



United States
Department of
Agriculture
Forest
Service

July 2004



TINTAH PROJECT
*Town of Bethlehem, Grafton County, and
Town of Carroll, Coos County, New Hampshire*
**Decision Notice and
Finding Of No Significant Impact**

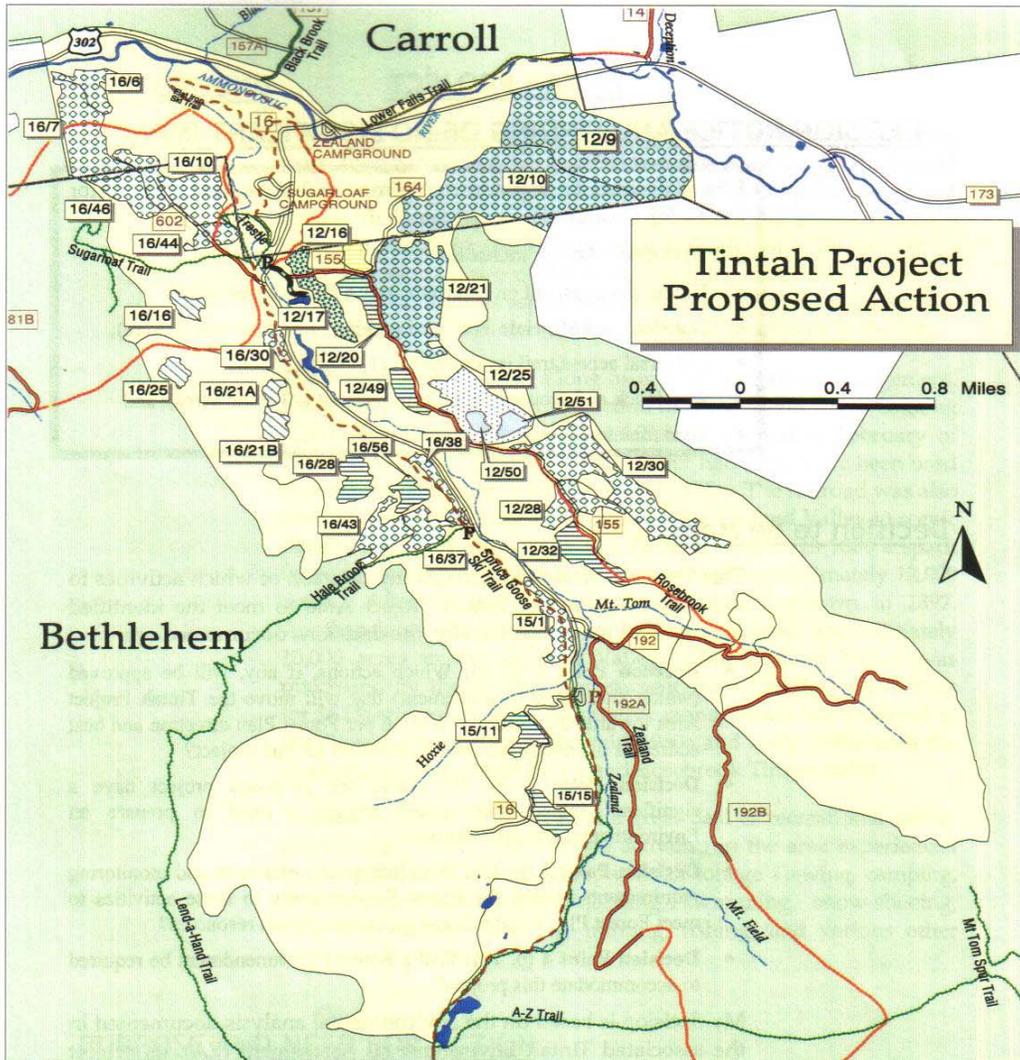
for the
Tintah Environmental Assessment

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TINTAH PROJECT
DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
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Tintah Project Proposed Action

Legend	
Ownership	Trail
White Mountain NF	Hiking
Non-White Mountain NF	Snomobile
Town	X-Country Ski
Stream	Parking Area
Road	Waterbody
16 FS Road Number	Tintah Project Area.
	Vegetation Management
	Noncommercial Wildlife Treatment
	Timber Stand Improvement
	Single-Tree Selection
	Group Selection
	Group Selection/TSI
	Patch Clearcut
	Clearcut
	Proposed Activities
	Trail Improvement
	Parking Area Expansion

TINTAH PROJECT

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

I have decided to implement Alternative 2 (Proposed Action) for the Tintah Project.

The Proposed Action includes:

- Timber management on approximately 475 treatment acres;
- Sugarloaf and Mt. Hale Trailhead parking improvements (1 Acre);
- Universal access trail improvement (1,500 ft);
- Woodcock and grouse habitat improvement (23 stand acres); and
- Road maintenance on 8.5 miles of road.

Decision to Be Made

This Decision Notice documents my decision of which activities to implement within the Tintah Project Area to meet the identified purpose and need. Specifically, the decisions documented are:

- **Decision Point 1** (p. 9): Which actions, if any, will be approved (which alternative to implement) that will move the Tintah Project Area towards the desired condition per Forest Plan direction and best addresses the needs and issues identified for this project?
- **Decision Point 2** (p. 10): Does the proposed project have a significant impact that would trigger a need to prepare an Environmental Impact Statement?
- **Decision Point 3** (p. 13): What mitigation measures and monitoring requirements should the Forest Service apply to these activities to meet Forest Plan standards and guidelines for all resources?
- **Decision Point 4** (p. 13): Will a Forest Plan amendment be required to accommodate this project?

My decision is based on the environmental analysis documented in the associated Tintah Environmental Assessment (EA), its project record, and the Finding of No Significant Impact. In compliance with the National Environmental Policy Act (NEPA) (40 CFR 1500-1508) and other relevant Federal and state laws and regulations, the Tintah EA discloses the potential direct, indirect, and cumulative environmental effects to resources resulting from the No Action and all action alternatives.

BACKGROUND

The Project Area is located on moderately sloped terrain ranging from approximately 1,500 to 2,500 feet above sea level. The Project Area contains predominantly northern hardwood, paper birch, and spruce/fir forest types. The annual growth of the trees and shrubs within portions of the Project Area typically provide browse or mast at various times of the year, including buds and flowers of woody plants such as aspen catkins and hobble bush in the spring, soft raspberry fruit in the summer, and hard beechnuts in the fall.

The Project Area has had a long history of vegetation management. J. E. Henry commenced construction of the Zealand River Logging Railroad in 1885. The railroad officially opened in February of 1886, but commercially harvested timber had reportedly been used as commercial freight prior to February 1886. The railroad was also used by tourists seeking a train ride up the Zealand Valley to scenic places such as Thoreau Falls and Zealand Notch. In 1886 a spark from a locomotive ignited a fire that burned approximately 12,000 acres. After 13 years of use the railroad shutdown in 1897. Another large fire occurred in 1903 and burned approximately 10,000 acres in the Zealand Valley. The Zealand Valley was purchased by the Federal Government from J.E. Henry and Sons for \$6.00 an acre in 1918. Vegetative management last occurred in the Project Area between the mid 1980s and early 1990s with the Zealand Hotshot, Hoxie Brook and Rosebrook Timber Sales.

Today the Project Area receives a great deal of recreational use by the visiting public. The various activities in the area experienced by the public are hiking, scenic and fall foliage viewing, camping, cross-country skiing, snowmobiling, swimming, snow-shoeing, bird and wildlife watching, hunting, fishing, and various other recreational pursuits.

PURPOSE AND NEED FOR ACTION

Site-specific needs

The purpose of this project is to implement Forest Plan direction (WMNF LRMP; USDA Forest Service, 1986, as amended; pages III-5 through III-41) in the Tintah Project Area by addressing site-specific needs and opportunities to move the area from the existing condition (EC) towards the desired condition (DC).

Recent assessment of MA 2.1 and 3.1 lands in Habitat Management Units (HMUs) 107 and 109 show that these HMUs are weighted towards mature and over-mature forests and there is little regenerating habitat. Forest Plan direction seeks to provide a balanced mix of habitats for all wildlife species and to increase wildlife habitat diversity for the full range of wildlife species with emphasis on early-successional species. Based on Forest Plan desired composition (pp. III- 13, VII B-4, & VII-B-5) there is a need for increased regenerating forest age class. Opportunities exist, through timber harvesting, reforestation treatments, and wildlife maintenance strategies to improve the growth and vigor of forested stands and diversify stand age class. These improvements will be accomplished by harvesting mature and poor quality trees and regenerating new trees (Forest Plan, pp. III-3, III-30, III-36), resulting in a variety of wildlife habitat types and conditions.

While vegetative growth in the Project Area has increased over the last decade, so too has recreational use of the area. Over the years, Forest Service monitoring of recreational use in the Project Area has shown an increased demand for the recreational resources by the visiting public. In response to the increased public demand and, in accordance with the recreational management direction within the Forest Plan for MA 2.1 and 3.1 lands (Forest Plan, pp. III - 34, III - 40), the District will reconstruct the Sugarloaf and Mt. Hale trailhead parking areas to provide a safer and more efficient use of the trailhead areas by the visiting public. The District will also construct a 1,500 foot long universal access trail to the north end of the Zealand Wildlife Pond. Construction of this universal access trail and improving trailhead parking in the Project Area will move the Forest closer toward the desired condition per Forest Plan direction (Forest Plan, pp. III - 34, III - 40).

Need for Change

An interdisciplinary team surveyed and evaluated the Tintah Project Area. The team identified site-specific needs for natural resource management that would change or enhance the present conditions and move the project area toward the desired condition described in the Forest Plan, as amended (pp. III-30 through III-41).

There are approximately 10,000 acres of federal land in HMUs 107 and 109. The proposed Tintah Project Area is located within MA 2.1 and 3.1 lands of compartments 12, 15, and 16, which comprise approximately 51 percent of HMUs 107 and 109. These HMUs also

contain areas that are not subject to vegetation management including MA 6.2.

The need for change is determined by comparing desired conditions in the Forest Plan with the existing conditions in the project area. The Forest Plan provides desired conditions for even- and uneven-aged management systems for management areas 2.1 and 3.1 and for habitat management units by even- and uneven-aged management systems. The even- and uneven-aged desired conditions apply to the Forest as a whole and are not prorated for each Project Area (Forest Plan, , pp. III-32 & III-38).

Existing resource conditions in the Tintah Project Area were evaluated against the Forest Plan desired condition. Based on Forest Plan goals and objectives and the differences between existing conditions and desired conditions, several needs and opportunities for the Project Area were identified. The following list describes the "needs for change" identified for the Tintah Project Area that would meet the project's purpose of implementing the Forest Plan. Protecting riparian values, maintaining and protecting habitat for proposed, threatened, endangered, and sensitive species, and maintaining healthy and resilient watershed into the future have been and will continue to be primary considerations in management of the Tintah Project Area.

1. At the landscape level, there is little diversity of age classes. Regeneration habitat (trees less than 10 years old) makes up 0% of Habitat Management Units 107 and 109. There is a need to increase the amount of the 0-10 year old forest type to improve wildlife habitat diversity for species that depend on early-successional habitat (Forest Plan, pp. III-13, VII-B-4 & VII-B-5). Opportunities exist, through commercial timber harvesting, to improve the growth, vigor, and health of forested stands by harvesting mature or poor quality trees and regenerating new trees, and thus to provide a variety of wildlife habitat types and conditions. Stands would be harvested in accordance with the appropriate silvicultural guidelines and Forest Plan direction. Activities will include group cutting, single-tree harvesting, and clearcutting.
2. Congress annually funds the Forest Service to provide commercial timber within the capability of the lands and individual Forest Plans. The White Mountain National Forest Plan allocates land for sustainable wood production (MAs 2.1 and 3.1). People's demand for hardwood and other wood products continues to be high, which

supports the need to supply this renewable resource. Projects such as this, which supply wood products, provide a means to satisfy people's demand for wood and contribute to the economic viability of local communities (Forest Plan, III-3 and III-30).

3. Over the years Forest Service monitoring of public use in the Project Area has shown an increased use of the recreational resources by the visiting public. In response to the increased public use the District feels now is the appropriate time to move the Project Area closer to the recreational desired conditions per Forest Plan (Forest Plan, pp. III-34, III-40) by improving trailhead parking at Sugarloaf and Mt. Hale trailheads and constructing a 1,500 foot long Universal Access Trail in the Project Area. These actions will help the Forest address safety issues and meet the needs of public demand.
4. In both the short- and long-term, an adequate transportation system to access the Project Area is needed for management of National Forest Lands and to provide motorized recreation opportunities (Forest Plan, III-31, III-34).

Public Involvement

The Forest Service mailed a Scoping letter to approximately 300 interested parties on December 16, 2003.

The proposal was listed in the White Mountain National Forest Schedule of Proposed Actions (SOPA) beginning in December 2003. Fourteen (14) individuals commented on the proposed action during the formal Scoping process. Comments were used to define unresolved issues, to develop alternatives, and to analyze effects.

Information for 30-Day Comment on Proposed Activities for the Tintah Project was mailed to interested parties and posted on the White Mountain National Forest web page in May 2004. The 30-Day comment period closed on June 28. No substantive comments were received during the 30-Day Comment Period.

Tribal Consultation

The United States Government has a trust responsibility to federally recognized tribes that has been consistently recognized in the federal court system. The primary focus of the Forest Service's trust responsibility lies in the protection of treaty rights and interests that tribes have reserved on off-reservation lands. In carrying out its responsibilities, the Forest Service must assess proposed actions to determine impacts to treaty rights, treaty resources, or other tribal interests. Where potential impacts exist, the Forest Service has a legal obligation to consult with affected

tribes and explicitly address those impacts in planning documents and final decisions.

There are no recognized tribes with treaty rights in New Hampshire. The proposed activities of this project do not impact treaty rights, treaty resources or other tribal interests.

ISSUE

Based on public comment received during the Tintah Scoping period the Forest Service identified the following significant issue:

Cumulative effects of recreational improvements in the Tintah Project Area

Public comment expressed concern that the amount of recreational improvements proposed in this project area will have negative effects on wildlife habitat and visual resources, especially when added to the heavy recreational use that already occurs on public land.

DECISION

Decision Point 1:

Which actions, if any, will be approved (which alternative to implement) that will move the Tintah Project Area towards the desired condition per Forest Plan direction and the needs identified for this project?

I have chosen to implement Alternative 2, the Proposed Action. Table 1, (p. 10) lists the activities proposed in Alternative 2.

During project implementation, actual amounts of activities accomplished on the ground may vary slightly to match actual field conditions. Any changes would be evaluated to ensure that any effects are within the parameters of the effects analyzed in the Tintah EA and would be documented in Tintah project file.

The transportation system is in place and no road construction is included in this alternative.

Table 1: Activities for the Proposed Action

Activity	AMOUNT	
	Treatment Ac	Stand Ac
Timber Harvesting		
Even-Aged Management -		
Clearcutting (northern hardwood, mixed hardwood softwood)	112 Ac	117 Ac
Patch Cut (northern hardwood, paper birch)	30 Ac	214 Ac
Uneven-Aged Management -		
Single-Tree Selection (approximately 25% of the stand basal area)	44 Ac	44 Ac
Group Selection (groups range in size from 1/10 to 2 Ac in size; ½ Ac average; represent approximately 20% of stand Ac)	147 Ac	714 Ac
Total	333 Ac	1,089 Ac
Approximate Volume:	3.5 MMBF	
Timber Stand Improvement	143 Ac	390 Ac
Wildlife (Woodcock and Grouse Habitat Improvement)	10 Ac	23 Ac
Transportation:		
Road Maintenance (Forest Roads FR 16, FR 155, FR 164, and FR 620),	8.5` Mi	
Recreation		
Universal Access Trail	1,500 feet	
Sugarloaf and Mt. Hale Trailhead Parking Area Improvement	1 Acre	

Alternative 2 (Proposed Action) meets the purpose and need identified for this project. The Proposed Action accomplishes Forest Plan direction by following the management direction and Standards and Guidelines for MA 2.1 and 3.1 lands (Forest Plan, pp. III-36 to III-41). Alternative 2 provides an appropriate mix of silvicultural treatments to accomplish wildlife habitat improvement objectives and sustainable timber harvesting program while also addressing the recreational needs in the Project Area.

Decision Point 2: FINDING OF NO SIGNIFICANT IMPACT

Does the proposed project have a significant impact that would trigger a need to prepare an Environmental Impact Statement?

I have reviewed the effects of Alternative 2, taking into account both the context and intensity described in 40 CFR 1508. After consideration of the Tintah EA, Forest Plan, and comments received, I have determined that this Project is not a major federal action, individually or cumulatively, and will not significantly

affect the quality of the human environment. The site-specific actions of the Proposed Action, both short and long term, are not significant. Therefore, an environmental impact statement is not needed. This determination is based on the following intensity factors:

Consideration of Beneficial and Adverse Effects

Both beneficial and adverse effects of implementing Alternative 2 have been considered.

Effects on Public Health and Safety

Public health and safety are not adversely affected by the Proposed Action (Alternative 2). Mitigation measures set forth in the Forest Plan and Tintah EA are in place to minimize possible conflicts between timber harvesting activities and the recreational public in the Project Area.

Unique Physical and Biological Characteristics

Although characteristic features such as cultural resources and wetlands are located in the Project Area, none of the unique characteristics of the geographical area will be significantly affected. No parklands, or prime farmland, are found in the Project Area.

Controversial

Controversy is described as a dispute amongst the scientific community. Based on that definition, there is no substantial dispute amongst the scientific community as to the size, nature, or effect of the federal action on the various biological and physical environments. Based on the involvement of Forest resource specialists and members of the public (Scoping), the effects of the proposed actions on the quality of the human environment are not highly controversial. All of the effects of Alternative 2 are within the scope of those considered and analyzed in the Forest Plan FEIS, Chapter IV.

Uncertain, Unique, or Unknown Effects on the Quality of Human the Environment

There are no known effects to the human environment that are highly uncertain or involve unique or unknown risks. All of the effects of Alternative 2 are within the scope of those considered and analyzed in the Forest Plan FEIS, Chapter IV. This project proposal is similar to many other management projects that have been conducted on the White Mountain National Forest for which the

effects are known through experience, records of timber sale inspections, and stand examination.

Possible Precedent for Future Actions

These actions do not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The proposed action incorporates those practices envisioned in the Forest Plan under Management Areas 2.1 and 3.1 direction and within the Standards and Guidelines of the Forest Plan.

Cumulative Relationship of Actions

These actions do not individually, nor taken cumulatively with other activities within the areas affected, reach a level of significance. The EA describes the cumulative effects on soils, water quality and quantity, air quality, vegetation, terrestrial wildlife, aquatic resources, transportation, cultural resources, visual, recreation, economics, community well being, and environmental justice. None of the cumulative effects of the proposed action are significant. Where appropriate, mitigation measures are proposed that are known to keep activities below the threshold level of significance.

Effects on Significant Scientific, Cultural, or Historical Resources

Heritage resource surveys were completed and no anticipated loss of significant scientific, historic, or cultural resources is expected. If, in the course of any project activities, previously unknown sites or artifacts were to be located, activities would stop immediately in that location. The district heritage paraprofessional or Forest archaeologist would be called in to evaluate the finds and make recommendations on how to proceed (Forest Plan, p. III-10).

Threat to Endangered Species or Their Habitat per the Endangered Species Act

The Biological Evaluation/Assessment (BE/BA) determined that federally-listed TEPS or their habitat would not be adversely affected by the actions of this project (see project file). The White Mountain National Forest completed a Forest-wide Biological Assessment (BA) of the potential effects to Threatened, Endangered, Proposed, and Sensitive species (TEPS) from continued implementation of the 1986 Forest Plan, as amended. The US Fish and Wildlife Service (USFWS) subsequently rendered a Biological Opinion (BO) with the Incidental Take Statement (USDI,

2000), which concurred with the White Mountain National Forest BA, that continued implementation of the Forest Plan would cause either a beneficial effect, no effect, and/or not likely to adversely affect the majority of TEPS species for the White Mountain National Forest, and is not likely to jeopardize the continued existence of Canada lynx and Indiana bat.

Threat or Violation of Laws or Requirements that Protect the Environment

Applicable laws were incorporated into the Forest Plan Standards and Guidelines (*Forest Plan*, pages III-5 through III-41), and Alternative 2 complies with the Forest Plan, as amended. In addition, some project mitigation measures have incorporated more recent "Best Management Practices" utilized by state agencies. The actions do not threaten a violation of federal, state, or local laws imposed for the protection of the environment.

Decision Point 3:

What mitigation measures and monitoring requirements should the Forest Service apply to these activities to meet Forest Plan standards and guidelines for all resources?

The management requirements necessary to meet the intent of current direction, regulation and law include:

- Standards and Guidelines in the Land and Resource Management Plan for the White Mountain National Forest, as amended (Threatened, Endangered, and Sensitive Species, April 4, 2001);
- Canada Lynx Conservation Agreement and Strategy (CLCAS); and
- Terms and Conditions of the Biological Opinion on the Forest-Wide Programmatic BA.

Mitigation measures designed to prevent or reduce possible effects resulting from the implementation of the Proposed Action are documented in the EA, *Endnotes – Table E1: Mitigation Measures*.

Decision Point 4:

Will a Forest Plan amendment be required to accommodate this project?

The activities proposed in the Tintah Project and their potential effects are within those anticipated and evaluated in Chapter IV of the Forest Plan FEIS and are consistent with Forest Plan Standards and Guidelines. Therefore, no Forest Plan amendment will be required to implement this project.

RATIONALE FOR DECISION

I have chosen Alternative 2 (Proposed Action) for the following reasons:

1. Alternative 2 is consistent with the agency mission. Through Congressional mandate, National Forest Lands are managed to provide multiple benefits to all Americans in a sustainable way for present and future generations. The original management emphasis was identified as watershed protection (Creative Act, 1891) and a continuous supply of wood products (Organic Act, 1897). Over the years, management for wildlife and fish, outdoor recreation, wilderness, heritage resources, grazing, wild and scenic rivers, and roads were added to the Forest Service mission. General direction, for how the White Mountain National Forest is to be managed in a sustainable way for multiple benefits is found within the White Mountain National Forest Land and Resource Management Plan.
2. This alternative is responsive to the protection and maintenance of environmental quality, including site productivity, water quality, anadromous fish habitat, TES wildlife and plant species, native plant communities, and management indicator species (MIS). This decision moves the Project Area toward the desired condition of forest stands that provide a diversity of habitats for a wide range of wildlife species and a sustainable flow of commercial timber; best meets the stated purpose and need; addresses the issues; and provides for environmental protection through project design features, management requirements, and mitigation measures.

Alternative 2 meets the intent of the primary land management prescription emphasis for Management Area 2.1 and 3.1 lands:

The Primary Purposes of MA 2.1 Lands (Forest Plan, p. III-36) are to:

- Protect and enhance visual quality.
- Broaden the range of recreation options, mainly those offering roaded natural opportunities.
- Provide moderate amounts of high quality hardwood sawtimber and other timber products on a sustained yield basis.
- Provide a balanced mix of habitats for all wildlife species.

The Primary Purposes of MA 3.1 Lands (Forest Plan, p. III-36) are to:

- Provide large volumes of high quality hardwood sawtimber on a sustained yield basis and other timber products through intensive management practices.

- Increase wildlife habitat diversity for the full range of wildlife species with emphasis on early successional species.
- Broaden the range of recreation opportunities, mainly those offering semi-primitive motorized experience opportunities.
- Grow smaller-diameter trees for fiber production.
- Even-aged management will be the most predominant silvicultural system used; uneven-aged management will be used to meet site-specific visual and silvicultural requirements and generally range from 3-30 acres. Uneven-aged management will be considered on a site-by-site basis and generally will be applied on 10-20 percent of the management area. [Distribution of even- and uneven-aged management is for MA 21. and 3.1 lands as a whole across the Forest and is not expected to be prorated equally in individual projects. The selection of even-or uneven-aged silvicultural systems is guided by the land type capability and current species composition of each stand as well as social needs.]

My selection of Alternative 2 furthers the efforts of the White Mountain National Forest to create early-successional habitat within the Tintah Project Area, moves the project area towards Forest Plan desired conditions for HMUS 107 AND 109, addresses the recreational needs in the Project Area, maintains an adequate road system to meet the various land management objectives, and provides a sustained flow of timber to help meet public demand for wood products.

CONSISTENCY WITH FOREST PLAN

The decision to implement Alternative 2 of the Tintah Environmental Assessment is consistent with the White Mountain National Forest Land and Resource Management Plan, as amended, Standards, Guidelines (LRMP).

OTHER ALTERNATIVES CONSIDERED

In developing the reasonable range of alternatives, the ID team considered alternatives that reasonably responded to the purpose and need, and addressed the significant issues resulting from Scoping. As required by Federal regulation [40 CFR 1502.14(d)], the ID team also analyzed the No Action alternative (Alternative 1).

Alternative 1 - No Action

Under Alternative 1, current and on-going management activities would continue, but no new vegetation, recreation, wildlife habitat improvement, or road management activities proposed in the Tintah Scoping Report would be initiated. Changes might occur through current management direction (such as road maintenance), natural processes, or other management decisions in the future. This No Action alternative provides the foundation for describing and comparing the magnitude of environmental changes associated with the action alternatives.

Alternative 1 (No Action) would not implement the trail head parking improvements or construction of the 1,500 foot universal access trail. Under this alternative, only general road maintenance on Forest Road 16 would occur.

Alternative 3

Under Alternative 3 approximately 475 acres would receive even-aged and uneven-aged vegetation treatment; a 23 acre alder stand would be managed to improve woodcock and grouse habitat; and pre-haul road maintenance would occur on 8.5 miles of existing roads. In response to issues raised by the public Alternative 3 would not implement the Sugarloaf and Mt. Hale Trailhead Parking Area improvements or universal access trail construction proposed in the Tintah Scoping Report. Alternative 3 is a collection of vegetative treatments, wildlife habitat improvements, and road maintenance on existing roads that would follow Forest Plan Standards and Guidelines, and serve to move the Tintah Project Area toward the desired condition set forth in the White Mountain National Forest LRMP.

Alternative 3 would implement the same vegetation and wildlife management stand prescriptions as the Proposed Action (Alternative 2). It would not implement the trailhead parking improvements at the Sugarloafs and Mt. Hale trailheads or construction of the 1,500 foot universal access trail.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Historical Preservation Act

The White Mountain National Forest works in consultation with the New Hampshire State Historic Preservation Office to design projects that are determined to have no effect upon cultural sites in accordance with 36 CFR 800 and The National Historic Preservation Act of 1966, as amended. There is no anticipated loss of significant scientific, historic, or cultural resources. If, in the course of any project activities, previously unknown sites or artifacts were to be located, activities would stop immediately in that location. The district heritage paraprofessional or Forest archaeologist would be called in to evaluate the finds and make recommendations on how to proceed.

Executive Order 11990 (wetlands) and 11988 (floodplains)

This project does not impact any floodplains or wetlands, because undisturbed buffers have been designated to separate treatment units from floodplains or wetland areas. Alternative 2 would be in compliance with both of these orders.

Executive Order 12898, "Environmental Justice"

Based on demographic information, the Towns of Bethlehem and Carroll do not qualify as Environmental Justice communities.

Endangered Species Act (ESA)

The White Mountain National Forest completed a forest-wide BA of the potential effects to Threatened, Endangered, Proposed, and Sensitive species (TEPS) from continued implementation of the 1986 Forest Plan as amended (USDA 1999). The USFWS subsequently rendered a Biological Opinion with the Incidental Take Statement (USDI 2000), which concurred with the White Mountain National Forest BA that continued implementation of the Forest Plan would cause either a beneficial effect, no effect, and/or not likely to adversely affect the majority of TEPS species for the White Mountain National Forest, and is not likely to jeopardize the continued existence of Canada lynx and Indiana bat.

The White Mountain National Forest also completed a site-specific BE/BA for the Tintah Project. The Tintah BE/BA determined that all action alternatives would cause no effect to the federally-listed Canada lynx, and they are consistent with the Standards and Guidelines outlined in the Canada Lynx Conservation Assessment and Strategy for protecting suitable lynx habitat. The BE/BA

determined the action alternatives **may affect, but are not likely to adversely affect** Federally-listed endangered Indiana bat, and they are consistent with the Terms and Conditions outlined in the BO (USDI 2000). The action alternatives would cause **no impact** to the Federally-listed R9 Sensitive peregrine falcon, and **may impact individuals, but would not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species** of Federally-listed R9 Sensitive eastern small-footed myotis, northern bog lemming, wood turtle and several plant species.

Clean Water Act

The beneficial uses of water in the streams draining the Project Area would be maintained during and following project implementation through proper project design, mitigation, and Best Management Practices (BMPs).

Clean Air Act

Air quality will not be affected.

Migratory Bird Treaty Act

Implementation of Alternative 2 would be consistent with the Migratory Bird Treaty Act. This Act was designed to forestall hunting of migratory birds and the sale of their parts and was not meant to regulate timber harvesting. The proposed harvest would have the effect of creating early successional habitat required by many of the migratory birds on the forest. Winter harvesting would avoid affecting Neotropical birds and their habitat during the breeding, nesting, and nestling seasons.

National Environmental Policy Act (NEPA)

This Decision Notice has been prepared in accordance with the requirements of the National Environmental Policy Act.

National Forest Management Act (NFMA)

The National Forest Management Act (NFMA) requires specific determinations in the Record of Decision, including consistency with the existing Forest Plan. This project complies with the Forest Plan, NFMA, and 36 CFR 219.

This project ensures that timber will only be harvested where:

- Soil, slope, or other watershed conditions will not be irreversibly damaged and protection is provided for streams, or other bodies of water from detrimental changes;

- Lands can be adequately restocked through regeneration;
- The harvesting system selected is practical in terms of transportation and harvesting requirements. It was not selected based on the greatest dollar return or the greatest output of timber; and
- The project is best suited to the multiple-use goals established for the Project Area.

Optimality of Harvest Methods

Choosing the optimum harvest method for regenerating a particular stand is influenced by the silvicultural requirements of the species on the sites, existing stand conditions, issues raised during the analysis, prior experiences in the area, and direction from the Forest Plan. The first step is to assign a silvicultural prescription to each stand after a field examination. This prescription is based primarily on the biological requirements of the stand and the objectives of the Management Area. This prescription is then subject to interdisciplinary analysis, with special consideration given to the issues raised during scoping and the alternatives developed. In some cases, prescriptions may be modified in order to mitigate other resource concerns such as visual quality, water quality, or composition guidelines. Regardless of the alternative, the proposed harvest method is always sufficient to ensure adequate regeneration stocking of the stand.

Regulations (36 CFR 219.15) require that vegetation management practices be chosen that are appropriate to meet the objectives and requirements of the Forest Plan. The use of clearcutting is the optimum method for promoting the regeneration of certain species in the Project Area. These activities are consistent with the Forest Plan, in particular for regeneration of the paper birch, northern hardwood, red maple and aspen forest types. Potential environmental, biological, esthetic, engineering, and economic impacts have been assessed.

IMPLEMENTATION AND APPEAL RIGHTS

No substantive comments were received on the Tintah Project during the 30-Day Comment Period. Accordingly the Tintah Project is not subject to appeal pursuant to 36 CFR 215.12(e)(1), which states that projects or activities for which notice of the proposed action and opportunity to comment is published and no

substantive comments expressing concerns are received during the comment period for a proposed action then the the decision is not subject to appeal.

Implementation Date

Pursuant to 36 CFR 215.9(c)(1), "When a project or activity is not subject to appeal (215.12), implementation can occur as follows: (1) Immediately after publication (§215.7(b)) of a decision documented in a Decision Notice." Accordingly, the Tintah Project can be implemented following the publication of this decision in the Union Leader newspaper.

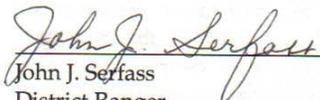
Responsible Official

John Serfass, District Ranger
Ammonoosuc-Pemigewasset District
White Mountain National Forest

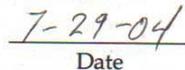
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John J. Serfass

District Ranger
Ammonoosuc-Pemigewasset Ranger District


Date



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