



United States
Department of
Agriculture

Forest
Service

White Mountain National Forest
Saco Ranger District

33 Kancamagus Highway
Conway, NH 03818
Comm: (603) 447-5448
TTY: (603) 447-3121

File Code: 1950-1

Date: December 12, 2007

A Letter to Interested Parties of the White Mountains

Dear Stakeholder,

This letter is regarding the final version of the Chase Hill Project Environmental Assessment (EA) December, 2007, and the Decision Notice and Finding of No Significant Impact (Fonsi).

If you are thinking you have seen this before, you are probably right. There was a previous Decision Memo for the Chase Hill Project signed December 11, 2006. That Decision Memo was appealed on January 18, 2007. Though there was support for the project from organizations and agencies interested in its benefits to threatened and endangered species, the Decision Memo was reversed to the Saco District Ranger upon appeal, with guidance to more fully disclose for public review any future actions necessary to meet the project's purpose and need.

We have completed the additional documentation, providing more information and more accurately defining the scope of the project in this EA, including additional analysis and are now providing you with a Final EA, and with a Decision Notice/Fonsi.

A Legal Notice of the Decision for this EA is being published in the *Conway Daily Sun* and the *Manchester Union Leader*, this week. These documents are also posted on our White Mountain National Forest web page (www.fs.fed.us/r9/forests/white_mountain).

If you have questions regarding the proposed Chase Hill Project, please contact Rod Wilson (Ext. 120) or me (Ext. 102) at the address and phone number listed in the letterhead. Thank you for your interest.

Sincerely,

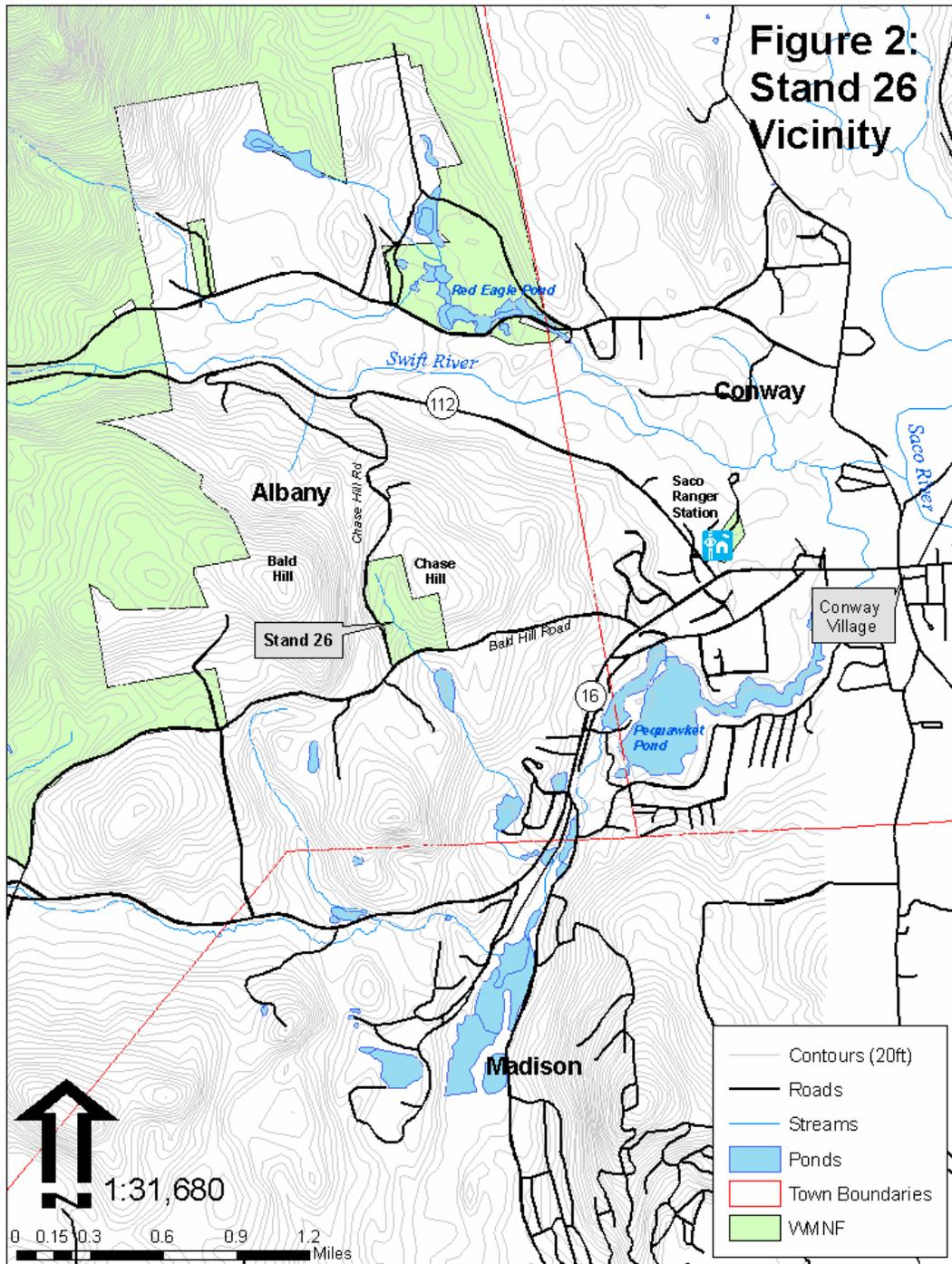
/S/ RICK ALIMI, FOR

TERRY MILLER
District Ranger

Attachments: Chase Hill Project Environmental Assessment, and DN/Fonsi



Chase Hill Project Map



**Decision Notice and
Finding of No Significant Impact**



**Chase Hill
Vegetation Management Project**

1.0 Background

The Chase Hill Vegetation Management Project is located in the Town of Albany in Carroll County, New Hampshire, on the Saco Ranger District of the White Mountain National Forest. Management activities are proposed for Stand 26 of Compartment 78, a 57-acre stand on Chase Hill bounded by Chase Hill Road on the west, Bald Hill Road on the south, and private land boundaries on the north and east. The stand is surrounded on all four sides by private land.

There are several small populations of small whorled pogonia (or *Isotria medeoloides*), a Federally-listed threatened orchid, within the stand. The Forest Service has long been interested in taking the type of action in the stand that might enhance its chances for survival, or even propagation of more plants or populations. Previous minor actions to mechanically (with hand tools) remove competing saplings, seedlings, and herbaceous vegetation, in 2003, were modestly successful in improving the viability of current small whorled pogonia populations.

This proposed project has evolved over a period of 3-4 years. Its primary objective is and has been to manage the stand and site in a way that enhances chances for survival or expansion of the threatened plant in Stand 26. Recent successful efforts elsewhere suggest that further daylighting of the understory and soils through partial harvest is likely to be successful in enhancing or expanding pogonia habitat. (Brumback, W.E., C. Fyler, S. Cairns, M. Sperduto, 2005; Lougee, Jeff and Sara Cairns, 2002.) The proposed treatments have been supported by specialists and conservation organizations interested in advancing the protection and survival of small whorled pogonia. This treatment could provide valuable monitoring data to help determine how to effectively manage the species elsewhere in the region. A secondary objective is to use this opportunity to improve an oak-pine stand, and if possible, to enhance chances to retain the oak-pine forest on this site.

The Proposed Action was previously part of a Categorical Exclusion and Decision Memo signed by me on December 11, 2006. The decision was administratively appealed by Tin Mountain Conservation Center on January 18, 2007, and was reversed by the Appeal Deciding Officer Tom Wagner on March 14, 2007 “on the narrow issue of public disclosure”. An Environmental Assessment was prepared that evaluates the Proposed Action and Alternatives, and analyzes their likely environmental effects. It is the document on which this Decision Notice is based.

2.0 Purpose and Need for Action

The ultimate purpose for the Chase Hill Project is to implement the Land and Resource Management Plan (or “Forest Plan”) for the White Mountain National Forest (WMNF). Consistent with the Forest Plan, the Saco Ranger District is proposing to meet the following Forest Plan Goals and Objectives at Chase Hill:

- *Small whorled pogonia goal (LRMP pg 1-9): Maintain or enhance habitat conditions around known occurrences, including consideration of vegetation management to increase light levels if needed.*
- *Vegetation Management goal (LRMP pg. 1-17): The White Mountain National Forest will manage vegetation using an ecological approach to provide both healthy ecosystems and a sustainable yield of high quality forest products, with special emphasis on sawtimber and veneer.*
- *Wildlife – LRMP pg. 2-20): Maintain less common habitat types, such as aspen-birch and oak-pine, where ecologically feasible and desirable to provide for native and desired non-native wildlife and plant species.*

Forest Plan Standards and Guidelines provide further guidance encouraging such efforts to enhance small whorled pogonia habitat:

- *Rare and Unique Features – Small Whorled Pogonia (LRMP pg. 2-14): Known small whorled pogonia colonies should be evaluated to determine the potential for natural colonization of surrounding habitat that becomes functionally suitable over time. Actions may be taken that would benefit existing colonies or encourage additional colonization, e.g., removing trees to reduce canopy cover allowing more sunlight to reach the forest floor.*

The Chase Hill project offers an ideal opportunity to accomplish the above goals on a single site. The project area lies in Management Area 2.1, whose purpose it is to provide a balanced mix of habitats and provide high quality sawtimber and other timber products on a sustained yield basis. The EA elaborates on the reasons for developing a Proposed Action on the Chase Hill site, which is one of only two known small whorled pogonia (SWP) sites on the WMNF.

The purpose, or objective, of the “Chase Hill Project” is as follows:

1. to enhance and expand habitat for the pogonia
2. to determine if some scarification of the soil enhances germination of pogonia
3. to increase vigor and stimulate seed production of the residual trees
4. to maintain the oak/pine forest type

The goal of applying forestry to this stand is to reduce the stand density and influence species composition of Stand 26 through active management favoring the oak-pine forest type and to enhance conditions for survival of SWP (see EA, Chapters 1.3 and 2.2).

In addition to the obvious goal of enhancing growth of SWP populations on this site, another important goal of this project is to learn more about *Small whorled pogonia's* response to commercial forest management. Monitoring of the results is considered an integral part of the proposed action. The results of the project will enable the Forest Service (FS) to provide insight to timberland owners who may seek to manage private lands containing this rare species.

3.0 Decision

The Environmental Assessment examines two alternative ways of addressing the Purpose and Need for Action in the Chase Hill project area, in addition to the No-Action alternative. I have determined that the EA and project record provide sufficient detail to make an informed decision and select an alternative to implement. I am satisfied that public involvement has been sought and issues adequately addressed, given the very limited scope of this action.

I base my decision on the EA, the direction provided in the Forest Plan (and associated Final Environmental Impact Statement), the Finding of No Significant Impact (FONSI), input from specialists and the ID team, input from botanists and biologists from other organizations such as the U.S. Fish & Wildlife Service and The Nature Conservancy, and on public comments provided through the Public Involvement process.

This project is planned under the regulation at 36CFR 219.35 (2000) and the Interpretative Rule of September 29, 2004. As required by 36 CFR 219.35, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

3.1 The Decision

I have decided to implement **Alternative 3** as described in the Environmental Assessment (EA), Chapter 2.2 – Description of Alternatives. This alternative would entail commercial thinning to a basal area stocking level of approximately 90-100 square feet/acre, for the entire ~57 acre stand. This would be followed by one or more post-harvest habitat enhancement treatments to favor small whorled pogonia in at least a portion of the stand, in the vicinity of SWP. The post-harvest treatment(s) would be a hand or mechanical removal of trees less than 5” in diameter. The SWP population would be monitored to determine the effect of the harvest and habitat enhancement on the population and whether additional habitat enhancement treatments are necessary.

A connected action for this alternative would be the construction of a temporary landing approximately one acre in size off the Chase Hill Road.

3.2 Reasons for the Decision

I have selected Alternative 3 for several reasons.

It addresses our purpose and need for action. In tandem with the associated habitat enhancement treatments described in Alternative 3, thinning Stand 26 will accomplish the stated objectives for management of a threatened species (small whorled pogonia) and oak-pine forest. Based on input from botanists, biologists, and foresters, it offers an outstanding opportunity to not only enhance a local population of this rare species, but to apply good forestry to the surrounding oak-pine stand in which the SWP occurs.

It will result in beneficial effects and no significant adverse effects. Based on analysis contained in the EA (Chapter 3) and associated specialist reports in the project record, I have concluded that the direct, indirect, and cumulative effects of this action will not be significant. In fact, the effects to timber, scenery, wildlife, and T&E species will generally be beneficial, while adverse effects to soil, water, and recreation resources will be temporary and insignificant.

It will produce benefits to both the small whorled pogonia and to the oak-pine stand in which it resides. The EA demonstrates that the thinning and associated non-commercial understory treatment(s) will help in maintaining a hearty population of small whorled pogonia in the stand, as well as favoring oak-pine regeneration in the understory. (EA, Chapters 3.1, 3.5, and 3.6)

It will provide valuable information through monitoring. The stand will continue to be monitored each year to determine the extent of vegetative response, and to hopefully provide information for future management of small whorled pogonia and oak/pine habitat on the Forest. This information should benefit not only the Forest in its future management, but scientists and land managers outside the agency.

It can serve as a management model for others. This project should also provide a model for private landowners who may be considering harvest on their forest land with populations of SWP. Given the high concentration of populations in New Hampshire (EA Chapter 1.1), this could provide incentives for private woodlot owners to protect the SWP. It could offer an opportunity to educate landowners on the compatibility of T&E species with commercial management objectives for their woodlot.

There are no future connected actions. Finally, I selected Alternative 3 to eliminate any concern or doubt about future harvests in the stand. This decision approves a single commercial harvest, a thinning of Stand 26. It is not the first in a possible sequence of treatments. It is a stand-alone commercial harvest. Whereas Alternative 2 may have been misunderstood by some as necessarily invoking a sequence of future harvests, Alternative 3 is strictly a single intermediate harvest. Any future harvests clearly will be the result of monitoring the results of this project on the species and communities of concern, and will be subject to further NEPA and public involvement.

3.3 Other Alternatives Considered but not Selected

Alternative 1: No Action

Under the No Action alternative, and in the absence of a natural disturbance, the oak-pine forest cover in Stand 26 is likely to advance to the next successional stage and be replaced by a mid- or late-successional forest type such as hemlock/beechn. Similarly, the small whorled pogonia populations are likely to decline due to diminishing sunlight and increased shading over time. Eventually they could be extirpated from the stand (EA, Chapter 3.6).

Alternative 2 – Proposed Action

Alternative 2 was the original prescription and would also have been successful in accomplishing the Forest Plan goals and objectives of (1) enhancing small whorled pogonia habitat and (2) retaining the oak-pine forest type. The single distinguishing feature of Alternative 2 that is different from Alternative 3 is that it proposes a shelterwood preparatory cut rather than a thinning. The prep cut is normally the first stage in a three-stage regeneration sequence. This alternative was not selected in part because some people concluded that we were automatically going to follow up with further cuts in the next 10-15 years, which was not part of the proposal. Due to the presence of a threatened and endangered species, we have always presumed that future activities on this site would be dependent on the results of monitoring at that time, and what was best for the small whorled pogonia based on current scientific opinion and literature. However, I have determined that thinning along with the post-harvest understory treatment will be equally as effective as the shelterwood cut, and gives a clearer impression of our intent in this area, which is to monitor and go slow.

3.4 Alternatives Considered but Not Evaluated

There were other proposals suggested and briefly considered, but they were not carried through the full environmental analysis process for a variety of reasons (EA, Chapter 2.3):

- Uneven-aged Harvest. “Group selection cuts” and “single-tree selection cuts are two forms of partial harvest which try to produce a mixture of tree species and age classes in a stand. These prescriptions would at most provide a temporary benefit to small whorled pogonia, but in the long-term would be detrimental to the oak-pine and SWP communities, as natural forest succession would likely eliminate both.
- Local Site Treatment. This alternative proposed working just in the immediate vicinity of the existing Pogonia populations. Stand 26 is a relatively small area (~57 acres), and a limited local treatment was already applied in 2003 and appears to have been beneficial. Another local treatment might retain the current SWP habitat, but would do very little to enhance and expand the overall suitable habitat of Stand 26 beyond the immediate area of the existing subpopulations. It would also not improve species composition, health, and vigor of the remaining oak-pine stand, an important objective of this project.

4.0 Public Involvement

4.1 Scoping Efforts

The Chase Hill project was first listed on the Schedule of Proposed Actions in January 2006. Initial public involvement was conducted in the form of a scoping letter and 30-day comment period announced in the *New Hampshire Union Leader* and the *Conway Daily Sun* and sent to 70 interested individuals and agencies in July 2006. Nearly all scientists from other agencies and organizations expressed support for the initiative to enhance small whorled pogonia as proposed (see Chapter 6.2 of the EA). Based on the general public support of the project during scoping and its limited size and scale, the project was released as a Categorical Exclusion and Decision Memo on 12/14/06.

The Decision Memo was appealed in January 2007. It was remanded by Appeal Deciding Officer Thomas G. Wagner in March, with guidance to the District Ranger to more fully disclose for public review any future actions necessary to meet the project's purpose and need. An EA was prepared in April to provide a more thorough analysis of issues and effects and also more narrowly define the scope of the Chase Hill project.

4.2 30-Day Comment Period

Letters and copies of the EA were mailed and emailed to 63 and 35 interested publics, respectively, including the nine who commented during the earlier scoping period. The EA was also posted on the White Mountain National Forest website and a legal notice of the 30-day comment period was published in the *New Hampshire Union Leader* and the *Conway Daily Sun* on April 27, 2007. Nine individuals responded with written comments. The content of those comments and Forest Service responses to those comments can be found in the Environmental Assessment, Chapter 6.4.

4.3 Issues Used to Formulate Alternatives

Issues raised during scoping and the 30-day comment period were identified by the interdisciplinary (ID) team and evaluated during the analysis. The issues of concern used to develop alternatives were:

Issue 1: Possible Future Actions

A concern was expressed about the implication of future actions associated with the proposal of a preparatory cut in Alternative 2. The concern is that because the Proposed Action is part of a shelterwood system, the implied future harvest activities of a shelterwood system (i.e. seed cut and overstory removal) might be required and carried out to regenerate the stand in the near future. These future activities are perceived by some to be very "extensive and intensive", and detrimental to wildlife and rare plants.

Although selecting the proposed action would not require the Forest Service to carry out the subsequent stages of a shelterwood system, a third alternative was formulated to address this concern by proposing a thinning, which is a "stand-alone" forestry prescription that has no specific future actions associated with it.

Issue 2: Scenery

A concern was expressed that “regenerating this highly visible and locally appreciated stand via a shelterwood silvicultural treatment would diminish the aesthetic quality of the stand and the overall area.”

Although the Proposed Action is not a regeneration harvest, the concern for the aesthetics of the implied future seed cut was taken into consideration and the “stand-alone” forestry prescription in Alternative 3 was formulated to address this issue.

5.0 Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

5.1 Context of Effects

This project, and the environmental assessment on which it is based, applies only to the Saco River watershed in which it is located. The context for this Decision Notice is the immediate project area within White Mountain National Forest only. Neither the effects analysis nor this Decision Notice apply to decisions that may be made elsewhere, either Regionally or Nationally. After a thorough review of the effects analysis contained in the EA, I can find no basis for concluding that this project has significance (both short-term and long-term) beyond the bounds of the White Mountain National Forest. The reasons for my conclusions are more specifically and fully described in the paragraphs that follow.

5.2 Intensity of Effects

This refers to the severity of impact, as defined by the Council on Environmental Quality (CEQ) regulations 40 CFR 1508.27. The following 10 factors are considered in evaluating intensity:

1. Both Beneficial and Adverse Impacts have been Considered.

Both beneficial and adverse impacts of implementing Alternative 3 have been considered in the EA (Chapter 3). My finding of no significant environmental effects is not biased by the beneficial effects of the action. Though the effects from Alternative 3 may be both beneficial and adverse to certain resources, the EA demonstrates that these effects are relatively minor and the impacts generated are not directly, indirectly or cumulatively significant.

2. Effects on Public Health and Safety

There will be no significant effects to public health and safety. Public safety can be adequately assured through signing public roads to alert the public about the logging activity and requiring loggers to drive carefully. Limiting timber haul off the landing to weekdays and non-holidays will further insure public safety on Chase Hill and Bald Hill Roads.

3. Unique Characteristics

There will be no significant effects to unique characteristics of the area, or to prime farmland, or heritage resources within the project area. There are no historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical area within or adjacent to the project area that will be significantly affected. .

4. Controversial

This proposed action to propagate and enhance the T&E small whorled pogonia population within Stand 26 has broad acceptance from botanists, biologists, and scientists with the U.S. Fish and Wildlife Service, U.S. Forest Service, New England Wildflower Society, The Nature Conservancy, and New Hampshire Natural Heritage Bureau. There was no scientific controversy surrounding the potential benefits of the proposed activities to the existing populations of small whorled pogonia. Although there was some uncertainty on how successful efforts might be to enlarge or expand the SWP beyond its current sites, documentation in the project record shows that there was no disagreement that it is worth doing. Based on this and the conclusions reached in Chapter 3 of the EA, the effects on the human environment from the proposed action are not likely to be highly controversial.

5. Highly Uncertain, Unique or Unknown Risks

We have considerable experience with the type of forest management activities to be implemented. A thinning is a relatively innocuous and broadly accepted forestry practice whose benefits to the health and vigor of a residual stand are well known and thoroughly documented. As described above and documented in the project record, a wide range of scientists support the proposal and do not believe it will pose risks to the existing populations of small whorled pogonia. The analysis found in EA Chapter 3 shows the effects are not uncertain, and do not involve unique or unknown risk.

6. Precedent for Future Actions

The action does not establish a precedent for future actions. The timber harvest proposal is similar to many other harvests conducted on the White Mountain National Forest over many decades. The proposed action is consistent with the Forest Plan goals for Management Area 2.1. Likewise, the proposed management of small whorled pogonia is based on similar past efforts involving SWP populations on private land elsewhere in New Hampshire. (Brumback, W.E., C. Fyler, S. Cairns, M. Sperduto, 2005; Lougee, Jeff and Sara Cairns, 2002.) This action does not set precedent for, direct, or limit future management actions implementing the Forest Plan. Monitoring, not implementation of this project, will determine whether similar actions are taken near other small whorled pogonia populations.

7. Cumulative Impacts Related to Other Actions

The proposed action does not cumulatively reach a level of significance, even when combined with past, present, and reasonably foreseeable actions on public and private lands in the area. As

discussed in the Environmental Assessment, Alternative 3 is a stand-alone prescription, and another harvest on this tract is not expected in the next 10 years. The EA (Chapter 3) describes the anticipated direct, indirect, and cumulative effects on Timber Resources, Scenic Resources, Soil Resources, Water Resources, Wildlife Resources, Federally Threatened, Endangered, and Proposed Species, Regional Forester Sensitive Species, Recreation Resources, and Cultural Resources. The Biological Evaluation does not show direct, indirect, or cumulative adverse impacts that are in themselves significant, or would lead to significance. There are no undisclosed or related actions that would produce cumulative significant effects on the physical or human environment. I am satisfied after review of the Environmental Assessment that none of the direct, indirect, or cumulative effects of the alternatives are significant.

8. Effects to Significant Scientific, Cultural or Historical Resources

A cultural resource report was completed for the Project Area. Based on these field surveys and analysis there is no anticipated impact to historic or cultural resources. The New Hampshire State Historic Preservation Office (SHPO) concurred with the findings of the archeological survey on November 17, 2006.

9. Threatened, Endangered Species and Their Habitats per the Endangered Species Act.

Alternative 3 will not adversely affect any threatened or endangered species or habitat that has been determined to be critical under the Endangered Species Act of 1973. The U.S. Fish and Wildlife Service, who has consultation responsibility for T&E species under Section 7 of the Endangered Species Act, provided written concurrence with the effects analysis in the Biological Evaluation for this project in a letter dated November 30, 2007.

The New Hampshire Natural Heritage Bureau (NHNHB) maintains inventories of critical habitats and rare species on National Forest lands. They have been engaged in small whorled pogonia efforts elsewhere in New Hampshire, and support this Chase Hill project.

10. The Threat or Violation of Federal, State or Local Laws or Regulations that Protect the Environment.

The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws were incorporated into the Forest Plan Standards and Guidelines (Forest Plan pages III-5-29, III-31-35, III-37-41), and the Proposed Action complies with the Forest Plan.

6.0 Findings Required by Other Laws and Regulations

The decision to implement Alternative 3 is consistent with the intent of the Forest Plan's long term goals and objectives and with Forest Plan standards, and incorporates appropriate land and resource management plan guidelines. Other applicable regulatory requirements and laws are listed below:

NFMA (National Forest Management Act)

This project complies with guidelines to insure that diverse plant and animal communities are maintained. The proposed project area lies within Management Area 2.1 which is suitable for timber harvesting as shown in the Forest Plan, and has been confirmed by intensive field examination of the site by several specialists. The prescription is an appropriate method to achieve the goals and objectives and desired future condition identified for this stand.

NFMA establishes specific guidelines for prescriptions involving vegetative manipulation for the National Forests. My decision is consistent with these guidelines and is based on the best available science as shown below:

1. *The prescription is best suited to the multiple-use goals established in the Forest Plan for this area and considers the potential environmental, biological, cultural, scenic, engineering, and economic impacts as stated in the White Mountain National Forest Plan.* The even-aged management prescription (thin) is optimal for this stand at this time (is there a document in the record to cite to support this conclusion?). It protects other resources, mitigates potential effects, provides wood products to the regional economy, and helps achieve Forest Plan objectives.
2. *The prescription assures that lands can be adequately restocked except where permanent openings are created for wildlife habitat improvement, vistas, recreation uses and similar practices.* The Chase Hill Project does not prescribe a regeneration harvest that would require restocking National Forest lands.
3. *Alternative 3 is not chosen because it would give the greatest dollar return or the greatest output of timber.* I am selecting Alternative 3 for reasons disclosed in Chapter 3.2 of this Decision Notice.
4. *The prescription should be chosen after considering potential effects on residual trees and adjacent stands.* Adverse effects to residual trees or adjacent stands are not anticipated because the prescription is formulated with these factors in mind, and with clear instructions for marking and close communication with the sale administrator to implement a harvest and removal process that has been proven (Forest Monitoring Reports) to protect residual trees and adjacent stands from undue damage.
5. *The prescription maintains site productivity and ensures conservation of soil and water resources.* The prescriptions implement Forest Plan Standards and Guidelines and are designed to maintain site productivity and to conserve soil and water resources (EA Chapter 3).
6. *The prescription has the desired effect on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, scenery, and other resources.* The EA (Chapter 3) indicates that prescriptions meet Forest Plan Standards & Guidelines as described for MA 2.1 (Forest Plan Chapter 3, page 3), and the Purpose and Need for this project (EA Chapter 1.2).

7. *The prescription is practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration.* Alternative 3 uses existing roads with the exception of 200 feet of temporary road to a proposed landing. The unit is designed to best meet resource management objectives while protecting resources through proper application of Forest Plan standards and guidelines. (see EA)

NEPA (National Environmental Policy Act)

This act requires public involvement and consideration of potential environmental effects for proposed actions. The public involvement process for this proposed action and the EA (section 4.0 of this DN) comply with NEPA regulations. Comments received for this project were used to improve project design and environmental disclosure.

National Historic Preservation Act

The White Mountain National Forest consults with the New Hampshire State Historic Preservation Office (SHPO) prior to reaching a decision on a project. We received concurrence from SHPO on the cultural resource report, which determined that no adverse effects would occur to heritage resources on National Forest land from this project. The SHPO gave approval to implement the project on November 17, 2006.

MBTA (Migratory Bird Treaty Act)

This project complies with the Migratory Bird Treaty Act and will not cause measurable negative effects on Neo-tropical migratory bird populations.

Endangered Species Act

The White Mountain National Forest completed a site-specific Biological Evaluation (BE) of the potential effects to Threatened, Endangered, Proposed and Sensitive Species (TEPS). It was determined that there are not likely to be adverse effects to these species. The U.S. Fish & Wildlife Service concurred on November 30, 2007. The best available science was used in completing the environmental analysis and making this decision. A listing of research and scientific information used in this project analysis can be found in the EA, "Appendix C – References".

7.0 Implementation Date

If no appeal is received, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

8.0 Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215.7. A person has standing to file an appeal only if they submitted a comment or expressed interest during the 30-day Comment Period, in accordance with 36CFR 215.11(a)(dated 11/4/1993). A Notice of Appeal must be in writing and clearly state that it is a Notice of Appeal being filed pursuant to 36 CFR 215.7. Appeals must be filed within 45 days of the date of legal notice of this decision in the *New Hampshire Union Leader*, Manchester, New Hampshire to:

USDA Forest Service, Eastern Region
ATTN: Appeals Deciding Officer, Chase Hill Project
626 East Wisconsin Avenue
Milwaukee, WI 53202

The office hours for those submitting hand-delivered appeals are: 7:30am-4:00pm (Central Time), Monday through Friday, excluding holidays. The Notice of Appeal may be faxed to 414-944-3963, Attn: Appeal Deciding Officer, Thomas G. Wagner, USDA Forest Service, Eastern Regional Office; or electronically mailed to appeals-eastern-regional-office@fs.fed.us. Electronic appeals must be submitted in plain text (.txt), rich text (.rtf), or Word (.doc) format.

It is the responsibility of appellants to ensure that their appeal is received in a timely manner. The 45-day time period is computed using calendar days, including Saturdays, Sundays, and Federal holidays. When the time period expires on a Saturday, Sunday, or Federal holiday, the time is extended to the end of the next federal working day. The day after the publication of the legal notice of the decision in the *New Hampshire Union Leader* is the first day of the appeal-filing period. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on dates or timeframe information provided by any other source. If you do not have access to the *Union Leader*, please call the Saco Ranger Station at 603-447-5448, ext. 103 (TTY 603-447-3121) for the publication date. There will be no time extensions for appeals.

When there is a question about timely filing of an appeal, timeliness shall be determined by:

1. The date of the postmark, e-mail, fax, or other means of filing (for example, express delivery service) an appeal and any attachment;
2. The time and date imprint at the correct Appeal Deciding Officer's office on a hand-delivered appeal and any attachments; or
3. When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the appellant does not receive an automated acknowledgment of the receipt of the appeal, it is the appellant's responsibility to ensure timely receipt by other means.

Appeals must meet the content requirements of 36 CFR 215.14. At a minimum, an appeal must include the following:

1. Appellant's name and address, with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);

3. When multiple names are listed on an appeal, identification of the lead appellant (§215.2) and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (§215.11(d));
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
9. How the appellant believes the decision specifically violates law, regulation, or policy.

The Environmental Assessment and administrative record for this project are available at the Saco Ranger District, 33 Kancamagus Highway, Conway, NH 03818. In addition, the EA will be posted on the White Mountain NF web page (www.fs.fed.us/r9/forests/white_mountain). Questions regarding the EA should be directed to Rick Alimi, Assistant Ranger, at 33 Kancamagus Highway, Conway, NH 03818 (phone: 603-447-5448, x 103, TTY: 603-447-3121).

9.0 Responsible Official and Contacts

The Responsible Official for the Chase Hill Forest Resource Management Project is Terry Miller, District Ranger for the Saco Ranger District, White Mountain National Forest. His office is located at 33 Kancamagus Highway, Conway, NH 03818 (phone: 603-447-5448, Ext. 102).

For additional information concerning this decision or the Forest Service appeal process, contact: Rick Alimi at the same address, or by phone (603-447-5448, x103), or by FAX (603-447-8405).

/S/ Terry Miller

December 11, 2007

TERRY MILLER
District Ranger

Date

Attachment: Map

Chase Hill Project Map

