Waterville Valley
Ski Resort
Green Peak Expansion Project
Town of Waterville Valley
Grafton County, NH

Decision Notice and Finding of No Significant Impact
June 2013

For Information Contact: Susan Mathison
White Mountain National Forest
71 White Mountain Drive
Campton, NH 03223
Phone: 603-536-6245
Fax: 603-536-3685; Attn: Susan Mathison
smathison@fs.fed.us
http://www.fs.usda.gov/whitemountain/landmanagement/projects
This document is available in large print.
Contact the Pemigewasset Ranger District
White Mountain National Forest
603-536-6100
TTY 603-536-3665

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA’s TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.
Table of Contents

1 Introduction .................................................................................................................. 5
2 Purpose and Need ......................................................................................................... 5
3 Decision and Rationale for the Decision .................................................................... 5
   Decision ...................................................................................................................... 5
4 Public Involvement ...................................................................................................... 10
   Issues ......................................................................................................................... 11
5 Findings Required by Other Laws and Regulations .................................................. 11
   National Environmental Policy Act (NEPA) ............................................................. 12
   Forest Plan Consistency (National Forest Management Act - NFMA) .................. 12
   Endangered Species Act (ESA) ................................................................................ 13
   Clean Water Act (CWA) .......................................................................................... 15
   Executive Orders 11990 (Wetlands) and 11988 (Floodplains) .............................. 15
6 Finding of No Significant Impact ............................................................................... 15
   Context ..................................................................................................................... 16
   Intensity .................................................................................................................... 17
7 Administrative Appeal ............................................................................................... 22
8 Implementation Date and Contact .............................................................................. 23
1 Introduction

This document announces my decision to approve the Green Peak Expansion Project proposed by Waterville Valley Ski Resort located in Grafton County, NH and my finding that this project will not have a significant impact on the quality of the human environment. This Decision Notice (DN) and Finding of No Significant Impact (FONSI) incorporate by reference the Environmental Assessment (EA) for the Green Peak Expansion Project dated June 2013 and its supporting project record.

2 Purpose and Need

The Waterville Valley proposed expansion would increase terrain and offer a more gradual continuum of terrain challenges at the resort. This project was included in the Forest Service-accepted Waterville Valley 1999 Master Development Plan (MDP). The ski area has proposed this project to provide an improved visitor experience. As explained in Section 1.5 of the EA, this project will expand opportunities and improve safety for skiers by providing additional trails and glade skiing.

3 Decision and Rationale for the Decision

Decision

In reaching my decision, I relied on several information sources including the Forest Plan, the Green Peak EA, public comment, input from the Interdisciplinary Team, the Waterville Valley Master Development Plan (MDP) and my experience with ski area operations and similar projects. Based on the information, I have decided to approve the Proposed Action (Alternative B), as it is described in the EA.
This project will:

- create a network of skiing and snowboarding trails in the Green Peak area. Approximately 8 new trails totaling about 44 acres would be constructed, offering a variety of terrain ability levels;

- create approximately 7 acres of glades;

- install a detachable quad chairlift to provide access to the new terrain. This 4,000 ft lift would have an hourly capacity of 2,800 skiers and riders and a vertical rise of ~1,000 feet;

- remove the Black and Blue Trail Smashers (BBTS) Competition building (Old Valley Run lift building) to accommodate the lower terminal of the new chairlift. A new BBTS Competition building would be constructed at the lower end of the tree island that separates the trails Lower Periphery and The Pasture. The new structure would be two stories, approximately 40’ X 60’ at the base, thus containing about 4,800 sq. ft. The clearing for the new building would be approximately 0.1 acres;

- expand the on-mountain snowmaking system to provide coverage for each new trail. Existing water supply sources (Mad River, Corcoran’s Pond) would supply water for snowmaking on Green Peak. All water withdrawals (inclusive of the needs of existing and proposed trails) would meet currently established minimum flow requirements of 0.5 cubic feet per second per square mile (csm) of watershed.

- amend the Forest Plan (see EA for amendment wording) to approve a minor reduction in designated, but marginally suitable, Canada lynx habitat.

**Reasons for the Decision**

Based on all available information, I believe that Alternative B will provide improved and safer skiing and snowboarding opportunities for beginner and intermediate skiers at Waterville Valley.
Valley, moving the Forest toward its Goal for Alpine Ski Areas of maintaining and providing quality alpine skiing and related opportunities on the Forest through partnerships with the private sector (Forest Plan, p. 1-4).

In arriving at my decision, I considered concerns expressed by the public regarding wildlife, water, scenery and climate change. Based on the information in the project record and input from the interdisciplinary team, I determined that this project will protect all resources through good design and the application of Forest Plan standards and guidelines, best management practices and other mitigation measures, as described in the EA. Therefore, I conclude that Alternative B will help the Forest achieve our Desired Condition of “enhancing permitted recreation opportunities at the (ski) area while protecting the natural resources and visual characteristics.” (Forest Plan, p. 3-31)

Overall, I feel that Alternative B meets the purpose and need for the project, is within acceptable environmental and social thresholds, addresses the issues and concerns raised and balances the needs of the resources in the area.

I find that the Green Peak Expansion Project is consistent with all applicable Forest-wide and MA 7.1 Alpine Ski Areas standards and guidelines, except for one. As discussed in the EA, the Proposed Action would be inconsistent with the following Forest-wide Canada lynx standard and guideline (Forest Plan, p. 2-14):

S-3: Unless a broad-scale assessment of landscape patterns that compares historical and current ecological processes and vegetation patterns is developed, disturbance must be limited in the following manner:

a) If more than 30 percent of lynx habitat in a Lynx Analysis Unit (LAU) is currently in unsuitable condition, no further reduction of suitable conditions shall occur because of vegetation management activities by Federal agencies unless the activity is
proposed specifically to improve future snowshoe hare habitat.

The Project Area is located within LAU 11 which includes both lynx habitat and non-habitat. (See lynx habitat definitions in the Biological Evaluation (BE) in the Project Record). Currently, more than 30 percent of the lynx habitat in LAU 11 is considered to be in unsuitable condition; thus the potential project’s effects to lynx habitat would not be consistent with the Forest Plan (see S-3 a, above). The project will convert approximately 41 acres of suitable foraging habitat (0.3% of the LAU) into open ski trails and a glade, with undisturbed forest inclusions.

In evaluating this project and reaching my decision, I considered that the Project is adjacent to a highly developed area in the extreme southern edge of potential lynx habitat on the Forest. Currently known occurrences of lynx or evidence of lynx occur well north of the Green Peak project area. The likelihood of lynx occurring in this southernmost mapped LAU now or in the foreseeable future is considered to be very low. Forest Service biologists discussed the intent of this standard and guideline associated with this project with the U.S. Fish and Wildlife Service. The agencies agreed that the effects of this proposed project to lynx are minor to nonexistent (USFWS, May 30, 2013; also see the BE contained within the project file).

Based on this information, I have therefore concluded that this project will not significantly impact Canada lynx and that it is appropriate and acceptable to make a project-specific Forest Plan amendment to allow this Project. The scope of this Forest Plan amendment is specifically limited to this Project; the amendment will not change management of Canada lynx or its habitat anywhere else or any of the remaining standards and guidelines for this species.
Alternatives Considered But Not Selected

The interdisciplinary team evaluated one other alternative in detail in the EA.

Alternative A

Analysis of this alternative provides the baseline for evaluating the effects of the action alternative. Under this alternative, none of the activities proposed in the Green Peak Expansion project would occur at this time. Selective tree cutting for safety purposes in areas immediately adjacent to developed ski trails would be the only management activities occurring in this portion of MA 7.1 lands.

I did not select Alternative A because it would not meet the project purpose and need. Novice and low intermediate skiers would continue to be limited to the Valley Run area of the resort and would not have the opportunity to safely have a “summit” skiing experience. An appropriate continuum of trail ability levels for novice and low intermediate skiers would continue to be unavailable at Waterville Valley. Because Valley Run also serves as the primary egress trail for the south side of the resort, congestion and ability-level mixing would continue to compromise both safety and skier experience. Alternative A would not move the Forest toward the Desired Condition of “enhancing permitted recreation opportunities at the (ski) area while protecting the natural resources and visual characteristics.” (Forest Plan, p. 3-31)

Alternatives Considered but not Selected

Based on the input received from the interdisciplinary team and received from the public during the scoping process, several additional alternatives were considered but were not selected for full development and analysis. The alternatives considered but not developed in detail were alternatives which included:

- reduced trail development to address concerns for visual resources;
fewer new trails in order to reduce fragmentation; and,

a design that might include reduced lift tower heights.

None of the alternatives were fully developed for a variety of reasons, as described in the EA.

4 Public Involvement

Section 1.7 of the environmental assessment explains the public involvement process and notes that a Scoping Report for the Waterville Valley Green Peak Expansion Project was posted on the WMNF website and mailed to interested and/or potentially affected members of the public on December 23, 2011. An informational open house was held on Wednesday, January 18, 2012. The scoping comment period was open from December 23, 2011 to February 3, 2012. Forty comments were received. A Scoping Content Analysis was prepared which recognizes all of the comments received and provides more information on specific comments and how they were categorized and addressed in the EA. This document is part of the Project file.

The Preliminary EA was distributed to the public and noticed in the New Hampshire Union Leader on April 23, 2013. The comment period ended on May 23, 2013. Three comments were received on the Preliminary EA, two of which were in support and one of which expressed concerns. Responses to these comments are contained in Appendix A of the EA.

This project has been continually published in the White Mountain National Forest (WMNF) Schedule of Proposed Actions (SOPA) since October 1, 2011. In addition to the public comment periods, the Forest Service consulted with other Federal and State agencies. These included the USFWS, NHF&G, NHDHR and NHDES.
Decision Notice and Finding of No Significant Impact

Issues
The Environmental Assessment (Section 2.3) explains that public scoping brought forth a number of ideas, suggestions and important information used in developing and analyzing this project. The ID team reviewed all public comments, identified the issues raised, and determined how they would be used in the analysis (see Scoping Content Analysis in the project file). Issues that were brought up by the public and addressed in the EA included concerns over the following:

Wildlife and Wildlife Habitat
1. Protected and sensitive species
2. Habitat fragmentation

Water
3. Concern over water availability from snowmaking

Visual Appeal
4. Chair lift towers’ visual impact on views
5. Effect of trail development on visual character

Climate Change
6. Tree removal impact on climate change

5  Findings Required by Other Laws and Regulations

My decision will comply with all current, applicable laws and regulations. Stated below are findings regarding compliance with several applicable regulations. This includes compliance with the National Environmental Policy Act (NEPA), the National Forest Management Act (Forest Plan consistency) and the Endangered Species Act.
National Environmental Policy Act (NEPA)

The Environmental Assessment (EA) was prepared by in response to Waterville Valley Ski Resort’s proposal for the Green Peak Expansion Project and in compliance with the National Environmental Policy Act (NEPA) which requires public participation, consideration, disclosure of potential environmental effects, analysis of alternatives and preparation of a decision document that provides specific direction for project implementation if an action alternative is selected by the decision maker. The EA for this project discloses the analysis for the direct, indirect, and cumulative environmental effects that may result from the Proposed Action and alternatives, if one were implemented.

Forest Plan Consistency (National Forest Management Act - NFMA)

The National Forest Management Act requires that all site specific project activities be consistent with direction in an applicable long range land and resource management plan (Forest Plan). The Waterville Valley Green Peak Expansion Project is designed to achieve public recreation benefits while providing site-specific resource protection and work towards the Desired Conditions as established in the Forest Plan (USDA 2005a; Forest Plan).

As noted in the Forest Plan Goals and Objectives (Chapter 1, Forest Plan), a goal for the Forest is to “maintain and provide quality alpine skiing and related opportunities on the Forest through partnerships with the private sector.” Objectives to meet this goal include allowing Waterville Valley to continue to be operated by the private sector under SUP authority, consistent with permit language and the Forest Plan (Forest Plan, Ch. 1, p. 1-4).

As required by NFMA Section 1604(i), I find this project to be consistent with the WMNF Forest Plan including goals, objective,
desired future conditions and Forest-wide and Management Area standards and guidelines, with one exception. That exception is disclosed in the EA and a site-specific Forest Plan amendment was analyzed as part of the Proposed Action. In the *Reasons for the Decision* section above, I summarize the need for a site specific Forest Plan amendment and why I have determined the amendment is appropriate and will not significantly impact Canada lynx.

**Endangered Species Act (ESA)**

The Endangered Species Act requires that a Biological Evaluation (BE) be completed to evaluate the potential for effects from a project on proposed, threatened or endangered species.

A Biological Evaluation (BE) for plants and animals which are Federally-listed as Threatened, Endangered, and Proposed Species (TEPS) and/or on the Regional Forester Sensitive Species (RFSS) list was completed March 2013, for the Proposed Action and the No Action alternative. The process used and the sources examined to determine potential occurrence of TEPS or RFSS presence are listed in the BE, which is available in the project record. Conclusions about whether threatened, endangered, and sensitive species and their habitat are known or suspected within the Project Area are based on best available science.

**Plants**

According to the EA, based on the results of the pre-field review and the field reconnaissance, three plant species were determined to have potential to be present within the Project Area as a result of field surveys (Normandeau 2012). These included: Bailey’s Sedge (*Carex baileyi*), Northern Adder’s Tongue (*Ophioglossum pusillum*) and American Ginseng (*Panax quinquefolius*). No RFSS species were found in the Project Area. A full discussion of the environmental
effects with regard to TEPS and RFSS plant species and their habitat can be found in the BE, available in the project file.

*Animals*

Three surveys were conducted within suitable habitat for the Bicknell’s thrush between June 20 and July 8, 2011 to determine if it is present in the project area. No Bicknell’s thrushes were detected during these surveys (Wildlife Report, Normandeau 2012a). The proposed Project Area is located within mapped suitable habitat for Canada lynx (*Lynx canadensis*) and contains suitable habitat for four RFSS bat species: Eastern small-footed myotis (*Myotis leibii*), Little brown myotis (*Myotis lucifugus*), Northern myotis (*Myotis septentrionalis*) and Tri-colored bat (*Perimyotis subflavus*) (Normandeau 2012).

Because of their potential to be present, surveys to determine the presence of these species and/or their habitats were conducted within the proposed Project Area, and the survey type and results are also presented in Table 3.6-2 on page 45 of the EA. There is a very low potential the Proposed Action could cause the direct effect of displacing a lynx (if present) from the project area during trail construction and other proposed expansion activities. If a lynx were displaced, extensive areas of Suitable Habitat are available in LAU 11 and the adjacent LAU 8. Subsequent skier and trail maintenance activities would likely render the ski trail unsuitable for lynx during the winter season due to human presence. Therefore, the project may affect, but is not likely to adversely affect Canada lynx. As noted in the *Reasons for the Decision* section above, we consulted with the US Fish and Wildlife Service regarding potential impact to Canada lynx and they concurred with our determination.

Positive and negative direct effects to woodland bats are possible as a result of tree clearing in the Proposed Action. While minor reductions in the amount of roost trees may occur, roost trees are not limiting in the Project Area. Therefore, the project 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 for any of these bats.

**Clean Water Act (CWA)**

For the new trails, Waterville Valley proposes to use the existing water supply sources (Mad River, Corcoran’s Pond) to supply machine-made snow to the expansion on Green Peak. Waterville Valley operates under a minimum flow requirement of 0.5 cubic feet per second per square mile (csm) of watershed. As part of the permitting process under section 401 of the Clean Water Act, this withdrawal could be subject to additional conditions imposed by NHDES. As disclosed in Section 3.1 of the EA, this project would not have a significant effect on any water resources.

**Executive Orders 11990 (Wetlands) and 11988 (Floodplains)**

As discussed in the EA, this project will not impact any wetlands. There will be several stream crossings of mostly ephemeral streams, but crossings would be designed to eliminate significant impact to floodplains. Furthermore, adjacent wetlands and floodplains would be protected through the use of Forest Plan standards and guidelines and best management practices during implementation. Therefore, this decision is in compliance with these Executive Orders.

## 6 Finding of No Significant Impact

Based on my review of the Waterville Valley Green Peak Expansion Project Environmental Assessment, I have determined that activities described in Alternative B – Proposed Action will not have a significant impact individually or cumulatively on the human environment and therefore an Environmental Impact Statement is not needed for this expansion project. This finding is
based on the context and intensity of the actions (40 CFR § 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 the site-specific action, significance usually depends on the effects in the locale rather than 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 Environmental Impact Statement (FEIS), which analyzed and disclosed effects of potential Forest management at a large scale. The activities planned for the Green Peak Expansion 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.

The environmental effects of this project are analyzed at varying scales (e.g. immediate project area, Town of Waterville Valley, Mad River watershed area or region) as described in Chapter 3 of the EA.

I have reviewed the cumulative effects of the past management activities, 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 largely limited to the land in and adjacent to the project area. However, some project impacts (e.g. wildlife, socioeconomics, and recreation) may affect resources outside of this boundary and therefore the analysis area for certain resources covers both local and regional areas. As discussed in the EA, local and regional impacts are either negligible as in the case of wildlife or may as a result of increased visitation, increase economic and recreation impacts locally and regionally but only to
Decision Notice and Finding of No Significant Impact

historic levels. Accordingly, I feel that the context of this decision, both from a biological and social perspective, is largely localized, even though we have disclosed that impacts to some resources may be regional.

After a thorough review of all effects, I find that this project does not establish a local, regional or national precedent, not does it have any substantial applicability beyond the immediate project, local or regional areas.

Intensity

Intensity is a measure of the severity, extent or quantity of effects and is based on information provided in 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 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 effects will be beneficial.**

   With the actions of this proposed project, there are likely to be both beneficial and adverse impacts and both of these have been considered in this decision. In reaching my finding of no significant impact, I did not ignore or trivialize negative effects by “offsetting” them with beneficial effects. The Environmental Assessment demonstrates that due to careful project design that incorporates protective measures, including Forest Plan Standards and Guidelines, Best Management Practices and site-specific design features, the possible negative impacts are minor and are not directly, indirectly or cumulatively significant.
2. **The degree to which the proposed action affects public health or safety.**

There is no reason based on the EA to find that there would be negative impacts to public health or safety. On the contrary and as stated in the EA (Chapter 1 – Purpose and Need), this project is designed, in part, to improve public safety by increasing terrain, lower skier density on novice and intermediate terrain and offering a more gradual continuum of terrain challenges at the resort.

3. **Unique characteristics of the geographic area.**

The Council on Environmental Quality regulations for implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1508.27(b) (3)), defines unique characteristics as “such proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.”

According to section 2.4 of the EA:

- There are no known historic or cultural/heritage resources within the Project Area. For more information, a site-survey can be viewed in the project file. There are no Inventoried Roadless Areas, designated or eligible Wild and Scenic Rivers, or Wilderness Areas within or near the Project Area.

- There are no parklands or prime farmlands within or adjacent to the project area.

The EA disclosed a total of 2 wetlands, 18 streams and 0 vernal pools that were identified during field surveys. All of these wetland features occurred on the northeast side of the site, on the lower portion of the Green Peak Expansion Area (Figure 3.1-3, page 22 of the EA). Alternative B would result in no impacts to wetlands, but there would be minor impacts to several ephemeral streams and one intermittent and one perennial stream due to crossings by new ski trails. There are no prime wetlands within or adjacent to the project area.
Based on the EA analysis, there will be no significant impacts to ecologically critical areas or unique characteristics within the geographic area.

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

Controversy refers to a dispute within the scientific community regarding the effects of an action. Based on the EA and the public comments received during scoping and comment on the preliminary EA, I have concluded that the effects of the actions of Alternative B 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.**

After reviewing the EA, I found no indication that the possible effects on the human environment are highly uncertain or involve unique or unknown risks as a result of the Green Peak Expansion 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 project is consistent with the Waterville Valley Master Plan which describes potential projects planned over a 15-25 year time period. Also, the project with the exception of the proposed amendment for Canada lynx is consistent with the Forest Plan. Therefore, this is not a decision in principal.

Alternative B does not commit the Forest Service to do anything in other areas on the WMNF or any other national forest. This is not a precedent setting decision. This decision notice is for the identified project area only; I have determined it does not set precedence for
future actions. Other potential actions contained in the Waterville Valley Master Plan would require separate consideration.

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

Chapter 3 in 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 B would create significant impact alone or when considered with other actions. The interdisciplinary team chose cumulative effects analysis areas and timeframes as identified in Chapter 3 that would most thoroughly examine and predict effects. Based on the analysis in the EA and incorporating by reference the range of effects predicted in the Forest Plan FEIS, I have determined that the project’s actions 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, cultural or historical resources.

As stated in Chapter 2 of the EA, there are no known historic or cultural/heritage resources within or immediately adjacent to the Project Area. Our findings were submitted to the New Hampshire State Historical Preservation Office, and they concurred with our finding that there would be no adverse impact to any cultural resources. Therefore, I find that this decision complies with the National Historic Preservation Act and the Archaeological Resources Protection Act.

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 BE (in the Project File), in the EA (Section 3.6) and summarized in Section 5 of this Decision Notice. Each of these references explains the determination that Alternative B 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.**

The activities of Alternative B are consistent with and follow the actions of the Forest Plan with the exception of the need for a project-specific Forest Plan amendment, as discussed above. This project was also included in the Forest Service-accepted Waterville Valley 1999 Master Development Plan (MDP). The EA also notes that Alternative B is in compliance with the National Environmental Policy Act, National Forest Management Act and the Endangered Species Act. I find that none of the actions in this decision threatens to violate Federal, State or local laws or other requirements to protect the environment.
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 New Hampshire Union Leader, published in Manchester, New Hampshire. The Notice of Appeal must be sent to:

Kathleen Atkinson, 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 New Hampshire Union Leader is the first day of the appeal-filing period. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on dates or timeframe information provided by any other source. If you do not
have access to the *Union Leader*, please call the 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. Implementation is expected to begin in the summer of 2013.

For additional information concerning this decision or the Forest Service appeal process, contact: Susan Mathison at email: smathison@fs.fed.us, or by phone at 603-536-6245, or by FAX at 603-536-3685.
Additional information about this decision also can be found on the White Mountain National Forest web page at:


/s/ Thomas G. Wagner               06/21/2013
______________________________
Thomas G. Wagner
Forest Supervisor
Responsible Official

______________________________
Date