippiensis*) is foremost among these; the alligator is rare at this latitude this far from coastal waters. It ranges along the entire river floodplain, but its numbers are few. A unique fish, the cape fear chub (*Cyprinella zamema*), previously unknown in the Lumber River, has been identified in both the river's upper and lower reaches. Rare invertebrates also can be found, including lepidopterans, among which

is the giant yucca skipper (*Megathymus yuccae*), whose larvae depend on the Yucca plant. The endangered red cockaded woodpecker (*Picoides borealis*) is found in the uppermost reaches of the river. The pine barrens treefrog (*Hyla andersonii*) and the river frog (*Rana heckscheri*), two rare amphibian species, have also been identified in the uppermost portions of the river.

### *Cultural Resources*

Most of the archaeological work in the Lumber River region has been done in Robeson County but is thought to be representative of the general archaeology of the area.

Four hundred and twenty-nine archaeological sites have been recorded in Robeson County. Of these, 115 sites were studied over a 100-year period preceding 1988. Recent research has been done on 314 new areas. Research was based on topographic variables, such as elevation and proximity to a water source, as well as from information provided by local residents acquainted with areas in which artifacts have been found. Each site was classified under one of four categories: Paleo-Indian, Archaic Woodland, Mississippian and Historic. There are 47 sites with potential archaeological importance, 20 of which have been nominated to the National Register of Historic Places.

The Paleo-Indian Period, dating possibly to 20,000 B.C., is characterized by nomadism, hunting and food-gathering. The most distinctive tools had lanceolate projectile points.

The Archaic Period, from about 8,000 B.C., saw a slight climatic warming and a consequent increase in human population and deciduous trees. It was characterized by a reliance on smaller animal species and the collection of flora as well as fishing and shell-fishing. An inventory of tools found from this period shows adaptation to the forest environment. Among the implements found are stemmed and notched projectile points, atlatl (spear-throwing) weights, knives, axes, scrapers, choppers, drills, and grinding and nutting stones.

The Woodland Period began between 2,000 B.C. and 1,000 B.C. and continued into the time of European settlement. It was characterized by the further development of subsistence agriculture and ceramics, although hunting and gathering continued. In the early part of this period, the bows and arrows using small projectile points, or true arrowheads, were first used. These Native Americans abandoned the nomadic lifestyle for village life.

The Mississippian Period began in 900 A.D. and coexisted with cultures of the former three periods as well as with the next, the Historic Period. It was a period characterized by subsistence agriculture in areas near sizeable villages; corn was the major crop. Native Americans constructed flat-topped earthen mounds as part of their ceremonial activities. Projectile points were small and triangular or pentagonal. Ceramics bore decorations of stamps of rectilinear or curvilinear forms, or they were highly polished.

The Historic Period began with the arrival of European explorers, the earliest of which were Italian, Spanish and Portuguese. The period of written history of Native Americans began with the English colonists on Roanoke Island in 1585. A number of different Native American groups speaking different languages (Siouan, Iroquoian, Algonkian and Muskogean) were in the area. It was from these indigenous groups that the present Native American population descended. Artifacts of interest from this period include kaolin and other pipes (items of European influence) for tobacco smoking, gunflints, and ceramics of plain whiteware, pearlware and creamware, together with the traditional types. Also found were colored salt-glazed stoneware and various types of porcelain. Dark green bottle fragments from the 19th century are included in these artifacts found along the Lumber River (Knick, 1988).

### *Vegetation*

The Lumber River floodplain is largely a second-growth oak-cypress-gum swamp forest of the blackwater subtype. Most of the species present are indicators of the perennially wet nature of the river floodplain. The major canopy species are cypress, tupelo, red gum, black gum, and water oak; the understory is dominated by river birch, water elm, red maple and hackberry. Along the river banks are abundant pines, cypress, poplar, bays, juniper, gums and wisteria. Equally abundant are poison ivy, poison oak, and poison sumac. Virginia creeper and Spanish moss are common on trees bordering the river. Fern species and the insectivorous Venus flytrap grow along the stream banks.

The swamp forests grade to bottomland forests and then to first terrace hardwood forests, which are found on slightly higher elevations. Flooding in these forests is seasonal and occurs typically in winter or early spring. Common trees in these bottomland and first terrace hardwood forests are water hickory, overcup oak, laurel oak, willow oak, red maple, persimmon, cottonwood, green ash, American elm, loblolly pine, and river birch. Common shrubs found are black willow, buttonbush, winterberry, hazel alder, swamp privet, and American holly. Lizard's tail and sedges are also prevalent.

The next broad forest type is the second terrace hardwood forests. Although found in the floodplains of the river, flooding is temporary. Common trees are green ash, American elm, red maple, sweet gum, water oak, cherrybark oak, swamp chestnut oak, shagbark hickory, ironwood, sycamore, yellow poplar, and loblolly pine. In the understory are spicebush, sugarberry, poison ivy, jack-in-the-pulpit, Virginia creeper, hawthorns, American holly, greenbrier, mayapple, sedges, and blackberry.

The many low ridges in the floodplain are dominated by loblolly pine and mixed hardwoods. Typically, these ridges are surrounded by poorly drained depressions within which occurs diverse pocosin-type vegetation. Paralleling the east bank of the river, between U.S. 74 to the border with South Carolina, are a series of these sand ridges. The 700-acre Big Sandy Ridge located north of Fair Bluff is an outstanding example of these sand ridges. The area is secluded and composed of relatively undisturbed pine-scrub oak sandhill community.

## *Climate*

**Temperature.** Temperatures are mild, with warm summers and cool winters. The Lumber River four-county region has daily winter temperatures averaging between 32 and 55 degrees. Average daily summer temperatures range between 68 and 89 degrees. Both spring and autumn temperatures show a average low around 48 degrees and a high around 74 degrees.

**Precipitation.** There are four recording stations in the region: Laurinburg, Red Springs, Lumberton and Whiteville. Data from these stations indicate that total rainfall for the area averages between 46 to slightly over 49 inches per year. There are no dry months, with the lowest rainfall in the month of April and from October to December; the wettest periods are in March and from June to August. Rainfall is evenly distributed over the region. Precipitation for all communities in the region is relatively consistent, with November receiving the least rainfall and July the highest; rainfall in November averages between 2.63 and 2.86 inches, while July rainfall averages over five inches per year.

Average annual snowfall for the four recording stations in the region is low, ranging from between 2.06 inches for Red Springs and 2.58 inches for Lumberton. Most snowfall is evenly distributed over the region, and almost all snow falls between January and March.

Most of the precipitation received by this region of North Carolina comes from the Gulf of Mexico or the Atlantic Ocean. Most floods are caused by rains resulting from tropical storms. The record flood occurred in September, 1928, with a peak flow reading of about 25,000 cubic feet per second. Such an occurrence can take place on a 25-100 year cycle.

Significant droughts occurred in 1930-1934, 1950-1957, 1966-1971, 1980-1982, and 1985-1988. During the drought of 1930-1934, a record minimum annual discharge of zero on the river was recorded in 1934. Such a drought is rare, but can occur on a 15-60 year cycle.

**Storms and Tornadoes.** The four-county region of the Lumber River is relatively sheltered from hurricanes. By the time most hurricanes reach the area, they are downgraded to tropical storms (39-73 miles per hour) or tropical depressions (less than 39 miles per hour). Since 1750, records show 14 such storms or depressions that have had some limited impact on the area. Among these are Hurricanes Hazel in 1972, Hugo in 1989, and Fran in 1996. Tornadoes are frequently recorded in the region. A comparison of the average number of tornadoes for the period 1953-1990 shows Robeson County to have the highest incidence of any county in the entire state of North Carolina, with 20 tornadoes annually. Scotland and Columbus Counties each have an average of seven tornadoes annually, while Hoke has five.

## *Geology and Soils*

The Lumber River cuts through four major geological formations within the Coastal Plain physiographic province. The Middendorf Formation extends from the source of the river to

the Scotland-Robeson County line just above Maxton. This formation originated in the Cretaceous Period, 63 million to 138 million years ago. It is characterized by sedimentary deposits of sand, sandstone, and mudstone. Clay balls and iron-cemented concretions are common. The sedimentary beds are laterally discontinuous, with cross-bedding commonly found.

The Black Creek Formation is found in stretches downstream from the Scotland-Robeson County line. This formation also originated in the Cretaceous Period, 63 million to 138 million years ago. It is characterized by lignitic clay, gray to black in color. It contains thin beds and laminae of fine-grained micaceous sand and thick lenses of cross-bedded sand. The upper part has lenses of glauconitic, fossiliferous clayey sand.

Originating in the younger Tertiary Period, two million to 63 million years ago, is the Yorktown-Duplin Formation. This formation extends around the cities of Pembroke and Lumberton and from the Lumber River Conservancy lands-Burnt Island area to the town of Fair Bluff. The Yorktown Formation is composed of fossiliferous clays with varying amounts of fine-grained sand, bluish-gray in color, with shell material commonly concentrated in lenses. The Duplin Formation is composed of shelly, medium- to coarse-grained sands, sandy marl, and limestone, with soils that are bluish-gray in color.

The soils in the river basin are generally poorly drained. The soils of the flooded swamps are organic. In the less-wet bottomland and first terrace hardwood forests, the soils are mainly entisols without development of a soil horizon because of frequent deposits of alluvium. In the second terrace hardwood forests, the soils are somewhat poorly drained to moderately well drained, with less alluvial deposition than the other types discussed. The main soil types are Muckalee, Meggett, Bibb and Johnston.

## Alternatives

The NEPA requires that the full range of reasonable alternatives must be considered. The range must be developed with a recognition of the options that are realistically available given the authority of the agency taking the action and the scope of the proposed action. In the case of the state of North Carolina's application for wild and scenic river designation for the Lumber River, the scope of the Department of the Interior's inquiry is extremely narrow. The only question possible is whether or not the segment under consideration should be designated pursuant to Section 2(a)(ii) of the WSR. The possibility of other designations -- for example, designating the Lumber River and its surrounding land base as a wilderness area or as a national park -- are not within the purview of the present evaluation or the NPS. Consideration of non-designation options -- other than the status quo or 'no action' -- is likewise, beyond the purview of the evaluation.

It is, however, within the scope of the evaluation to consider alternative forms of wild and scenic river designation. For example, thought might be given to designation of only a portion

of the Lumber River under consideration or, alternatively, to extend the designation to encompass a greater area. Likewise, consideration could be given to an alternative classification, as, for example, a recreational rather than a scenic classification. In the case of the Lumber River, the most realistic and feasible option -- and the one most in keeping with the state of North Carolina's wishes -- was to conduct a NEPA evaluation of the entire river with the classifications outlined earlier.

After giving consideration to the range of possibilities allowed under Section 2(a)(ii) of the WSRA, two reasonable alternatives were identified: **Alternative A -- No Action** and **Alternative B -- National Scenic River Designation**.

### *Alternative A: No Action*

Under this alternative, no action would be taken by the Department of the Interior to designate the Lumber River as a national wild and scenic river under Section 2(a)(ii) of the WSRA. The NCDPR would continue as the principal administrative agency for State land. There would be no change in management of county, municipal and private lands. All current State and local water pollution and land use regulations that protect the river and its adjacent lands would continue to be in effect. The river would continue to be a State-designated natural and scenic waterway; the river would be administered under the provisions of the NCNSRA and the North Carolina State Parks Act. The Master Plan and existing local land management provisions would continue to define the intensity of protection, or development allowed, according to the State classification of the river segment.

Alternative A would not provide permanent protection from federally licensed water resource projects having a direct and adverse effect on the Lumber River's outstanding natural, cultural and recreational resources.

### *Alternative B: National Wild and Scenic River Designation*

Under this alternative, the Lumber River -- or portions thereof -- would be designated as a state-administered component of the National System. The state of North Carolina would administer the river in accordance with the NCNSRA and other applicable State laws. The NCDPR would continue as the principal management agency, in cooperation with the appropriate State and local agencies and private landowners. Long-term protection and enhancement of nationally significant resources would be realized. In accordance with the NCWRC and the WSRA, the Master Plan would be implemented for protection and enhancement of resource values. All future management decisions affecting the area would be directed by a consideration of the outstanding values of the river.

Most land uses and activities on public lands would continue at their current intensity, but could be prohibited from increasing in either intensity or amount if they adversely affect the

outstanding resource values. Federal designation would not affect private lands. Existing and future land uses and activities on private lands would be allowed, subject to State and local laws, restrictions, and land use plans.

Under Alternative B, the FERC would be prohibited from granting a license for any new dam or other hydroelectric facilities within the protected river corridor. In addition, other federally sponsored, licensed, or funded water resource projects that would result in an adverse impact to the river's free-flowing condition, or any of the outstanding resources described earlier in this report, would be prohibited.

## **Environmental Consequences**

This section includes an evaluation of the impacts of the two alternatives on natural, scenic, recreational and cultural resources/activities. Note that under both alternatives, existing protection mechanisms and management agreements would persist. These mechanisms were described earlier in the Resource Protection Section.

### ***Alternative A -- No Action***

#### ***Access***

Alternative A would not alter access to the river and surrounding lands. On public lands, access would continue to be established by the state of North Carolina or other appropriate land managing entity. Private landowners would continue to be able to allow access or post their lands against access as they wish.

#### ***Agriculture***

Under Alternative A, there would be no impacts to agriculture, including livestock (primarily hogs), cotton, soy beans and tobacco. All agricultural activities would continue to be subject to State and local jurisdictions.

#### ***Fish and Wildlife***

There would be no impact to fish and wildlife under this alternative. On State lands, the NCDPR and NCWRC would continue to have responsibility for management of wildlife habitat. The NCWRC, and where appropriate the USFWS, would be responsible for the wildlife populations. The NMFS would continue to share responsibility for management of anadromous fish populations.

## *Hunting and Fishing*

Hunting and fishing would continue as before under Alternative A. State agencies -- and where appropriate, federal agencies -- would continue to establish seasons and bag limits. Landowners would continue to decide whether to allow these recreational activities, or to post their lands.

## *Floodplains, Wetlands and Water Quality*

There would be no impact to floodplains, wetlands, or water quality. The existing appropriate State and federal agencies would continue to assess activities that could affect water quality. All existing standards and management controls would continue. Protection against federal water projects would not be realized, and the river could be degraded through federal preemption for certain types of projects.

## *Historic and Prehistoric Resources*

There would be no impacts to these cultural resources under Alternative A. Any existing monitoring and protection programs for historic and prehistoric values on public land would continue. Unintentional damage to cultural resources on public and private land could occur from increases in recreation and other activities.

## *Recreation*

There would be no impact from Alternative A on recreation. The NCDPR would continue to manage the river for low-impact recreational opportunities as outlined in the Master Plan. Increased growth in recreational use might diminish recreation experiences and opportunities for solitude. Degradation of recreation sites could be accelerated from an increase in use. The Master Plan includes provisions for improvements in access and interpretive facilities and could offset or negate these impacts.

## *Scenic Resources*

Public lands in the river corridor would continue to be managed according to State and local laws and regulations. Alternative A would not provide long-term protection from the negative impacts on the scenic resource values from federally assisted water resources projects.

## *Shoreline Development/Construction*

No impact to shoreline development and construction would result under Alternative A. Development would continue to be subject to State and local standards and regulations and the Master Plan. A lack of stringent zoning in many areas could result in degradation of the natural appearance of the river, as well as other degradations of the riverine ecosystem. There would be no protection from federal water resource projects.

### *Threatened and Endangered Species*

No impact would occur to threatened and endangered species. Existing monitoring and protection of known threatened and endangered species would continue. Recovery planning would continue. The level of monitoring of threatened and endangered species and their habitats could increase or decrease as appropriate and new management goals could be developed.

### *Timber*

Timber would not be affected under Alternative A. Timber harvest would continue to be subject to existing State and local laws and land use plans. Timber harvest activities are regulated by, and subject to the management guidelines of, the North Carolina Division of Forest Resources and other appropriate State agencies. No effects on the timber industry in the area would result under Alternative A.

### *Traditional Uses*

There would be no impact to long-standing, traditional uses of the Lumber River under Alternative A. All uses would remain subject to North Carolina and local laws and regulations.

### *Water Rights and Withdrawals*

Water rights and water withdrawals would not be impacted under Alternative A. Current standards, practices, regulations and laws of State and federal agencies would continue to dictate management of water on the Lumber River.

## ***Alternative B -- Federal Wild and Scenic River Designation***

### *Access*

Alternative B would not alter access to the river and surrounding lands; wild and scenic river designation through Section 2(a)(ii) does not alter public or private access to the river. On public lands, access would continue to be established by the state of North Carolina. Private landowners would continue to be able to allow access or post their lands against access.

### *Agriculture*

Under Alternative B, there would be no impacts to agriculture, including livestock (primarily hogs), cotton, soy beans and tobacco. All agricultural activities would continue to be subject to State and local jurisdictions.

## *Fish and Wildlife*

No significant impacts to fish and wildlife populations would occur as a result of designation. Fish and wildlife are already protected under numerous State and federal laws, regulations and programs. The NCWRC, USFWS and other State and federal agencies would continue to be responsible for management of habitat and populations. Since fish and wildlife populations are considered to be outstandingly remarkable resources under the WSRA, designation would help to provide the state of North Carolina a framework to ensure long-term protection of fish and wildlife habitat.

Increased visitor use could potentially result in increased fishing pressure. Disturbance of riparian zones could result in erosion, loss of vegetation, and siltation, which in turn could effect fish habitat. However, these impacts, if they occur, are not expected to be significant and would be localized in nature.

## *Hunting and Fishing*

Hunting and fishing would continue as before under Alternative B. State agencies -- and where appropriate, federal agencies -- would continue to establish seasons and bag limits. Landowners would continue to decide whether to allow these activities on their lands. However, since recreation -- and specifically, fishing -- is considered to be an outstandingly remarkable resource under the WSRA, the state of North Carolina would be obligated to plan and provide for its continued high level of quality.

## *Floodplains, Wetlands and Water Quality*

Designation would have no significant impact on floodplains, wetlands, or water quality. The WSRA provides no specific guidance on water quality for scenic and recreational rivers; however, new or expanding projects or activities that would potentially affect water quality within, upstream, and downstream would be constrained by federal and State water quality laws. Management standards for scenic and recreational rivers state that water quality in designated river segments should be maintained or improved to meet federal criteria or federally approved state standards. This is currently being addressed through EPA and State programs for North Carolina.

Stringent standards protecting floodplains and wetlands on private lands are already in place in the state of North Carolina through various State and federal programs. Filling in State-designated rivers, removing soil and gravel, or changing riverbanks in any way, is subject to review by the NCDPR. Protection against incompatible federal water projects would be realized. Incompatible wetland fillings are subject to denial at either the State or federal level. However, national wild and scenic river designation would not add significantly to restrictions already in place.

## *Historic and Prehistoric Resources*

Designation would not have significant impact on historic or prehistoric resources. These resources would continue to receive the protection and consideration mandated by other State and federal laws and policies. Designation would, however, protect these resources from degradation by federal water projects. Historic and prehistoric resource sites will continue to be identified, evaluated and protected in a manner compatible with the current management objectives of the river and in accordance with applicable regulations and policies. The Master Plan would continue to direct management and interpretation of these resources.

## *Recreation*

Alternative B would have no significant effect on recreation. Designation would ensure the continuation of a variety of recreational opportunities provided under current NCDPR management guidelines and classifications. Visitor use could increase slightly as a result of designation as has been documented on some other designated rivers. As use increases, there might be a slight elevation of the potential for fire and environmental damage, including vandalism, litter or overuse. Opportunities for solitude could decrease with increased use. However, these impacts would be slight and localized; potential increases in visitor use is already being addressed in the Master Plan.

## *Scenic Resources*

No significant impacts to scenic resources would result from wild and scenic river designation. Designation would ensure long-term protection for scenic resources on State lands. Again, this would not be a new management procedure, but would be, instead, the solidification of management and classification practices already present. The river would be protected against land uses, or activities on public lands along the river, that could impair the outstandingly remarkable scenic resources. Existing land uses and activities could still occur; however, it might be recommended that certain new activities be set back from the river. New land uses and activities along the river would be subject to review by the NCDPR. All federally sponsored water resources projects would be reviewed by the NPS and the state of North Carolina to ensure that no adverse impacts on the river's outstanding scenic values would result.

Developments on private land within sight of the river that could impair the scenic quality in the river corridor are subject to State and local standards, and the WSRA would not add new regulatory conditions beyond those already existing.

## *Shoreline Development/Construction*

No significant impact to shoreline development and construction on private lands would result from Alternative B. Development would continue to be subject to State and local standards and regulations and the Master Plan; the federal government does not have the authority to zone private lands. A lack of stringent zoning in many areas outside of State

lands could result in degradation of the natural appearance of the river, as well as other degradations of the riverine ecosystem. Protection from incompatible federal water resource projects would be realized.

### *Threatened and Endangered Species*

Long-term protection of threatened and endangered species dependent on current conditions would be augmented under the WSRA as these are identified as outstandingly remarkable resources. Designation would enhance the existing laws, policies and classifications of fish and wildlife habitat on the river by providing management direction. The NCWRC, USFWS and other agencies would continue to have management authority. The construction and maintenance of minor structures for protection, conservation, rehabilitation, or enhancement of fish and wildlife habitat would be acceptable, provided they do not affect the free-flowing characteristic of the river, nor conflict with the outstanding resources.

Possible increases in visitor use stemming from designation could result in localized disturbances of threatened and endangered species; however, these disturbances would be minor given current and proposed management.

### *Timber*

Department of the Interior Management Guidelines and Standards for the WSRA state that agricultural and forestry practices on public lands should be similar in nature and intensity to those present in the area at the time of designation. Timber harvesting would be conducted so as to avoid adverse impacts on the river area values. However, these restrictions are already in place on State lands as a result of NCDPR management guidelines. Designation as a wild and scenic river would not add further constraints beyond those in currently in effect.

Designation would have no impact on timber harvest on private lands, which is regulated by the Division of Forest Resources. No additional effects on the timber industry in the area would result from designation of the Lumber River.

### *Traditional Uses*

There would be no impact to long-standing, traditional uses of the Lumber River under Alternative B. Generally, those uses present at the time of designation are considered to be compatible. However, substantial increases in these activities -- which is unlikely -- could be subject to control on State lands. All uses would remain subject to North Carolina and local laws and regulations.

### *Water Rights and Withdrawals*

Designation would have no impact on existing water rights and usage. Existing water developments and diversions would not be affected by designation. Any new water diversion

proposed within or upstream of the designated river segment would require evaluation to determine if it would conflict with the protection and enhancement of the values that caused the Lumber River to be included in the National System.

## **Preferred Alternative and Conclusions**

The Preferred Alternative is B -- National Wild and Scenic River Designation. However, as discussed in the Resource Protection Section and in the next Section, the NPS is only recommending designation for five of the six identified segments of the Lumber River at this time. These segments are 1, 3, 4, 5 and 6.

Designation of the Lumber River into the National System will enhance many of the protections already in place for these segments and will fill the gaps in those protections. Specifically, designation will preclude federal water resource projects that would alter the free-flowing condition of the river or degrade the outstanding resources present. The No-Action Alternative would allow for the possibility of federal projects which could seriously degrade these resources. Also, without long-term protection, gradual, negative impacts on the river's natural, recreational and cultural values could result. Designation would slow or stop environmental damage with few potential restrictions on future land uses, developments, or activities. In addition, increased attention to the river by local, State and federal governments could lead to actual enhancement of the natural environment.

Designation into the National Wild and Scenic Rivers System would constitute a continuation and confirmation of existing conditions. Impacts to resources would not be significant, and there would be little, if any, changes in management of the river and its resources. Wild and scenic river designation is compatible with existing uses. Many future changes in river use will be compatible with wild and scenic river designation (although not necessarily with other laws and regulations) provided they do not significantly and negatively impact the outstanding resources or the free-flowing condition of the river. For these reasons, the NPS finds that designation of segments 1, 3, 4, 5 and 6 of the Lumber River into the National System will have no significant impacts to the quality of the human and natural environments. An EIS is not required.

## **List of Documents, Persons and Agencies Consulted**

The documents, persons and agencies consulted by the NPS in the preparation of the EA are included in the bibliography (Appendix C).

# CONCLUSIONS AND RECOMMENDATIONS

In evaluating Governor Hunt's request to designate the Lumber River into the National Wild and Scenic Rivers System, the National Park Service finds that:

- The river is free flowing as defined by the Departments of the Interior and Agriculture.
- The Lumber River possesses outstandingly remarkable recreational, fish, wildlife, botanic and scenic resources that are valuable to the region and the country.
- The Lumber River is designated into a state wild and scenic rivers system as required by Section 2(a)(ii) of the national Wild and Scenic Rivers Act.
- North Carolina has the management framework and resources necessary to implement protective laws and regulations.
- North Carolina has adequate protection mechanisms in place to protect the free-flowing character of the river; however, at present, these protections mechanisms can only guarantee the protection of the outstandingly remarkable resources in five of the six identified segments of the Lumber River (see discussion below). These segments are:

*Segment 1* -- State Route 1412/1203 (River Mile 0) to the Scotland/Robeson County lines at the end of the Maxton Airport Swamp (River Mile 22).

*Segment 3* -- Back Swamp (River Mile 56) to Jacob Canal Swamp (River Mile 73).

*Segment 4* -- Jacob Swamp Canal (River Mile 73) to the upstream city limits of Fair Bluff (River Mile 99).

*Segment 5* -- The upstream town limits of Fair Bluff (River Mile 99) to the downstream town limits of Fair Bluff (River Mile 103).

*Segment 6* -- The downstream town limits of Fair Bluff (River Mile 103) to the North Carolina/South Carolina (River Mile 115).

- The Secretary of the Interior should not designate one of the six identified segments at this time. However, as discussed below, the Secretary should consider designating this segment when and if the state of North Carolina and/or local jurisdictions develop a management/protection plan considered adequate by the National Park Service. The one segment on which action should be delayed is:

*Segment 2* -- The Scotland/Robeson County lines at the end of the Maxton Airport Swamp (River Mile 22) to Back Swamp (River Mile 56).

- The environmental assessment concludes that designation will have no significant adverse effects on any existing water or land use; will not have any significant impact on the quality of the environment; and will add significantly to the long-term protection of important river values.

It is the recommendation of the National Park Service that the five segments identified above are sufficiently protected through State mechanisms to be included in the National Wild and Scenic Rivers System at this time. While the entire river as is physically eligible (i.e., it is free flowing and exhibits 'outstandingly remarkable resources'), and would make an excellent addition to the National Wild and Scenic Rivers System, the National Park Service finds that the river outside of these segments lacks sufficient mechanisms to ensure long-term protection without federal involvement.

However, the National Park Service recognizes the outstanding nature of the Lumber River, and, as noted, the river would make an outstanding addition to the National Wild and Scenic Rivers System. The National Park Service also notes the pride and dedication that local residents and the state of North Carolina have exhibited in trying to protect this national treasure. This report was written with the goal of eventual inclusion of the entire river in the National Wild and Scenic Rivers System; this report and environmental assessment covers the entire length of the nomination. The National Park Service recommends that segments 1, 3, 4, 5 and 6 be designated at this time, and when the State and/or local governments develop a plan or zoning acceptable and compatible with wild and scenic river designation, that the remaining segment of the Lumber River be added to the National Wild and Scenic Rivers System. The National Park Service also stands ready to provide assistance in developing such a plan.

Based on the above findings, the National Park Service concludes that all requirements of Section 2(a)(ii) of the national Wild and Scenic Rivers Act and Department of the Interior guidelines have been met, and in most cases exceeded, for the segments identified as 1, 3, 4, 5 and 6. Designation of these segments of the Lumber River into the National Wild and Scenic Rivers System is in the public interest. The National Park Service therefore recommends that the state of North Carolina's application for wild and scenic river designation for the Lumber River be approved for these segments. These segments are recommended for designation as scenic for segments 1, 4 and 6 and recreational for segments 3 and 5.

## **APPENDICES**

*A -- Glossary & Abbreviations Used*

*B -- Distribution List For The Draft Report*

*C -- Documents, Persons & Agencies Consulted*

*D -- Report Preparers & Reviewers*

*E -- Comments Received/National Park Service Response*



## *Appendix A -- Glossary & Abbreviations Used*

<b>2(a)(ii)</b>	Section 2(a)(ii) of the National Wild and Scenic Rivers Act, allows a state to petition the Secretary of the Interior to add a river to the National Wild and Scenic Rivers System with state management
<b>ACOE</b>	United States Army Corps of Engineers
<b>BLM</b>	United States Bureau of Land Management
<b>District</b>	City of Lumberton Lumber River Protection Overlay District
<b>EA</b>	Environmental Assessment
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	United States Environmental Protection Agency
<b>FERC</b>	United States Federal Energy Regulatory Commission
<b>FONSI</b>	Finding of No Significant Impact
<b>Master Plan</b>	<i>Lumber River State Park Master Plan: Columbus, Hoke, Robeson and Scotland Counties, North Carolina</i>
<b>National System</b>	National Wild and Scenic Rivers System
<b>NCDPR</b>	North Carolina Division of Parks and Recreation
<b>NCNSRA</b>	North Carolina Natural and Scenic Rivers Act
<b>NCWRC</b>	North Carolina Wildlife Resources Commission
<b>NEPA</b>	National Environmental Policy Act
<b>NMFS</b>	National Marine Fisheries Service
<b>NPS</b>	National Park Service
<b>NPS 12</b>	National Park Service National Environmental Policy Act Compliance Guidelines

<b>NRI</b>	Nationwide Rivers Inventory, a listing of potential additions to the National Wild and Scenic Rivers System released in 1980 by the National Park Service
<b>RM</b>	River Mile
<b>Secretary</b>	Secretary of the Interior
<b>State System</b>	North Carolina Natural and Scenic Rivers System
<b>USFS</b>	United States Forest Service
<b>USFWS</b>	United States Fish and Wildlife Service
<b>WSRA</b>	National Wild and Scenic Rivers Act

## *Appendix B -- Distribution List For The Draft Report*

### *Federal Agencies*

The draft report was distributed to the heads of the following federal departments and agencies for comment.

United States Department of Agriculture  
United States Department of Agriculture, Forest Service  
United States Department of Agriculture, Natural Resources Conservation Service  
United States Department of Commerce, National Marine Fisheries Service  
United States Department of Commerce,  
National Oceanic & Atmospheric Administration  
United States Department of Energy  
United States Department of Energy, Federal Energy Regulatory Commission  
United States Department of the Army, Corps of Engineers  
United States Department of the Interior, Bureau of Indian Affairs  
United States Department of the Interior, Bureau of Land Management  
United States Department of the Interior, Bureau of Mines  
United States Department of the Interior, Bureau of Reclamation  
United States Department of the Interior, Fish and Wildlife Service  
United States Department of the Interior, Geological Survey  
United States Department of Transportation  
United States Environmental Protection Agency

### *Libraries*

The following libraries received copies of the draft report to be placed in general readership. Where appropriate, multiple copies were sent for distribution to branch libraries.

Columbus County Library  
Hoke County Library  
Mary Livermore Library  
Robeson County Library

Scotland County Library  
Western North Carolina State  
University at Pembroke

In addition to the required distribution above, the North Carolina Department of Parks and Recreation and the National Park Service compiled an extensive list of all known persons, agencies, elected officials, businesses and organizations having an interest in the designation of the Lumber River into the National Wild and Scenic Rivers System. The draft report was distributed in accordance with the following lists.

## *Federal Officials*

Senator Lauch Faircloth  
Senator Jesse Helms  
Representative Cass Ballenger  
Representative Richard Burr  
Representative Eva Clayton  
Representative Howard Coble  
Representative Bob Etheridge

Representative William Hefner  
Representative Walter Jones, Jr.  
Representative Mike McIntyre  
Representative Sue Myrick  
Representative David Price  
Representative Charles Taylor  
Representative Melvin Watt

## *State Officials*

Senator Robert Charles Soles, Jr.  
Senator David Weinstein  
Representative Donald Bonner  
Representative Dewey Lewis Hill

Representative David Redwine  
Representative Ronnie Sutton  
Representative Yongue

## *Local Officials*

Columbus County Administrator  
Columbus County Commissioners  
Hoke County Commissioners  
Hoke County Manager  
Fair Bluff Mayor  
Laurinburg Mayor  
Lumberton City Attorney

Lumberton Mayor  
Maxton Mayor  
Orrum Mayor  
Pembroke Mayor  
Robeson County Commissioners  
Robeson County Manager  
Scotland County Commissioners

## *State and Local Agencies and Affiliated Organizations*

### **North Carolina State Agencies**

Lumber River State Park  
North Carolina  
    Department of Administration  
North Carolina  
    State Cooperative Extension Service  
North Carolina  
    Department of Cultural Resources  
North Carolina Department of  
    Environment and Natural Resources

North Carolina  
    Division of Parks and Recreation  
North Carolina  
    Geologic Survey  
North Carolina  
    State Historic Preservation Office  
North Carolina  
    Wildlife Resources Commission

## Local Agencies and Organizations

Lumbee Region Development Association  
Lumberton Recreation Commission  
Lumber River Association  
Lumber River Basin Committee  
Lumberton Area Chamber of  
Commerce and Visitors Bureau  
Lumberton Economic Development Office

Lumberton Tourism  
Development Authority  
Lumberton Visitors Bureau  
Scotland County Complex  
The Lumber River Conservancy  
Upper Lumber River Association  
Whiteville Parks & Recreation Department

## *Businesses, Environmental Organizations, Farm Organizations, Others*

America Outdoors  
American Canoe Association  
American Rivers  
American Whitewater Affiliation  
Carolina Canoe Club  
Carolina Wilderness  
Chapel Hill Newspaper, Chapel Hill  
Columbus County News, Chadbourn  
Conservation Trust of North Carolina  
Elvington Pharmacy, Inc.  
Fair Bluff Motors, Inc.  
Fayetteville Observer-Times  
Fort Bragg Paraglide  
Kimley Horne & Associates  
Lumber River Canoe Club  
Nantahala Outdoor Center  
National Wildlife Federation  
North Carolina Association of  
County Commissioners  
North Carolina Council of Trout Unlimited  
North Carolina Farm Bureau Federation  
North Carolina League of Municipalities  
North Carolina Leopold Wildlife Club  
North Carolina Outward Bound School  
North Carolina Sierra Club Chapter  
Northwestern University  
Pembroke State University

River Management Society  
River Network, Eastern Office  
Rock Rest Adventures  
Save Our Rivers  
Sierra Club, North Carolina Chapter  
Southeastern Community College  
The Carolina Indian Voice, Pembroke  
The Carolinian, Raleigh  
The Chronicle, Durham  
The Daily Tar Heel, Chapel Hill  
The Herald-Sun, Durham  
The Laurinburg Exchange, Laurinburg  
The Nature Conservancy  
The News and Observer, Raleigh  
The News Reporter, Whiteville  
The Public Post, Laurinburg  
The Robesonian, Lumberton  
The Times-Messenger, Fairmont  
W.E. Carter Realty  
WENC-AM 1220, Whiteville  
WFMO-AM 860, Fairmont  
WFNC-AM 640, Fayetteville  
WKFT-TV, Fayetteville  
WSTS-FM 100.9, Fairmont  
WTSB-AM 580, Lumberton  
WTXY-AM 1540, Whiteville  
Z. Smith Reynolds Foundation

## *Local Landowners*

Jon Zella Bailey  
Bo Biggs  
Bill Brewington  
Virgil Britt  
Fred W. Bynum, Jr.

M. Carr Gibson  
Duncan McKay  
Roderick D. Sanders  
Charles Wallace

## *Individuals*

Gilbert Anderson  
Andy Ash  
Ron Beasley  
John Bourman  
Ellen Church  
Everett Davis  
Haynes Deese, Jr.  
Rudolph Floyd  
Bob Gaddy  
Adam Hall  
Linda Hall  
Charles Hubman  
Danny Isom  
Marjorie Johnson  
Lonnie Maynor  
Joe McDonald

Armand Optiz  
Colin Osborne, III, D.D.S.  
J. Dickson Phillips, Jr.  
Alex Powell  
Ray A. Priest  
June Small  
Paschal Stewart  
G. Chandler Stewart  
Edward S. Syrjala  
John Thompson  
Marshall Thompson  
Jimmy Turner  
Peter Vandenberg  
Larry Ward  
Grady M. Williamson  
Richard Willis

**The availability of the draft report was announced in the *Federal Register*.**

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Finally, the NPS and the Interagency Wild and Scenic Rivers Coordinating Council maintain a World Wide Web site on wild and scenic rivers. The address is: <http://www.nps.gov/rivers>

## Appendix E -- Comments Received

The NPS provides the public every reasonable opportunity to play a role in determining the policies and influencing decisions of the agency. On April 23, 1997, the NPS conducted a public meeting in Lumberton for the purposes of discussing the significance of wild and scenic river designation of the Lumber River and obtaining input on the resources related to the river. On April 6, 1998, a draft of the NPS's eligibility report and environmental assessment was released for public and agency review to all persons, organizations, and agencies with a known or potential interest in designation of the Lumber River. The report was also noticed in the *Federal Register* on that date. In addition, newspapers in the area of the Lumber River in North Carolina announced the availability of the report. Initial public review was scheduled to end May 22, 1998.

The review period of the draft report was subsequently extended 21 days to June 12, 1998, with the extension published in area newspapers and the *Federal Register* on April 17, 1998. The 90-day federal agency review period, as required by the WSRA, ended on July 6, 1998. All comments postmarked by these respective dates were considered to be timely.

Following are the direct comments on the draft study report and the NPS responses to those comments.

### Comments and Responses

*Comment: Adoption of the Lumber River Protection Overlay District ordinance by the City of Lumberton establishes the mechanism to protect the river without federal management. Its adoption means that the segment of river within the City of Lumberton and its extraterritorial jurisdiction now meet the fourth requirement for wild and scenic river designation. Therefore, this segment of river should also receive federal designation.*

North Carolina Division of Parks and Recreation, letter dated June 2, 1998

**NPS Response:** We agree, and the corrections to the report have been made; the NPS is recommending that this segment also be designated.

*Comment: The state will continue to work with local governments, conservation groups, private landowners and others to obtain additional protection for the remaining segment of the river not currently eligible for federal designation. Perhaps it too can be designated in the future if a suitable management plan can be developed.*

North Carolina Division of Parks and Recreation, letter dated June 2, 1998

**NPS Response:** We certainly hope that this will happen. Segment 2 of the river would make an excellent addition to the National System, as our assessment reflects.

*Comment:* On April 27, 1998, the City Council of Lumberton adopted the enclosed ordinance establishing the Lumber River Protection Overlay District. The ordinance serves to further protect the river and riparian lands through Lumberton and its extraterritorial jurisdiction. Adoption of the ordinance means that almost all of Segment III of the National Park Service's draft 2 (a) (ii) study report now meets the last requirement for federal designation.

North Carolina Division of Parks and Recreation, letter dated June 5, 1998

**NPS Response:** We agree, and the assessment now reflects this addition.

*Comment:* Also enclosed are copies of brochures we have produced over the years. They will give you a hint of some of the ways we have gone about building support for the state park. The fund raiser for the Master Plan was truly a community effort with additional financial assistance from CP&L and expertise and production by N.C. State University's Dept. of Parks, Recreation and Tourism Management. In addition to the above, you could add on page 6 that the Master Plan was developed in consultation with members of the Lumber River Citizens Advisory Committee. Appointments to the committee are made by the Secretary of the N.C. Department of Environment, Health and Natural Resources. Truthfully, it is safe to say the designation of the Lumber River State Park would not have occurred had it not been for years of work by the Lumber River Basin Committee.

Colin Osborne III, letter dated June 7, 1998

**NPS Response:** We appreciate the extensive work done by the Lumber River Citizens Advisory Committee; certainly the Lumber River is eligible for the National System in large part due to this organization. The report has been modified to reflect their participation.

*Comment:* There is a high bluff at High Hill south of Lumberton. This information could be coupled with the brief description of the Princess Anne bluff.

Colin Osborne III, letter dated June 7, 1998

**NPS Response:** The report has been modified to include this description.

*Comment:* Under "Segment 6" the last sentence lists Segment 2 instead of Segment 6.

Colin Osborne III, letter dated June 7, 1998

**NPS Response:** The report has been corrected.

*Comment:* The draft suggests to local communities that they might want to adopt a "plan for protecting the river . . ." This may be an opportunity to apprise those communities of the steps the city of Lumberton has taken with its Overlay Protection District. They may eventually develop similar measures to have the sections protected.

Colin Osborne III, letter dated June 7, 1998

**NPS Response:** We hope that these communities do just that, and as stated on page 58 of the report, the NPS stands ready to assist if communities would like look at measures to further protect this national treasure.

*Comment: I disagree that portions of Section 4 do not qualify as Wild under the program. Perhaps this stretch of the river could be divided into two or three sections to allow for proper designation of certain portions. With the exception of one or two dirt road accesses and vestiges of the timber industry such as the tramway pilings and a few sloughs, this is about as primitive a stretch of river as can be found in eastern N.C.*

Colin Osborne III, letter dated June 7, 1998

**NPS Response:** Actually, the report states that sections of segment 4 probably do qualify as 'wild' under the WSRA. However, to break a designation into too small of segments creates significant management problems for the managing agency. In addition, there is nothing to be gained along the Lumber River by creating small 'wild' segments, but there is something to be lost -- flexibility in management. A wild classification carries severe restrictions on what activities are allowed. After consultation with the state of North Carolina and the Lumber River State Park, it was determined that a scenic classification best fit with management plans and goals and with local uses of the river.

*Comment: We do however have some concerns as to potential long-term impacts of this action on the viability of Rural Development loans made to the communities and towns along the Lumber River Basin through our "Water and Waste" loan program. Some of these entities may have a water treatment plant or a water intake along the river, or discharge their treated wastewater into the Lumber River or its tributaries. Several loans have been made in recent years to towns such as Maxton, Pembroke, Fair Bluff, and Fairmont, and Robeson County for water treatment facilities and/or wastewater treatment plants. The Robeson County system also purchases some of its water from the Town of Lumberton which withdraws water from the river.*

*Our concern centers around potential restrictions on the continued operation and on modest expansion and typical repairs on these water and wastewater systems that may be imposed or implied as a result of this action. The inclusion of the Lumber River in the National Wild & Scenic Rivers System could possibly place a financial burden on these borrowers in limiting their ability to economically make needed changes to their water and/or wastewater systems while trying to comply with the respective "Wild & Scenic Rivers" laws. This proposal could at least conceivably affect their ability to repay their Rural Development loans. Most of the entities with outstanding Rural Development loans have many years (20 - 40) left on their loans. These entities have committed to providing safe water and/or sanitary sewer to their residents. The financial viability of the towns' and communities' water and wastewater systems depend in large part upon the ability to continue to economically operate their systems, to economically accommodate modest expansion, and economically perform repairs and updates to their systems as populations increase and as time takes its toll on their infrastructure. Rural Development believes there is a very strong need for small towns and communities in the Lumber River Basin to be*

able to do this. Rural Development supports inclusion of the Lumber River in the Wild & Scenic Rivers System provided this accommodation can be made.

U.S. Department of Agriculture - Rural Development, letter dated June 11, 1998

**NPS Response:** We appreciate Rural Development's concern for its clients. However, wild and scenic river designation would have no impact on the maintenance, continued water withdrawals or discharges, and minor improvements to existing facilities. On page 55, the report states, "Designation would have no impact on existing water rights and usage. Existing water developments and diversions would not be affected by designation." This is further emphasized by the scenic and recreational classifications, which allow for continued use of the river for historic purposes.

New or greatly expanded projects would be subject to review. On page 53, the report states, "... new or expanding projects or activities that would potentially affect water quality within, upstream, and downstream would be constrained by federal and State water quality laws." Page 55: "Any new water diversion proposed within or upstream of the designated river segment would require evaluation to determine if it would conflict with the protection and enhancement of the values that caused the Lumber River to be included in the National System." However, new projects would be allowed if they are compatible with the wild and scenic river designation. Since waste water treatment facilities generally help the riverine environment, we cannot foresee a situation where projects covered by Rural Development would be entirely incompatible with designation. No changes to the report were necessary.

*Comment: American Rivers, The Nature Conservancy's North Carolina Chapter, and the North Carolina Chapter of the Sierra Club encourage the Department of the Interior to complete its final review of the proposed report so that the Secretary can approve the designation of the Lumber River prior to or on October 2, 1998, the thirtieth anniversary of the passage of the Act. Designation of the Lumber River would be an appropriate celebration of the passage of the Act.*

American Rivers, et al, letter dated June 12, 1998

**NPS Response:** The NPS is pleased that this potential designation coincides with the 30th anniversary of the establishment of the National System, and we hope that the Lumber River will be designated soon. However, the report must be reviewed within the Department of the Interior, and adequate review will take some time.

*Comment: The upper half (segments 1 and 2) of the river is designated a High Quality Water (HQW), (defined in North Carolina Department of Environment and Natural Resources Division of Water Quality, Administrative Code Section: 15 NCAC 2B.0200 Classifications and Water Quality Standards Applicable to Surface Waters and Wetlands of North Carolina). These segments are also designated for Class C freshwater uses and the water quality standards associated with this designation provide for the protection and propagation of aquatic life and wildlife and all other supplemental designation uses. The HQW designation provides special protection management strategies intended to prevent degradation*

*of water quality below present levels from both point and nonpoint sources. HQW requirements for new or expanded NPDES permitted facilities address oxygen-consuming wastes, total suspended solids, disinfection, emergency requirements, volume, nutrients (in nutrient sensitive waters) and toxic substances. For nonpoint source pollution development activities which require Erosion and Sedimentation Control Plans in accordance with rules established by the North Carolina Sedimentation Control Commission or local erosion and sedimentation control program approved in accordance with 15A NCAC 4B.0218, and which drain to and are within one mile of high quality waters, will be required to control runoff from the one-inch design storm using either a low density or high density option described in the rules.*

*The lower half (segments 3 - 6) of the portion of the river proposed for the NWSR designation is not designated a HQW. These stream segments are designated for Class C Freshwater uses and the water quality standards associated with this designation provide for the protection and propagation of aquatic life and wildlife and all other appropriate supplemental designation uses.*

*All segments of the Lumber River proposed for NWSR designation were rated in the May 1994 Lumber River Basinwide Water Quality Management Plan as supporting designated uses. However, other tributaries feeding into the mainstem of the Lumber along this stretch have been rated as not supporting or partially supporting their uses. The water quality in these portions has been impacted by point source discharges as described in the Water Quality Management Plan. The use support ratings will be evaluated again in the revised 1999 Lumber River Basinwide Water Quality Management Plan. As described in Option B, four of the considered six segments are proposed to receive the NWSR designation.*

*EPA will assist the National Park Service and the State of North Carolina in maintaining water quality to the extent allowed by our authority. We note that under Alternative B there would be no impacts from NWSR designation to agriculture, including cotton, soybeans, tobacco and livestock, primarily hogs. Because of new and expanding swine confined animal (ceding operations (AFOs) and concentrated animal feeding operations (CAFOs) in North Carolina, there may be future expansion in the region that could impact water quality in the newly designated Wild and Scenic River at some future date. There are AFOs and CAFOs in the Lumber River watershed at this time. CAFOs with more than the number of animals specified in 40 CFR 122.23 and Appendix B (i.e., 2,500 swine weighing 55 pounds or more) must operate with no-discharge waste management systems with the exception that a discharge may occur during a 24-hour, 25-year storm event. Any new facilities in the region must comply with North Carolina water quality protection laws and requirements and with requirements of the federal Clean Water Act.*

*U.S. Environmental Protection Agency, letter dated July 8, 1998*

**NPS Response:** We agree that meeting water quality standards is a substantial concern. However, we believe that the state of North Carolina and the federal government have the tools to meet this challenge within the Lumber River. Certainly the standards in place are compatible with wild and scenic river designation for the Lumber River. We look forward to working with the EPA to ensure the long-term protection of this river.

No changes to the report were necessary.

*Comment: In previous correspondence with the Southeastern Regional of your agency, the Wilmington District, U.S. Army Corps of Engineers, has expressed reservations about the ability of the Corps and the State of North Carolina to adequately protect the river. Without additional State safeguards and commitments to protection, through rules and legislation, we remain concerned that the river will ultimately be degraded by the many activities occurring in the basin which are beyond the scope of existing State regulations and cannot be regulated by the Corps under Section 404 of the Clean Water Act. These include such activities as logging and silvicultural activities which are exempt from section 404 regulation, continued municipal, industrial, and agricultural waste discharges, golf course and farm runoff, ditching and draining of wetlands through perimeter ditching, and other means not regulated under section 404. While the subject document recognizes most of these continuing threats, it does not indicate there is any clear strategy on the part of the State for assuring their cumulative effects will not significantly degrade the natural values which the designation is seeking to protect.*

*In support of your efforts to protect the outstanding natural values present in the Lumber River, the Wilmington District will request a regional assertion of discretionary authority over section 404 activities in the river basin from the South Atlantic Division once the recommended segments of the basin are officially designated as components of the system. The discretionary authority would require future applicants for section 404 authorization submit a preconstruction notification (PCN) for work under a Nationwide Permit or Regional General Permit. The PCN's would be sent to your agency for review and comment within a certain time period. The Corps would then consider the views of your agency in determining if the activity could proceed under the Nationwide Permit, Regional General Permit, or would require review under a standard permit with full public interest review.*

U.S. Army Corps of Engineers, letter dated July 8, 1998

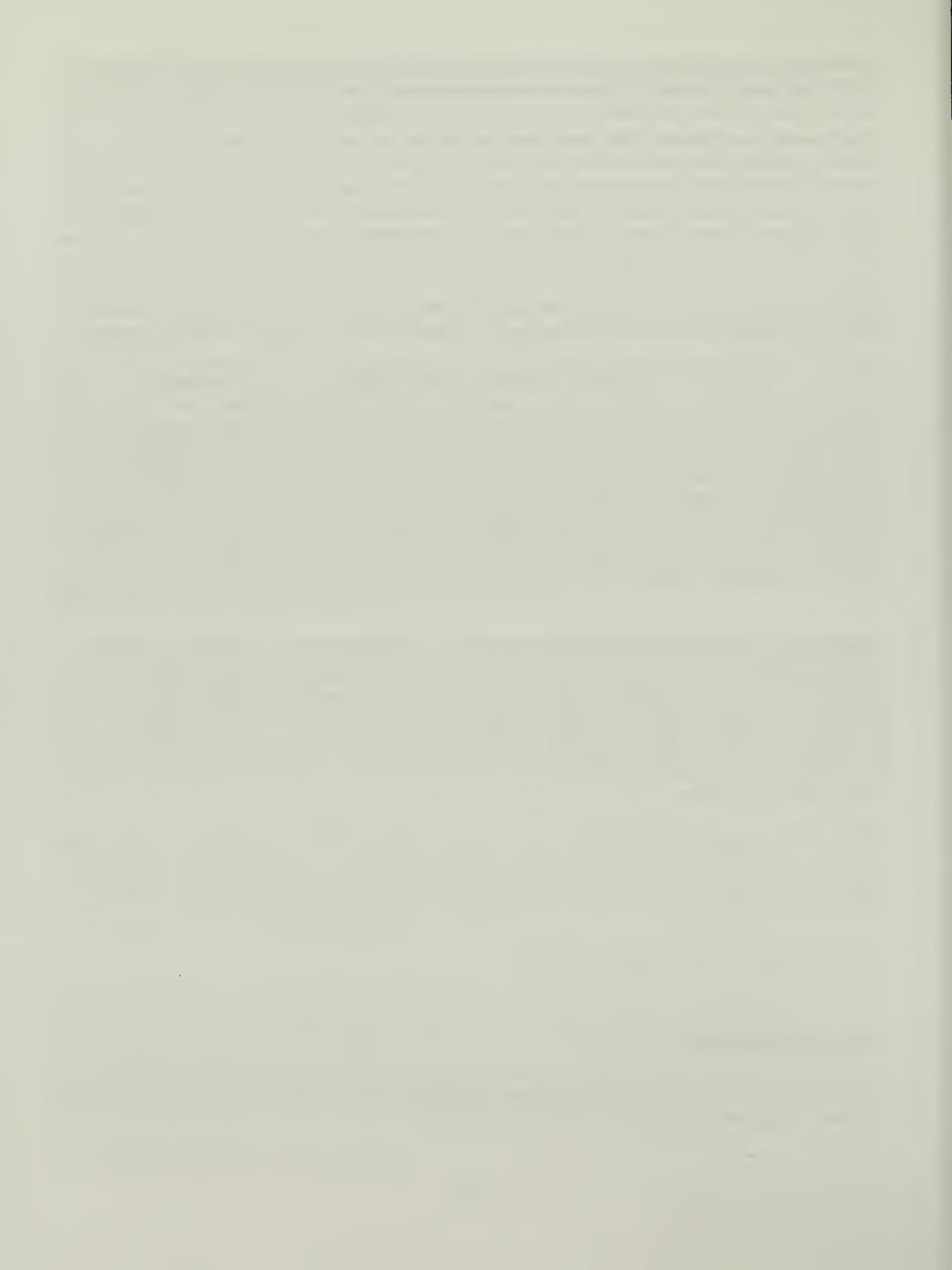
**NPS Response:** We respectfully disagree with the ACOE on this issue. We believe that there are sufficient laws, regulations and standards in place to adequately protect the Lumber River, if they are enforced. We agree with the ACOE that there is no organized plan of implementation of these regulations, and the development of such a plan would be a worthwhile endeavor by the state of North Carolina. However, if the different federal and state regulatory measures are effectively implemented, we believe the Lumber River will remain an outstanding addition to the National System.

We greatly appreciate the ACOE's offer to take an active role in protecting this important resource. The plan and project review structure as briefly outlined in the ACOE letter promises to benefit the river while allowing for its continued use by residents. We look forward to working with the ACOE in protecting the Lumber River.

No changes to the report were warranted.

## **Comment Letters**

The following comment letters were received during the review period of the draft report. No comments opposed designation of the Lumber River.





STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27603-8001

JAMES B. HUNT JR.  
GOVERNOR

June 19, 1998

Mr. Jerry Belson  
Regional Director  
National Park Service Southeast Region  
Atlanta Federal Center  
1924 Building  
100 Alabama Street, South West  
Atlanta, Georgia 30303

Dear Mr. Belson:

I am pleased with the National Park Service's draft *Lumber River 2 (a) (ii) Wild and Scenic River Study Report* that recommends that 64 miles of the Lumber River be designated as a Federal Wild and Scenic River. Now that the City of Lumberton has adopted regulations to protect the river, the Lumber River through Lumberton and its extraterritorial jurisdiction is eligible and should be designated as well.

Thank you for your thorough study report and for your help in obtaining national recognition for this magnificent natural and scenic resource.

My warmest personal regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Hunt".

James B. Hunt Jr.

JBH:pkm





North Carolina  
Department of Administration

James B. Hunt, Jr., Governor

Katie G. Dorsett, Secretary

June 1, 1998

Ms. Mary Rountree  
U.S. Department of the Interior  
Nat'l. Park Service, SE Regional Office  
Atlanta Federal Center  
100 Alabama St., SW  
Atlanta, GA 30303

Dear Ms. Rountree:

Re: SCH File # 98-E-0000-0684; Environmental Assessment Lumber River Wild and Scenic River Study Report; Initial Findings of the National Park Service on the Eligibility of the Lumber River in N.C. as an Addition to the National Wild and Scenic Rivers System

The above referenced project has been reviewed through the State Clearinghouse Intergovernmental Review Process. Attached to this letter are comments made by agencies reviewing this document.

Should you have any questions, please do not hesitate to call me at (919) 733-7232.

Sincerely,

A handwritten signature in cursive script that reads "Chrys Baggett".

Mrs. Chrys Baggett, Director  
N. C. State Clearinghouse

Attachments

cc: Region N

DIVISION OF PARKS AND RECREATION

May 28, 1998

MEMORANDUM

TO: Melba McGee  
Legislative and Intergovernmental Affairs

FROM: *for* Philip K. McKnelly *C. Tingley*

SUBJECT: Lumber River Wild and Scenic River Study Report

The Division of Parks and Recreation enthusiastically supports the recommendation of the draft Wild and Scenic River Study Report to add 64 miles of the Lumber River to the National Wild and Scenic River System. In addition, we recommend that the Lumber River within the City of Lumberton and its extraterritorial jurisdiction also be federally designated.

On April 27, 1998, the Lumberton City Council unanimously passed an ordinance that amended the city's code by establishing a Lumber River Protection Overlay District. The adoption of this ordinance serves to further protect the river and its corridor through Lumberton, particularly for riparian lands not already owned by the city.

Adoption of the Lumber River Protection Overlay District ordinance by the City of Lumberton establishes the mechanism to protect the river without federal management. Its adoption means that the segment of river within the City of Lumberton and its extraterritorial jurisdiction now meet the fourth requirement for wild and scenic river designation. Therefore, this segment of river should also receive federal designation.

The state will continue to work with local governments, conservation groups, private landowners and others to obtain additional protection for the remaining segment of the river not currently eligible for federal designation. Perhaps it too can be designated in the future if a suitable management plan can be developed.

Thank you for your efforts to obtain federal designation for this wonderful river.

PKM/RKH

NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES



JAMES B. HUNT JR.  
GOVERNOR

WAYNE McDEVITT  
SECRETARY

MEMORANDUM

TO: Chrys Baggett  
State Clearinghouse

FROM: Melba McGee *W*  
Environmental Review Coordinator

RE: 98-0684 Lumber River Wild and Scenic River Study  
Report

DATE: May 29, 1998

The Department of Environment and Natural Resources has reviewed the proposed information. The attached comments are for the applicant's information.

Thank you for the opportunity to review.

attachments

RECEIVED  
JUN 1 1998  
N.C. STATE CLEARINGHOUSE



NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF PARKS AND RECREATION

June 2, 1998



Ms. Mary Rountree  
Southeast Regional Office  
National Park Service  
1924 Building  
100 Alabama Street, S.W.  
Atlanta, Georgia 30303

Re: Lumber River Wild & Scenic River Study Report

Dear Ms. Rountree:

The Division of Parks and Recreation enthusiastically supports the recommendation of the draft Wild and Scenic River Study Report to add 64 miles of the Lumber River to the National Wild and Scenic River System. In addition, we recommend that the Lumber River within the City of Lumberton and its extraterritorial jurisdiction also be federally designated.

On April 27, 1998, the Lumberton City Council unanimously passed an ordinance that amended the city's code by establishing a Lumber River Protection Overlay District. The adoption of this ordinance serves to further protect the river and its corridor through Lumberton, particularly for riparian lands not already owned by the city. A copy of the ordinance is enclosed for your reference.

Adoption of the Lumber River Protection Overlay District ordinance by the City of Lumberton establishes the mechanism to protect the river without federal management. Its adoption means that the segment of river within the City of Lumberton and its extraterritorial jurisdiction now meet the fourth requirement for wild and scenic river designation. Therefore, this segment of river should also receive federal designation.

The state will continue to work with local governments, conservation groups, private landowners and others to obtain additional protection for the remaining segment of the river not currently eligible for federal designation. Perhaps it too can be designated in the future if a suitable management plan can be developed.

Thank you for your efforts to obtain federal designation for this wonderful river.

Sincerely,



Philip K. McKnelly

PKM/RKH

Enclosure

NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF PARKS AND RECREATION



June 5, 1998

JAMES B. HUNT JR.  
GOVERNOR

Ms. Mary Rountree  
Southeast Regional Office  
National Park Service  
1924 Building  
100 Alabama Street, S. W.  
Atlanta, Georgia 30303

WAYNE MCDEVITT  
SECRETARY

Dear Mary:

DR. PHILIP K. MCKNELLY  
DIRECTOR

On April 27, 1998 the City Council of Lumberton adopted the enclosed ordinance establishing the Lumber River Protection Overlay District. The ordinance serves to further protect the river and riparian lands through Lumberton and its extraterritorial jurisdiction. Adoption of the ordinance means that almost all of Segment III of the National Park Service's draft 2 (a) (ii) study report now meets the last requirement for federal designation.

Also enclosed is a copy of a resolution passed by the City Council of Lumberton that supports the inclusion of Segment III as a Federal Wild and Scenic River. The State supports inclusion of this segment in addition to the 64 miles recommended in the draft study report.

Please let me know if there is any problem with obtaining designation for Segment III or if additional information is needed.

Thank you for your help in obtaining Federal designation for the Lumber River.

Sincerely,

Kim Huband

RKH/drp

Enclosure

**LUMBER RIVER PROTECTION  
OVERLAY DISTRICT**



**Section 35-141 Lumber River Protection Overlay District.**

**(a) OVERVIEW:**

The Lumber River Protection Overlay District ("District") shall be defined as the Lumber River within the City of Lumberton and its Extraterritorial Jurisdiction including a contiguous and parallel buffer strip which together constitute a culturally significant and environmentally sensitive river corridor.

This regulation establishes standards and requirements for the use and conservation of land and water within the District in recognition of the river's eligibility for designation under the National Wild and Scenic Rivers Act. The regulation also contributes to the regional conservation of the river corridor.

**(b) PURPOSE:**

The purposes of the Lumber River Protection Overlay District are to:

- (1) Protect life, public safety and property from flooding hazards;
- (2) Prevent any alterations to the natural flow of the river in order to maintain its recreational opportunities, environmental attributes, and historic features;
- (3) Prevent water pollution caused by erosion, sedimentation, nutrient or pesticide runoff, and poorly sited waste disposal facilities;
- (4) Enhance and preserve existing scenic or environmentally sensitive areas along the shoreline;
- (5) Conserve shore cover and encourage environmentally sensitive developments;
- (6) Preserve and maintain the groundwater table and water recharge areas.
- (7) Conserve the river's flood plain to maintain its vital ecological and flood storage functions.
- (8) Protect fisheries and wildlife habitat within and along the river.

**(c) DEFINITION OF THE BOUNDARIES OF THE DISTRICT:**

The Lumber River Protection Overlay District shall consist of the following areas:

- (1) The River which shall be defined as the area between the River's edges measured at a mean water level of 105.00 feet National Geodetic Vertical Datum of 1929, (NGVD 1929).
- (2) A Buffer Strip consisting of one hundred feet (100') measured landward and horizontally from the river's edge as defined above in subsection 35-141(c)(1).

**(d) STANDARDS AND REQUIREMENTS**

- (1) No new buildings or structures shall be erected within, or moved into, the Buffer Strip. Buildings and structures existing within the Buffer Strip on the effective date of this regulation may be maintained, repaired,

improved and enlarged provided it is done in such a way so as to minimize disturbance of vegetation and other natural features in accordance with the purposes of this regulation. Where there is construction and/or grading, the removal of trees or shrubs further than 20 feet from the edge of a foundation, or 5 feet from the edge of a graded area shall be considered disturbance of vegetation and other natural features.

- (2) New on-site septic systems, including both primary and reserve areas, may not be located within the Buffer Strip. Repairs to existing septic systems may be allowed within the Buffer Strip.
- (3) Excavation or removal of sand, gravel or other earth material within the Buffer Strip shall be prohibited. Grading or other surface alterations necessary for the primary use of the lot may be performed within the Buffer Strip provided that it is done in such a way as to minimize disturbance of vegetation and other natural features in accordance with the purposes of this regulation.
- (4) To minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen man-made structures where possible, and also to preserve aesthetic values of the natural river area, vegetation shall be maintained within the Buffer Strip. Clear cutting of trees and shrubs is prohibited within the Buffer Strip. Trees and shrubs may be selectively pruned or removed to achieve a filtered view of the river from the principal building or structure, and for reasonable private access to the river. Pruning and removal activities shall insure that (a) the stump and root structure remain in place to provide for streambank stabilization and erosion control and (b) paths to the river shall meander down to the river's edge in a manner which protects the soil and vegetation from erosion while also screening man-made structures and vehicles where possible. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed. Planting of perennial native species in the Buffer Strip is encouraged, especially where exposed soil and steep slopes exist.
- (5) No impoundments, dams or other obstructions to the flow of the Lumber River may be located within the District.
- (6) Nothing in this regulation shall prohibit the construction, installation or maintenance of sewer pipes, storm drain pipes, utility poles, sewer plant outfalls or raw water intakes, hiking paths, bridges or other municipal projects or utilities, provided that the construction and design of these projects or utilities is done in such a way so as to minimize disturbance of vegetation and other natural features in accordance with the purposes of this regulation.

(e) **SPECIAL EXCEPTION:**

Uses and activities allowed in the underlying zoning district may be permitted within the district by Conditional Use Permit subject to the requirements of Section 35-54 and only under the following specific conditions, standards and requirements.

- (1) **Special Exception for the Development of a lot existing at the time of the adoption of this regulation where there is no established principal building or use.**
- (2) **Conditions: Where there is a lot which existed at the time of the effective date of this regulation ( ) and said lot has no principal building or use, and said lot does not contain sufficient depth for a buffer strip as defined herein, or said lot contains sufficient land for the buffer strip but does not contain sufficient additional depth to permit establishing a building or use of the lot permitted in the underlying zoning district:**

**Under these conditions the City Council may approve development within the buffer strip by Conditional Use Permit subject to the following specific standards and requirements:**

- (a) **The applicant shall submit a site plan and provide documentation that the above conditions apply and that the proposal is designed to minimize disturbance within the District.**
  - (b) **The City Council shall permit a reduction of the buffer strip by no more than is necessary to provide for establishment of a principle building, structure or use permitted in the underlying zoning district and for necessary accessory buildings and structures.**
- (3) **Special Exception for the extension or enlargement of existing structures located on existing lots within the Buffer Strip.**  
**Conditions: Where there is a principle building or structure located within the Buffer Strip, and both the building or structure and the lot on which it is located existed on the effective date of this regulation. Under these conditions such building or structure may be extended or enlarged within the Buffer Strip by Conditional Use Permit approved by the City Council subject to the following standards and requirements:**  
**The applicant shall submit a site plan and provide documentation that the above conditions apply and that the proposal is designed to minimize disturbance within the Buffer Strip, especially between the River and the existing building or structure.**  
**Nothing in this section shall prohibit or require a permit for the ordinary repair and maintenance of existing buildings or structures within the District.**
  - (4) **Removal of Timber within District.**  
**The City Council may permit by Conditional Use Permit the cutting of timber for forestry management purposes provided that such cutting is performed in accordance with an approved forest management plan prepared by a qualified forester which shall be submitted with the application. The City Council may impose any additional conditions necessary to satisfy the purposes of this regulation.**
  - (5) **Special Exception for Municipal Improvement.**  
**Municipal improvements (such as water line, sewer line or needed recreational facility, necessary public access, ex. handicapped access ramp) which unavoidably must encroach upon the Buffer Strip are**

allowed provided the City demonstrates that there is no practical alternative for the provision of the needed utility or improvement outside of the District and that all measures will be taken to minimize the adverse impact of such improvement.

**(f) ACTIVITIES PERMITTED WITHIN THE DISTRICT WITHOUT A ZONING PERMIT**

The following activities may be carried out within the District without the necessity of a zoning permit.

- (1) The selective pruning or removal of trees or shrubs to:
  - (a) Maintain an existing view of the River from a principle structure;
  - (b) Provide foot access to the River by means of a path which meanders down to the River;
  - (c) Remove dead, diseased, unsafe or fallen trees and noxious plants and shrubs, and
  - (d) Promote the health and vitality of existing vegetation.
- (2) For these purposes and wherever permitted under this regulation, selective pruning and/or removal shall be done in a manner that:
  - (a) Promotes streambank stabilization and erosion control by maintaining stump and root structure wherever possible, and
  - (b) Provides the greatest possible screening of man made structures and objects.
- (3) Planting of perennial native species in the Buffer Strip is permitted and encourage, especially where exposed soil and steep slopes exist.

**(g) OTHER PERMITTED ACTIVITIES.**

Activities considered generally compatible with the purposes of this regulation shall include the following and similar activities:

- (1) Surveying and Boundary posting, including approved fences for the purpose of marking boundary lines.
- (2) Non-intensive and non-commercial recreational uses not requiring structures, such as fishing and hiking.
- (3) Family garden plots as accessory to a residential use.
- (4) Continuation of a farming activity which is in existence on the effective date of this regulation.
- (5) Fire prevention activities.
- (6) Emergency operations.

**(h) SEVERABILITY.**

If any subsection, sentence, term, or exception of this ordinance, or any application thereof to any person or circumstance is adjudged unconstitutional or invalid, such adjudication shall not affect the validity of any remaining portion of this ordinance or its application to any other person or circumstance.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUMBERTON  
SUPPORTING THE INCLUSION OF THE LUMBER RIVER LOCATED WITHIN THE  
CITY'S JURISDICTION IN THE NATIONAL WILD AND SCENIC RIVER SYSTEM  
AS A RECREATIONAL COMPONENT**

**WHEREAS**, the Lumber River is located in south-central North Carolina in the relatively flat region known as the Coastal Plain;

**WHEREAS**, the Lumber River is an outstanding and unique natural resource that flows through the center of Lumberton and is therefore freely accessible to all;

**WHEREAS**, the Lumber River has been designated as a Natural and Scenic River by the State of North Carolina and the National Parks Service of the U.S. Department of the Interior is considering including parts of the Lumber River as a "National Wild and Scenic River";

**WHEREAS**, on April 27, 1998, the City Council of the City of Lumberton adopted the attached ordinance establishing the Lumber River Protection Overlay District which protects the entire riverfront under the City's jurisdiction from inappropriate development;

**WHEREAS**, the Lumber River is protected by diverse federal, state, county and municipal laws, including the United States Cleanwater Act; the United States Emergency Management Act; the North Carolina Sedimentation and Erosion Control Act; the North Carolina Water Supply Watershed Protection Act; the Robeson County Code of Ordinances Art. VII Watershed Protection Plan, the City of Lumberton Code of Ordinances, Land Use Ordinance especially the Lumber River Protection Overlay District, (attached), and Article 23 Water Supply Watershed Protection Districts;

**WHEREAS**, most of Segment III of the National Park Services draft 2(a)(ii) Study Report is within the zoning and development jurisdiction of the City of Lumberton;

**WHEREAS**, the City Council of the City of Lumberton requests that Segment III of the draft Lumber River 2(a)(ii) Wild & Scenic River Study Report, dated January, 1998, be given a "Recreational" designation and included in the National Wild & Scenic River system;

**WHEREAS**, the City Council of the City of Lumberton also requests that if all of Segment III is not designated as "Recreational" and included in the National Wild & Scenic River System that at a minimum the following portion of Segment III be included in the National Wild and Scenic River system;

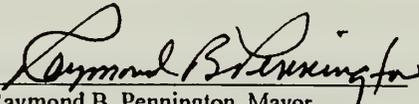
Beginning where the western line of the City of Lumberton Extraterritorial Jurisdiction boundary crosses Lumber River (the beginning also being where the western line of a tract of land described in Deed Book 20A, Page 308, reaches Lumber River and where the appropriate centerline of Contempora Drive, State Road 2513, extended reaches Lumber River). Extending from thence with the Lumber River downstream to the intersection of Jacob Swamp Canal and Lumber River.

**WHEREAS**, the citizens and the elected officials of the City of Lumberton are committed to protect the River and due to such commitment, the River is maintained in its excellent state; and

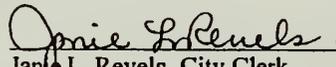
**WHEREAS**, based on positive recommendations from local residents and strong supporters, and diverse organization including the Lumber River Conservancy, Friends of the Lumber River State Park, the Parks Division of the NC Department of Environment and Natural Resources, the Lumberton Tourism Development Authority and the Lumberton Chamber of Commerce, the City Council of the City of Lumberton express its support for the inclusion of the Lumber River located within the City's jurisdiction in the National Wild and Scenic River System as a recreational component.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lumberton that it does hereby express its support for the designation of the River inside the City's jurisdiction as a recreational component of the National Wild & Scenic River system.

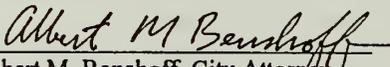
Upon motion of Councilman Shaw , seconded by Councilman Maynor, the foregoing Resolution was adopted on the 11<sup>th</sup> day of May, 1998.

  
Raymond B. Pennington, Mayor

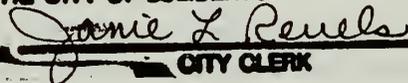
ATTEST:

  
Janie L. Revels, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
Albert M. Benshoff, City Attorney

I, JANIE L. REVELS, DULY APPOINTED AND ACTING CLERK OF THE CITY OF LUMBERTON, DO HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF A DOCUMENT ADOPTED/APPROVED BY THE CITY COUNCIL OF THE CITY OF LUMBERTON.

SEAL   
CITY CLERK



## North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor  
Betty Ray McCain, Secretary

Division of Archives and History  
Jeffrey J. Crow, Director

June 23, 1998

Mary K. Rountree  
Landscape Architect  
U.S. Department of the Interior  
National Park Service  
Atlanta Federal Center  
1924 Building  
100 Alabama Street SW  
Atlanta, GA 30303

Re: Lumber River 2(a)(ii) Wild & Scenic River Study  
Report, Hoke, Robeson, Scotland, and Columbus  
Counties, 98-C-0000-0684

Dear Ms. Rountree:

Thank you for your letter of April 17, 1998, concerning the above project.

We have conducted a review of the project and are aware of no properties of architectural, historic, or archaeological significance which would be affected by the project. Therefore, we have no comment on the project as currently proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

A handwritten signature in cursive script that reads "David Brook".

David Brook  
Deputy State Historic Preservation Officer

DB:slw

cc: State Clearinghouse



P.O. Box 2032  
Lumberton, N.C. 28359

May 3, 1998

Ms. Mary K. Rountree  
NATIONAL PARK SERVICE  
Southeast Region Office  
1924 Building  
100 Alabama St., S.W.  
Atlanta, Ga., 30303

Dear Ms. Rountree:

I would like to very strongly urge you to work to include North Carolina's Lumber River in the National Wild and Scenic River system. The River has many outstanding features, and would be attractive to a very wide segment of the population if it was granted national status ( already, it is a North Carolina Natural and Scenic River.)

Just this past week, the Lumberton City Council passed a resolution in support of the River's protection ( in the form of inclusion in the national system.)

I attended last spring's public meeting, which was put on by National Park Service officials. Also, I wrote you a letter last April expressing my support of the above designation. Once again, I want to express my strong support for inclusion of the River in the National Wild and Scenic River system.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Chandler Stewart". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

G. Chandler Stewart

COLIN P. OSBORNE, III, D.D.S.

P.O. BOX 569

407 WEST 27th ST.

LUMBERTON, N.C. 28358

(919) 738-9396

June 7, 1998

Mary Rountree  
National Park Service  
Southeast Regional Office  
Atlanta Federal Center, 1924 Building  
100 Alabama Street, SW  
Atlanta, Georgia 30303

RE: Draft Lumber River 2(a)(ii) Wild and Scenic River Study Report

Dear Ms. Rountree:

Thank you for providing me with a copy of the draft report and for an opportunity to make comments about it. It is a comprehensive document on many counts and provides valuable information about the region to both residents and newcomers to the area. The cover photo should prove enticing to the outdoor enthusiast searching for new adventure.

My comments are really few and pertain mainly to my familiarity with the resource and the processes that have brought the Lumber River to its present status as a candidate for federal recognition. Can it really be approaching ten years that we have been urging the NPS to designate the Lumber as a component of the National Wild and Scenic Rivers System? I'm enclosing copies of meeting announcements that were mailed prior to Wallace Brittain's visits to the area. He was always cautious not to promise too much, but not to be discouraging at the same time.

Also enclosed are copies of brochures we have produced over the years. They will give you a hint of some of the ways we have gone about building support for the state park. The fund raiser for the Master Plan was truly a community effort with additional financial assistance from CP&L and expertise and production by N.C. State University's Dept. of Parks, Recreation and Tourism Management. In addition to the above, you could add on page 6 that the Master Plan was developed in consultation with members of the Lumber River Citizens Advisory Committee. Appointments to the committee are made by the Secretary of the N.C. Department of Environment, Health and Natural Resources. Truthfully, it is safe to say the designation of the Lumber River State Park would not have occurred had it not been for years of work by the Lumber River Basin Committee.

Other suggestions are as follows:

Page 15... There is a high bluff at High Hill south of Lumberton. This information could be coupled with the brief description of the Princess Anne bluff.

Page 24...Under "Segment 6" the last sentence lists Segment 2 instead of Segment 6.

Page 35...The draft suggests to local communities that they might want to adopt a "plan for protecting the river..." This may be an opportunity to apprise those communities of the steps the city of Lumberton has taken with its Overlay Protection District. They may eventually develop similar measures to have the sections protected.

Page 46...You might want to add Fran to the list of hurricanes.

I disagree that portions of Section 4 do not qualify as Wild under the program. Perhaps this stretch of the river could be divided into two or three sections to allow for proper designation of certain portions. With the exception of one or two dirt road accesses and vestiges of the timber industry such as the tramway pilings and a few sloughs, this is about as primitive a stretch of river as can be found in eastern N.C.

Without some mention of the local support for the designation and the efforts by local citizens to see the process through, the document may give off the feeling of having been prepared in a bureaucratic vacuum. The mysterious, meandering dark waters of the Lumber River enrich the lives of area citizens in ways that prose can only hint at. There is a poetic connection with the gliding reality of the river that has informed the imagination of area residents for centuries. Hence the level of support. By the way, can we be certain that John Charles McNeill said Lumbee means "dark water" in native-american parlance?

I left a message on your voice mail last week about the slides I sent you earlier this year. Were you able to use any of them? If so, we would need to indicate copyright in my name on reproductions. All except one of those I sent you were mine. The one of a group of canoes with a railroad trestle in the foreground was made by Dean Williams. If you have finished with them, I would appreciate your returning the slides as soon as it is convenient.

I look forward to news of the designation. LRBC will want to plan a banquet for the formal announcement. Some celebration is definitely merited. We would like to work with you on a list of those to include in the list of invitees.

Best regards,

A handwritten signature in black ink, appearing to read "Colin Osborne, III". The signature is fluid and cursive, with a prominent initial "C" and "O".

Colin Osborne, III, DDS



# FAIR BLUFF MOTORS, INC.

U. S. 76 — P. O. Box 188

FAIR BLUFF, N. C. 28439

919 649-7531

919 649-6345 (FAX)

April 24, 1998

Gentlemen:

I am strongly in favor of making Lumber River part of the National wild and scenic river.

Thank you very much.

A handwritten signature in cursive script that reads "Willard D. Small". The signature is written in black ink and is positioned above the typed name.

Willard D. Small  
President

*RODERICK D. SANDERS*

*P. O. Box 37*

*TABOR CITY, N. C. 28463*

May 22, 1998

Ms. Mary Rountree  
National Park Service  
Atlanta Federal Center, 1924 Building  
100 Alabama Street, Southwest  
Atlanta, GA 30303

Re: Lumber River National River designation

Dear Ms. Rountree:

As a Trustee of The Lumber River Conservancy and as a landowner along the beautiful Lumber River, I want to heartily endorse the designation of certain sections of the Lumber River as a National Wild and Scenic River. The ecological and economic impact of this river in Hoke, Scotland, Robeson and Columbus counties of North Carolina and Horry and Dillon counties of South Carolina have long been appreciated by its people. The State of North Carolina has already designated this river as a Natural and Scenic River and the National Park Service recommends its inclusion as a National Wild and Scenic River.

I encourage your favorable decision to classify this river as one of our national treasures.

Yours truly,



Roderick D. Sanders

# Elvington Pharmacy, Inc.

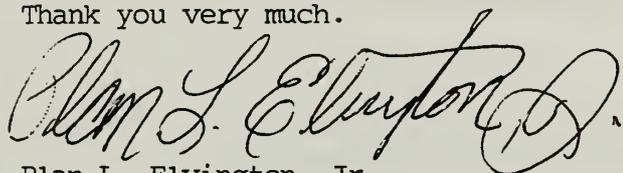
123 EAST MAIN STREET  
P.O. BOX 8  
FAIR BLUFF, NORTH CAROLINA 28439  
TELEPHONE  
(919) 649-7721 • (919) 649-6126

April 28, 1998

Mrs. Roundtree:

I am strongly in favor of the Department of Interior designating the Lumber River of North and South Carolina as part of the National Wild and Scenic Rivers of America.

Thank you very much.

A handwritten signature in cursive script, reading "Alan L. Elvington, Jr.", written in black ink.

Alan L. Elvington, Jr.

M. CARR GIBSON, R. F. #289  
405 BARKER TEN MILE ROAD  
LUMBERTON, NORTH CAROLINA 28358-8649

June 3, 1998

Ms. Mary Rountree  
National Park Service  
Atlanta Federal Center, 1924 Building  
100 Alabama Street, Southwest  
Atlanta, GA 30303

RE: Lumber River National River Designation

Dear Ms. Rountree:

Thank you very much for your pleasant and informative visit regarding above subject as we were glad to have you here.

We trust that you are as enthusiastic as we and will look favorably as to our Lumber River National River designation.

Very sincerely yours,



M. Carr Gibson

MCG:mg

cc: Mr. Roderick D. Sanders  
Mr. Dickson McLean, Jr.

**W.E. CARTER**  
Realty  
P.O. Box 750  
Raeford, NC 28376  
(910) 875-3724  
May 21, 98

**TO:** Ms. Mary Roundtree  
National Parks Service

**FROM:** W. E. Carter

This is to let you know that I support  
the National River designation for the  
Lumber River.

Sincerely,

*W. E. Carter*

DUNCAN MC Kay

26521 Hill Creek Road  
Wagram N.C. 28396  
Phone 910-369-2442  
e-mail dlmckay@carolina.net

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June 1 1998

Mrs. Mary Rountree  
National Park Service  
Atlanta Federal Center, 1924 Building  
100 Alabama Street, Southwest  
Atlanta, Ga, 30303

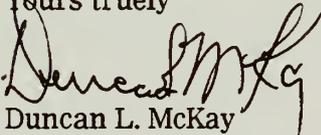
Re: Lumber River National River designation

Dear Mrs Rountree:

As a land owner bordering the Lumber River, and as a Trustee of the Lumber River Conservancy, I urge you to approve the designated portions of the Lumber River as a National Wild and Scenic River.

As an avid canoeist for many years, I have seen Rivers that have been cared for and that have not. There are few Rivers left that are as prestine as the Lumber, people in our area have cared and protected this River, it deserves the designation.

Yours truely

  
Duncan L. McKay

J. Dickson Phillips, Jr.  
529 Caswell Road  
Chapel Hill, N. C 27514

June 1, 1998

Ms. Mary Rountree  
National Park Service  
Atlanta Federal Center, 1924 Building  
100 Alabama Street, Southwest  
Atlanta, Georgia 30303

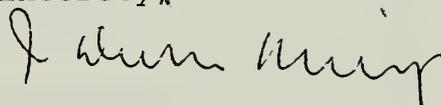
Re: Lumber River National River designation

Dear Ms. Rountree:

As a Trustee of the Lumber River Conservancy and a native of the region of North Carolina through which the Lumber River flows, I write to express the hope that the recommended designation of portions of the river as a Wild and Scenic River will be given final approval. That it meets the basic criteria I assume is attested by its recommendation for this designation. I would add only that it has the unique characteristics of those relatively few rivers of this region that rise in the sandy, pine-dominated "Sandhill" area of this region rather than, as do most of its river-systems, further to the west, above the fall-line, in the clay soils of the piedmont area. As a prime example of these few lowland "black-water" rivers, the Lumber therefore has a scenic distinctiveness among the many river systems that run south-eastwardly from the eastern continental divide to the great sounds and estuaries of the two Carolinas' coasts. It is thus in the recommended portions, not only "wild and scenic", but distinctively

so. I hope that this may be thought to add to its fitness for final designation.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Dickson Phillips, Jr.", written in dark ink.

J. Dickson Phillips, Jr.



United States  
Department of  
Agriculture

Rural  
Development

4405 Bland Road  
Raleigh, NC 27609  
(919) 873-2000  
(919) 873-2075 FAX  
TDD (919) 873-2003

June 11, 1998

**SUBJECT: H32(5010) Lumber River – Wild & Scenic River Study Report**

**TO: National Park Service  
Southeast Regional Office, 1924 Building  
100 Alabama Street  
Atlanta, GA 30303**

**ATTN: Mary Roundtree**

Dear Ms. Roundtree:

This is a response from USDA – Rural Development to your request for comments on the Lumber River – Wild & Scenic River Study Report made in your letter dated April 6, 1998 to Jan E. Shadburn, Administrator, Rural Housing Service, USDA. The letter and the study were forwarded to me for comment as State Environmental Coordinator for Rural Development in North Carolina.

Rural Development supports the preservation of unique natural resources such as the Lumber River. Rural Development has no objections to inclusion of the Lumber River as referenced in the subject report as part of the National Wild & Scenic Rivers System and sections designated scenic or recreational subject to the following considerations.

We do however have some concerns as to potential long-term impacts of this action on the viability of Rural Development loans made to the communities and towns along the Lumber River Basin through our “Water and Waste” loan program. Some of these entities may have a water treatment plant or a water intake along the river, or discharge their treated wastewater into the Lumber River or its tributaries. Several loans have been made in recent years to towns such as Maxton, Pembroke, Fair Bluff, and Fairmont, and Robeson County for water treatment facilities and/or wastewater treatment plants. The Robeson County system also purchases some of its water from the Town of Lumberton which withdraws water from the river.

Our concern centers around potential restrictions on the continued operation and on modest expansion and typical repairs on these water and wastewater systems that may be imposed or implied as a result of this action. The inclusion of the Lumber River in the

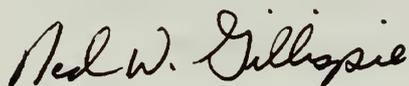
Rural Development is an Equal Opportunity Lender.  
Complaints of discrimination should be sent to:  
Secretary of Agriculture, Washington, DC 20250

National Wild & Scenic Rivers System could possibly place a financial burden on these borrowers in limiting their ability to economically make needed changes to their water and/or wastewater systems while trying to comply with the respective "Wild & Scenic Rivers" laws. This proposal could at least conceivably affect their ability to repay their Rural Development loans. Most of the entities with outstanding Rural Development loans have many years (20 – 40) left on their loans. These entities have committed to providing safe water and/or sanitary sewer to their residents. The financial viability of the towns' and communities' water and wastewater systems depend in large part upon the ability to continue to economically operate their systems, to economically accommodate modest expansion, and economically perform repairs and updates to their systems as populations increase and as time takes its toll on their infrastructure. Rural Development believes there is a very strong need for small towns and communities in the Lumber River Basin to be able to do this. Rural Development supports inclusion of the Lumber River in the Wild & Scenic Rivers System provided this accommodation can be made.

It is very unlikely that any of our other loan programs such as those for single family or multifamily homes, or community facilities would be adversely affected as they rarely are located in close proximity to major streams. However, all loan applications are reviewed for potential impacts to the human environment and important resources including Wild and Scenic Rivers in accordance with NEPA and other applicable laws.

Thank you for the opportunity to comment on this proposal. Please let me know if I can be of further assistance.

Sincerely,



Ned W. Gillispie  
NC State Environmental Coordinator for  
USDA - Rural Development

cc: Thomas V. Honeycutt, Jr. (State Engineer, Rural Development, Raleigh, NC)



June 12, 1998

BY FAX

Ms. Mary Rountree  
National Park Service  
Southeast Regional Office  
1924 Building  
100 Alabama Street,  
Atlanta, Georgia 30303

Re: Lumber River Wild and Scenic River Study Report (Jan. 1998)

Dear Ms. Rountree:

American Rivers is the nation's leading river conservation organization with more than 16,000 members nationwide, including many who live near or enjoy the wild river resources of the Lumber River. In its twenty-five year history, American Rivers has worked extensively to protect and restore rivers under the federal Wild and Scenic Rivers Act ("the Act") and other statutes and has actively assisted states and local groups with their river conservation efforts. American Rivers has extensive experience with section (2)(a)(ii) of the Act, including actions in federal court and publishing a handbook for utilizing this section of the Act.<sup>1</sup> American Rivers has also worked closely with federal, state and local agencies in numerous programs designed to protect and restore the nation's rivers.

Established in 1977, the North Carolina Chapter of The Nature Conservancy works to find, protect, and maintain the best examples of ecosystems, communities, and species native to the state. The chapter has protected 402,889 acres in the state with gifts from foundations, corporations, and 23,000 members. The chapter is a state office of The Nature Conservancy, an international, non-profit membership organization.

The Sierra Club is a national conservation organization. The North Carolina Chapter has 14,000 members.

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<sup>1</sup> Curtis, Grassroots River Protection: Saving Rivers Under the National Wild and Scenic Rivers Act Through Community-Based River Protection Strategies and State Actions (American Rivers, 1992).



For the reasons set forth below, American Rivers and The North Carolina Chapters of The Nature Conservancy and the Sierra Club support the conclusions and recommendations of the report. Moreover, we urge the Department to expedite its review of this matter so that the Lumber River can be included in the National Wild and Scenic River System by the 30<sup>th</sup> anniversary of the Act this October.

### Significance

The Lumber River is “free flowing” for its entire length in North Carolina. The draft study report (“Report”) fully documents that the river meets the statutory test for designation by possessing “outstandingly remarkable” resource values in five categories: recreation; fish; wildlife; scenery; and botany. The report also documents that the Lumber River is also “one of the most highly prized recreation sites in North Carolina.”<sup>2</sup>

The report also appropriately emphasizes the fact that the Lumber River represents a prime example of a blackwater, bottomland hardwood forest river, a category that is under-represented in the national river system. The river has many areas which consist of heavily forested cypress swamps (including some of “old growth”), and an exceptional diversity and abundance of plants and animals. The Lumber River’s essentially undeveloped blackwater river resources are an important part of the nation’s natural heritage and deserve the protection and recognition afforded by inclusion in the National Wild and Scenic Rivers System.

### Outstandingly Remarkable Values

There are compelling findings that document the Lumber River’s “outstandingly remarkable” values. Two categories, wildlife and botany, deserve special emphasis.

The report lists three wildlife species found along the Lumber River that are listed as threatened or endangered by the U.S. Fish and Wildlife Service: the red-cockaded woodpecker; the bald eagle; and the American alligator.<sup>3</sup> And there are nearly a “baker’s dozen” of species included in the federal list of “Species of Special Concern” that depend upon the habitat of the Lumber River.<sup>4</sup> The report’s conclusion that “wildlife is an outstandingly remarkable resource of the Lumber River” is amply justified.

The report also highlights the “broad range of uncommon plants and . . . high-quality natural habitats” in the river corridor.<sup>5</sup> The river corridor has high quality natural communities and habitats for rare species along the river’s entire length. At least six rare plant species are identified with the Lumber River.

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<sup>2</sup> Report at 41.

<sup>3</sup> Report at 12.

<sup>4</sup> Report at 12 – 13.

<sup>5</sup> Report at 18.

## Classification

We agree with the proposed classifications of river segments set forth in the report.

## Evaluation of Protection and Management

The report proposes to designate all segments of the Lumber River in North Carolina except 51 miles of the middle segments. In the case of the segments proposed for designation, the report relies not only on the North Carolina Natural and Scenic Rivers Act, which protects designated river segments from state-authorized water projects, but also upon state legislation that created the Lumber River State Park, including authorization of acquiring land and conservation easements. A Master Plan is now in place for these segments, and we agree that federal designation of these segments is consistent with the requirements of section 2(a)(ii).

The report does not propose to designate the "middle" 51 miles of the river, due to the lack of "any real protection" for this area<sup>6</sup>. We agree with this conclusion; however, as more fully described below, there may be actions at the local level that warrant at least a partial reconsideration of this conclusion.

It is noteworthy, for example, that when the state legislature agreed to designation of a segment of the New River under the "Natural and Scenic Rivers Act of 1971," it also required the state Department of Environment, Health, and Natural Resources to prepare and implement a management plan for this segment.<sup>7</sup> The legislature also required the Department to prepare an annual status report "on the progress made in implementing the management plan".<sup>8</sup> Such a mandate, however, is totally lacking in the subsequent designation by the state legislature of the Lumber River<sup>9</sup>, and the middle section was not proposed as part of the state park system. In effect, the legislature made its own judgments as to which segments of the river warranted the highest degree of protection.

The other provisions of the state Natural and Scenic Rivers Act appear to provide only a minimum level of protection to designated rivers, largely protection from state-authorized water projects. This leaves many other areas of potential development of the middle segment of this river largely unregulated. For these reasons American Rivers and the North Carolina Chapters of both The Nature Conservancy and the Sierra Club concur with the National Park Service that the requirements of section 2(a)(ii) of the federal Wild and Scenic Rivers Act of 1968 have not yet been met for the 51-mile segment.

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<sup>6</sup> Report at 35.

<sup>7</sup> See N.C. Statutes, section 113A-35.1(a).

<sup>8</sup> See N.C. Statutes, section 113A-35.1(b).

<sup>9</sup> See N.C. Statutes, section 113A-35.2.

However, we strongly endorse the approach that NPS has taken to the 51-mile segment not proposed for designation, which takes two forward-looking actions:

- (1) it completes the full assessment of the excluded river segment under the Wild and Scenic Rivers Act of 1968, including the requisite Environmental Assessment, and finds that all standards have been met except for the lack of sufficient state or local protection; and
- (2) it sends a strong signal to the state, the county and the City of Lumberton that if any of them act to provide the requisite protection, whether by enacting a zoning ordinance or developing a management plan for protection of this segment of the river, or both, the Department of the Interior can proceed promptly to designation, without the requirements of an additional study.

We are hopeful that state and local authorities will move forward in this way. The Lumber River represents an important potential addition to the National River System, for all the reasons described so well in the NPS report. Indeed, the entire Lumber River is worthy of designation under the Wild and Scenic Rivers Act, once the requisite state or local protections have been enacted.

It is noteworthy that the city of Lumberton lies within the 51-mile segment proposed for exclusion from federal designation. From recent press reports it appears that city officials there desire to gain the benefits of federal designation of the portion of the river within the city's boundaries. Indeed, apparently in response to the NPS proposals, the Lumberton City Council has already authorized creation of the "Lumber River Protection Overlay District", designed to protect the natural character of the shoreline within city limits. Communities around the nation are increasingly recognizing that their hometown rivers are environmental and economic assets worth protecting. Lumberton has many models it can look to as it seizes the economic benefits of a protected river.

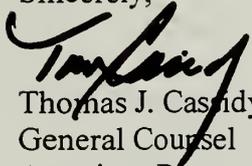
We urge the National Park Service to review the text of these new regulations promptly. If these regulations contain the necessary protections for the segment of the Lumber River within the city's jurisdiction, American Rivers and the North Carolina Chapters of both The Nature Conservancy and the Sierra Club support prompt designation of this segment of the river as well.

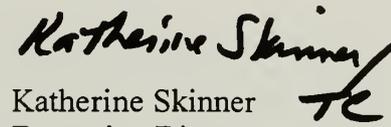
#### The Proposed Designation Order Should Be Promptly Issued

This is the 30<sup>th</sup> Anniversary Year of the National Wild and Scenic Rivers Act. American Rivers was founded twenty-five years ago largely to promote designation of rivers under this Act. From this perspective, there is much to celebrate, with over 150 rivers and nearly 11,000 miles of American rivers now designated under the Act.

American Rivers, The Nature Conservancy's North Carolina Chapter, and the North Carolina Chapter of the Sierra Club encourage the Department of the Interior to complete its final review of the proposed report and so that Secretary can approve the designation of the Lumber River prior to or on October 2, 1998, the thirtieth anniversary of the passage of the Act. Designation of the Lumber River would be an appropriate celebration of the passage of the Act.

Sincerely,

  
Thomas J. Cassidy, Jr.  
General Counsel  
American Rivers

  
Katherine Skinner  
Executive Director  
The Nature Conservancy  
North Carolina Chapter

  
Molly Diggins  
State Director  
The Sierra Club  
North Carolina Chapter

cc: Governor James B. Hunt, Jr. (N.C.)  
Bruce Babbitt, Secretary of the Interior  
Don Barry, Assistant Secretary for Fish, Wildlife and Parks  
Katie McGinty, Chair, Council on Environmental Quality  
Chris Brown, NPS  
Dan Haas, NPS  
Jerry Thompson, Lumber River Basin Commission  
Diane Isom, Lumbar River Canoe Club  
Carolina Canoe Club  
Kim Huband, NC Department of Natural Resources





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
100 ALABAMA STREET, S.W.  
ATLANTA, GEORGIA 30303-3104

JUL 8 1998

4EAD/OEA

Robert Stanton, Director  
National Park Service  
Southeast Regional Office  
1924 Building  
100 Alabama Street  
Atlanta, GA 30303

Dear Mr. Stanton:

This letter is in response to your correspondence to Administrator Carol Browner dated April 6, 1998, regarding the draft *Lumber River 2(a)(ii) Wild & Scenic River Study Report* and environmental assessment prepared by the National Park Service. Your letter was referred to the Environmental Protection Agency (EPA) Region 4 for response.

EPA has evaluated the referenced document in accordance with EPA's responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The proposed action is the designation of portions of the Lumber River as a National Wild and Scenic River. Designated rivers receive protection from new hydropower projects, federal water projects, and other federally assisted water-resource projects that would alter the river's free-flowing characteristics or have a direct and adverse effect on the river's outstanding resources.

EPA supports Alternative B: National Wild and Scenic River (NWSR) Designation. Under this alternative, portions of the Lumber River would be designated as a state-administrated component of the national system. Most land uses and activities on public lands would continue at their current intensity but could be prohibited from increasing in either intensity or amount if they adversely affect the outstanding resource values. Federal designation would not affect private lands. Existing land uses and activities on private lands would be allowed subject to state and local laws, restrictions, and land use plans.

There are a total of six segments of the Lumber River being proposed for the NWSR designation. The NWSR designation itself does not provide any water quality protection, and as stated in the Study Report, water quality is a factor when considering a segment for a wild (natural) classification. The segments on the Lumber River being considered for the NWSR designation qualify only for the scenic and recreational classifications but not for the wild (natural) classification.

The upper half (segments 1 and 2) of the river is designated a High Quality Water (HQW), (defined in North Carolina Department of Environment and Natural Resources Division of Water Quality, Administrative Code Section: *15A NCAC 2B .0200 Classifications and Water Quality Standards Applicable to Surface Waters and Wetlands of North Carolina*). These segments are also designated for Class C freshwater uses and the water quality standards associated with this designation provide for the protection and propagation of aquatic life and wildlife and all other supplemental designation uses. The HQW designation provides special protection management strategies intended to prevent degradation of water quality below present levels from both point and nonpoint sources. HQW requirements for new or expanded NPDES permitted facilities address oxygen-consuming

wastes, total suspended solids, disinfection, emergency requirements, volume, nutrients (in nutrient sensitive waters) and toxic substances. For nonpoint source pollution, development activities which require Erosion and Sedimentation Control Plans in accordance with rules established by the North Carolina Sedimentation Control Commission or local erosion and sedimentation control program approved in accordance with 15A NCAC 4B.0218, and which drain to and are within one mile of high quality waters, will be required to control runoff from the one-inch design storm using either a low density or high density option described in the rules.

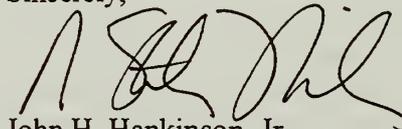
The lower half (segments 3 - 6) of the portion of the river proposed for the NWSR designation is not designated a HQW. These stream segments are designated for Class C freshwater uses and the water quality standards associated with this designation provide for the protection and propagation of aquatic life and wildlife and all other appropriate supplemental designation uses.

All segments of the Lumber River proposed for NWSR designation were rated in the May 1994 Lumber River Basinwide Water Quality Management Plan as supporting designated uses. However, other tributaries feeding into the mainstem of the Lumber along this stretch have been rated as not supporting or partially supporting their uses. The water quality in these portions has been impacted by point source discharges as described in the Water Quality Management Plan. The use support ratings will be evaluated again in the revised 1999 Lumber River Basinwide Water Quality Management Plan. As described in Option B, four of the considered six segments are proposed to receive the NWSR designation.

EPA will assist the National Park Service and the State of North Carolina in maintaining water quality to the extent allowed by our authority. We note that under Alternative B there would be no impacts from NWSR designation to agriculture, including cotton, soybeans, tobacco and livestock, primarily hogs. Because of new and expanding swine confined animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) in North Carolina, there may be future expansion in the region that could impact water quality in the newly-designated Wild and Scenic River at some future date. There are AFOs and CAFOs in the Lumber River watershed at this time. CAFOs with more than the number of animals specified in 40 CFR 122.23 and Appendix B (i.e., 2,500 swine weighing 55 pounds or more) must operate with no-discharge waste management systems with the exception that a discharge may occur during a 24-hour, 25-year storm event. Any new facilities in the region must comply with North Carolina water quality protection laws and requirements and with requirements of the federal Clean Water Act.

Thank you for the opportunity to review this study report and environmental assessment. If you have any further questions or comments on this review, do not hesitate to contact me.

Sincerely,



John H. Hankinson, Jr.  
Regional Administrator

CC: Mary Rountree, NPS



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

98-02290  
Spangler

REPLY TO  
ATTENTION OF:

Planning Division  
East-West Planning Management Branch

8 JUL 1998

Mr. Robert Stanton, Director  
U.S. Department of the Interior  
National Park Service  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Mr. Stanton:

Thank you for providing this office a copy of the draft Lumber River 2(a)(ii) Wild & Scenic River Study Report, which includes an Environmental Assessment, for review. We are well aware of the outstanding natural resource values which are present in the Lumber River basin and, for this reason, support the designation of the three recommended reaches.

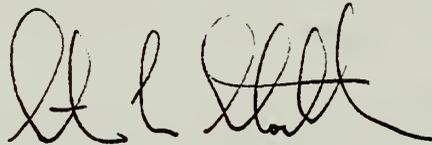
In previous correspondence with the Southeastern Regional Office of your agency, the Wilmington District, U.S. Army Corps of Engineers, has expressed reservations about the ability of the Corps and the State of North Carolina to adequately protect the river. Without additional State safeguards and commitments to protection through rules and legislation, we remain concerned that the river will ultimately be degraded by the many activities occurring in the basin which are beyond the scope of existing State regulations and cannot be regulated by the Corps under Section 404 of the Clean Water Act. These include such activities as logging and silvicultural activities which are exempt from section 404 regulation, continued municipal, industrial, and agricultural waste discharges, golf course and farm runoff, ditching and draining of wetlands through perimeter ditching, and other means not regulated under section 404. While the subject document recognizes most of these continuing threats, it does not indicate there is any clear strategy on the part of the State for assuring their cumulative effects will not significantly degrade the natural values which the designation is seeking to protect.

In support of your efforts to protect the outstanding natural values present in the Lumber River, the Wilmington District will request a regional assertion of discretionary authority over section 404 activities in the river basin from the South Atlantic Division once the recommended segments of the basin are officially designated as components of the system. The discretionary authority would require future applicants for section 404 authorization submit a preconstruction notification (PCN) for work under a Nationwide Permit or Regional General Permit. The PCN's would be sent to your agency for review and comment within a certain time period. The Corps would then consider the views of your agency in determining if

the activity could proceed under the Nationwide Permit, Regional General Permit, or would require review under a standard permit with full public interest review.

We appreciate the opportunity to review the draft report.

Sincerely,

A handwritten signature in black ink, appearing to read "S. L. Stockton". The signature is fluid and cursive, with the first and last names being more prominent.

Steven L. Stockton, P.E.  
Acting Chief, Planning Division  
Directorate of Civil Works

*City of*  *Lumberton*

*Office of The City Attorney*

May 15, 1998

Mary Rountree  
National Park Service  
Southeast Regional Officer  
U.S. Department of Interior  
Atlanta Federal Center  
1924 Building  
100 Alabama St. S.W.  
Atlanta, GA 30303

RE: Resolution of Support

Dear Ms. Rountree:

Enclosed is a certified copy of the Resolution of the City Council of the City of Lumberton Supporting the Inclusion of the Lumber River Located Within the City's Jurisdiction in the National Wild and Scenic River System as a Recreational Component passed by the City Council at its meeting on May 11, 1998.

If you need any further information or have any questions, please do not hesitate to contact me.

Very truly yours.

  
Albert M. Benshoff, AICP  
City Attorney

AMB/bmg  
Enclosure:  
cc: Dickson McLean w/Attachments

C:\Letters\Roundtree National Park Service



# LUMBERTON

*North Carolina*

May 21, 1998

Ms. Mary Rountree  
Landscape Architect  
Southeast Regional Office  
1924 Building  
100 Alabama Street S.W.  
Atlanta, GA 30303

Dear Ms. Rountree,

Enclosed with this letter is a resolution adopted by the Lumberton Tourism Development Authority, a non-profit board formed by the North Carolina General Assembly and appointed by the Lumberton City Council, endorsing the River Protection ordinance and recommending that all sections of the Lumber River be included as a recreational component in the National Wild and Scenic River Designation.

The City Council and concerned citizens have come together to ask that you consider the entire Lumber River as part of this wonderful system of the National Park Service.

We appreciate your time and support.

Sincerely,

John McLellan, Chair  
Lumberton Tourism Development Authority

cc: Mr. Jerry Belson  
Mr. Dickson McLean

## **RESOLUTION OF THE LTDA SUPPORTING THE ADOPTION OF THE LUMBER RIVER PROTECTION OVERLAY ZONING DISTRICT**

WHEREAS, the Lumber River is an outstanding and unique natural resource that flows through the center of Lumberton and is therefore freely accessible to all;

WHEREAS, the Lumber River has been designated as a Natural and Scenic River by the State of North Carolina and the National Parks Service of the U.S. Department of the Interior is considering including parts of the Lumber River as a "National Wild and Scenic River";

WHEREAS, the publicity generated by inclusion of the Lumber River on the Wild and Scenic River system will result in increased visitation by tourists to Lumberton and the mission of the LTDA is to increase overnight stays by tourists in Lumberton; and

WHEREAS, additional zoning protection of the Lumber River is necessary to secure the National Wild and Scenic River designation and to protect the Lumber River as a great natural asset for future generations, and

WHEREAS, the increased use of motorized personal watercraft on the Lumber River is accelerating erosion and disturbing the serenity of the River and adjoining properties; and

WHEREAS, motorized personal watercraft operated within the City limits should be operated safely and at slow speeds so as to reduce their negative impacts

NOW, THEREFORE BE IT RESOLVED that the Lumberton Tourism Development Authority does hereby support the creation of the Lumber River Protection Overlay District, its application to a corridor along the Lumber River and the inclusion of the Lumber River as a component of the national "Wild and Scenic Rivers" program, as administered by the National Park Service.

BE IT FURTHER RESOLVED that as it is the statutory responsibility of the City Council of the City of Lumberton to adopt all zoning measures for the City of Lumberton, the LTDA joins with the Lumber River Conservancy the Friends of the Lumber River State Park and the Parks Division of the NC Dept of Environment and Natural Resources in recommending to the City Council that increased zoning protection be extended to the Lumber River as such protection is afforded by the proposed Lumber River Protection Overlay District.

AND BE IT FURTHER RESOLVED that the Lumberton Tourism Development Authority does hereby petition the City Council to establish a "no wake" zone for motorized watercraft within the City limits and to pass such other ordinances that will lessen noise, erosion and other negative impacts of said watercraft.

Upon motion made and seconded, the LTDA adopted the foregoing Resolution on this the twenty-first day of April, 1998..

# LUMBERTON

NORTH CAROLINA

May 18, 1998

Ms. Mary Rountree  
National Park Service, SE Regional Office  
Atlanta Federal Center, 1924 Building  
100 Alabama Street, S.W.  
Atlanta, Georgia 30303

Dear Ms. Rountree;

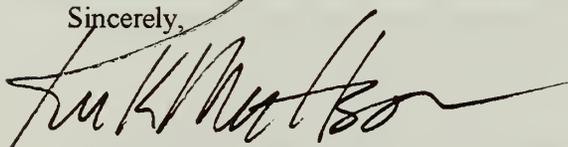
I write regarding the designation of a portion of the Lumber River being included in the Wild and Scenic category of rivers. This is a most prestigious honor and I sincerely wish that you include that portion of the Lumber River that flows within the City Limits of Lumberton. It is a very unusual setting to be so 'in the City'.

While I am writing this as a citizen of the area, I also serve as the Economic Development officer with the City and it is quite easy to be able to appreciate the opportunities the river affords. With the national designation as part of the Wild and Scenic program, we should be able to both better promote and better preserve this great natural resource. These are the two elements needed to make sure this type of resource is available in the years to come. When dollars can be made by maintaining it, it will be maintained! The greatest maintenance will likely being sure it's not disturbed. Your listing alone is promotion that will increase traffic to this area.

Our City fathers have designated a buffer zone on either side of the river in both the City of Lumberton and all its extraterritorial jurisdiction. This action did get much publicity that was 100% pro river preservation. Some small amount was anti-City for creating 'more regs'.

As the Lumber River flows through the City of Lumberton, it has easy access. One can easily get in and out of the river as well as be able to image how much prettier it can get 'out of town'. This preview offers an exciting way to quickly show off a lovely black river. Most visitors will want to see more---they'll be hooked. The State of North Carolina saw a number of advantages in including this piece in their adoption of the Lumber River. I hope you concur.

Sincerely,



Kirk Mattson

THE LUMBER RIVER CONSERVANCY

P.O. DRAWER 1087

LUMBERTON, N.C. 28359

May 26, 1998



Ms. Mary Rountree  
National Park Service  
Atlanta Federal Center, 1924 Building  
100 Alabama Street, Southwest  
Atlanta, GA 30303

Re: Lumber River National River designation

Dear Ms. Rountree:

The Lumber River Conservancy is a nonprofit organization dedicated to preserving and protecting our beautiful, wild, scenic Lumber River.

We are active in four counties in North Carolina and landowners in these counties have donated twenty-two tracts of land and more than eleven hundred acres to us, showing the recognition by people of these counties that they have a remarkable resource in our river.

We are attaching a copy of the resolution of our trustees recommending that the National Park Service designate the Lumber River as a National Wild and Scenic River and request that you take favorable action to this effect.

Very truly yours,

THE LUMBER RIVER CONSERVANCY

By: 

M. Carr Gibson, Chairman

RESOLUTION BY THE BOARD OF TRUSTEES  
OF THE LUMBER RIVER CONSERVANCY

WHEREAS, the Lumber River has been designated by the State of North Carolina as a Natural and Scenic River; and

WHEREAS, the National Park Service in the U. S. Department of Interior for some time has been making a study of the Lumber River, and after its study made at length and in depth, on April 1, 1998, issued its report recommending that sections of the Lumber River be designated as a National Wild and Scenic River, such sections being the northern section of 22 miles from State Road 1412 to the Scotland County and Robeson County line, and the southern section of 43 miles from Jacob Branch to the North Carolina and South Carolina state line, and the City of Lumberton has adopted a River Protection Ordinance and has requested that the section through the Lumberton area also be designated a recreational component of the National Wild and Scenic River designation; and

WHEREAS, the Lumber River is a free flowing river and possesses outstandingly remarkable values.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Lumber River Conservancy that it expresses its support for the designation of the Lumber River by the National Park Service and the Department of Interior as a National Wild and Scenic River having outstandingly remarkable values; and

This Board endorses the designation of the northern section of the Lumber River for the 22 miles from State Road 1412 to the Robeson-Scotland County lines and the southern section of the Lumber River for the 43 miles from Jacob Branch to the North Carolina-South Carolina state line as a National Wild and Scenic River, and the inclusion and classification of the portion of Lumber River which flows through the City of Lumberton and the Town of Fair Bluff as recreational components of the Natural and Scenic River;

RESOLVED FURTHER that a copy of this Resolution be forwarded to the National Park Service for its consideration in making its final designation of the Lumber River as a National Wild and Scenic River.

# LUMBERTON

CROSSROADS OF CULTURES

June 29, 1998

Ms. Mary Roundtree, Landscape Architect  
National Park Service  
Southeast Regional Office  
1924 Building  
100 Alabama Street, S.W.  
Atlanta, Georgia 30303

Re: Lumber River National Designation

Dear Ms. Roundtree:

The Lumberton Area Chamber of Commerce requests your diligent efforts to include the Lumber River as a recreational component in the National Wild and Scenic River Designation. Robeson County is experiencing reductions in workforce in three of our major employers, therefore, this project is vital to our economy.

Thank you for any assistance you can give.

Sincerely,



Becky Bullard  
Chairperson of the Board

cc: Mr. Dickson McLean  
Mr. Carr Gibson  
Mr. Jerry Belson, Regional Director





NCDPR – GMP Section - 0027