

White Mountain National Forest



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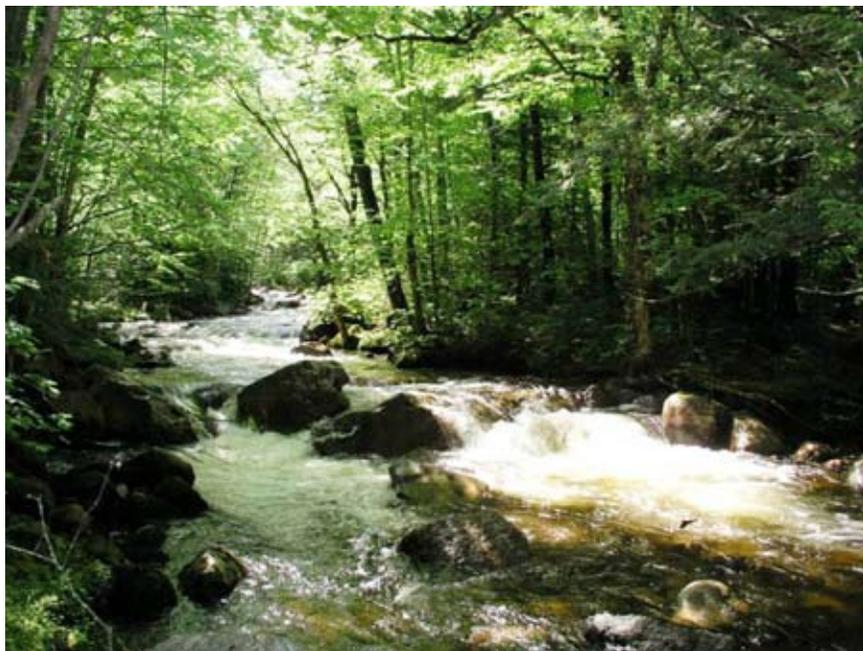
Forest
Service

Eastern
Region



Mill Brook Project Decision Notice and Finding of No Significant Impact Town of Stark Coos County, NH

Androscoggin Ranger District
November 2008



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Contents

| | |
|--|-----------|
| Introduction | 4 |
| Decision Notice | 5 |
| Background and Purpose and Need | 5 |
| Developing the Proposed Action | 5 |
| Decision and Reasons for the Decision: Alternative 2. | 6 |
| Alternatives Considered but not Selected. | 12 |
| Public Involvement | 14 |
| Issue Identification | 15 |
| Findings Required By Other Laws and Regulations | 16 |
| National Forest Management Act Compliance | 16 |
| Endangered Species Act. | 22 |
| Migratory Bird Treaty Act. | 22 |
| National Environmental Policy Act | 23 |
| Executive Order 11990 (wetlands) and 11988 (floodplains). | 23 |
| Executive Order 12898, Environmental Justice | 23 |
| Clean Water Act | 24 |
| Clean Air Act. | 24 |
| National Historic Preservation Act | 24 |
| Wild and Scenic Rivers Act. | 24 |
| Finding of No Significant Impact (FONSI) for the Mill Brook Project .25 | |
| Findings | 25 |
| Context. | 25 |
| Intensity | 26 |
| Project Appeal Rights and Implementation | 31 |
| Appendix A: Literature Cited | 33 |

Introduction

This document announces my decision regarding the Mill Brook Project, and also documents my finding that this project will not have a significant impact on the quality of the environment. This Decision Notice and Finding of No Significant Impact incorporate by reference the Environmental Assessment (EA) for the Mill Brook Project dated November 2008, and its supporting project record.

During my 25-year career with the Forest Service, I have personally been involved in planning, designing, analyzing, and making decisions on many projects similar to this one. I have drawn on my knowledge and experience as I engaged in all phases of this project. I ensured that the public and outside experts were consulted during the analysis, and relied with confidence on the expertise of my Interdisciplinary Team of resource specialists who refined and studied the project. Please note that the team based their work on the White Mountain National Forest's Land and Resource Management Plan (Forest Plan) and the best available science in their specialties, and as importantly, they spent the time in the field necessary to examine and get to know the land. This field knowledge combined with solid direction and good science assures me that I have selected an environmentally sound approach toward managing the land in the Mill Brook project area.

I have personally walked the ground in this project area and observed field resource conditions. My review of the record, the Forest Plan direction, and the detailed field work indicates that this is an action needed at this time. I have reviewed the mitigation measures and effects analysis, and weighed the relatively short term potential effects and long term environmental benefits to wildlife populations and plant and animal community diversity. I am keenly aware of the trade-offs here, and paid particular attention to the long-term result of both action and no action alternatives. The Interdisciplinary Team (IDT) and I have had numerous discussions about what is right for the land, with a long term perspective, sustainability, and ensuring that any action taken leaves in place a resilient, healthy forest for future generations.

A key part of project development was public participation. The IDT has listened, as have I, to the concerns of the public regarding this project. Some strongly support this action, and some oppose it. I have listened to all points of view and appreciate the time and effort the people have taken to give us their views. I was particularly gratified to hear from the Town of Stark Selectmen because the project is within their town, and they had voiced concerns about potential flooding in Stark Village. We also consulted with other resource experts, particularly State resource experts, regarding the effects and objectives of taking action in the Mill Brook area at this time. The comments and views of both State agency experts as well as others are valued and much appreciated.

Most importantly, I have studied the resources of the project area. I learned about the history of this area, what actions have and have not been taken in the past, and the consequences of those decisions. Timber harvesting is part of the fabric of the history of this land and has long played a role in

the local economy. I visited with the Town of Stark select board, and heard their views concerning this project. As the local line officer, I am very concerned that we listen to the comments from those that live and work near the project, and that they understand why we are taking action at this time. My review of the record, including public input, confirms my view that the IDT has done their job in fully developing resource data, alternatives, and effects analysis, and it is time to move forward in the decision-making process.

Decision Notice

Background and Purpose and Need

The Mill Brook project area is located in the Kilkenny region of the White Mountain National Forest. The project is located in the Mill Brook drainage in the Town of Stark in Coos County, NH, on moderately sloped terrain ranging from approximately 1,300 to 2,300 feet in elevation. The project area encompasses a portion of the 17,000 acre Mill Brook Habitat Management Unit (HMU).

The Forest is divided into many HMUs, which are blocks of land, each with a variety of habitat and land types in a mix of Management Areas. We have habitat objectives for each HMU which guide us in managing for diverse habitats and providing biological diversity across the landscape. An HMU provides a framework for analyzing project impacts to wildlife habitat.

Management of the White Mountain National Forest is guided by our 2005 Forest Plan, which is based on several years of extensive environmental analysis and collaboration with the public. The Plan documents the agreed-upon balance of uses and activities desired to meet society's needs while protecting, restoring, and enhancing our natural resources. It is our responsibility to strive for those desired conditions, and it is with that mission in mind that we found opportunities to achieve some of our management goals in the Mill Brook area.

Developing the Proposed Action

The activities presented in the Mill Brook proposal were based on field and data examinations by the Interdisciplinary Team and were intended to improve the existing conditions. The team found a mostly forested and managed landscape with a variety of stand ages and species surrounding Mill Brook, and a well-established network of forest roads. They took note of active land use – recent timber harvest on private and national forest lands, camps nestled along the brook and roads, maintained wildlife openings, anglers walking the banks of Mill Brook, and trails for hikers and snowmobilers. They also found evidence of past activities and events – old skid trails, landings, and regenerated forest stands; side channels in Mill Brook that were plugged by humans in an attempt to direct the flow; trees damaged by ice; and areas of erosion that need attention.

Based on all they saw and with consideration of Forest Plan goals and objectives (USDA Forest Service 2005a Chapters 1-3), the team developed a

proposal that manages this landscape to achieve vegetation, wildlife habitat, and watershed objectives:

- Promote regeneration of trees, wildlife habitat, and healthy forest stands by removing selected individual trees or groups of damaged and/or mature trees. For example, they found acres of northern hardwoods and mixwood growing on soils that favor softwoods, and recommended harvest prescriptions to promote spruce-fir habitat.
- Diversify wildlife habitat by converting some mature forest to shrubby grassy openings. Our wildlife biologist referred to new studies (Schlossberg and King 2007) indicating that larger openings in the forest provide higher quality habitat because birds that require early successional habitat favor larger openings. One existing opening will be expanded by four acres, and one new five-acre opening will be created.
- Perpetuate spruce-fir habitat by removing the overstory to regenerate softwoods and release the existing softwood understory. This will occur on soils that favor softwoods.
- Create early successional habitat by clearcutting some lower-quality stands, encouraging a new healthy stand while providing forest regeneration wildlife habitat for ten years after harvest. The team found a lack of regeneration forest habitat and was able to recommend two of the lower-quality mature northern hardwood stands for clearcutting to create regeneration habitat while at the same time encouraging a new stand of healthy trees.
- Promote a sustained yield of wood products in an environmentally sensitive manner.
- Restore the proper functioning condition of Mill Brook and stop erosion in two locations.

The team also proposed that we maintain roads and wildlife openings, and recommended a minimum road system for the future.

I agreed with the team's recommendations. Ongoing field visits and public involvement helped refine the proposal and develop another action alternative (Alternative 3) that would meet the purpose and need for the project. The Mill Brook project environmental assessment documents the analysis of the alternatives, and the project file contains the supporting discussion of methodology, data, analysis, science, and other information associated with this analysis.

Decision and Reasons for the Decision: Alternative 2

I personally reviewed the analysis presented in the Mill Brook Project EA and the extensive supporting documentation in the project record. I am satisfied that the Interdisciplinary Team conducted a thorough analysis of the proposed action and alternatives and that we effectively involved the public and carefully considered and responded to their comments. In addition to applying standards and guidelines from the Forest Plan, the Interdisciplinary Team carefully considered and applied Best Management

Practices developed by the State of New Hampshire, and project design features developed by the Team.

We studied three alternatives in detail: Alternative 1— No Action; Alternative 2 — Proposed Action; and Alternative 3 — No Harvest in the Kilkenny Inventoried Roadless Area. As noted below, the IDT and I also considered a number of other alternatives suggested by the public, but not in detail. The reasons for this determination are found in the EA, section 1.5. Considering the effects analysis in Chapter 3 of the EA, public comments, on-the-ground conditions in and near the project area, and our goals for Management Area 2.1 lands, I have decided to select Alternative 2 for the Mill Brook project. This alternative includes timber harvest activities, road maintenance, wildlife habitat improvement, watershed restoration, and road classification and decommissioning as described below and in Chapters 1 and 2 of the EA. My decision incorporates Forest Plan standards and guidelines as well as New Hampshire Best Management Practices and project-specific Design Features as assigned in Section 2.5 of the EA.

I decided to implement Alternative 2 because:

1) Alternative 2 Best Meets the Purpose of the Action and Need for Change

Of the three alternatives, I find that Alternatives 2 and 3 are similar, in meeting the purpose and need to provide habitat for wildlife species that require forest regeneration habitat, watershed restoration, maintenance of Forest Road 11E, and road classification changes.

The primary difference between the alternatives is the acreage harvested (see Table 1 in the EA), which means that the alternatives differ in the degree to which they meet the purpose and need for vegetation and wildlife habitat. Alternative 2 harvests 313 more acres, which will better meet objectives related to increasing forest health and productivity, and will achieve some of the Mill Brook HMU objectives for wildlife habitat diversity including perpetuating spruce-fir and increasing permanent wildlife opening habitat.

2) Alternative 2 Improves Forest Health and Wildlife Habitat Diversity

As disclosed in Chapter 3 of the EA, there would be minimal environmental impact resulting from either Alternative 2 or 3. All resources analyzed are protected through the application of standards and guidelines, Best Management Practices, and project design features.

Alternative 2 will provide environmental benefits by improving forest health, increasing wildlife habitat diversity, and more broadly, increasing biological diversity across the Mill Brook landscape. These benefits are described in detail in the EA in Sections 3.11 and 3.14. This alternative will harvest more acreage than Alternative 3. The additional acres harvested under Alternative 2 have a mix of treatment objectives, including the objective to improve stand quality through uneven-aged management techniques of selection cutting. Specifically, individual tree and group selec-

tion harvests will release or regenerate hardwood and softwood species by removing older and/or lower quality trees. In some areas of abundant understory beech, group selection will promote a mix of faster-growing hardwood species including paper birch, yellow birch, aspen, and white ash. These treatments will maintain uneven-aged stands and perpetuate the diversity of tree age classes and species. Tree species diversity also will be enhanced by retaining advance regeneration, particularly spruce and fir in the mixed hardwood/softwood stands. Improvement cuts will reduce the basal area by approximately 1/3 through the removal of dying and defective trees, undesirable species, and/or trees crowding high-value stems. Direct results of improvement cuts include increased vigor and quality on good sites when a residual basal area of 70 to 80 ft²/acre is attained (Leak et al. 1987).

The majority of the northern hardwood and softwood stands in the project area are at least 80 to 90 years old and growth is slowing. By harvesting now, sites supporting these slow-growing trees will be restocked with younger, more rapidly-growing trees and therefore the average future growth per acre would increase. Overall, removing diseased, damaged and low quality trees promotes a healthy, vigorous, and resilient future forest that increases in value over time due not only to its ability to respond to environmental change (e.g. climate change), but also higher quality residual trees.

Maintaining biological diversity is an important goal of the Forest Plan. As discussed in section 3.14 of the EA, the wildlife habitat benefits realized from additional timber harvest in this HMU are important in maintaining the diversity of wildlife species native to northern New England by providing a wide variety of habitats across the landscape, including various forest types, age classes, and unforested openings. All of these forest habitat types (softwoods, northern hardwood etc.) and structural characteristics (mature forest, brushy openings etc) provide essential habitat for various wildlife species in New England (DeGraaf and Yamasaki 2001). These benefits include increased within-stand diversity, perpetuating spruce-fir, and increased acres of permanent wildlife openings. The selection harvests will favor up to 150 species of wildlife preferring mature northern hardwoods or mixedwood, and 125 species will use mature spruce-fir. The overstory removal to release young spruce-fir will favor up to 100 species associated with dense softwood undergrowth. Creating and maintaining additional acres of permanent wildlife openings will provide higher quality habitat because studies show that early successional birds favor larger openings (Schlossberg and King 2007) with grass, forbs, and soft mast such as blueberries providing a source of browse, hiding cover, and nesting habitat for wide variety of wildlife species, including chestnut-sided warblers. Comments received from other wildlife experts support this type of management action. The science, as well as information gained from other projects, provides strong evidence that active management to diversify this HMU is not only achievable, but also an opportunity that should not be foregone. I have weighed the benefits to wildlife with the effects on other resources, and noted the consequences of no management upon diversity and wildlife habitat. The opportunity to markedly improve habitat over time in a

manner that sustains and protects other resources (especially the IRA, as discussed below) is compelling.

3) Alternative 2 Considers the Kilkenny Inventoried Roadless Area

The roadless area inventory and wilderness evaluations conducted during our forest planning efforts were truly a hard look at roadless characteristics and wilderness capability at the programmatic level. The inventory conducted when revising the Forest Plan actually resulted in an increase in the acreage in inventoried roadless areas across the Forest, and we evaluated all of the inventoried lands for wilderness capability. Some areas were recommended for wilderness designation and some were not. Some of the areas recommended for wilderness later were added to the National Wilderness Preservation System, even though these same areas had been actively managed (logged) in the past. Many areas of the Forest, including this portion of the Kilkenny IRA have experienced this cycle of harvest and regrowth. The natural resources in the Kilkenny IRA today have experienced active management over the past two decades.

In the White Mountain National Forest's 2005 programmatic Forest Plan, the Kilkenny IRA was allocated to management areas with a variety of goals and objectives to achieve the desired conditions in the national forest. Alternative 2 includes timber harvest and road work on some of those lands allocated to Management Area 2.1 (General Forest).

I would add that the area in and around the Alternative 2 stands to be harvested in the Kilkenny Inventoried Roadless area has been harvested in recent (1990s – 2000) and earlier (1940s – 1980s) periods. Nevertheless, since the previous Forest Plan, a "light on the land" forestry program allowed the White Mountain National Forest to actively harvest timber in much of the same land that it increased roadless areas by many thousands of acres, including this portion of the Kilkenny IRA.

I also selected Alternative 2 because the Mill Brook project environmental analysis concludes that after implementing Alternative 2, lands in the Kilkenny IRA will continue to meet roadless inventory criteria and could be considered for wilderness in the future. Nothing in NEPA, NFMA or any other federal law requires preservation of non-wilderness lands in a particular natural state. The Organic Act, the National Forest Management Act, and the Multiple Use Sustained Yield Act state that timber harvesting will occur on the National Forests. Indeed, the Kilkenny IRA as it exists today is the result of the action of natural forces and active management. It retains many desirable characteristics, but the portion encompassing the Mill Brook project area clearly lacks in diversity of age class and type of wildlife habitat.

For the Mill Brook project, I carefully considered the public comments requesting that no timber harvest or road work occur in the Kilkenny Inventoried Roadless Area. Many of the respondents expressed concern that such activities would harm the character and biological and social value of the land, precluding consideration for wilderness designation in the future.

I understand this perspective and responded to the concern by developing Alternative 3 and ensuring that the Interdisciplinary Team took a hard and thorough look at the effects of the action alternatives on the degree to which lands meet roadless inventory criteria and wilderness characteristics. Our analysis studied the effects on eight different roadless inventory criteria and four different wilderness capability criteria. The criteria addressed a host of characteristics addressing natural, cultural, and social values. This analysis determined that impacts to roadless inventory criteria and wilderness characteristics would be limited and temporary, and would not preclude future inclusion in the roadless area inventory or consideration for wilderness recommendation (EA Section 3.5)

In summary, I selected Alternative 2 because it best meets the purpose and need for the project and achieves some of the goals described in Section 1.1 of the EA (Purpose of the Action and Need for Change). Alternative 2 will also enhance forest health, productivity, and wildlife habitat diversity the most by harvesting about 313 more acres than Alternative 3, and creating about 5 more acres of permanent wildlife opening. The trade-offs between the action and no action alternatives are clear and well described in the analysis. Likewise, the differences between action alternatives are well understood. The timber harvest planned for these acres will improve the health and vigor of the stands, and enhance wildlife habitat by creating within-stand diversity, increasing permanent wildlife opening habitat, and perpetuating spruce-fir habitat. I also selected Alternative 2 because I find that it comprehensively addresses the IRA issue and responds to the public by retaining roadless and wilderness character. I took the views of the local communities, in particular the Town of Stark, into consideration in reaching this decision. After weighing the alternatives carefully, I have determined that Alternative 2 not only best meets the purpose and need, but also is the right thing to do for the long term sustainability of all the resources in the HMU, including the characteristics of the Kilkenny IRA.

Summary of Alternative 2: Mill Brook Project Activities

Detailed descriptions of the planned activities are included in Chapters 1 and 2 of the Environmental Assessment, and in the project file. They are summarized in Table 1.

Table 1. Alternative 2: Planned Activities

| Activity | Unit | Alternative 2 |
|---|-------|---------------|
| Vegetation Management | | |
| Clearcut (Regeneration Cut) | Acres | 47 |
| Patch Cut for Permanent Wildlife Openings | Acres | 9 |
| Group Selection Cut | Acres | 317 |
| Individual Tree & Group Selection Cut | Acres | 341 |
| Overstory Removal | Acres | 5 |
| Improvement Cut | Acres | 315 |
| Total Area | Acres | 1,034 |
| Harvest Volume | MBF | 3,520 |

| Activity | Unit | Alternative 2 |
|---|-------|---------------|
| Permanent Wildlife Opening Maintenance | | |
| Prescribed Burn, Handbrush, and/or Mow | Acres | 11 |
| Transportation System | | |
| Road Restoration Maintenance | Miles | 3.5 |
| Landings used: Existing/Constructed | # | 7/5 |
| Road Decommissioning | Miles | 2.4 |
| Unauthorized Roads Classified to Forest Road | Miles | 3.1 |
| Watershed Restoration | | |
| Old Road Floodplain Restoration | Feet | 500 |
| Channel Stabilization near Road #2204 | Feet | 200 |

Implementation of the Mill Brook project will address the needs for change described in Section 1.1 of the EA for vegetation, wildlife habitat, riparian, aquatic, and water resources, and the transportation system.

The Mill Brook project is based on the site conditions currently found in the project area compared to the desired conditions that will meet our goals and objectives for managing the area. The activities in Alternative 2 address site-specific needs, but at the same time the site conditions and activities are commonly found and conducted on the White Mountain National Forest. Our monitoring reveals that similar projects have produced the desired conditions and outputs, while protecting natural, cultural, social, and economic resources from significant adverse impacts.

A change from the proposed action as presented in the February 2008 Preliminary EA is an increase in the overall estimated timber volume (MBF) from the volume analyzed in the EA. As field work has continued and preliminary ground work has started, additional information collected has refined estimates based on more exacting timber cruise information which showed initial estimates to be conservative for timber in the Mill Brook region. Further, changes in timber specifications are new to our contracts and account for additional volume that the Forest Service did not use to include. For example, excessive sweep or crook in a tree was cause for that tree or portion to be excluded while industry would accept that tree. Future contracts will now include that volume. Most importantly, the increase in volume is not a result of any changes in silvicultural prescriptions or acreage or any resource work contemplated on the ground. A closer look at this change is found in 3.11 Vegetation – Timber Resources.

The updated timber volumes have been applied in the Final EA. Volume changes are reflected in the following sections:

- 2.2 Alternative 2: Proposed Action
- 2.4 Comparison of Alternatives
- 3.4 Heritage Resources
- 3.9 Socio-economic Assessment
- 3.11 Vegetation-Timber Resources

Best Available Science

In addition to the best available science on which our 2005 Forest Plan and Final Environmental Impact Statement is based, the Interdisciplinary Team evaluated and applied more recent and ongoing research in determining the environmental effects of Alternatives 1, 2, and 3. The project record demonstrates a thorough review of relevant scientific information and consideration of responsible opposing views. Much of the scientific material used in the analysis is referred to in the EA, listed in Appendix D, and located in the project file. The IDT has taken the substantial compilation of scientific information developed for the Plan revision and applied it to this project. The team consulted with other resource experts. 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, forest regeneration habitat, soil productivity, and water quality.

Alternatives Considered but not Selected

Alternative 1 — No Action: This alternative was developed in response to the National Environmental Policy Act requirement to include a “No Action” alternative to serve as a baseline for evaluating effects of the action alternatives. Under this alternative, current activities would continue. Roads, trails, and the existing permanent wildlife opening would be maintained. None of the activities proposed in the Mill Brook project would occur at this time.

I did not select Alternative 1 because it fails to take advantage of any opportunities to create desirable forest and wildlife habitat conditions. In the short term there would be a lack of forest regeneration habitat in this HMU and in the long term development of spruce-fir habitat would be delayed, and stand conditions would remain unchanged except as unpredictably affected by natural processes and disturbances. In this regard, the trade-off between allowing the status quo to continue and the action alternatives was very clear from the analysis. The potential effect upon wildlife species dependent upon forest regeneration habitat is clearly set forth in the EA. In addition, timber products would not be offered for sale; in particular, the wood fiber from trees damaged by the ice storm of 1998 would not be recovered. Also, I did not select this alternative because we would miss the opportunity to stop erosion and restore the proper functioning condition at two locations along Mill Brook. Alternative 1 does not move the project area towards the goals and objectives set forth for this HMU, and therefore does not meet the purpose and need.

Finally, the effects analyses conducted for the action alternatives did not reveal any concerns that caused me to give preference to the “No Action” alternative.

Alternative 3 – No Harvest in the Kilkenny IRA: This alternative responds to public concerns about harvesting trees and maintaining roads in the Kilk-

enny IRA. The letters regarding this topic are in the project file and referred to in the EA in Section 2.3. Alternative 3 would harvest about 313 fewer acres of timber than Alternative 2. Timber volume would be reduced by approximately 1,040 MBF and silvicultural objectives to improve the quality of the residual stands would not be met. In addition, the opportunity to enhance wildlife habitat diversity by creating forest regeneration habitat, expanding permanent wildlife openings, and perpetuating spruce-fir in some areas would be foregone. Connected actions would also be reduced: six fewer acres of openings would be maintained, four fewer existing landings would be used, and 0.2 fewer miles of road would be maintained for timber haul.

I did not select Alternative 3 for the following reasons:

- 1) It fails to take full advantage of the opportunity we have at this time to enhance the health and vigor of our forest stands, promote diverse wildlife habitat, and provide wood products to meet society's needs. I believe it would be an inefficient use of resources to treat just this portion of the project area when there are stands that can be harvested at this time in an environmentally sound manner.
- 2) The Killkenny IRA is under a statutory mandate to be managed sustainably for the multiple use resources set forth in the Multiple Use Sustained Yield Act (MUSYA) and the National Forest Management Act (NFMA). The White Mountain National Forest Plan sets forth the framework for compliance with this mandate. During Plan development, this particular portion of the Killkenny area was listed on a planning inventory, but the Plan revision process is now completed and the area known as the Killkenny IRA has been allocated to Management Area 2.1 and others. Some public comments we received would have me focus narrowly on the IRA aspect of this analysis. I agree that the roadless characteristics are very important, but the fact that the Area has been allocated to MA 2.1 cannot be ignored. The reasons for that allocation decision are set forth in the programmatic Forest Plan and Record of Decision. No one challenged this allocation decision during the administrative appeal process for the Plan. There is no legal requirement, nor physical or biological reason to manage the Killkenny for preservation. There is discretion in the law and strong rationale in the analysis of site specific resource conditions supporting sustainable resource management in the project area at this time. Like all other areas on the Forest, the Killkenny area has been harvested in the past, and now shows indications of the need for active management to sustain existing resources and improve the level of plant and animal community diversity. I have given much thought to the long term resource conditions here, and carefully weighed the trade-offs between Alternatives 2 and 3.
- 3) The effects analysis in the EA concluded that the level of timber harvest and road work planned in Alternative 2 would not preclude any future land use of the IRA including possible wilderness recommendation in future Forest Plan revisions, and it would not remove these lands from the Killkenny IRA.

Alternatives Considered but Not Fully Evaluated

Public review and comments included requests for several additional alternatives as follows:

- Decommission all roads.
- Use uneven-aged management only.
- Separate the watershed projects from the rest of the proposal.
- Develop an alternative similar in scope to Alternative 2 but outside of the Kilkenny IRA.

I considered these potential alternatives but did not conduct detailed studies because they either were not feasible or would not meet the purpose and need for the project as identified in Section 1.1 of the EA. A more detailed rationale for not analyzing each of these approaches is in Section 1.5 of the EA.

Public Involvement

In keeping with the White Mountain National Forest's history of strong partnerships in caring for the land, we invested several years of extensive environmental analysis and collaboration with the public to develop our Forest Plan, which was completed in 2005. The result of this effort was a revised plan that provides a balance of public interests and uses supported by numerous organizations representing local and regional governments, timber interests, and environmental groups. It was not administratively appealed by any group or individual – one of the few times in 25 years across 155 national forests that a Forest Plan has not been appealed. I trust that most of the thousands of people who participated in the development of our revised Forest Plan are satisfied with the result and support its implementation. With this in mind, I strive to further engage our public in our project-level proposals and I count on their thoughtful input to strengthen our analysis and ensure successful decisions in the end.

The Mill Brook project was first listed on the Quarterly Schedule of Proposed Actions for the White Mountain National Forest on January 1, 2006. The Mill Brook proposal (March 2006) was presented to approximately 250 interested groups and individuals, including abutters, federally recognized tribes in the State of Maine and local Native American individuals in New Hampshire, local newspapers, and various agencies and organizations. The scoping letter was also posted on the Forest website, and email notification was sent to approximately 800 interested groups and individuals. This notification was followed by a public field tour in June 2006 to seek further public input. We visited the watershed restoration site near Stark Village, and examined several of the proposed harvest areas, including a proposed expanded permanent wildlife opening. We also hiked part of the Unknown Pond Trail to discuss trailside harvest options in the area of stands proposed for treatment in the original proposal. A second field trip in July 2006 examined views of the project area from Roger's Ledge, a viewpoint located to the southeast of the project area. Photos and notes from these public field trips are in the project file.

In March 2006, we met with the Town of Stark Selectmen and heard their concerns about erosion along Mill Brook in the area of the Old Road, and past and potential flooding of Stark Village during high water events. They also mentioned hiking and snowshoeing use of the Old Road adjacent to Mill Brook by students from the Stark Elementary School. These concerns have been analyzed in the EA in the recreation and water quantity discussions in Sections 3.7 and 3.12.

Comments received during the 2006 scoping period were instrumental in the early stages of identifying issues and developing possible alternatives to the proposed project. The project at this point included proposed harvest and road work on lands which were part of a roadless inventory in the 2001 Roadless Area Conservation Rule (RACR) but allocated to Management Area 2.1 as a result of our Forest Plan revision completed in 2005. In late 2006, the Ninth Circuit District Court ruled to prohibit timber harvest and road work on RACR lands nationwide.

As a result, the project needed to be redesigned. The public input thus far helped design the revised Mill Brook project that was then distributed for public scoping in February 2007. Again, scoping included hardcopy mailings, website posting, and email notifications. We received 26 responses that were examined for significant issues (see below), new information, and potential design features.

Although the U.S. District Court for the District of Wyoming has now ruled against the Ninth Circuit District's ruling, I have elected to proceed with this project as designed in 2007 and will not go back and re-look at lands under the 2001 RACR inventory for the Mill Brook project.

We met again with the Town of Stark Selectmen in July 2007 to review the changed harvest proposal, visit the lower watershed restoration project, and discuss the history and potential for flooding in the Village during high water events. A summary of that meeting is in the project file.

In February 2008, the Preliminary Mill Brook Environmental Assessment was distributed to those who had previously commented or expressed interest in the analysis. Email notification was sent and the document was posted on the Forest website for the formal 30-day comment period. A legal notice announcing the formal 30-day comment period was published in the New Hampshire Union Leader. This review period gave the public another opportunity to comment on our project and the environmental analysis with the predicted effects of the three alternatives. The comments we received in this time period were used to strengthen our analysis, address new areas of concern, make minor corrections and clarifications, and complete the project record.

Issue Identification

With two early scoping periods, two public field trips, meetings with the Town of Stark, the formal 30-day review and comment period, and numerous field visits by Forest Service resource specialists, we have had many opportunities to identify concerns associated with the Mill Brook project. The Interdisciplinary Team refined the project design when necessary and

appropriate to resolve concerns, or addressed them in the effects analyses. Concerns that could not be dealt with through minor project design changes or adequate analysis were identified as issues and used to develop alternatives.

The only issue that could not be resolved with the proposed action was the concern expressed regarding the potential effects of timber harvest and road construction in the Kilkenny Inventoried Roadless Area (IRA). A number of commenters thought that the proposed activities would adversely affect the degree to which lands meet roadless inventory criteria and wilderness characteristics of the IRA, reducing the size of the area that will meet inventory criteria in the future and precluding future consideration for wilderness designation. This public concern led to the formation of Alternative 3: No Harvest in 2005 Kilkenny IRA.

Findings Required By Other Laws and Regulations

The activities and effects of my selected alternative are required to be consistent with particular laws, regulations, and agency directives. I have determined that my decision to implement Alternative 2 meets the required findings as summarized below.

National Forest Management Act Compliance

The National Forest Management Act and accompanying regulations require documentation of the following project-level findings [16 U.S.C. 1604;(g)(E) and 16 U.S.C. 1604(m)(1)].

Consistency with the Forest Plan

The Mill Brook Project is designed to move the project area towards the desired condition described in the White Mountain National Forest's Land and Resource Management Plan. The Plan did not authorize this site specific action, but provided a programmatic framework for development of this proposal. As required by NFMA Section 1604(i), I now find this project to be consistent with the Plan. The Mill Brook project is located in Management Area 2.1, where the purpose includes general forest management to produce a sustained yield of timber products and a mix of wildlife habitats. I have reviewed the purpose of the project and the activities to be implemented and determined that they are consistent with the goals and objectives of Management Area 2.1 lands described in Chapter 3 (pp. 3-3 to 3-4) of the Forest Plan. Alternative 2 also complies with Forest-wide standards and guidelines in Chapter 2 of the Forest Plan, as well as those specific to this management area listed in Chapter 3. Alternative 2 will result in a healthier, more resilient Forest in accordance with both the spirit and the letter of the Forest Plan.

Lands Suitable for Timber Management

I have determined that harvesting will be done on land that is suitable for timber management. The suitability analysis conducted during forest planning identified Management Area 2.1 lands suitable for timber management, subject to site-specific verification as project activities are proposed.

I have reviewed the actions included in Alternative 2 and have considered the environmental effects disclosed in Chapter 3 of the project Environmental Assessment. I also considered timber stand inventory data which showed productive forests, well-stocked with trees. Every forest stand considered for harvest in this analysis has been visited and examined by foresters to verify suitability for timber management (project file); essentially field-checking the Forest Plan-level analysis. After visiting Stand 2-38 and examining the rocky terrain, the Interdisciplinary Team determined it is not suitable for timber management and dropped the stand from Alternative 2 (Section 2.2 of the EA). The remaining lands comprising Alternative 2 have not been withdrawn from timber production by an Act of Congress, the Secretary of Agriculture, or Chief of the Forest Service, nor have they been deemed inappropriate for timber production due to assignment to other resource uses or poor cost efficiency.

Appropriateness of Even-aged Timber Management

Sixty-one acres (about 6% of the total harvest acres) have even-aged prescriptions. Of these acres, nine acres will be patch cut to expand or create wildlife openings, 47 acres will be clearcut to regenerate northern hardwoods, and the remaining five acres will be an overstory removal to release the existing softwood understory. Clearcutting is prescribed in stands of predominantly red and sugar maple, beech, paper and yellow birch, and the overstory removal is in a stand that is predominantly red spruce-balsam fir.

Field investigations by the Interdisciplinary Team have assured me that the assigned even-aged prescriptions are the most appropriate given the current species mix, stand conditions, soils, and management objectives. I have reviewed and agree with the predicted effects of implementing these prescriptions as discussed in the EA in section 3.11.

- a) The **patch cuts** prescribed for Stands 2-29a and 3-13a are the appropriate method to convert the existing forest stands to permanent open habitat for wildlife, which will be maintained as openings into the future. Creating the openings will meet the purpose of the Mill Brook project by enhancing the diversity of wildlife habitat in the Mill Brook Habitat Management Unit (HMU). The need for patch cuts and the effects of creating open habitat for wildlife are discussed in the EA in Sections 1.1 and 3.14 in the EA, as well as in the Wildlife Report in the project file.
- b) The **overstory removal** on five acres is appropriate based on the existing two-aged condition of the stand. Stand 3-16a is fully stocked or occupied with spruce and fir seedlings and saplings ranging in height from 3-20 feet. The mature trees have slowed growth in recent years due to old age and somewhat shallow, rocky soils. Removing the overstory will promote the growth of the advance regeneration which has been developing for the last two decades. Open conditions will support vigorous growth while meeting wildlife objectives of perpetuating spruce-fir habitat.
- c) **Clearcutting** prescribed for Stands 2-34b and 2-35a is the optimum harvest method (as described below) given the existing stand conditions.

These are northern hardwood stands with predominantly low quality mature trees damaged by the 1998 ice storm at the higher elevations and with moderately to heavily damaged pole timber in the lower portion of Stand 2-34b. These stands offer the best opportunities to regenerate northern hardwoods in the area and to create regeneration forest habitat for wildlife, which is currently lacking in the Mill Brook HMU.

As described above, the even-aged prescriptions assigned in the Mill Brook project are appropriate for the species and site conditions and will help meet management objectives for wildlife habitat in the HMU. In addition, the prescriptions are consistent with the direction provided in the Forest Plan:

- d) The desired condition for MA 2.1 lands includes stands consisting of trees of about the same age and size (USDA Forest Service 2005a p. 3-3). Clearcutting and the overstory removal will create younger, vigorous stands, which will be interspersed on the landscape with stands of mixed older ages and sizes.
- e) Wildlife objectives in Chapter 1 of the Forest Plan (pp. 1-20 and 1-21) include the creation of regeneration age forest and open habitats to sustain biological diversity and support species that prefer those habitats. The regeneration age class will be created on 47 acres with clearcut prescriptions.
- f) Even-aged harvest is needed to achieve vegetative and other multiple use desired conditions and objectives (USDA Forest Service 2005a pp. B-3 and B-4) The Mill Brook project will contribute toward that goal.

Optimality of Clearcutting

The previous section explains how even-aged timber management, including the planned 47 acres of clearcutting to regenerate northern hardwoods, and the nine acres of forest conversion to permanent wildlife openings for wildlife, is appropriate for addressing the existing stand conditions to achieve desired conditions in the project area. Prescriptions were developed by professional foresters and a professional wildlife biologist with expertise in tree harvest, regeneration, and wildlife habitat who visited each stand to examine the site conditions and verify the inventory data before assigning a silvicultural treatment. These field notes and supporting documentation are in the project file. This finding of optimality is grounded in field work and review of site specific conditions by agency experts using the methodology for review set forth in agency guidance.

Based on this field work, it was found that Stands 2-34b and 2-35a have an overstory of mature mixed northern hardwoods, and an understory of lower quality beech, red maple, and occasional spruce or balsam fir. There is a scattering of mature beech and paper birch that is beginning to die out of each stand, partly as a result of ice storm damage suffered several years ago. Clearcutting is the optimal method for removing the mature, damaged stands to promote regeneration of a healthy new stand of trees, and will create conditions where sunlight reaches the forest floor causing hardwood seeds to germinate and seedlings to grow rapidly. Clearcutting

also stimulates the germination of raspberries, blackberries, pin cherry, and various forbs and grasses whose seeds respond to the abundance of light and warming of the forest floor. If clearcutting is not used in these two stands, and either no cutting or partial cutting (shelterwood, thinning, selection cutting) were chosen as the harvest method, the lower-quality shade tolerant understory will continue to grow, ice-damaged beech and paper birch will die out, and paper birch or aspen seedlings, berries, and herbaceous plants that are valuable for wildlife will not be produced. The other harvest methods would not be as successful in moving these stands towards the desired future condition. The vegetative responses and effects of clearcutting are described in detail in Sections 3.11 and 3.14 in the EA, as well as in the resource specialists reports in the project file.

I have considered the site-specific information and the recommendation of the professional foresters and wildlife biologist, as well as public comments gathered by the Interdisciplinary Team and their resulting recommendation to clearcut Stands 2-34b and 2-35a for regeneration of northern hardwoods, and to patch cut Stands 2-29a and 3-13a for conversion to permanent wildlife openings. I have studied the analysis and conclusions regarding vegetation and wildlife habitat in the Mill Brook EA, and the supporting science and other data in the project file, including the analysis of the HMU, and pertinent parts of the Forest Plan. Further, my professional experience as a forester and my observations of former clearcuts in nearby northern hardwood stands in the project area confirm that clearcutting is a proven and valuable tool for regenerating northern hardwoods. I therefore determine that, when considering stand conditions, known silvicultural responses of northern hardwoods, and our desired conditions for the area, clearcutting is the optimum silvicultural prescription for Stands 2-34b and 2-35a, and patch-cutting is the optimum method to convert Sands 2-29a and 3-13a to permanent openings for wildlife.

Other Requirements for Vegetative Manipulation Including Assurance of Re-stocking

The National Forest Management Act includes specific requirements for manipulation of tree cover carried out as part of implementing Forest Plans [U.S.C. 1604]. My selection of Alternative 2 for the Mill Brook project complies with these requirements as described below.

- 1) **The prescription should be best suited to the multiple-use goals established for the area with potential environmental, biological, cultural resource, aesthetic, engineering, and economic impacts, as stated in the regional guides and Forest Plans.** The Mill Brook EA demonstrates that Alternative 2 is consistent with the multiple use goals and objectives stated in Chapter 1 of the Forest Plan, and in particular for Management Area 2.1 as described in Chapter 3 of the Forest Plan. The silvicultural prescriptions are initially developed to address site-specific vegetation and wildlife habitat needs, and are then reviewed by the Interdisciplinary Team and adjusted as necessary to ensure the protection of other resources. See Chapter 3 of the Mill Brook EA for

detailed discussions on the effects of timber harvest on biological, cultural, scenic, transportation, economic, and many other resources.

- 2) **The prescription should assure that lands can be adequately restocked except where permanent openings are created for wildlife habitat improvement, vistas, recreation uses and similar practices.** The silvicultural prescriptions assure that lands managed for timber production can be adequately restocked. A review of stocking surveys on the White Mountain National Forest has shown consistently successful restocking of areas receiving regeneration cutting (clearcuts) within 5 years of harvest. We have learned from past harvesting and project development was informed by restocking success on similar sites. Timber types and site conditions in the Mill Brook project area are the same or very similar to other areas on the White Mountain National Forest where restocking has met this requirement. I have reviewed the data and conditions in all of the stands proposed for harvest, and find that restocking within 5 years is not a concern. Based on the site specific field data in the record and my own review of the project area, I am confident of successful restocking of the forest stands with clearcut prescriptions. Stand 3-16a is already stocked with advance regeneration which will be released with an overstory removal.
- 3) **The prescription should not be chosen primarily because it would give the greatest dollar return or the greatest output of timber, although these factors shall be considered.** Alternative 2 is not chosen because it would give the greatest dollar return or the greatest output of timber. As described above, I have selected Alternative 2 because it best addresses specific conditions in the stands while moving the land toward the desired conditions we anticipate in the future, and does so in an environmentally responsive manner as described in Chapter 3 of the EA. Although economics has been analyzed and documented as appropriate pursuant to NEPA, the harvest method or prescription was not chosen because it would give the greatest dollar return or greatest timber output.
- 4) **The prescription should be chosen after considering potential effects on residual trees and adjacent stands.** Prescriptions for the Mill Brook project direct the marking and removal of trees to be harvested, as well as the protection of residual trees. Operating seasons have been assigned to avoid harvesting when the bark of residual trees is most susceptible to damage. Trees are marked for cutting by experienced personnel who plan for the protection of residual trees in and adjacent to cutting areas. Trained and experienced timber sale administrators will lay out skid trails and administer loggers' operations to assure that remaining trees are protected. Timber sale contracts include a provision requiring protection of residual trees, and timber sale administrators ensure protection measures are followed during harvesting operations. The predicted effects on residual trees and adjacent stands are discussed in Section 3.11 of the EA.

- 5) **The prescription should avoid permanent impairment of site productivity and ensure conservation of soil and water resources.** The prescription maintains site productivity and ensures conservation of soil and water resources. The Soils section of Chapter 3 in the Mill Brook Environmental Assessment (Section 3.10) acknowledges that atmospheric deposition of sulfates contributes to a reduction of calcium (an important nutrient for a number of native tree species) in forest soils. Also, references in this section to the Forest Plan Final Environmental Impact Statement explain that modeling indicates timber harvesting is a small factor in the reduction of soil calcium, and that no impact on long-term soil productivity is expected from this practice on the White Mountain National Forest. This project includes no whole-tree harvesting, and Forest Plan standards requiring tree tops and limbs to be scattered on harvest areas and skid trails will maintain site productivity. The application of Forest Plan standards and guidelines, Best Management Practices, and project design features will prevent detrimental soil compaction, erosion, and sediment delivery to streams, and will conserve water and maintain water quality and soil productivity in the project area. As described in Chapter 3 of the EA (Sections 3.10 and 3.12), consideration of the best available science as well as monitoring and careful project design will ensure continued site productivity and protection of soil and water resources. This finding is based upon site specific data and analysis performed by the Forest soil scientist. The soil scientist is an expert in local conditions and the techniques of evaluating potential effects on the soil resource from harvesting and road work, and conducted his analysis using evaluation methods set forth in the agency's internal guidance, guided by Plan direction. His experience with the same type of action on similar soils informed the soil analysis for the Mill Brook project.
- 6) **The prescription should provide the desired effects on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, aesthetic values, and other resource yields.** Silvicultural prescriptions incorporate and comply with Forest Plan standards and guidelines, Best Management Practices, and project design features to maintain water quality and quantity, and to protect fish habitat. Prescriptions have been applied to similar timber types and site conditions on the White Mountain National Forest for decades, with consistent results in producing regeneration of desired tree species, wildlife habitat, and forage. Recreation effects will be minimal: snowmobiling will be temporarily affected by the closure of the Mill Brook road during logging operations but hunting opportunities may be enhanced from habitat changes. Some changes in scenery will be noticeable, but the silvicultural prescriptions comply with scenery management objectives for the area and the effects to the natural appearance in the area will minimize with time as discussed in Section 3.8 of the EA. My study of the environmental effects in Chapter 3 of the EA reveals that the project was designed to provide beneficial effects and as such will result in minimal adverse effects on the resources listed.

- 7) The prescriptions are practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration. No new road construction is required to carry out this project; road maintenance prior to hauling timber will be performed by the timber sale purchaser. Timber sale operations will use equipment commonly used by loggers in the White Mountain National Forest. Harvesting requires no specialized equipment or unusual procedures. Preparation and administration of the timber sale project is representative of typical projects and costs for this area.
- 8) The prescription complies with the requirement regarding culmination of mean annual increment. (16 U.S.C. 1604(m)(1)). Stands with clearcut prescriptions (Stands 2-34b and 2-35a) have passed the age where the culmination of mean annual increment of growth has occurred. I base this determination on the data in the project file, field investigations by professional foresters, and information in Chapter 3 of the White Mountain National Forest's Final Environmental Impact Statement for the Forest Plan.

Endangered Species Act

The Androscoggin District wildlife biologist completed a Biological Evaluation of the potential effects to federally listed threatened, endangered, proposed and Regional Forester sensitive species with potential habitat in the Mill Brook project area. The determination of the effects of Alternative 2 is detailed in the Biological Evaluation (in the project file) and in Section 3.15 of the EA, and summarized as follows:

- 1) Federally Threatened Species: The US Fish and Wildlife Service has concurred with our finding that project activities may affect but would not likely adversely affect individual Canada lynx or associated habitat. The conservation and recovery of listed species was a priority and key factor in the wildlife analysis for this action, as documented in the record.
- 2) Regional Forester Sensitive Species: Project activities may impact individuals, but would not likely cause a trend toward federal listing or loss of viability: Eastern small-footed myotis, northern bog lemming, Brown's ameletid mayfly, third ameletid mayfly, Bailey's sedge, broad-leaved twayblade, heartleaf twayblade.
- 3) Regional Forester Sensitive Species: Project activities may have a beneficial impact on peregrine falcons by diversifying the prey base in the area.
- 4) Project activities would have no effect on any other threatened, endangered, proposed or Regional Forester sensitive species.

Migratory Bird Treaty Act

Implementation of Alternative 2 is consistent with the spirit and intent of Executive Order 13186, dated January 10, 2001, concerning the responsibilities of Federal agencies to protect migratory birds. The original Act of 1918 was passed to regulate the hunting and prevent poaching of migra-

tory birds and the sale of their parts. The conservation of birds is a key factor in the wildlife analysis. Enhancement of early successional habitat in particular will support the population of migratory birds dependent upon this type of habitat, which is currently limited within the HMU.

National Environmental Policy Act

The Mill Brook project environmental analysis was conducted following the procedures and requirements contained in this Act. The documentation of the analysis resulting in the Environmental Assessment and this Decision Notice also comply with the Act's requirements. The record contains supporting scientific data from the project site that is the best science available. In addition, the IDT used both their own expertise as well as the best published scientific information in the design of this proposal. Other resource experts, including State agencies, were contacted and their views on purpose and need, effects, and alternatives solicited during this process. Scientific information submitted by the public was considered and analyzed during project development. Applicable monitoring information was also used to inform project design.

This decision for the Mill Brook proposal is based upon an environmental assessment, finding of no significant impact, and the record supporting these documents. An environment assessment under the NEPA regulations is a concise statement which provides sufficient evidence and analysis to determine whether a proposed project will create a significant effect on the environment. In considering the NEPA regulations, it is important to distinguish the different roles played by an environmental assessment and the more rigorous analysis required of an environmental impact statement.

NEPA requires the IDT to consider the key facets of environmental effects of a proposed action, and inform both the public and the decision-maker of the environmental aspects prior to making a decision. NEPA requires that we take a hard look at environmental effects, but does not require agencies to elevate environmental concerns over other appropriate considerations. The IDT has fully and comprehensively disclosed the environmental effects of the proposed Mill Brook project based upon the best available science, field study, resource inventory and survey, and application of professional expertise.

Executive Order 11990 (wetlands) and 11988 (floodplains)

Alternative 2 is in compliance with these orders. As discussed in Section 3.12 of the EA, wetlands and floodplains would be protected.

Executive Order 12898, Environmental Justice

Based on current demographic information, the Towns of Stark and Milan have no recorded minority populations and low income populations are well below the state and county averages. Implementation of Alternative 2 will not cause disproportionate human health or environmental effects to low income, minority, or any other segment of the population.

Clean Water Act

The beneficial uses of water in streams draining the project area would be maintained during and following the implementation of Alternative 2. As the water, fish and aquatic habitat, and soils sections of the EA (sections 3.3, 3.10, and 3.12) make clear, application of Forest Plan standards and guidelines, Best Management Practices, and project design features will ensure protection of water resources.

Clean Air Act

The Air Resources section of Chapter 3 in the Mill Brook project Environmental Assessment analyzes the effects of the proposed activities on air quality. This analysis found that National Ambient Air Quality Standards are not likely to be exceeded by these activities as they are planned in Alternative 2.

National Historic Preservation Act

A Cultural Resource Reconnaissance Report was completed for the project area based on field surveys and a review of historic maps and literature. No historical or prehistoric sites within or adjacent to the project area are eligible or are being evaluated for the National Register of Historic Places. All known sites will be protected during project operations. The report and protection measures have been approved by the New Hampshire State Historic Preservation Office. Alternative 2 complies with this Act.

Wild and Scenic Rivers Act

Two segments of Mill Brook have been identified as eligible for designation under the Wild and Scenic Rivers Act. The predicted effects of Alternative 2 on the free-flowing condition of the brook, the “scenic” classification, and the potential outstandingly remarkable values are detailed in the Environmental Assessment. I am certain that Alternative 2 will not adversely affect the eligible river segments.

Finding of No Significant Impact (FONSI) for the Mill Brook Project

This FONSI incorporates by reference the Environmental Assessment (EA) for the Mill Brook Project dated November 2008, and its supporting project record. The EA tiers to and incorporates by reference the analysis and conclusions in the Final Environmental Impact Statement (FEIS) and Record of Decision for the *White Mountain National Forest's Land and Resource Management Plan*, also known as the Forest Plan (USDA 2005a, 2005b, and 2005c). The Mill Brook project is consistent with the Forest Plan.

Findings

Based on my review of the Mill Brook project EA and documentation, I have determined that the activities included in Alternative 2 will not individually or cumulatively have a significant effect on the quality of the human environment. Therefore, preparation of an environmental impact statement is not required. This finding is based on the context and intensity of the actions (40 C.F.R. § 1508.27) explained as follows:

Context

The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting. In the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (CEQ 1508.27).

The Mill Brook project EA is tiered to the Forest Plan Final Environmental Impact Statement (FEIS) and Record of Decision which analyzed and disclosed effects of project activities such as timber harvesting at a larger scale. The activities planned in the Mill Brook project are similar to others completed on the White Mountain National Forest and are within the range of effects anticipated in the Forest Plan FEIS. Where appropriate, the EA references analysis and conclusions from the FEIS.

These actions may be viewed in the context of other management on the White Mountain National Forest. More than half (53%) of the national forest is allocated to management areas emphasizing dispersed recreation experiences within unroaded landscapes. These management areas provide older forest conditions and large blocks of non-manipulated landscapes that are valued for both their ecological and social character. The remaining 47% of the Forest includes management emphasis that provides for timber management activities, road systems for public access, developed recreation areas, non-motorized trails, Nordic and downhill ski areas, snowmobiling, and a host of other activities. These management areas can provide young forest habitat that is important to some wildlife species (USDA Forest Service 2005c pp. 18, 23).

The environmental effects of Alternative 2 are analyzed at the varying scales, such as within the project area, adjacent to the project area, or across

a landscape such as a watershed, Habitat Management Unit, or a larger jurisdiction such as a Town. The analysis area differs for each resource and the rationale for each analysis area is provided in Chapter 3 of the EA. The Mill Brook project will have no measurable effects at the regional or national levels. Activities associated with my decision would be confined to the Mill Brook project area. I have reviewed the cumulative effects of past management, combined with this project and reasonably foreseeable future actions as they are analyzed in Chapter 3 of the Environmental Assessment, and feel that the context of this decision is limited to the land in and adjacent to the project area. The project's relatively small scale limits its effects. The analysis in Chapter 3 indicates that application of Forest Plan standards and guidelines, Best Management Practices, project design features, and appropriate silvicultural prescriptions will minimize adverse impacts to all resources.

The analysis of effects of Alternative 2 on the degree to which lands meet roadless inventory criteria and wilderness characteristics is limited to the Kilkenny IRA. Roadless inventory criteria and wilderness characteristics relate to one specific area, identified in the EA as the cumulative effects area, and the Mill Brook project will not affect any other IRA.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from Chapter 3 of the Environmental Assessment. I have determined that the Interdisciplinary Team considered the effects of Alternative 2 appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. They have taken a hard look at the environmental effects using the best available science as well as their knowledge of the site-specific conditions in the project area gained from numerous field visits. I am confident regarding my finding of no significant impact as measured by the intensity of effects using the following ten factors (CEQ1508.27b).

- 1) **Consideration of both beneficial and adverse impacts.** I considered both beneficial and adverse impacts from implementing Alternative 2 as disclosed in Chapter 3 of the EA. Due to the careful project design that incorporates protective measures (Forest Plan standards and guidelines, Best Management Practices, and site-specific design features as described in the EA, Section 2.5) there are some minimal and short-term adverse effects predicted in implementing Alternative 2, and none are significant. The beneficial effects do outweigh the adverse effects and that is one reason I have selected Alternative 2 (see the Decision Notice). My finding of no significant impact is not biased or weighted by the beneficial effects of the alternative. I know that each resource element analyzed and the measurements of effects were carefully chosen by the Interdisciplinary Team to reveal both beneficial and adverse effects. Chapter 3 of the Environmental Assessment demonstrates that none of the effects are directly, indirectly, or cumulatively significant.

- 2) **Consideration of effects on public health or safety.** Alternative 2 does not contain actions that would be expected to create unmanageable risks to public health or safety. We analyzed public health and safety in terms of changes to traffic patterns expected when implementing Alternative 2 (see the Socio-economic assessment in the EA, Section 3.9). Any changes in traffic patterns that could affect public health and safety have been identified and analyzed, revealing minor effects in the project area and at road junctions on Route 110 (see Section 3.9 in the EA). Prescribed fire will be applied under strict prescriptions designed to minimize smoke and prevent the risk of escape. Any health effects of fire are discussed in the Air Quality analysis in Section 3.2 of the EA. Implementing Alternative 2 will not have significant effects on public health and safety.
- 3) **Consideration of unique physical or biological characteristics of the geographic area.** There are no parklands, prime farmland, Wilderness areas, research natural areas, or ecologically critical areas in or near the project area, and none would be adversely affected by implementing Alternative 2. As discussed above and in Chapter 3 of the Environmental Assessment, Wild and Scenic Rivers eligibility for two segments of Mill Brook will not be adversely affected (EA Section 3.13). The Interdisciplinary Team spent many days covering the ground in the project area and have identified areas to be protected. Wetlands, seeps, vernal pools, goshawk nests, and other habitats of concern will be protected by the application of Forest Plan standards and guidelines, Best Management Practices, and project design features (EA Sections 2.5 and 3.14). The selected alternative will not violate standards set for Outstanding Resource Waters for New Hampshire (EA Section 3.12). Also, as disclosed in the Forest Plan's Final Environmental Impact Statement, "The [Kilkenny] Inventoried Roadless Area...does not meet the criteria regarding unique characteristics, nor does it contain any key attractions not adequately represented in other Wilderness areas or nearby protected areas (USDA Forest Service 2005b p. C-100)."
- 4) **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Controversy refers to situations where there is substantial dispute in the scientific community with regard to the effects of a federal action. Our consultations with the US Fish and Wildlife Service, the New Hampshire Department of Fish and Game, and the State Historic Preservation Office did not generate any scientific controversy regarding the effects of Alternative 2 on the biological or physical environment. Past and ongoing research at the nearby Hubbard Brook and Bartlett Experimental Forests reinforces the scientific validity of the activities planned in Alternative 2 and analysis of their predicted effects. The resource specialists assigned to the Mill Brook project considered extensive scientific research, including that submitted by the public, to determine its applicability to the Mill Brook project and found no controversy related to the predicted effects. Based on these factors, and the analysis provided by Forest Service resource specialists as documented in the Environmental Assessment, I have

concluded that the effects of Alternative 2 on the quality of the human environment are not controversial.

- 5) **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** All of the activities to be implemented under Alternative 2 are common, typical actions that have occurred regularly on the White Mountain National Forest on similar topography, and in similar forest types and similar watersheds. We have harvested timber in the project area in the last several decades, and we have conducted highly successful watershed restoration projects on brooks similar in size and nature to Mill Brook. We have maintained many miles of similar forest roads, and maintained hundreds of acres of wildlife openings in the past. Our workforce is highly skilled in planning and implementing the project activities. Our public involvement efforts, including meetings and field trips with people familiar with the project area and the environmental responses to past similar actions, raised some concern regarding potential flood events in the Town of Stark as a result of timber harvest. I am satisfied that the project design, including watershed restoration and timber harvest restrictions to limit increases in water quantity (see EA, Section 3.12), coupled with the subsequent analysis of effects, thoroughly addresses the concern about flooding, and that our actions will not increase the risk of flooding events in the Town of Stark. The project record shows that representatives of the Town of Stark concur. The analysis of effects in the Environmental Assessment shows that the effects of all actions are predictable and do not involve unique or unknown risk. The range of site characteristics is similar to those taken into consideration and disclosed in Chapter 3 of the Forest Plan Final Environmental Impact Statement (FEIS), and the predicted effects of this project are within the range anticipated in the FEIS and the Record of Decision. The body of knowledge gained through years of timber sale contract administration, records of timber sale inspections, thousands of acres of stand examinations, monitoring reviews, wildlife surveys, and applied research provide me with a basis for determining that there will be no highly uncertain effects or unique or unknown risks associated with this project.
- 6) **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principal about a future consideration.** This is not a precedent-setting decision. Similar actions have occurred for decades in and around the local area as well as across the White Mountain National Forest, and like these other actions the Mill Brook project is initiated by site-specific conditions and opportunities as described in Section 1.1 of the EA (Purpose of the Action and Need for Change). The effects of implementing Alternative 2 are within the range of effects of these other similar actions and within the range of effects disclosed in the Forest Plan Final Environmental Impact Statement. The implementation of Alternative 2 does not make a commitment to do anything in other areas on the White Mountain National Forest or any other national forest. It will not set

a regional or national precedent. My decision to select Alternative 2 is consistent with the direction outlined for Management Area 2.1 in the Forest Plan and with the Forest Plan Environmental Impact Statement that analyzed, at a larger scale, the effects of the types of activities that will be implemented under Alternative 2. All actions are wholly consistent with the Forest Plan, and therefore this is not a decision in principal. This decision does not commit me to actions that may have significant effects on lands outside the project area. Our analysis of cumulative effects included private lands outside of the national forest boundary (see EA Sections 3.1 and individual resource analyses in Chapter 3) I have determined that this action does not establish precedence for future actions with significant impacts.

- 7) **Whether the action is related to other actions with individually insignificant but cumulative significant effects.** Chapter 3 of the Mill Brook Environmental Assessment discloses the combined effects of this project with other past, present, and reasonably foreseeable future actions. None of the actions included in Alternative 2 would create an unacceptable and significant impact alone or when considered with other actions. The Interdisciplinary Team carefully chose cumulative effects analysis areas and timeframes that would most thoroughly examine and predict effects (see EA Section 3.1 and all resource sections in Chapter 3 of the EA). These professionals identified the effects areas for direct, indirect, and cumulative effects using their knowledge of their resources, typical responses from previous projects, the ground upon which the activities will take place, and the best available science. They ensured that private lands were included where it made sense for specific resources. Section 3.1 identifies the cumulative effects areas for each resource, and the rationales for those areas are discussed in each resource section in Chapter 3 of the EA. Based on the analysis in the Environmental Assessment and incorporating by reference the range of effects predicted in the Forest Plan Final Environmental Impact Statement, I have determined that implementing Alternative 2 will result in no significant cumulative effects.
- 8) **Consideration of effects to sites listed or eligible for listing in the National Register of Historic Places, or loss of significant scientific, cultural, or historic resources.** No historic or cultural resources would be adversely affected by Alternative 2 (EA Section 3.4). A cultural resource inventory of the project area was completed by a trained paraprofessional and no listed or eligible sites were located. All known cultural sites are noted on the inventory, and measures identified to protect them are included in Alternative 2 (EA Section 2.5) and incorporated by reference from the Forest Plan. The report is located in the project file. The findings and recommendations from the inventory were submitted to the New Hampshire State Historic Preservation Office, and we received their concurrence as documented in the correspondence in the project file. I find that there will be no adverse impacts to any scientific, cultural, or historic resources. We also examined the potential effects to the Stark Village church, which is listed on the National Register of

Historic Places. After surveying the relevant scientific literature regarding the effects of traffic vibrations on structures (scientific reports are located in the project file and referred to in Section 3.4 in the EA), I have determined that the church will suffer no adverse impacts as a result of implementing Alternative 2 (EA Section 3.4 and Appendix C).

- 9) **The degree to which the action may affect an endangered species or their critical habitat.** Compliance with the Endangered Species Act and protection of species and their habitat are described in the Biological Evaluation (in the project file) and in the Mill Brook Environmental Assessment (Section 3.15) and summarized in the section of the Decision Notice titled Findings Required by Other Laws and Regulations. Each of these references documents the determination that Alternative 2 will not have a significant effect on any listed species. The US Fish and Wildlife Service concurs with the finding documented in the EA that although one federally listed species, Canada lynx, has habitat in the project area, project activities may affect but would not likely adversely affect individual Canada lynx or associated habitat (concurrency letters are in the project file). Although no Canada lynx have been detected in the project area, any future observations will prompt immediate consultation with the US Fish and Wildlife Service for guidance on protecting the lynx population. Based on the thorough Mill Brook environmental analysis and our ongoing communications with the US Fish and Wildlife Service, I have determined that there will be no significant effects on Canada lynx. In addition, no critical habitat is designated or proposed on the White Mountain National Forest for any species. My review of potential effects documented in Section 3.15 of the EA reveals no significant impacts will occur as a result of implementing Alternative 2.
- 10) **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** All applicable laws for the protection of the environment are incorporated into the standards and guidelines in the White Mountain National Forest Plan. Alternative 2 complies with the Forest Plan. A further description of the project's compliance with applicable laws occurs in the Decision Notice. I have found that none of the actions included in Alternative 2 threatens to violate applicable Federal, State, or local laws or other requirements to protect the environment.

Project Appeal Rights and Implementation

The Environmental Assessment for this project is available at the Androscoggin Ranger Station, 300 Glen Road, Gorham, NH 03581. It is also posted on the White Mountain National Forest website (<www.fs.fed.us/r9/forests/white_mountain>).

This decision is subject to appeal in accordance with 36 CFR 215.11(a). A person has standing to file an appeal only if they submitted a comment or expressed interest during the 30-day comment period from February 28, 2008 through March 31, 2008. A Notice of Appeal must be in writing and clearly state that it is a Notice of Appeal being filed pursuant to 36 CFR 215.11(a). Appeals must be filed within 45 days of the date of legal notice of this decision in the New Hampshire Union Leader, published in Manchester, New Hampshire. The Notice of Appeal must be submitted in one of the following ways:

Mail via US Postal Service or hand-deliver to:

Thomas G. Wagner, Appeal Deciding Officer
Attn: Appeals & Litigation
USDA Forest Service, Eastern Region
626 East Wisconsin Avenue
Milwaukee, WI 53202

The office hours for those submitting hand-delivered appeals are: 7:30 AM to 4:00 PM (Central Time), Monday through Friday, excluding holidays.

FAX to: 414-944-3963

Email to: <appeals-eastern-regional-office@fs.fed.us>.

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 runs out 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 time frame information provided by any other source. If you do not have access to the *Union Leader*, please call the Androscoggin Ranger Station at 603-466-2713 ext. 210 or 227 for the publication 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

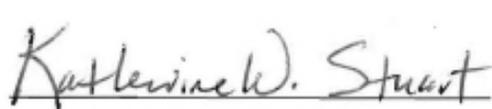
- 3) When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the appellant does not receive an automated acknowledgment of the receipt of the appeal, it is the appellant's responsibility to ensure 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: Appellant's name and address, with a telephone number, if available; Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal); 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; 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; 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)); any specific change(s) in the decision that the appellant seeks and rationale for those changes; any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement; why the appellant believes the Responsible Official's decision failed to consider the submitted comments; and how the appellant believes the decision specifically violates law, regulation, or policy.

If no appeal is received, implementation of this decision may occur on, but not before five 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.

Responsible Official and Contacts

The Responsible Official for the Mill Brook Project is Katherine W. Stuart, District Ranger of the Androscoggin District of the White Mountain National Forest. Questions regarding the Environmental Assessment, the decision, or the Forest Service appeal process should be directed to either Steve Bumps at ext. 603-466-2713 ext. 227, <sbumps@fs.fed.us>; or to me at 603-466-2713 ext. 210, <kstuart@fs.fed.us>.

 November 17, 2008

KATHERINE W. STUART

DATE

District Ranger

Appendix A: Literature Cited

DeGraaf, R.M. and M. Yamasaki. 2001. *New England Wildlife: Habitat, Natural History and Distribution*. University Press of New England. 482 pp.

Leak, W.B., D.S. Solomon and P.S. DeBald. 1987. *Silvicultural Guide for Northern Hardwood Types in the Northeast (revised)*. USDA Forest Service, Northeast Forest Experiment Station Research Paper NE 603.

Schlossberg, S. and D. I King. 2007. *Ecology and management of scrub-shrub birds in New England: A Comprehensive Review*. USDA Natural Resources Conservation Service Resource Inventory and Assessment Division. 120pp.

USDA. Forest Service. 2005a. *Land and Resource Management Plan*. Laconia, NH: USDA-FS, Eastern Region, White Mountain National Forest.

USDA. Forest Service. 2005b. *Environmental Impact Statement: White Mountain National Forest Land and Resource Management Plan*. Laconia, NH: USDA-FS, Eastern Region, White Mountain National Forest.

USDA. Forest Service. 2005c. *Record of Decision: White Mountain National Forest Land and Resource Management Plan*. Laconia, NH: USDA-FS, Eastern Region, White Mountain National Forest.

