

# White Mountain National Forest



United States  
Department of  
Agriculture

Forest  
Service

Eastern  
Region



## Kanc7 Forest Resource Management Project Decision Notice & Finding of No Significant Impact

Towns of Albany, Waterville, & Livermore  
Carroll & Grafton Counties, NH  
Saco Ranger District  
December 2008



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**The Swift River near Lower Falls. WMNF Photo by Terry Miller.**

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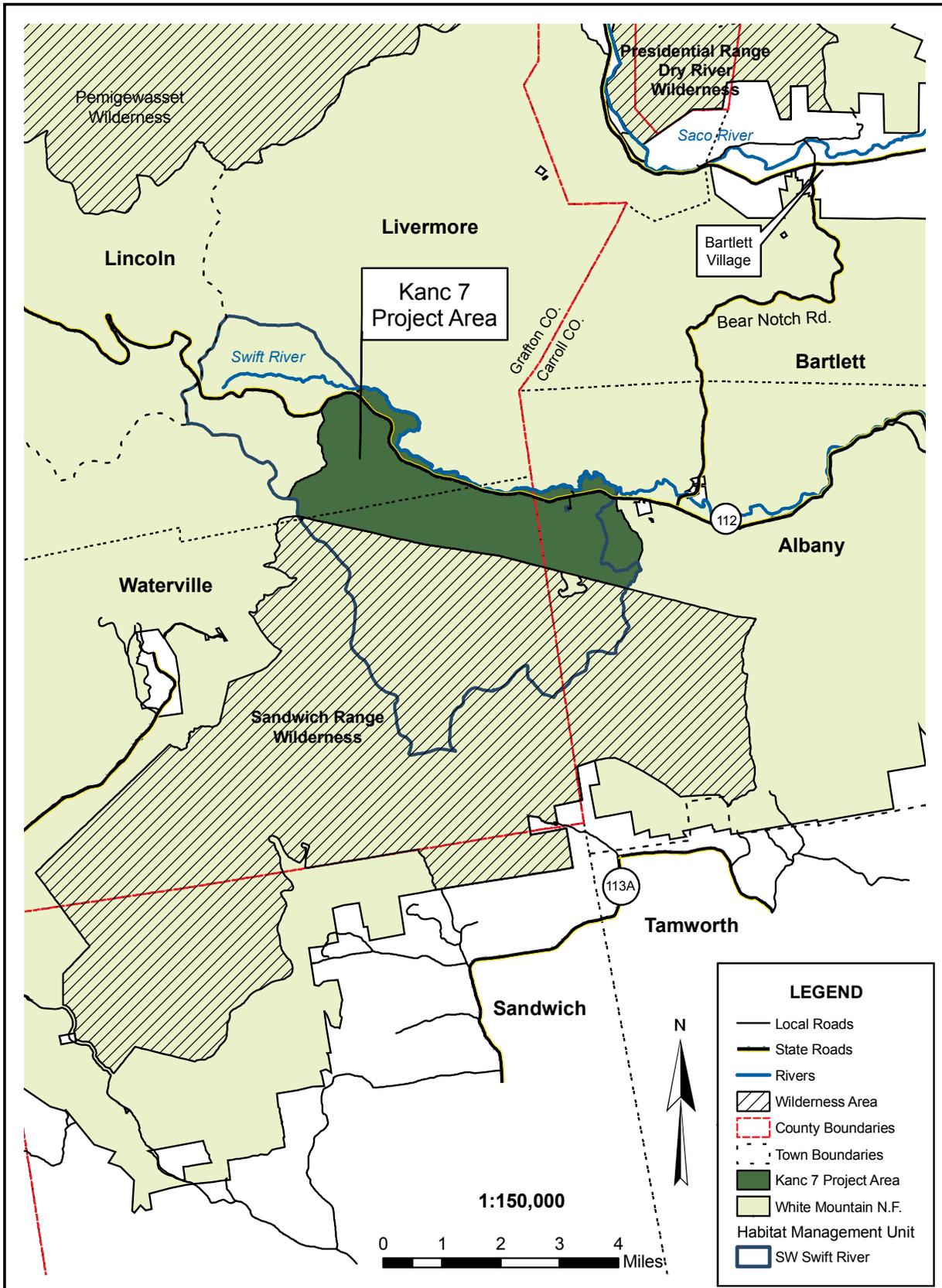
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Figure 1. Kanc7 Project Vicinity.



## Decision Notice

### Introduction and Background

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This Decision Notice documents my review of the Environmental Assessment (EA) for the “Kanc7 Forest Resource Management Project”, and describes my decision and reasons for selecting a preferred alternative from among five alternatives examined in the EA. It also explains why I’ve determined that the project will have “no significant impact” on the quality of the environment, and therefore does not require an Environmental Impact Statement (EIS).

The Kanc7 Forest Resource Management Project is our latest effort on the Saco Ranger District to implement the “desired condition” for the White Mountain National Forest described in our Forest Plan. The Forest Plan was a collaborative effort of thousands of members of the public who worked through the public involvement process from 1999 to 2005 to define a shared vision for the White Mountain National Forest. The Kanc7 project itself is the culmination of 3 years of data collection, prescription, and analysis by the Interdisciplinary Team and a team of specialists, who are listed in Chapter 4 of the EA. Their purpose was to design an integrated project that meets a variety of Forest Plan objectives (including wildlife and aquatic habitat improvement, scenery management, trails and dispersed recreation, and sustainable forestry) for the land area described as the “Kanc7” project area. My review of their work, and the exhaustive list of references they used (found in the EA, Appendix D), gives me total confidence that the best available science has been applied to all parts of the Kanc7 project analysis.

The proposed Kanc7 project is located on the Saco Ranger District, on the White Mountain National Forest. It lies within the Towns of Albany, Livermore and Waterville, in Grafton and Carroll County, New Hampshire (as shown on the Vicinity Map, Figure 1). The Project Area contains a total of 1617 acres of stand treatments to improve habitat and forest ecosystem conditions, plus several activities to improve roads, trails, streams, and recreation sites. The project area encompasses a portion of the 15,300 acre **Southwest Swift River Habitat Management Unit (HMU)**.

## Purpose and Need for Action

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The White Mountain Land and Resource Management Plan, or “Forest Plan”, documents a balance of uses and activities needed to meet society’s demands while protecting, restoring, and enhancing our natural resources.

At the outset of the Kanc7 project planning process, we looked at the resource conditions and all available data for the National Forest land in the project area. We compared the “existing” with the “desired” conditions. We then identified which areas needed work in order to meet Forest Plan goals and objectives, and to more closely resemble the desired future condition described in the Forest Plan (Chapter 1, pages 7 to 18). It was with that “purpose and need” in mind that we identified opportunities to achieve some important management goals in the Kanc7 area. This process identified specific resource areas where the existing condition falls short of the Forest Plan desired condition, and where management activity could help attain the desired condition. In summary, these include the following.

- Existing acres of early successional habitat: 0. Desired: 295 acres in this HMU
- Existing Spruce/Fir & Softwood communities: 284 acres. Desired: 2887 acres
- Existing dispersed campsites within Forest Protection Area or causing adverse impacts to streams and the forest: 20. Desired: 0
- Existing trail with adverse impacts, erosion, safety concerns: 1920 ft. Desired: 0
- Existing aquatic habitats below their ecological potential: 2000 feet. Desired: 0

All of these resource needs, and others not in full conformance with Forest Plan goals and objectives, are more fully described in the EA, Chapter 1.4 — “Need for Action”.

## Decision

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After a long and careful review of the Kanc7 Environmental Assessment and the Project File, *I have decided to implement Alternative 4 as described in Chapter 2 of the Environmental Assessment (EA)*. Alternative 4 includes all the activities listed on Tables 1 and 2, and Figure 2 on the following pages:

- **Table 1:** Summary of Proposed Activities for Alternative 4
- **Figure 2:** Kanc7 Project Selected Alternative (Alt. 4)
- **Table 2:** Harvest Planned for Selected Alternative (Alt 4) — contains a description of the forest type, acreage, treatment objective, harvest method, and season of operation for each unit.

The most concise reason for selecting Alternative 4 is that it is the most accurate and faithful attempt to implement the Goals and Objectives of the White Mountain Forest Plan, while also recognizing and addressing concerns about scenic quality, recreation experience, and other resource issues identified

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during the 30-day public comment period. A more detailed explanation of my rationale is provided below in “Reasons for The Decision”.

**Table 1. Summary of Proposed Activities for Alternative 4 – Kanc7**

<b>Activity</b>	<b>Amount</b>
<b>Forest Management</b>	<b>Total–1617 ac.</b>
<b>Even-aged Management (acres)</b>	
• Regeneration Cut–Clearcut	182
• Overstory Removal	6
• Thinning	270
<b>Uneven-aged Management (acres)</b>	
• Single Tree Cut	90
• Group Selection Cut	439
• Combined Single Tree and Group Selection Cut	600
<b>Non-commercial Release &amp; Site Preparation (acres)</b>	30
<b>Connected Actions–Transportation System</b>	
• Road Reconstruction (Miles)	0.22
• Pre-haul Road Maintenance on 9 existing Forest System Roads: 37, 37A, 137, 501, 510, 511, 567, 5202, and 5134	4.7 miles total
• Number of Landings: Existing / New	12 / 8 (20 total)
<b>Other Actions</b>	
• Trail relocation (Sabbaday Trail)	• 600 feet
• Trail reconstruction (UNH Trail)	• 1250 feet
• Timber stand improvement (regeneration release)	• Up to 200 acres
• Improving Fisheries Habitat	• 2000 feet
• Decommission Forest Roads: FR 5129, 0.2 mi.; FR 5380, 0.2 mi.; FR 5381.1, 0.1 mi.; FR 5383, 0.1 mi.; and FR 41 east of Oliverian Brook, 0.8 miles, for a total of 1.4 miles	• 5 secondary roads, totaling 1.4 miles
• Close and rehabilitate dispersed campsites within the ¼ mile Forest Protection Area (FPA) along the Kanc Hwy.	• Approximately 20 campsites

As a result of this decision, *timber harvest* will occur on approximately 1617 acres, or approximately 10.6 percent of the analysis area (the SW Swift River HMU). An estimated 7.0 million board feet of timber will be removed from 54 treatment units. Up to 182 acres of early successional habitat will be created.

Alternative 4 includes several modifications to stand prescriptions in the Proposed Action listed in EA Chapter 2.2, “Alternative 4”. This list of changes was designed to address concerns expressed during the 30-day comment period about the visual impacts of harvest. These modifications are incorporated as part of the selected alternative.

Alternative 4 applied some limitations on harvesting along trails, and in units that either abut Wilderness or are highly visible from key vantage

points. These changes are not detailed here, but may be found in EA Chapter 2.2.4 (Alternative 4), pages 32-38. They would have the net effect of reducing effects to scenic quality. The proposed modifications meet or exceed Forest Plan standards and guidelines for scenery management. Conversely, Alternative 4 also introduces some visual variety to the project by using harvest to create roadside vistas; this too was in response to comments from several respondents.

**Road access** for timber hauling is provided by State Highway 112 (the Kancamagus Highway, or “the Kanc”) which serves as the collector road. A total of nine existing Forest System Roads (totaling 4.7 miles) provide access from “the Kanc” into the project area, and will be maintained and used for the project. These roads will be managed during and after implementation of this project as they currently are—closed with a gate or other barrier to control access.

No new Forest Systems Roads will be constructed for the Kanc7 project, beyond eight (8) short driveways approximately 100-200 feet long each, for temporary access to new log landings.

Alternative 4 also includes proposals for **permanent road closure** and declassification on 1.4 miles of Forest Roads (FR): FR 5129, (0.2 mi.); FR 5380, (0.2 mi.); FR 5381.1, (0.1 mi.); FR 5383, (0.1 mi.); and the section of FR 41 east of Oliverian Brook, (0.8 miles). Hence, implementation of the Kanc7 project will result in a net change of -1.4 miles of road, reducing the total Forest Road inventory in the project area from approximately 9.6 miles to 8.2 miles

Connected actions that are also authorized by this decision include: timber stand improvement (200 acres of pre-commercial thinning and 6 acres of softwood release); 0.4 miles of aquatic and fish habitat improvement; creation of one 6-acre permanent wildlife opening in a critical area; and conversion of 30 acres of beech regeneration to mixed hardwood through mechanical treatments and/or prescribed burning. The project will also advance our management of recreation opportunities in the area by reconstructing 1250 feet of the UNH Trail, relocating 600 feet of the Sabbaday Trail, and obliterating up to 20 problematic dispersed campsites within the Forest Protection Area.

Forest Plan standards and guidelines, including design features listed in Chapter 2.3. of the EA, are incorporated into the project. These Standards, Guidelines, and design features all provide safeguards to minimize effects on visual quality, recreation experience, wilderness, heritage resources, water quality, soils, wildlife, fish, aquatic invertebrates, and sensitive plants.

Figure 2. Kanc7 Selected Alternative (Alt 4)

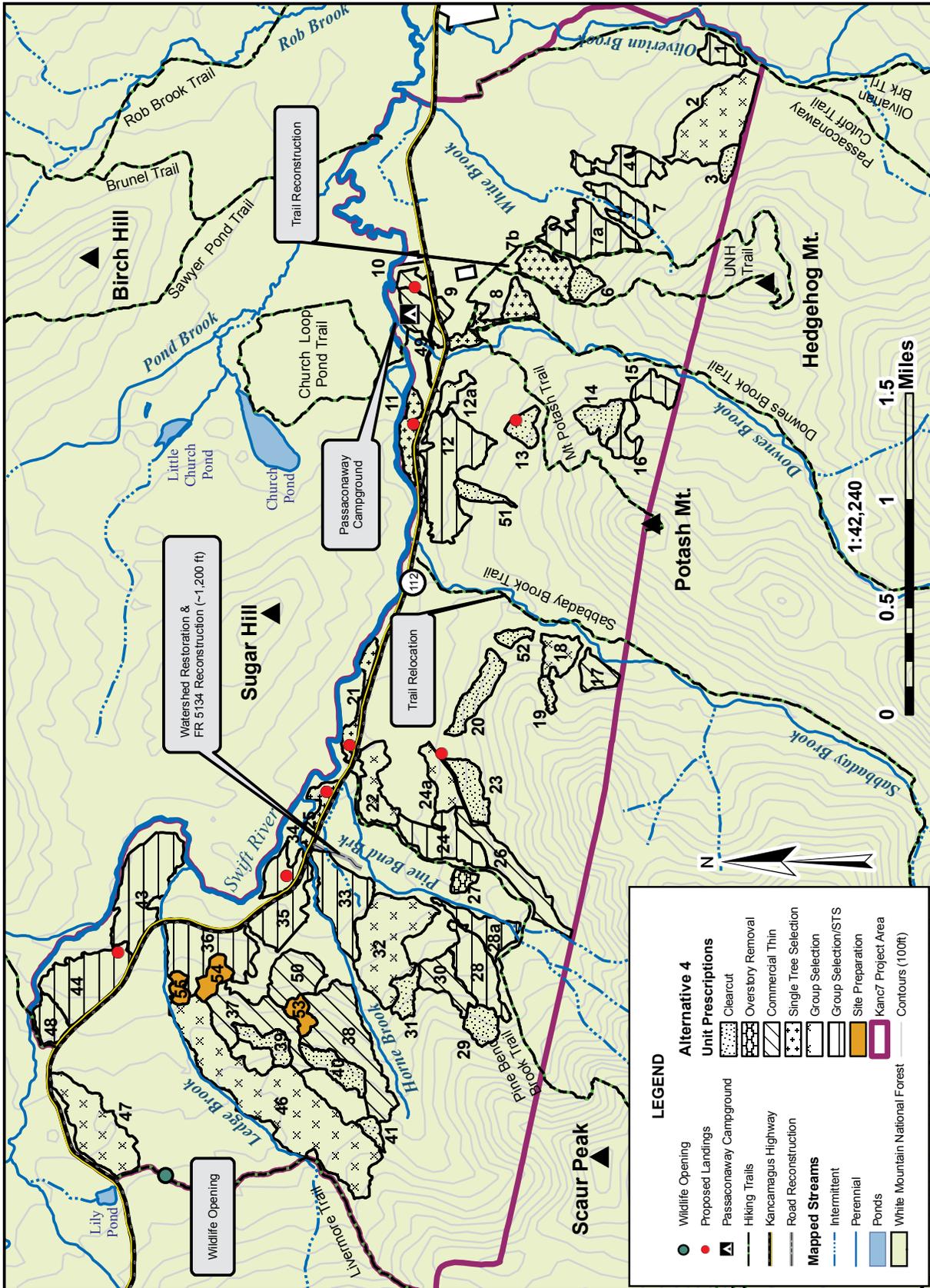


Table 2. Kanc7 Forest Resource Management Project  
Harvest Planned for Selected Alternative (Alt 4)

Unit	Comp/Std	Type	ESTAcre	Treatment Objective	Harvest Method	Operating Season
1	103-59	M	12	Uneven aged / regen	Group /STS	W
2	103-11	S	64	Uneven aged / regen	Group Selection	W
3	103-10	H	7	Early Successional	CC	SFW
4	103-4	M	27	Uneven aged / regen	Group /STS 1/(1/4)@ Skid	W
6	103-8	H	11	Early Successional	CC	W
7	103-4	M	20	Uneven aged / regen	Group /STS	W
7a	103-4	M	43	Uneven aged / regen	Group /STS	W
7b	103-4	M	24	Uneven aged / regen	STS	W
8	103-7	M	23	Uneven aged / regen	STS	W
9	103-23	S	4	Growth, Vigor	Thin	W
10	103-26	S	8	Growth, Vigor	Thin	W
11	99-25	H	17	Uneven aged / regen	STS	FW
12	99-1,25	M	74	Uneven aged / regen	Group / STS	FW
12a	99-1,25	M	6	Uneven aged / regen	Group Selection	FW
13	99-1	H	12	Early Successional	CC	W
14	102-35	H	19	Early Successional	CC	SF
15	102-9, 34	S	15	Uneven aged / regen	Group /STS	W
16	102-12	M	14	Uneven aged / regen	Group /STS	FW
17	101-34	H	14	Growth/Vigor	Thin	W
18	101-1	H	17	Uneven aged / regen	Group Selection	SF
19	101-1	H	5	Early Successional	CC	W
20	99-9	H	23	Early Successional	CC	SF
21	99-14	M	14	Uneven aged / regen	STS	W
22	99-32	M	29	Uneven aged / regen	Group Selection	W
23	99-43	H	21	Early Successional	CC	SF
24	991143	M	38	Uneven aged / regen	Group/STS	W
24a	991143	M	19	Uneven aged / regen	Group Selection	SF
25	99-14	M	12	Uneven aged / regen	STS	W
26	99-45	H	48	Growth/Vigor	Thin	W
27	99-11	S	6	Softwood release	Overstory-Removal	W
28	99-3	M	38	Uneven aged / regen	Group/STS	W
28a	99-3	M	23	Uneven aged / regen	Group/STS	W
29	99-15	H	15	Early Successional	CC	SF
30	99-51	H	24	Growth/Vigor	Thin	FW
31	99-51	H	12	Early Successional	CC	SF
32	99-18	H	75	Uneven aged / regen	Group Selection	SF
33	99-3	M	50	Uneven aged / regen	Group/STS	W

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Unit	Comp/Std	Type	ESTAcres	Treatment Objective	Harvest Method	Operating Season
34	47-61	M	16	Uneven aged / regen	Group/STS	FW
35	47-7	M	33	Uneven aged / regen	Group /STS	W
36	47-4	H	56	Uneven aged / regen	Group / STS	F/W
37	47-4	H	48	Growth / Vigor	Thin	FW
38	47-4/26	H	72	Growth / Vigor	Thin	FW
39	47-4	H	16	Early Successional	CC	SF
40	47-4	H	20	Early Successional	CC	SF
41	47-50	H	6	Early Successional	CC	SF
43	47-59	M	68	Unevenaged / regen	Group/STS	FW
44	47-57	M	57	Unevenaged / regen	Group/STS	FW
46	47-23	S	167	Uneven aged / regen	Group Selection	W
47	47-11	M	62	Uneven aged / regen	Group Selection	W
48	47-57	M	16	Uneven aged / regen	Group/STS	W
49	103-26	S	22	Campground Maintenance	Thin	W
50	47-4/26	H	30	Growth, Vigor	Thin	FW
51	99-1	H	9	Early Successional	CC	SF
52	99-9	H	6	Early Successional	CC	SF
53	47-	H	10	Early Successional	Site Prep for Regen	SF/ spring
54	47-	H	12	Early Successional	Site Prep for Regen	SF/ spring
55	47-	H	8	Early Successional	Site Prep for Regen	SF/ spring
<b>Total</b>			<b>1617</b>			

**Table KEY:**

**Harvest Method:** the silvicultural prescription, or type of harvest proposed for a given Unit.

**Group Selection:** an uneven-age management system that harvests small openings averaging 1/2 acre, spaced throughout, and treating up to 20 % of a Unit.

**STS:** Single Tree Selection. An uneven-age management system that retains a representation of existing species and ages of trees while reducing stand density to an approximate Basal Area of 80 to 90 square feet.

**CC:** Clearcut, a cut method that removes all merchantable trees except in reserve patches, and creates an opening for regeneration of an even-aged stand of new trees.

**Thin:** Thinning a stand by removing smaller trees, damaged trees and low value or short lived trees, leaving a residual Basal Area of 70 square feet. (An even-aged management tool)

**Forest Type:** represents the primary species composition of the Unit. **H** = Hardwood, **S** = Softwood, **M** = Mixed Hardwood/Softwood.

**Treatment objective:** harvest methods are designed to meet the Purpose and Need for treatment in each Unit, resulting in development of a particular type of vegetative habitat.

**Operating Season:** Time of year when harvest activities are generally allowed. Activities may occasionally occur outside these periods, but only when soil and resource conditions allow. **S** = Summer, **F** = Fall, **W** = winter.

**Site Prep for Regen:** Site prep would include cutting beech saplings, scarifying the soil, and possible prescribed burning to foster regeneration of a variety of hardwood species in stands where beech regeneration is out-competing other species.

## Reasons for the Decision

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The EA discloses the likely effects, benefits, and trade-offs for each of the five alternatives. In the end, I selected Alternative 4 for the following reasons.

### **1. Purpose and need.**

Alternative 4 meets a diverse range of Forest Plan goals and objectives for the Kanc7 project area. While it does not achieve wildlife habitat objectives (EA, Table 1) as aggressively as Alternatives 2 and 3, it accomplishes approximately 75% of early successional habitat needs and significantly improves softwood habitat. (EA, Chapter 3.7 – Wildlife Effects) Alternative 4 reduced some of the proposed harvest in order to minimize adverse effects on recreation resources, trail experience, and visual quality. In my opinion, and in light of the many comments we received addressing these concerns, this is a good and appropriate trade-off. It is an integrated project that will accomplish beneficial work in the areas of aquatic habitat, wildlife habitat, developed recreation, dispersed (backcountry) recreation, trails, and road management.

### **2. Scenery management.**

Alternative 4 clearly goes the furthest of all four action alternatives to mitigate the impacts of harvest activity on the visual resource in this highly scenic area. In doing so, it does the best job of meeting Forest Plan guidelines which, among other things, says (on Plan pg. 3-7) that *in “areas with a ‘High’ Scenic Integrity Objective, created openings should be minimally evident from trail, road, or ...vantage points.”* Several harvest prescriptions were changed and some dropped to minimize the effects to scenery as viewed from mountaintops and trails. It also pro-actively pursues opportunities to improve the experience of viewing scenery for travelers on the Kancamagus Scenic Highway, by creating new vistas in two locations and by thinning stands along the road to provide greater visual diversity and improve views into the sub-canopy of roadside stands. (EA, Chapter 3.2 – Scenery)

### **3. Wilderness and Roadless values.**

The Forest Plan recognized the importance of unroaded landscapes which provide older forest conditions and large blocks of non-manipulated landscapes valued for both ecological and social character. These unroaded landscapes make up 53% of the 800,000 acre White Mountain National Forest. The remaining 47 percent of the Forest includes management emphasis that provides for forestry activities, road systems for public access, wildlife habitat projects, non-motorized trails, developed recreation, Nordic and downhill ski trails, snowmobiling, and a host of other activities. Many of these activities occur in areas allocated to the General Forest Management Area (or MA 2.1).

The Kanc7 project area lies within this General Forest Management Area 2.1 identified in the Forest Plan. As part of the Forest Planning effort, an inventory of areas meeting roadless criteria was completed for the whole Forest, to (1) inform the allocation process and (2) help with Wilderness

recommendations to Congress. Approximately 46% of the Kanc7 project area was inventoried as having “roadless” characteristics during the Forest Plan revision, even though these same areas had been actively managed for forest products for 40 years (EA, Chapter 3, Figure 11).

All the proposed harvest and road activities in the Kanc7 project were confined to Management Area 2.1, and some of the proposed activity abuts the Sandwich Range Wilderness. The Forest Plan does not contain setback or buffer requirements for actions on the Wilderness boundary, nor does it contain any restrictions, standards, or guidelines regarding areas with roadless characteristics. Therefore, all the proposed activities in the MA 2.1 land (for all alternatives) are entirely consistent with the Forest Plan.

Nonetheless, Alternative 4 was designed to respond specifically to several public concerns regarding Wilderness, recreation use, and scenic quality. It did so by dropping all of harvest units 5 and 26a, and part of Unit 26. These changes would reduce the intensity of harvest in proximity to the Wilderness boundary and within the inventoried roadless area. These are responsive to public concerns, and extend beyond what was needed to conform with Forest Plan standards and guidelines. Several people expressed concerns about these units. Alternative 4 was created in an attempt to address some of these concerns while still striving to meet Forest Plans goals and objectives in the area. It strikes a balance that accomplishes both.

#### **4. Wildlife and Fish Habitat improvement objectives.**

Alternative 4 will accomplish important habitat objectives of the Forest Plan. Alternatives 2, 3, and 4 all proposed the creation of a new permanent 6-acre wildlife opening, hundreds of acres of harvest to create temporary woodland openings and a flush of herbaceous growth, softwood enhancement to provide winter browse and cover, and approximately 2000 feet of aquatic (fish habitat) restoration in Pine Bend Brook. Consequently, the benefit of all three alternatives is comparable, and will improve habitat for the majority of wildlife species dependent on young and immature forest. And, under Alternatives 2-4, those species most dependent on mature forest, including MIS, will still have ample mature forest available to them (EA Tables 21-23). Alternatives 2-4 also provide benefits to fish habitat. Because the proposed wildlife and aquatic habitat improvements were located mostly within the inventoried roadless areas, these improvements were not included in Alternative 5. This made the selection of Alternative 5 less desirable.

#### **5. Recreation management and public safety.**

Alternative 4 addresses recreation-related and public safety concerns the best of all 5 alternatives. The Kanc7 project area, in addition to being located in a highly scenic viewshed and an area with primitive and unroaded qualities, has a high concentration of recreation uses. It contains: Passaconaway Campground, Sabbaday Falls, Radeke Cabin, portions of six major hiking trails providing access to the Sandwich Range Wilderness, Nordic trails, seven miles of the Kancamagus Highway, and Sugar Hill Overlook. So, in this MA 2.1 land with a wide range of multiple-use goals, Alternative 4 did the best job of modifying harvest unit boundaries and applying season-of-

harvest restrictions to address recreation use concerns and provide for public safety. Finally, Alternative 4 will result in several much-needed improvements to the recreation resource, including the closing and rehabilitating of problematic dispersed campsites, repair of a 1250-foot section of the popular UNH Trail, and relocation of a 600-foot section of the Sabbaday Trail to more stable soils away from the brook.

## **6. Applied Forestry/Silviculture.**

The White Mountain Forest Plan has as one of its stated Goals (p. 1-17) to “manage vegetation using an ecological approach to provide both healthy ecosystems and a sustainable yield of high quality forest products”. Sustainable management has been a hallmark of forestry as applied on the White Mountain NF. Good scientifically-based silviculture, when applied thoughtfully to the forest, can accomplish a range of objectives: improve forest health and the quality of growing stock; create temporary habitat; create a more pleasing appearance; provide wood products and economic benefits to the local and regional communities; and improve long-term carbon sequestration on forest lands. Alternative 4 does that in the most balanced way of all 5 alternatives, by accomplishing needed work in other resource areas, and/or minimizing the potential for adverse effects.

## **7. Best Available Science.**

Finally, I have reviewed many of the references listed in the EA, Appendix D, “Citations and References”, used by ID Team members and specialists who contributed to the analysis of the Kanc 7 project. Their reports are included as Chapter 3 of the EA. When added to all the scientific research used in preparation of the 2005 Revised Forest Plan, this collection of information represents the best available science currently at our disposal. I know that in the course of their analyses, the interdisciplinary team searched for and considered the latest research and consulted with their professional peers to insure the incorporation of the best available science on all resources, including dynamic resource issues such as white nose syndrome in bats, climate change, early successional habitat, soil productivity, and water quality. In fact, in the case of white-nosed syndrome (EA Chapter 3-7) and climate change (EA Appendix A, “Climate Change and Wildlife Habitat Management”), the case can be made that the effects of proposed harvests, though not significant, are likely to be positive rather than adverse. *“Some of the harvest treatments ... would be beneficial to all bat species in the project area by increasing foraging habitat.”* (Pages 129-131) *“The proposal is for sustainable forestry, which is considered to contribute to carbon sequestration...”* (Page 283)

The EA addresses these issues and provides a basis for my conclusion that proposed activities will not result in a significant effect on the quality of the environment. The project record demonstrates a thorough review of relevant scientific information and consideration of responsible opposing views, and as appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

## **Other Alternatives Evaluated but Not Selected**

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A total of five alternatives were fully considered and evaluated in the Environmental Assessment, including the No-Action alternative and the selected Alternative #4. The analysis of effects for these alternatives is found in the EA, Chapter 3, which is a thorough review of the likely effects of the alternatives, based on best available science. What follows is a brief description of, as well as my reasons for not selecting, the other four alternatives.

### **Alternative 1: No Action**

Under the No Action alternative, the Kanc7 analysis area would largely lie dormant and free of significant project activity. Operation and maintenance activities would continue, but no significant timber harvest, wildlife habitat improvements, or connected actions would take place in the Project Area at this time. Vegetation management, fishery and riparian habitat enhancement, trail improvement, wildlife opening, and road improvement activities would not occur at this time.

I did not select Alternative 1 because it neither addresses the resource improvement needs and opportunities in the area, nor does it achieve Forest Plan goals and objectives for MA 2.1 lands in the Southwest Swift River Habitat Management Unit (HMU). Stand conditions would remain unchanged, except as affected by natural disturbance and natural processes.

Creation of early-successional habitat from clearcuts would not occur. No sawtimber or other timber products would be generated by timber harvest in the Project Area at this time. A lack of regenerating stands could effect habitat conditions for a variety of wildlife species including Management Indicator Species chestnut-sided warbler and ruffed grouse. This is because development of habitat these species depend on would not be started with this action, nor would it subsequently develop into older age classes as discussed in the EA. Also, the proposed action and alternatives 3-5 were integrated proposals for action benefiting resource needs in recreation, and wildlife and fish habitat. These opportunities would be foregone if Alternative 1 were selected.

Taking no action would address through avoidance the issues regarding management of this popular area, particularly with regard to recreation, trails, and scenery. It would address these issues at the expense of implementing the Forest Plan in this area. Conflict avoidance is the easy way out, and does not address the many valuable benefits of seeking to implement our Forest Plan.

### **Alternative 2**

Alternative 2 was originally prepared to meet Forest Plan goals and objectives in the analysis area with the optimal prescriptions, harvest proposals, and connected actions designed to meet a range of resource needs. Alternative 2, the Proposed Action, was developed prior to the 30-day comment period with the most current information available after preliminary scoping of known interested parties. It was an “integrated” project proposal; in other

words, it addressed a range of resource needs in the project area with proposals designed to improve timber quality, wildlife and fish habitats, recreation facilities (campgrounds, trails, and dispersed sites), and road access.

However, though Alternative 2 would have moved the HMU toward attaining wildlife habitat diversity objectives and other Forest Plan goals, it does not fully respond to social, recreation, and scenic quality concerns related to backcountry, trails, and Wilderness recreation use in the project area. These concerns were raised by many people who recreate on well-used trails that lie within the project area. It responds to the need to create hardwood early successional habitat, although as some commenters pointed out, it stops short of fully meeting Age Class Objectives for regeneration habitat (Forest Plan page 1-21) by 86 acres. Alternative 2 would increase the softwood component in mixedwood stands, provide for sustained timber production, and improve other resource conditions in the project area as described in the connected actions. However, especially considering all of the public comments, most of the Forest Plan and project objectives would be better met with Alternative 4, and with less impact to the recreation and scenic resources, and the hiking community.

### **Alternative 3**

Alternative 3 is also an integrated project that would achieve a good range of Forest Plan goals and objectives. It strives to aggressively meet wildlife habitat and silvicultural objectives, and would create the highest amount of early successional habitat of all 5 alternatives (215 acres). It also proposes to use a combination of mechanical treatment and prescribed burning to obtain a greater diversity of hardwood regeneration species in a portion of the management area dominated by a beech monoculture. I did not select this alternative because, while it meets the “purpose and need for action”, like Alternative 2, it does so at the expense of recreation and scenic resources.

### **Alternative 5**

Alternative 5 responds to public concerns received during the 30-day comment period about harvesting trees and improving roads within the Forest Plan inventoried roadless area (IRA) known as “Sandwich-4”. It does so by eliminating all proposed harvest, road improvement, and wildlife and aquatic ecosystem improvement treatments within the IRA. The list of proposed actions in Alternative 5 can be found on EA Chapter 2.2, “Alternative 5”.

I did not select this alternative because it would only partially implement Forest Plan goals and objectives in the Kanc7 HMU. Alternative 5 would forego opportunities to enhance forest health and vigor, promote diverse wildlife habitat, improve fish habitat, and provide wood products to meet society’s needs. Alternative 5 would mimic the No Action alternative on 46 percent of the Project Area, or conversely stated, would apply Forest Plan Goals and Objectives to only 54% of the available MA 2.1 acres in the Southwest Swift River HMU. Harvest activities and the resulting improvement to wildlife habitat in the project area would be reduced by approximately one-half as compared to Alternatives 2-4. I believe it would be an inefficient use of resources to treat just this portion of the project area

when there are additional acres available that can be actively managed in an environmentally sound manner.

## Alternatives Considered but Not Fully Evaluated

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Two other alternatives were proposed and briefly considered, but not fully evaluated in the Environmental Assessment. These alternatives were dropped from further consideration after preliminary analysis due to their impracticality, failure to address needs and issues, and/or failure to implement the goal and objectives of the Forest Plan. More detailed explanations can be found in the EA, Chapter 2.4. – “Project Alternatives Considered and Deleted from Further Study”.

- Winter Only Harvest for all units.
- Analyze an alternative that proposes only uneven-aged management.

## Public Involvement

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Public notice and involvement for this project includes the following:

- Schedule of Proposed Actions.** The Kanc7 project has been listed in all of the Schedules of Proposed Actions (SOPAs) for the White Mountain National Forest since April 2006. This publication is available on the web site for the White Mountain National Forest <[www.fs.fed.us/r9/forests/white\\_mountain](http://www.fs.fed.us/r9/forests/white_mountain)>.
- Scoping–Public Involvement during Early Project Planning.** During the initial stages of preparation of the Kanc7 project, I personally consulted with several sources to scope issues for the project. The ID Team and I met directly with local interested parties in the spring/summer of 2007 to obtain advice on likely issues and opportunities. This included the Wonalancet Out Door Club (a local hiking club), Swift River Advisory Committee, adjacent landowners, the NH Department of Transportation, NH Fish and Game, and the Town of Albany. Their suggestions were used to help develop the Proposed Action.
- 30-day Public Comment Period.** On January 19, 2008, a legal notice in the New Hampshire Union Leader for the Kanc7 Forest Resource Management Project initiated the Public Comment Period. Each letter received during the 30-day public comment period was reviewed to identify issues and concerns. A total of 68 separate discernible public comments were identified and addressed.

Consideration of these comments and our response to them can be found in the EA, Appendix A – “Comments on the Kanc7 Project and Forest Service Responses”. Some issues brought up by respondents were used to develop or refine alternatives (EA Chapter 2), and some were used to better focus our analysis of effects (see EA, Chapter 3). The EA or notice of the EA will be sent to those who commented, and is also available on the WMNF web site. I believe the EA and Appendix A do an efficient job of responding to and addressing the substantive public comments received during the public comment period, January 19 to February 19, 2008.

- d. **Public Notification of this Decision Notice/FONSI and Availability of the EA.** The EA for this project is available for review. All individuals and organizations who commented during the comment period will receive a paper or electronic copy of this Decision Notice and FONSI, and the EA including the Forest Service Response to Public Comments (Appendix A). The EA and the Decision Notice/FONSI will also be posted on the White Mountain National Forest web page at: <[www.fs.fed.us/r9/forests/white\\_mountain](http://www.fs.fed.us/r9/forests/white_mountain)>.

## Issues Used to Formulate Alternatives

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Issues received from the public and Forest Service specialists were separated into two groups: “Issues Used to Develop Alternatives”, and “Other Issues Addressed by Meeting Forest Plan Standards and Guidelines”. The following issues were used in developing alternatives to the proposed action for the Kanc7 Project.

1. *The proposed actions may temporarily interrupt and/or adversely affect the quality of recreation uses due to noise during harvest and the visual impacts of logging following harvest. Special concern was expressed regarding effects to scenery along trails.* Alternative 4 is designed to respond to this issue.
2. *Harvest openings may adversely affect scenery as viewed from prominent viewpoints, including: Potash Mt., Hedgehog Mt., Sugar Hill Overlook, Boulder Loop Trail, Mt. Passaconaway, and Mt. Tremont.* Alternative 4 is designed to respond to this issue.
3. *Much of this area has been unharvested for 20+ years, and there is a need to create or enhance wildlife habitat, and management of lands suitable for harvest, using various silvicultural treatments, to meet Forest Plan objectives.* Some respondents insist that forestry is badly needed to improve wildlife habitat and forest health. Alternatives 2 and 3 are designed to respond to wildlife habitat and forest health and productivity issues.
4. *The proposed alternatives may have adverse effects on roadless characteristics of the Sandwich-4 Inventoried Roadless Area (IRA), or even disqualify the inventoried roadless area from future consideration for Wilderness.* Alternative 5 is designed to respond to this issue expressed by some respondents.

## Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that the actions included as part of Alternative 4 will not have a significant effect on the quality of the human environment, considering both 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:

### Context of Effects

This project, and the environmental assessment and effects analysis on which it is based, applies only to the Southwest Swift River HMU. The context for this Decision Notice is the immediate project area within White Mountain National Forest only. Neither this Decision Notice and Finding of No Significant Impact, nor the environmental assessment on which they are based, are intended to 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 either establishes a local, regional, or national precedent, or has any significant applicability 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.

Some have implied that the context for this decision should be national because the issue of roadless area management has been legally challenged on several National Forests in different Judicial Districts. The argument is that a decision to harvest in an “inventoried roadless area” (or “IRA”) here on the White Mountain National Forest will directly affect the outcome of the debate about IRAs elsewhere in the country and in the courts.

I do not concur with this line of reasoning, and recent judicial review in the U.S. District Court (District of New Hampshire) supports the view of limited context that was applied to the previous “Than Forest Resource Management Project”:

“In concluding that the Than project would ‘not have a significant effect on the quality of the human environment,’ Than Project Decision Notice at 20, the Forest Service addressed both the context and intensity of the effects of the proposed project, as is required by the governing regulations.” [*Sierra Club et al. v. Thomas Wagner et al.—U.S. Dep’t of Agric., Civil No. 07-cv-257-SM, Opinion No. 2008 DNH 113 (1st Circuit, District Court of NH, 2008)*]

A roadless area inventory was properly completed in 2005 in full conformance with agency direction found in FS Manual 1950 and FS Handbook 1909.12, for the purpose of identifying potential Wilderness as part of the Plan Revision process. Two areas, one in Wild River and the other adjoining the Sandwich Range Wilderness, were proposed for designation as new Wilderness. The Sandwich Range Wilderness totaled 25,000 acres in size prior to the Forest Plan Revision, and the Forest Plan recommended an additional 10,800 acres be added for a total Wilderness size of 35,800 acres. Then, in accordance with FSH 1909.12, the remaining areas identified as fitting the

definition of roadless for Eastern National Forests, but not recommended for further Wilderness study, were properly made available through the Planning process for assignment to other Management Areas. The decision on the status of these remaining areas was resolved in the Forest Plan FEIS and Record of Decision. The Planning process ended in 2005 with the issuance of the Record of Decision that had broad support in New England, and was not appealed.

Therefore, the context for this project decision is the same as that of the Forest Plan on which it is based and to which it is tiered. In other words, it has limited applicability to National Forest land outside of the project area, and no applicability to any land beyond the boundary of the White Mountain National Forest.

### **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. (An effect may be beneficial.)**

Both beneficial and adverse impacts of implementing Alternative 4 are well described in the EA (Chapter 3). There are likely to be both beneficial and adverse effects to certain resources from taking the proposed actions in Alternative 4. However, the EA demonstrates that these effects are relatively minor, of short duration, and they are not directly, indirectly or cumulatively significant. Due to the careful project design that incorporates protective measures (Forest Plan standards and guidelines, Best Management Practices, and site-specific design features) there are minimal adverse effects predicted in implementing Alternative 4, and none are significant. The sum total of all the likely effects described in the environmental assessment are not significant in scale or intensity.

#### **2. Effects on Public Health and Safety**

The EA (Chapters 3.1 and 3.13) supports the conclusion that there should be no significant effects to public health and safety from the project. There were public concerns expressed during the 30-day comment period regarding public (hiker) safety, and Alternative 4 was designed in part to address this by separating the activities from the recreation visitors, temporally and spatially. Also, design features (described in EA Chapter 2.3) will further minimize resource impacts and provide for safe public access and use of the project area. This includes the temporary closure of certain trails if needed and the timing of some activity for when public use is low or a facility closed. In Alternative 4, the season of harvest is modified to require winter harvesting in units 1, 6, 8, 9, 13, 26, and 48 to reduce impacts to recreation during the high-use summer and fall seasons. These adjustments restrict activities to winter in several high use areas and will provide an added measure of public safety.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There are no *park lands, prime farmlands, Wild and Scenic Rivers*, research natural areas, or ecologically critical areas in or near the project area, and therefore none that would be adversely affected by this project. There are *historic or cultural resources* within the project area, but the EA clearly demonstrates there will be no significant effects to any heritage resources (EA Chapter 3.14). Likewise, there are wetlands and riparian areas within the project area, but the application of project design, Forest Plan standards and guidelines, best management practices, and design features ensure no significant effects to them are likely from the Kanc7 project (EA Chapters 3.6, 3.7, and 3.9).

**Eligible Wild and Scenic Rivers.** The Swift River, which lies at the edge of the project area, is eligible for consideration under the Wild and Scenic River Act. However, the EA clearly demonstrates that there are no activities proposed in Alternative 4 that will adversely affect its eligibility for future consideration for Wild and Scenic River designation (EA Chapter 3.10). A clearcut originally proposed within ¼-mile of the Swift River was dropped in Alternative 4. Other uneven-aged and thinning harvests within ¼-mile of the River are set back from the bank and will continue to provide a natural-appearing view from the river banks. The effects would not be visually discernible from the river or disqualify it from continued eligibility as a wild and scenic river.

The selected alternative does not violate standards set for Outstanding Resource Waters for New Hampshire nor does it adversely affect Threatened or Endangered species, Regional Forester Sensitive Species, Management Indicator Species or their habitat (add EA reference).

The selected alternative for the Kanc7 project, even when considered cumulatively with past, ongoing, and future projects, would allow the Swift River to remain an eligible river, with a potential “Scenic” classification and potential Outstandingly Remarkable Values (ORVs) of scenery and recreation.

**Wilderness.** The Sandwich Range Wilderness abuts the 5,372-acre Kanc7 project area. All proposed actions lie within Management Area 2.1. No project activities are proposed within the Wilderness as part of the Kanc7 Project, and therefore there will be no direct effects on Wilderness. The effects analysis found in the EA Chapter 3.12 address the possible indirect and cumulative effects of the Kanc7 project on Wilderness. Based on my review of Chapter 3.12 (“Wilderness”), I have determined there will be no significant or lasting effects to the character of the Sandwich Range Wilderness or the quality of the recreation experience of Wilderness visitors. Alternative 4 included extra measures designed to minimize potential effects to the Wilderness experience that might have resulted from activities adjacent to the Sandwich Range Wilderness boundary. These measures exceed Forest Plan standards and guidelines, but they were included as a reasonable response to concerns expressed during the 30-day comment period.

**Inventoried roadless areas.** Based on my review of the EA (Chapter 3.11 “Roadless”), I have determined there will be no significant effects to the roadless or Wilderness character of an inventoried roadless area (IRA), nor will any of the proposed activities affect the consideration of harvested areas within the Sandwich 4 IRA for inclusion in future roadless inventories. Proposed harvests are unlikely to significantly impact the area’s consideration in future roadless area inventories, any more than past harvests affected previous roadless area inventories in 1986 and 2005.

The effects analysis in EA Chapters 3.2 and 3.11 states that changes in forest cover will be detectable only within the project area boundary or from a limited number of vantage points in the immediate surrounding area. These changes will be of a temporary nature, and not on a scale that forecloses the area from roadless or wilderness consideration now or in the future. There will be no permanent change to the overall landscape from the road reconstruction (0.22 miles) or the harvest activities owing to the regenerative capacity of the lands to be treated. Approximately 875 acres or 4.7 % of the IRA is proposed for treatment including 112 acres of regeneration harvest; however, effects would be temporary and should not be noticeable to the eye within two decades. This is well below the Forest Service roadless inventory criteria of no more than 20 percent of the IRA (3,727 acres) being harvested in a ten year period. Even when this project is combined with the past, present, and reasonably foreseeable harvest in the area, it comes to less than 5% as only 4 acres have been harvested in the last ten years, and that was for the creation of a wildlife opening. All of the planned activities combined do not directly, indirectly or cumulatively add up to a significant effect to the Sandwich 4 IRA. The effects of this project are even less significant when considered at the Forest level where, after decades of active management, we still record “27 Roadless Areas totaling over 403,000 acres Forestwide” (EA Chapter 3.11, “Background”, page 187). Clearly, active management on the White Mountain National Forest has not adversely affected its generally primitive “roadless” character. The Kanc7 project is a relatively minor entry into an inventoried roadless area and is not significant enough to require an EIS or set a National precedent.

#### **4. The degree to which the effects on the quality of the human environment are likely to be highly controversial**

The National Environmental Policy Act (NEPA) uses the word “controversy” to refer to scientific uncertainty, rather than social controversy. In other words, we are mandated to prepare an Environmental Impact Statement (EIS) if there is significant controversy concerning the science used for our analysis. No such controversy exists for the Kanc7 project. We have considered all available literature, peer-reviewed research, and monitoring data when determining whether to propose harvest in a stand or leave it to natural processes, and when evaluating potential effects of the five alternatives.

Informal consultation with other State and Federal Agencies (including New Hampshire Fish and Game, U.S. Fish and Wildlife Service, and NH Department of Transportation), and the New Hampshire State Historic Preservation Office did not produce any scientific controversy regarding the

project's direct, indirect or cumulative effects (see EA, Chapter 3). We have a close working relationship with Forest Service researchers at two nearby Experimental Forests at Bartlett and Hubbard Brook, and have coordinated with them to ensure we are applying their research correctly in managing the forest.

Issues identified by the public involving potential adverse effects were largely resolved through project design, particularly as it relates to scenery, recreation, soils, and water quality effects (see EA Chapters 2.3 "Design Features" and 3). All actions proposed in Alternative 4 are within the standards and guidelines of the Forest Plan.

I have concluded that the effects of the project on the human environment resulting from this decision to implement Alternative 4 are not highly controversial. This is based on (1) the extensive public involvement and the subsequent responsiveness of the selected Alternative 4 to comments received during the 30-day comment periods (EA Appendix A – Public Comments & FS Responses); (2) the involvement of specialists from other State and Federal Agencies; (3) the analysis by Forest Service resource specialists documented in Chapter 3 of the EA; and (4) incorporation of the best available, peer-reviewed science cited in EA Appendix D.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The White Mountain NF has considerable experience with the types of activities to be implemented in this project. The EA analysis (Chapter 3) demonstrates that the effects are not uncertain or significant, and do not involve unique or unknown risks. The range of site characteristics are similar to those taken into consideration and disclosed in the Forest Plan FEIS, Chapter 3, and the effects of this project are within the range anticipated in the FEIS Chapter 3 and Record of Decision. Therefore, application of Forest Plan standards and guidelines are expected to be effective. Past knowledge gained through monitoring and record keeping of timber sale inspections, stand examinations, and research have provided a basis for determining the effects likely to occur under each of the Alternatives and disclosed in the EA.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration**

This action does not establish a precedent for future actions with significant effects. The timber harvest proposal is similar to many other harvests conducted on the White Mountain National Forest over many decades. Many of those past harvests and associated road activities were in areas that later (during Plan revision) were found to meet the criteria for inventoried "roadless" areas in Eastern National Forests defined in FSH 1909.12, Ch. 7.11. As described in the EA (Ch. 3.11), this action does not set a precedent for or direct future management that will limit the area's future eligibility for roadless consideration, any more than previous management reduced its eligibility for consideration in the most recent Forest Plan Revision (completed in 2005).

Based on analysis found in the EA, there is no reason to conclude that the Kanc7 project or its connected actions will directly, indirectly or cumulatively reduce the Sandwich-4 Roadless Area's future eligibility for Roadless or Wilderness consideration. The analysis of Kanc7 Project is tiered to the 2005 Forest Plan EIS and ROD (3-385 to 3-387 and Appendix C-3 to C-7) which presents the scope and context of the Roadless Inventory relative to eastern and National wilderness and explains why the remaining areas within the Sandwich-4 IRA were allocated to MA 2.1. Tiering to the Forest Plan, the EA sets the context for this project (Chapter 1.B, "Scope of the Analysis") and establishes that the proposed action does not apply to or set precedent for any area outside of this project.

#### **7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

Based on my review of the Environmental Assessment and the project record, I am convinced that none of the direct, indirect or cumulative effects of the alternatives are significant. The Environmental Consequences section of the EA (Chapter 3) describes the anticipated direct, indirect and cumulative effects on recreation, scenery, soils, water, fisheries, wildlife habitat, threatened, endangered, sensitive species and Regional Forester listed species, roadless, wilderness, heritage resources, social-economics, air, and invasive species. The EA describes how Alternative 4, when considered along with past, present, and reasonably foreseeable actions, would "provide improved diversity of habitat for wildlife species" and "[n]o species is expected to have a viability concern with implementation of this alternative." (Chapter 3.7 — "Wildlife") In addition, Alternative 4 does not lead to any change in forest productivity (see EA Chapter 3.5, Soil Productivity). Adequate restocking of clearcut stands is anticipated within five years, and improved overall forest health is expected.

The EA also clearly demonstrates that none of the action alternatives come close to having a noticeable affect, either directly, indirectly, or cumulatively, on the roadless characteristics of the Sandwich-4 IRA area for inventory or wilderness consideration under a future Forest Plan revision process.

#### **8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places.**

A Cultural Resource Reconnaissance Report was completed for the Project Area. Based on these field surveys there is no anticipated affect to historic or cultural resources. Surveys included a specific close look at several areas identified by the public as possible historical sites requiring special protections. These sites, which included old railroad grades, sidings, a former logging camp, and a cistern, were all examined by an archeologist and determined to be potentially eligible for the National Register of Historic Places. Sites flagged and identified during the archeologist's survey are to be avoided, and we have taken the additional measure of specifying winter harvest to minimize ground disturbance in the affected stands (including Units 8, 9, 10, 21, and 25). Monitoring will occur before, during, and after

activities to ensure compliance. On June 20, 2007, the New Hampshire State Historic Preservation Office (SHPO) concurred with the archeologist's determination in the Cultural Resource Reconnaissance Report, that no adverse effects will occur to heritage resources on National Forest land. I conclude that this project will have no significant adverse effects on actual and eligible National Register sites.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

Based on a review of all available information, it was the District Biologist's determination that potential habitat may occur within the Project Area for one Federally Threatened Species (Canada lynx) and six Regional Forester Sensitive Species (eastern small-footed myotis, northern bog lemming, Brown's ameletid mayfly, third ameletid mayfly, Bailey's sedge, and autumn coralroot). There would be no direct effect to Canada lynx under any of the Alternatives, due to extirpation of the species. All of the action alternatives would improve lynx habitat and would therefore have an indirect beneficial effect.

The Biological Evaluation (BE) does not show direct or cumulative adverse impacts that are in themselves significant, or would lead to significance.

For each of the six Regional Forester Listed Sensitive Species (EA Chapter 3.7 – Wildlife), the wildlife biologist has determined that all Action Alternatives may impact individuals but would not likely cause a trend toward federal listing or loss of viability. The application of Forest Plan standards and guidelines during project design should minimize potential impacts to these species. If effects do occur, they are likely to be minimal, with no significant effect on populations or habitat (Biological Evaluation, Project File). I concur with her finding that the project's effects are not significant.

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

This 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, and the Proposed Action complies with the Forest Plan.

## Findings Required by Other Laws and Regulations

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The decision to implement Alternative 4 is consistent with the intent of the Forest Plan's long term goals and objectives. The project was designed in conformance with land and resource management 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 decision is consistent with the Land & Resource Management Plan, and implements that Plan as required by the National Forest Management Act, Section 1604(i). The Kanc7 project complies with guidelines that insure vegetation management provides a sustained yield of forest products, promotes diverse plant and animal communities, and occurs in suitable locations. The proposed project area lies within Management Areas 2.1 which are suitable for timber harvesting in accordance with the National Forest Management Act and the White Mountain National Forest Plan, and confirmed by field examination.

The proposed even-aged prescriptions are appropriate methods to create early-successional wildlife habitat in the northern hardwood and paper birch community types. The uneven-aged prescriptions (Single-Tree Selection and Group Selection cuts) are appropriate methods to increase the percentage of softwood and accelerate the growth of softwood regeneration in mixed-wood stands, and to provide diverse structure in the 165 acres of hardwood forest type where this technique is applied. The proposed prescriptions will achieve the "purpose" and the "desired condition of the land" as described under MA 2.1 — General Forest Management, on page 3-3 of the Forest Plan. This decision is in conformance with the "Estimated Silvicultural Practices for Decades 1 and 2" as shown in Appendix B of the Forest Plan.

In addition to the consistency findings pertaining to the White Mountain National Forest Land and Resource Management Plan, the 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 use of even-aged management prescriptions are optimal where applied because they regenerate stands that are mature (Forest Plan FEIS, Appendix B); and it protects other resource values, mitigates effects, provides wood products to the regional economy, and helps achieve Forest Plan objectives (see EA Chapter 1 and EA Chapters 3.3–Vegetation and 3.7 — Wildlife).

Clearcutting was proposed only where it met optimality requirements for both silvicultural and wildlife habitat objectives. Clearcutting is proposed where it is the required method of creating early successional habitat openings to achieve wildlife habitat objectives (NFMA 16 USC

Section 1604[g]). Additionally, clearcut units were prescribed by a certified Silviculturist and are in mature hardwood stands where clearcutting is the optimum method to regenerate the stand (see EA, Chapter 3.3 – Vegetation).

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 practices prescribed for Kanc7 Project are the same as those that have been successful in restocking WMNF MA 2.1 lands during past management entries (Forest Monitoring Reports – 1994 to 2001).
3. *Alternative 4 is not chosen because it would give the greatest dollar return or the greatest output of timber. I am selecting Alternative 4 for reasons disclosed in the 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 prescriptions are formulated with these factors in mind, and with clear instructions for marking and close communication with the sale administrator to implement a harvest process that has proven to protect residual trees and adjacent stands from undue damage (Forest Monitoring Reports).
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 prevent the permanent impairment of site productivity and to conserve water resources (EA Chapters 3.4/3.5, [Soils]; Chapter 3.6 [Water]; Chapter 3.7 [Wildlife]; and Chapter 3.9 [Fisheries]). Forest site productivity will remain constant and adequate re-stocking of clearcut stands is anticipated based on the history of regeneration on similar soils nearby and elsewhere on the District. No change in soil productivity is expected.
6. *The prescription provides the desired effects on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, recreation uses, scenery, and other resources.* The prescriptions meet Forest Plan Standards & Guidelines as described for MA 2.1 (Forest Plan Chapter 3, page 3), and EA Chapter 1 – Purpose and Need.
7. *The prescription is practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration.* Alternative 4 uses existing roads with the exception of short driveways needed to five individual landings. Harvest units were selected, designed, and laid out to best meet resource management and protection objectives and human needs, while also protecting resources through proper application of Forest Plan standards and guidelines. Costs of project preparation, analysis, and sale administration are representative of a typical sale in this area (see EA Chapter 2 – Alternatives; and Chapter 3.13, Socio-economics).

## **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 comply with NEPA regulations found in 36 CFR 220, dated July 24, 2008. The revised regulations give Forest Service NEPA procedures more visibility, consistent with the transparent nature of the Forest Service's environmental analysis and decision making. An earnest effort was made to reach out to the public, identify possible interested parties, consult with them regarding the Forest Service proposed action, identify public issues and concerns, and use that information to improve proposed alternatives and analysis, and to make a well-reasoned decision. Substantive comments received for this project were used to improve project design including location of proposed harvest activities, season of harvest, cutting unit boundaries, modifications to some prescriptions and deferring treatment of some units. These changes were made solely to respond to public sentiments, and not to mitigate effects that might otherwise have been significant as defined in 40 CFR 1508.27.

## **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 the 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. The SHPO gave approval to implement the project on June 20, 2007.

## **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. One of the objectives of MBTA is to “promote the long-term conservation of Neo-tropical migratory birds and their habitats”. One of the purposes of the Kanc7 project is to improve early successional habitat (EA Ch. 1.4), which provides nesting habitat for songbirds. EA Chapter 3.7 (Wildlife) describes the likely effects to birds known to nest and breed in the habitat of the White Mountain NF, many of which are neo-tropical migratory birds. Most effects are beneficial to nesting birds, and there are no significant adverse effects. The White Mountain National Forest is actively involved with Partners in Flight program to protect neo-tropical migrants.

## **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 would be no effects to Federally listed species. The BE further determined that proposed actions may affect individuals on the Regional Forester's Sensitive Species list, but are not likely to result in a loss of viability or trend toward federal listing.

## Implementation Date

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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.

## Administrative Review or Appeal Opportunities

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This decision is subject to appeal in accordance with 36 CFR 215.11 (2005). 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:

Thomas G. Wagner, Appeal Deciding Officer  
USDA Forest Service, Eastern Region  
ATTN: Appeals and Litigation  
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: Appeals Deciding Officer, Tom 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 published date.

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 for this project is available for public review at the Saco Ranger District, 33 Kancamagus Highway, Conway, NH 03818. In addition, the EA will be posted on the White Mountain NF web site <[www.fs.fed.us/r9/forests/white\\_mountain](http://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).

## **Responsible Official and Contacts**

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The Responsible Official for the Kanc7 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  
TERRY MILLER  
District Ranger

12/1/2008  
Date

