



United States
Department of
Agriculture

Forest
Service

White Mountain National Forest
Androscoggin Ranger District

300 Glen Road
Gorham, NH 03581-1399
Comm: (603) 466-2713
TTD: (603) 466-2856

File code: 1950-1

Date: September 25, 2009

Dear Stakeholder,

I have decided to implement Alternative 2 as described in the Patte Mill Brook Road and Broken Bridge Dam Environmental Assessment (EA). This project is located in the Town of Albany in Oxford County, Maine. Implementing Alternative 2 will result in improved driving and resource conditions on Patte Mill Brook Road, ensure that Broken Bridge Pond remains a quality coldwater fishery, and help move the land in the project area toward the desired conditions envisioned for the White Mountain National Forest.

Project documents are posted on our website

(http://www.fs.fed.us/r9/forests/white_mountain/projects/projects) or may be obtained by contacting our office. If you requested that documents be provided hard copy, they are enclosed. I invite you to read these documents, including the *EA* and the *Decision Notice and Finding of No Significant Impact*, so you can understand the details of the project, potential effects of the activities, and my rationale for moving forward with these actions. You will find that the analysis shows we can accomplish much good in the project area with no significant impacts to the environment.

Both of these activities were originally part of the Four Ponds Integrated Management Project. They were included in the 30-day Public Comment Package that was released in April 2009. Since then, this road work and dam repair was funded through the American Recovery and Reinvestment Act. To meet the timelines associated with that funding, we needed to complete our environmental analysis and determine whether the project was appropriate before the analysis for the Four Ponds project will be completed. Therefore these activities were separated from the Four Ponds EA. The Patte Mill Brook Road and Broken Bridge Dam Project Environmental Analysis focuses on issues specific to the road and dam projects while still addressing other planned projects in the cumulative effects sections.

My decision is subject to administrative appeal and review. Details regarding appeal rights are included in the Decision Notice and Finding of No Significant Impact.



Please contact me with any questions or concerns regarding my decision. I can be reached by phone at (603) 466-2713 ext. 210 (TTY 603-466-2856) or email at kstuart@fs.fed.us. Thank you for your participation in this project and your interest in the White Mountain National Forest. I hope you continue to stay involved with future project proposals.

Sincerely,

/s/ Katherine W. Stuart

KATHERINE W. STUART
District Ranger

White Mountain National Forest



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Forest Service

Eastern
Region



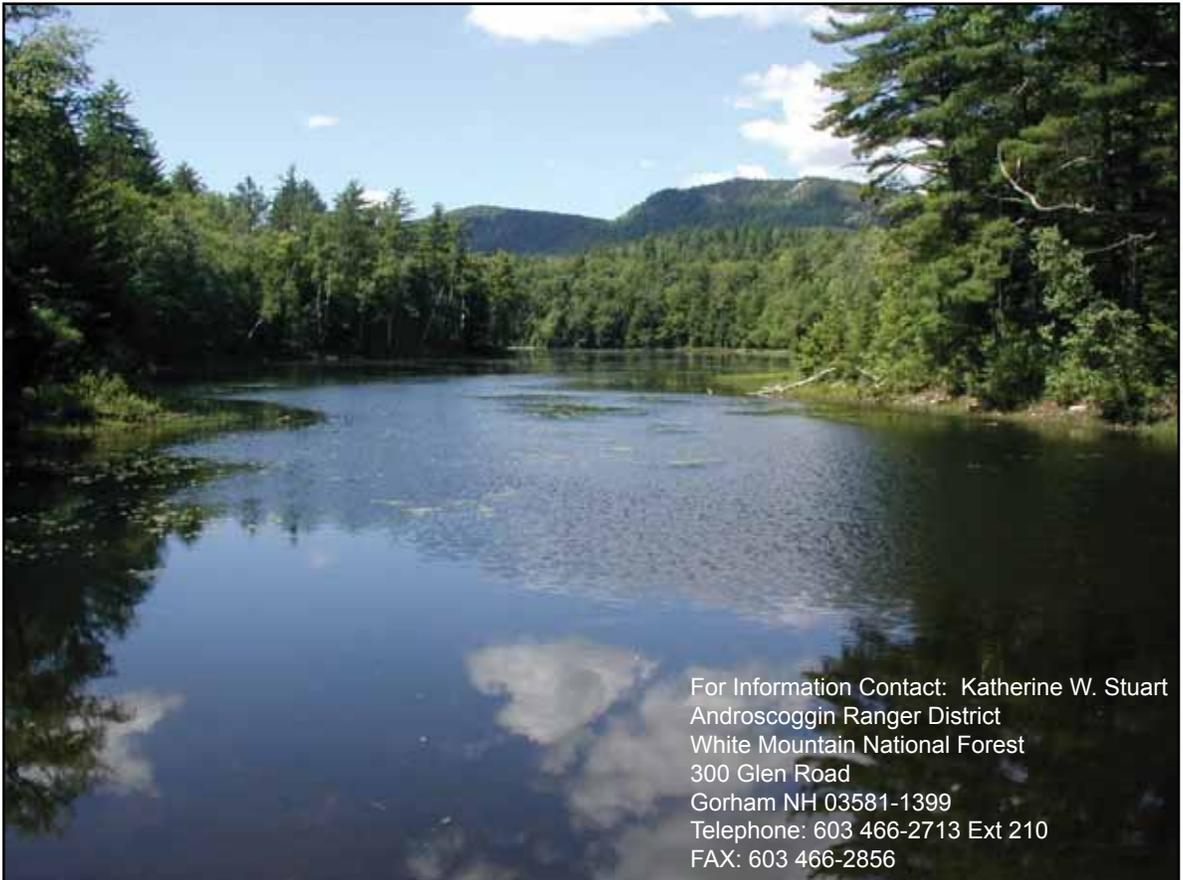
Patte Mill Brook Road & Broken Bridge Dam Project

Decision Notice and FONSI

Town of Albany
Oxford County, ME

Androscoggin Ranger District

September 2009



For Information Contact: Katherine W. Stuart
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Cover: Patte Mill Brook Marsh. WMNF photo.

**This document is available in large print.
Contact Forest Supervisor's Office
Phone: 603 528-8721
TTY: 603 528-8722**

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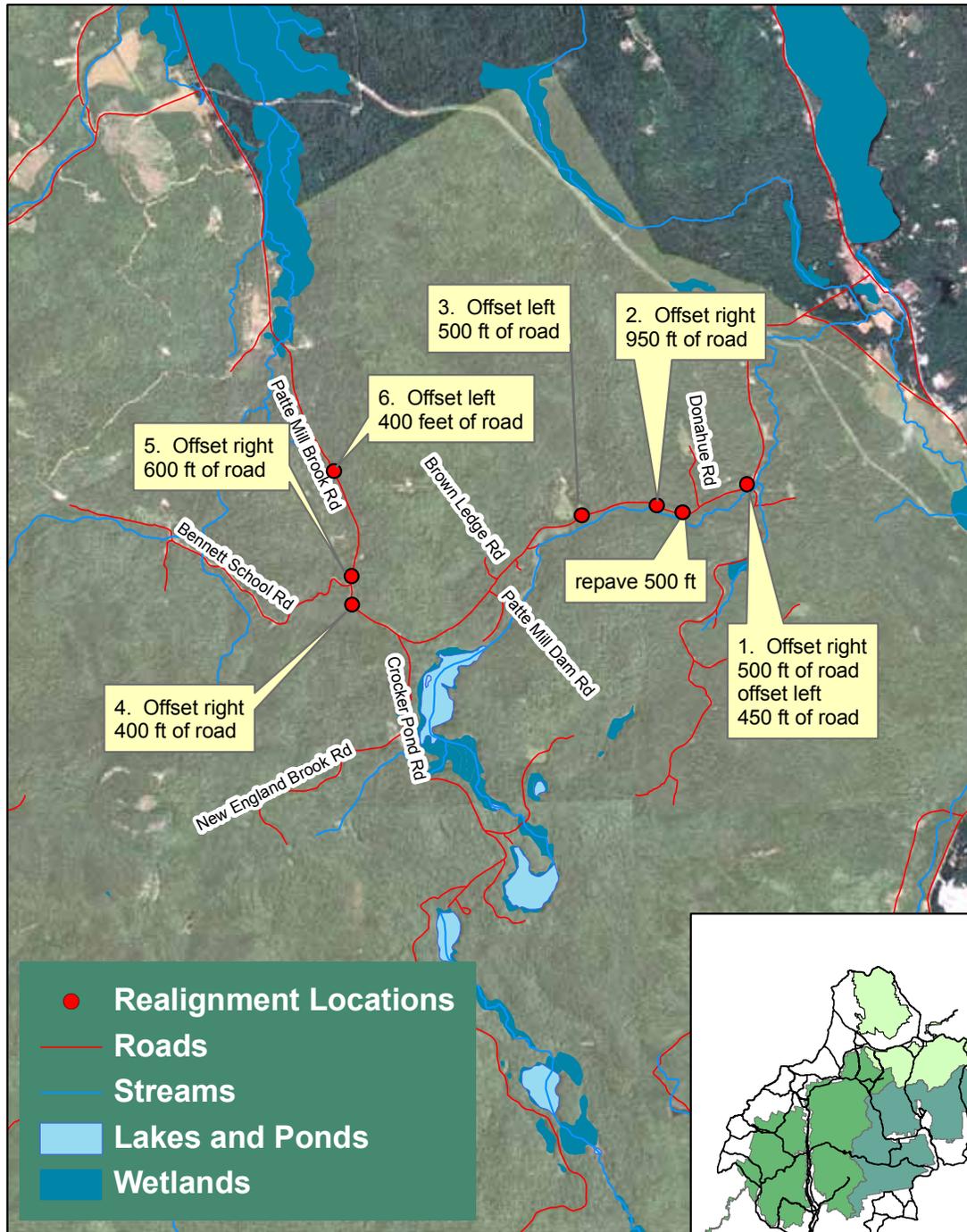


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Map 1. Patte Mill Brook Road Proposed Action.

Proposed Realignment Patte Mill Brook Road FSR-7



1 Introduction

This document announces my decision regarding the Patte Mill Brook Road and Broken Bridge Dam Project and my finding that this project will not have a significant impact on the quality of the human environment. This Decision Notice and Finding of No Significant Impact incorporate by reference the Environmental Assessment (EA) for the Patte Mill Brook Road and Broken Bridge Dam Project dated September 2009 and its supporting project record.

Patte Mill Brook Road runs from Route 2 in West Bethel, south to Patte Brook Pond, and then northeast to Route 5. This project proposes work along the portion of this road that crosses National Forest land, where it is also known as National Forest System Road (NFSR) 7 (Map 1). Broken Bridge Dam is in the northeast corner of Broken Bridge Pond, south of Patte Mill Brook Road (Map 2).

2 Purpose and Need

Management of the White Mountain National Forest is guided by our Forest Plan, which is based on several years of collaboration with the public and extensive environmental analysis. 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. This project was designed to help meet the goals and objectives of the Forest Plan.

Several sections of Patte Mill Brook Road are located in ways that result in safety or resource concerns. The road has several sharp corners that result in potential for vehicle collisions due to short sight distances. It is located very close to a wet area in one location, resulting in run-off from the road to the wet area. In another spot, the road runs almost adjacent to an historic schoolhouse. The proximity of the road to the schoolhouse puts the structure at risk from impacts by vehicle traffic. In addition, the road surface and drainage structures are in need of repair or replacement to meet road maintenance level standards and Forest Plan direction.

Broken Bridge Pond is a high quality brook trout fishery. However the dam that maintains the cold-water habitat is leaking. Eventually, tree roots and water pressure will cause the dam to fail, eliminating trout habitat. Repairing the dam would retain the existing habitat and help achieve Forest Plan goals and objectives to provide a range of recreational fishing opportunities that will protect self-sustaining populations of indigenous fish species, and to maintain existing impoundment structures to insure structural integrity and prevent downstream resource damage (Forest Plan, p 1-15 to 1-16). Currently no road access to the dam exists. An access route needs to be created that will enable transport of the equipment and materials necessary for rebuilding the dam and spillway.

3 Decision and Rationale

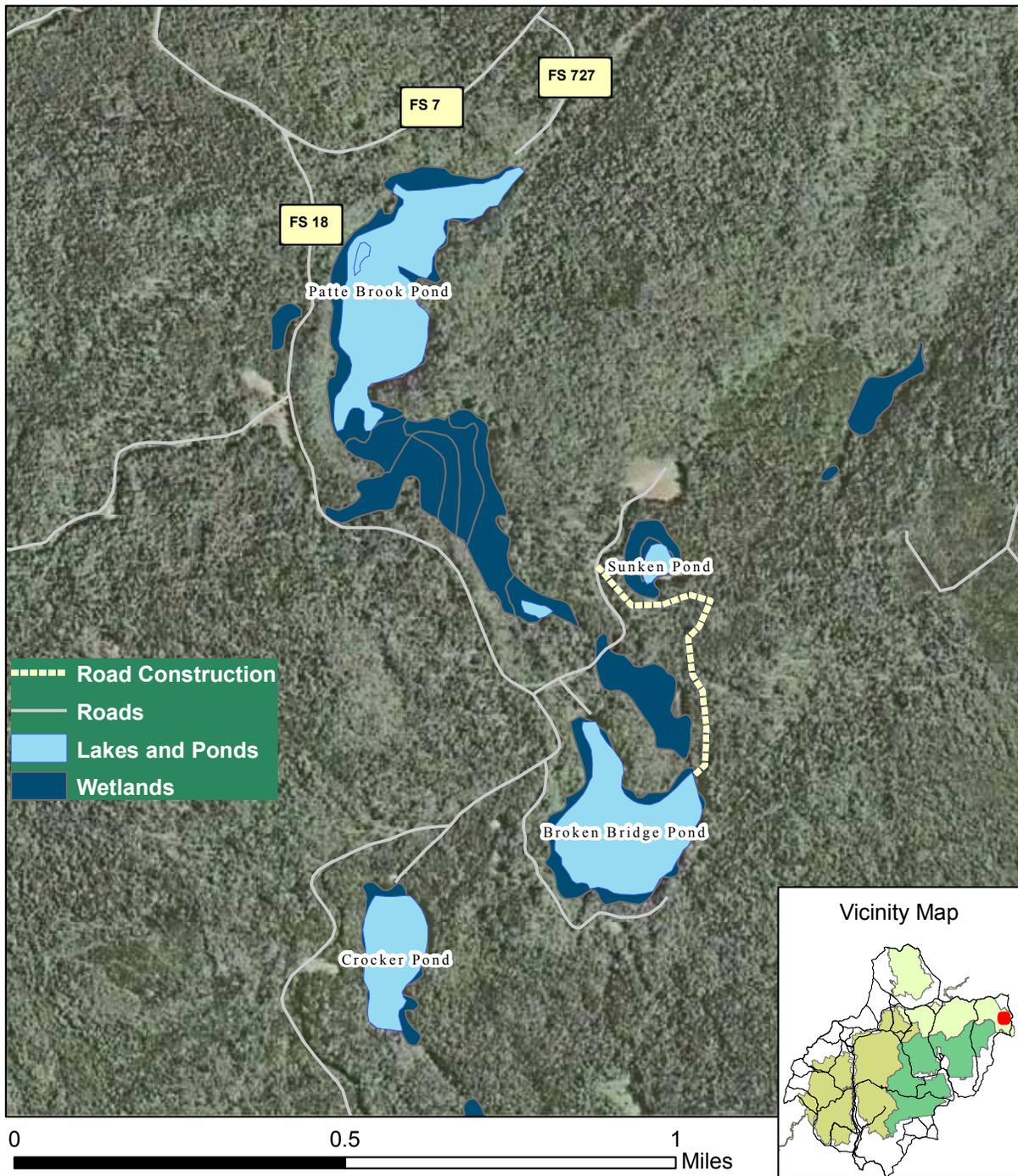
Decision

Having considered on-the-ground conditions in and near the project area, input from the interdisciplinary team, public comments, and the Environmental Assessment (EA), I have decided to implement Alternative 2.

Map 2. Broken Bridge Dam Proposed Action.



Proposed Road for Broken Bridge Pond Dam Reconstruction



As detailed in section 2.2 of the EA, this decision includes the following:

- Realignment of six sections of the Patte Mill Brook Road totaling about 3,800 lineal feet (see Map 1) that would be offset up to a maximum of 42.2 feet from the existing centerline. Most sections of the realignments are less than 20 feet from the existing centerlines.
- Removal and replacement of existing drainage structures, installation of additional structures, other enhancement of aquatic passage, improvement of several sections of soft sub-grade, and aggregate resurfacing of approximately 3.5 miles of the Patte Mill brook Road, including about 1,200 feet of asphalt replacement..
- Construction of approximately 2,500 feet of road along an existing corridor to allow access for the immediate restoration and long-term maintenance of the Broken Bridge dam and spillway.
- Replacement of the Broken Bridge dam and installation of a new spillway with an outlet structure to allow water level regulation.
- Design features described in section 2.2 of the EA.

Reasons for the Decision

I am choosing to implement this project because it will: improve public safety and natural resource conditions, meet direction in the Forest Plan, and not result in any significant adverse effects.

This decision is based on my review of the Patte Mill Brook Road and Broken Bridge Dam Project EA and the supporting documentation in the project record, including input from the public and appropriate resource specialists. I am satisfied that the interdisciplinary team conducted a thorough analysis of the proposed action and alternative 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 Maine, and project design features developed by the team. The record shows a thorough review of the best available scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

Improved Safety and Resource Conditions

Alternative 2 would provide safer driving conditions and protect natural and heritage resources. Currently, Patte Mill Brook Road has sharp corners with embankments that block the view of oncoming traffic. This is a single-lane road that sees moderate levels of use by people driving for pleasure and occasionally enjoying the Auto Tour (EA p. 6 and 25), and not being able to see around a corner has potential risk. My goal is to provide a safer experience for visitors to the Forest. On this road, that means realigning the road to smooth out sharp corners and increase sight distances. It also means performing routine road maintenance and restoring turnouts.

There are two places where the road is immediately adjacent to Patte Mill Brook, with the road edge contributing sediment to the stream. Realigning the road

will provide a buffer between the road and the stream, reducing the potential for sediment to reach the stream and improving water quality (EA, section 3.1). According to the analysis, replacing undersized culverts and improving the road surface will improve water quality and flow, provide for free movement of aquatic species, and reduce the potential for road washouts when water levels run high (EA, section 3.1).

Realigning the road will also increase the distance between the road and an historic schoolhouse resulting in a positive impact to this cultural resource and no adverse impacts to other historic features in the project area (EA, section 3.8).

Unfortunately, the dam that maintains Broken Bridge Pond and keeps it suitable for brook trout is failing. This is a popular fishing spot because of the brook trout fishery in the pond. Repairing the dam is important to maintaining this recreational opportunity and quality coldwater fishery (EA, section 3.2).

Forest Plan Implementation

Moving Patte Mill Brook Road away from the stream will implement Riparian and Aquatic Habitats guidelines G-7 which states, “Existing roads, facilities, campsites, or trails within 100 feet of perennial streams or ponds should be considered for relocation...” (Forest Plan, p. 2-25). Alternative 2 also will achieve Forest Plan standard S-5 for Soil and Water Conservation Practices by ensuring that permanent stream crossings are designed to pass the bankfull discharge unimpeded (Forest Plan, p. 2-31).

As discussed in the EA’s Purpose and Need (EA, section 1.2), maintaining the Broken Bridge Pond Dam will help us continue to provide a range of fishing opportunities and maintain existing impoundments (Forest Plan, pp 1-15 to 1-16).

Lack of Significant Adverse Effects

There is the potential for adverse effects to some resources during implementation of the six realignments, construction of the access road to the dam, and reconstruction of the dam and spillway, but the analyses in the EA and project record indicate that most of these effects will be temporary and none will be significant. Following Forest Plan Standards and Guidelines (Forest Plan, Chapters 2 and 3), State of Maine Best Management Practices, and design features for this project (EA, section 2.2) will minimize the potential for erosion or sedimentation and spread of non-native invasive species during implementation of all activities (EA, sections 3.2, 3.3, 3.5). Placement of the dam access road within the corridor of the original access road would limit impacts from this work to an area that was previously disturbed. There would be a slight increase in compacted soils that will be impervious to water in the project area from this new road and new turnouts on Patte Mill Road, but the analysis indicates those long-term effects will be minimal (EA, sections 3.1 and 3.3).

Overall, this decision will benefit the natural, heritage, and recreational resources represented in this project area. I believe that the beneficial values to these resources identified above far outweigh the temporary adverse effects and that this decision is the best means for meeting the Purpose and Need for this project and management direction in the Forest Plan.

Alternatives Considered but not Selected

The interdisciplinary team evaluated two management options (alternatives) in detail in the Environmental Assessment. These alternatives are described fully in Chapter 2 of the EA; the potential effects of each alternative are analyzed in Chapter 3 of the EA. I did not select Alternative 1 for the following reasons.

Alternative 1

Analysis of this alternative provides a baseline for evaluating the effects of action alternatives. Under this alternative, on-going maintenance activities on Patte Mill Brook Road would occur, but there would be no road realignments. No work to repair the Broken Bridge dam would occur.

I did not select Alternative 1 because the current safety and resource issues associated with Patte Mill Brook Road and Broken Bridge Dam would continue, preventing the project area from moving toward management objectives outlined in the Forest Plan. Reduced visibility for drivers on the road and proximity of the road to the brook are undesirable when there is a solution that will have minimal adverse impacts to any resource. The potential for extensive damage from flood events occurring where stream crossings are too small has been demonstrated elsewhere on the Forest in recent years (e.g., Little Lary and Gale River roads). Alternative 1 would leave a situation where washouts are more likely because of the road location and undersized culverts (EA, sections 3.1 and 3.2). Not repairing the dam would result in it failing at some point in the future. Not only would allowing this to happen go against a Forest Plan objective (Plan p. 1-16), but it would dump sediment and organic matter downstream (EA, section 3.1) and result in a decline in the quality of a popular brook trout fishery (EA, sections 3.1 and 3.2).

4 Public Involvement

This project was listed on the quarterly White Mountain National Forest Schedule of Proposed Actions (SOPA) beginning in July 2008, as part of the Four Ponds Project. The activities in this assessment were listed separately on the SOPA in July 2009, and will remain on the SOPA until after a decision is made.

On July 24, 2008, an open house was held in Bethel, Maine, to seek public input into the design of the Four Ponds Integrated Management Project proposals, including the activities in this Decision Notice. Approximately 40 people attended this event and eight individuals who could not attend requested project proposals via mail or e-mail. We received 11 written or oral comments, but none were related to the Patte Mill Brook Road and Broken Bridge Dam proposed actions.

The activities proposed for the Patte Mill Brook Road and the Broken Bridge Dam were also included in the 30-Day Public Comment Package for the Four Ponds project in April 2009. That official comment period provided the public with the opportunity to review the proposed activities for Broken Bridge Dam and the Patte Mill Brook Road and offer comments that might guide us in the completion of an analysis.

Two comments were submitted during the 30-day comment period that were broad in nature and not specific to the activities for Patte Mill Brook Road and Broken Bridge Dam. One of the comments did not approve of the process used for public involvement and the other comment opposed the entire Four Ponds Integrated Management Project.

Issues

Input from the public during the open house, comment period, and field trip, and from the interdisciplinary team, was used to determine whether there are any significant issues that would be analyzed in depth or any issues that would be addressed elsewhere (40 CFR 1501.7(a)).

Since we did not receive any comments directly related to Patte Mill Brook Road and Broken Bridge Dam, no issues were developed. All internal concerns were resolved during the development of the proposed action.

5 Findings Required By Other Laws and Regulations

My decision will comply with current applicable laws and regulations. I have summarized pertinent ones below.

National Environmental Policy Act

This Act requires public involvement, and consideration and disclosure of potential environmental effects. For this project, a strong effort was made to reach out to the public, identify interested parties, consult with them regarding the proposed action, identify public issues and concerns, and use their input to improve the effects analysis and make a well-reasoned decision.

The Patte Mill Brook Road and Broken Bridge Dam project environmental analysis was conducted following the procedures and requirements contained in this Act. An interdisciplinary team fully evaluated and disclosed the environmental effects of the proposed project based upon field study, resource inventory and survey, the best available science, and their professional expertise. The entirety of documentation for this decision demonstrates compliance with this Act.

Forest Plan Consistency (National Forest Management Act)

The National Forest Management Act (NFMA) requires that all site-specific project activities be consistent with direction in the applicable Land and Resource Management Plan (Forest Plan). This project implements the WMNF Forest Plan and is consistent with all Forest-wide and Management Area 2.1 direction. As discussed in my rationale above, several activities in this project were designed to implement direction in the Forest Plan. In addition, application of Forest Plan standards and guidelines will minimize impacts to several resources. As required by NFMA Section 1604(i), I find this project to be consistent with the WMNF Forest Plan including goals, objectives, desired future conditions, and Forest-wide and Management Area standards and guidelines.

Endangered Species Act

The Endangered Species Act requires that federal activities not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. As required by this Act, potential effects of this decision on federally listed species have been analyzed and documented in a Biological Evaluation (see project record). As detailed in the Biological Evaluation, this decision will have "no effect" on any listed species or designated critical habitats because no listed species or critical habitats have the potential to occur in the area that would be affected by this project.

Clean Water Act

The beneficial uses of water in streams draining the project area would be maintained during and following the implementation of this decision. As the water, riparian and aquatic habitats, and soils sections of the EA (sections 3.1–3.3) make clear, application of Forest Plan standards and guidelines, best management practices, and project design features will ensure protection of water resources.

Executive Orders 11990 (Wetlands) and 11988 (Floodplains)

As discussed in Sections 3.1 and 3.2 of the EA, maintenance and realignment work proposed on Patte Mill Brook Road will improve channel morphology and substantially reduce the risk of road washouts, which would cause sedimentation and erosion. Water flows will be maintained during work on Broken Bridge dam (EA, Chapter 2 and section 3.1). Therefore this decision is in compliance with these Executive Orders.

National Historic Preservation Act and Archaeological Resources Protection Act

Surveys were conducted in the project area for archaeological and historic sites that might be affected by this decision (project record). Historic cellar holes, farmsteads, mills, and rock alignments dot the landscape. As discussed in section 3.8 of the EA, one road realignment was designed to reduce possible impacts to an historic schoolhouse and another realignment was modified to avoid impacts to a linear rock feature. The repair of the Broken Bridge Dam will maintain this historic feature on the landscape. No adverse effects are expected to any cultural resource. The findings and recommendations from the inventory and report were submitted to the Maine State Historic Preservation Office (SHPO). While we have not received an official concurrence letter from that office, our communications with them indicate concurrence is likely. Therefore, I find that this decision complies with the National Historic Preservation Act, the Archaeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act. If the Maine SHPO does not concur with our findings or makes recommendations for changes to the project, I will reconsider my conclusion and modify the project as needed to ensure our actions will comply with these laws.

Federal Noxious Weed Act of 1974 and Executive Order 11312 (Non-Native Invasive Species)

The Federal Noxious Weed Act requires cooperation with state, local, and other federal agencies in the management and control of non-native invasive species (NNIS); Executive Order (EO) 11312 requires all pertinent federal agencies (subject to budgetary appropriations) to prevent the introduction of NNIS. This project's decision meets the intent of this law and EO by incorporating all pertinent Forest Plan Standards and Guidelines to ensure the management and control of existing NNIS and reduce the potential for introduction of new NNIS (see EA, section 3.5 and the project record).

Migratory Bird Treaty Act

This decision is consistent with this Act and Executive Order 13186 regarding the responsibilities of Federal agencies to protect migratory birds. The EA (section 3.7) evaluates the likely effects to wildlife habitat and species on the White Mountain National Forest. The project is designed so most of the work would occur in areas that are already disturbed. As a result, some wildlife may be temporarily disturbed by the work, but existing habitat conditions would not change and there would be no significant adverse effects (EA, section 3.7)

Executive Order 12898 (Environmental Justice)

This order requires consideration of whether projects would disproportionately impact minority or low-income populations. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public input did not identify any adversely impacted local minority or low-income populations. This decision is not expected to cause disproportionate effects on minority or low-income populations.

6 Finding of No Significant Impact

Findings

Based on my review of the Patte Mill Brook Road and Broken Bridge Dam 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) as explained below.

Context

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of a site-specific action, significance usually depends on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27).

This decision and the project EA are tiered to the Forest Plan Record of Decision and incorporate by reference the Forest Plan Final Environmental Impact Statement (FEIS), which analyzed and disclosed effects of potential Forest

management at a larger scale. The activities planned in the Patte Mill Brook Road and Broken Bridge Dam project are similar to others completed on the White Mountain National Forest and are within the range of effects analyzed in the Forest Plan FEIS.

The environmental effects of this project are analyzed at varying scales (e.g., the project area or watershed), as described for each resource in Chapter 3 of the EA. 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 EA, and feel that the context of this decision is limited to the land in and adjacent to the project area. The project's very small scale limits its effects. The analysis in Chapter 3 indicates that project design and application of Forest Plan standards and guidelines and best management practices will minimize negative impacts to all resources. Given the short-term and localized nature of impacts described in the EA, the Patte Mill Brook Road and Broken Bridge Dam project will have no measurable effects at the regional or national levels and consideration of significance will focus on the local setting.

This decision, and the environmental assessment and effects analysis on which it is based, applies only to this local area. After a thorough review of the effects analysis contained in the EA, I find that this project does not establish a local, regional, or national precedent, nor does it have any substantial applicability beyond the bounds of the White Mountain National Forest.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from Chapter 3 of the EA and the project record. I have determined that the interdisciplinary team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. They took a hard look at the environmental effects using relevant scientific information and their knowledge of site-specific conditions gained from numerous field visits. My finding of no significant impact is based on the intensity of effects using the ten factors identified in 40 CFR 1508.27b.

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.***

As described in the EA (Chapter 3) and discussed in the rationale section of my Decision Notice, there are likely to be both beneficial and adverse effects to certain resources from implementing Alternative 2. In reaching my finding of no significant impact, I did not ignore or trivialize negative effects by "offsetting" them with beneficial effects. The EA demonstrates that, due to careful project design that incorporates protective measures (Forest Plan standards and guidelines, best management practices, and site-specific design features), the possible negative effects are relatively minor and are not directly, indirectly, or cumulatively significant.

- 2. The degree to which the proposed action affects public health or safety.***

There should be no significant adverse effects to public health and safety from the project. Some of the road maintenance and road realignment work

on the Patte Mill Brook Road is intended to improve public safety by increasing viewing distances, replacing surface material, and restoring pullouts to facilitate two-way traffic on a single-lane road (EA, section 1.1). Care will be taken during implementation to ensure the safety of anyone using the road.

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, research natural areas, Wilderness areas, eligible wild and scenic rivers, inventoried roadless areas, or ecologically critical areas in or adjacent to the project area, and therefore none would be adversely affected by this project. The interdisciplinary team spent time in the project area and identified areas and special features to be protected. Vernal pools, wetlands, riparian areas, and heritage resources will be protected by the application of Forest Plan standards and guidelines, best management practices, and project design features. A small seep and associated vegetation at one road realignment location along Patte Mill Brook Road would be eliminated in order to move the road away from Patte Mill Brook. This seep is not enriched, would not have a negative effect on any rare species, and its loss is not significant to any unique resource (EA, section 3.7). Overall, the project analysis documented in the EA and project record clearly demonstrates there will be no significant effects to any unique characteristics.

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

In the context of the National Environmental Policy Act, controversy refers to a substantial dispute in the scientific community regarding the effects of an action, not social opposition. Our contacts with other agencies did not identify any scientific controversy regarding the direct, indirect, or cumulative effects of this project (see project record). The interdisciplinary team for this project considered applicable scientific research (see project record) and found no controversy related to the predicted effects. Based on these factors, and the analysis provided in the EA and project record, 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.*

The White Mountain National Forest has considerable on-the-ground experience with dam repair and road maintenance, realignment, and construction under similar conditions. 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 analyzed in that FEIS and the Forest Plan Record of Decision. The effects analysis for this project (EA Chapter 3 and project record) demonstrates that the effects of these activities are not uncertain or significant and do not involve unique or unknown risks. The body of knowledge gained through years of field work and project-level and programmatic monitoring (see project record) provides a basis for the

effects analysis and supports my determination 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 principle about a future consideration.*

This is not a precedent-setting decision. Similar actions have occurred for decades in the local area and across Management Area 2.1 on the Forest. The effects of implementing Alternative 2 disclosed in Chapter 3 of the EA and the project record are within the range of effects of these similar actions. They also are within the range of effects disclosed in the Forest Plan FEIS, which analyzed the effects of the types of activities that will be implemented under Alternative 2 at a larger scale. 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. For these reasons, I have determined this action does not establish a precedent for future actions with significant impacts. All actions are wholly consistent with the Forest Plan; therefore this is not a decision in principal.

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

Chapter 3 of the EA 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 significant impact alone or when considered with other actions. The interdisciplinary team carefully chose cumulative effects analysis areas and timeframes, including private lands where it made sense for the resource, that would most thoroughly examine and predict effects (EA, Chapter 3, Cumulative Effects section for each resource). Based on the analysis in the EA, I have determined that implementing Alternative 2 will not result in significant cumulative effects.

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 or may cause loss or destruction of significant scientific, cultural, or historical resources.*

For the reasons explained in Chapter 3.8 of the EA and Section 5 of the Decision Notice, above, I find that this decision will not adversely affect any cultural or historical resources. No significant scientific resources have been identified in the project area (see project record).

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.*

Compliance with the Endangered Species Act and protection of species and their habitat are described in the Biological Evaluation (in the project file), and summarized in Section 5 of the Decision Notice, Findings Required by Other Laws and Regulations. Each of these references explains the determination that Alternative 2 will not have a significant adverse effect on any listed species.

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 is consistent with the Forest Plan. A further description of the project's compliance with applicable laws occurs in Section 5 of the Decision Notice. I find that none of the actions in this decision threatens to violate applicable Federal, State, or local laws or other requirements to protect the environment.

7 Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215. A person has standing to file an appeal only if they submitted a comment or expressed interest during the 30-Day Comment Period. 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. Appeals must be filed within 45 days of the date of legal notice of this decision in the *Lewiston Daily Sun*, published in Lewiston, Maine. The Notice of Appeal must be sent to:

Thomas G. Wagner, Appeal Deciding Officer
USDA Forest Service, Eastern Region
Attn: Appeals & Litigation
626 East Wisconsin Avenue
Milwaukee, WI 53202
414-944-3963 (FAX)
<appeals-eastern-regional-office@fs.fed.us> (email)

The office hours for those submitting hand-delivered appeals are 7:30 AM to 4:00 PM (Central Time), Monday through Friday, excluding holidays. It is the responsibility of the 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 *Lewiston Daily Sun* 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 *Daily Sun*, please call the contact person listed below for the publication date.

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.

8 Implementation Date and Contact

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

For additional information concerning this decision or the Forest Service appeal process, contact: Katherine W. Stuart at email: <kstuart@fs.fed.us>, or by phone at (603-466-2713, x210), or by FAX (603-466-2856).

Additional information about this decision also can be found on the White Mountain National Forest web page at:

<www.fs.fed.us/r9/forests/white_mountain>.

/s/ Katherine W. Stuart

September 22, 2009

KATHERINE W. STUART
District Ranger
Responsible Official

Date

