

White Mountain National Forest



United States
Department
of
Agriculture

Forest
Service

Eastern
Region



Loon Mountain South Peak Learning Center Project

Town of Lincoln
Grafton County, NH

Draft Decision Notice and Finding of No Significant Impact

June 2014



For Information Contact: Joe Gill
Eastern Region Sports Team
White Mountain National Forest
300 Glen Road
Gorham, NH 03581

Phone: 603-466-2713 x221

Fax: 603-466-2856; Attn: Joe Gill

Email: jgill@fs.fed.us

<http://www.fs.usda.gov/whitemountain/landmanagement/projects>

**This document is available in large print.
Contact the White Mountain National Forest
603-466-2713 x 221
TTY 603-466-2856**

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.



Printed on Recycled Paper



Table of Contents

1	Introduction	5
2	Purpose and Need	6
3	Decision and Rationale for the Decision	7
	Decision	7
	Reasons for the Decision	8
4	Public Involvement	10
	Issues	10
5	Findings Required by Other Laws and Regulations	11
	National Environmental Policy Act (NEPA)	11
	Forest Plan Consistency (National Forest Management Act - NFMA)	12
	Endangered Species Act (ESA)	12
	Clean Water Act (CWA)	14
	Executive Orders 11990 (Wetlands) and 11988 (Floodplains)	15
	Clean Air Act	15
	National Historic Preservation Act and Archaeological Resources Protection Act	15
	Native American Graves Protection and Repatriation Act	16
	Wild and Scenic Rivers Act	16
	Federal Noxious Weed Act of 1974 and Executive Order 11312 (Non- Native Invasive Species)	16
	Migratory Bird Treaty Act	16
	Executive Order 12898 (Environmental Justice)	17
6	Finding of No Significant Impact	17
	Context	17
	Intensity	18

7 Pre-Decisional Objection Opportunities23

8 Implementation Date and Contact.....24

Draft Decision Notice and Finding of No Significant Impact

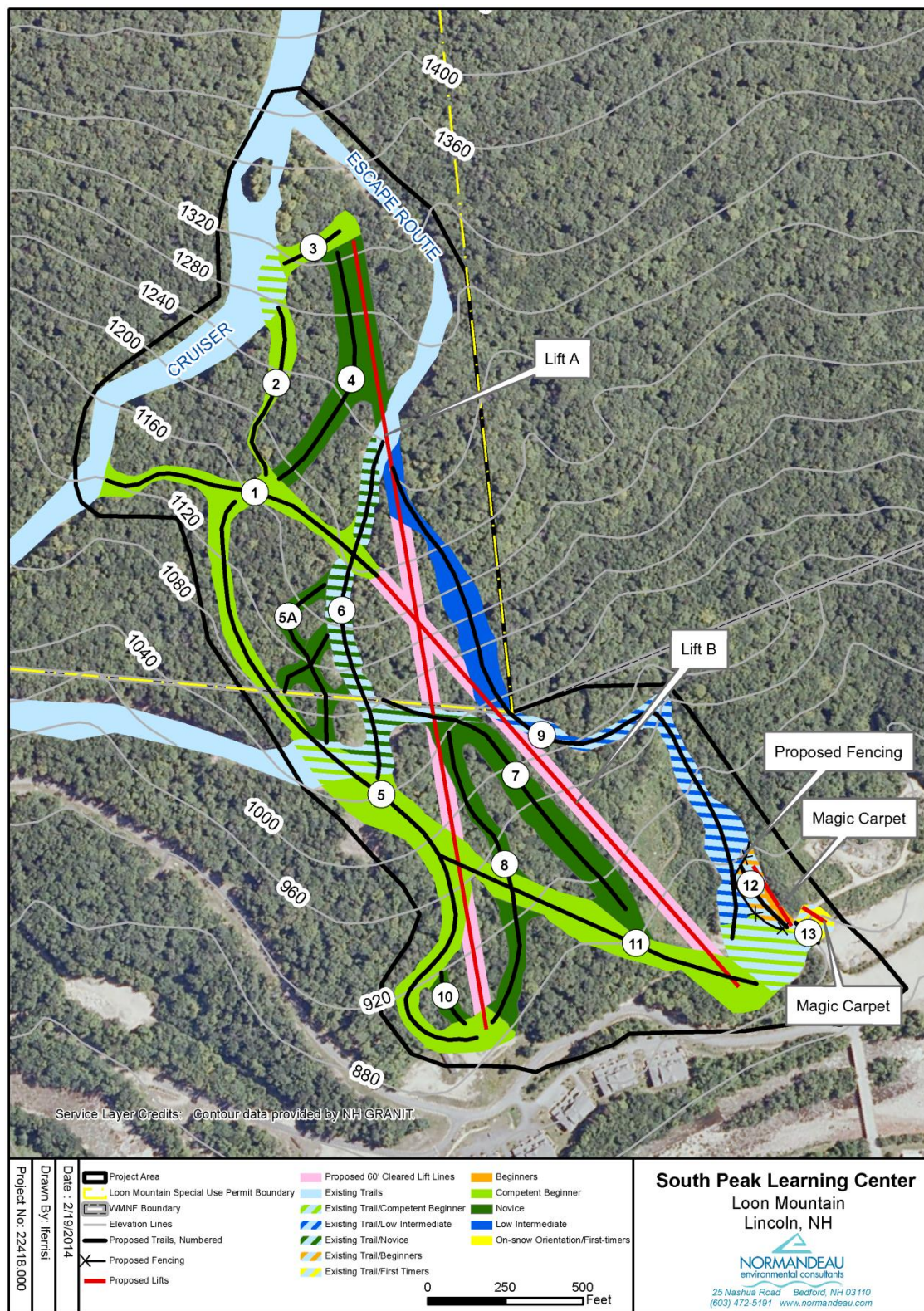


Figure 1: South Peak Learning Center Proposed Action.

1 Introduction

This document announces my proposed decision to approve the Loon Mountain South Peak Learning Center Project proposed by Loon Mountain located in the Town of Lincoln, Grafton County, NH and my finding that this project will not have a significant impact on the quality of the human environment (Figure 1). This Draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) incorporate by reference the Environmental Assessment (EA) for the South Peak Project dated June 2014 and its supporting project record.

2 Purpose and Need

The South Peak Learning Center project will increase beginner/learner terrain to better accommodate the important and growing beginner/learner group of skiers/boarders.

By connected action, the proposed action will also provide a new, full service portal at South Peak reducing early morning crowding at other Loon Mountain portals.

This project is consistent with the Loon Mountain Master Development Plan (MDP), as amended (Sno.engineering [now SE Group] 2000) and accepted by the Forest Service in 1999.

The ski area has proposed this project to reduce crowding on the existing beginner/learner terrain, thereby providing an improved visitor experience. As explained in Section 1.5 of the EA, this project will expand opportunities for this group; improve safety for skiers by providing additional beginner/learner trails, and thereby reducing mixed-ability usage of existing learner terrain.

3 Decision and Rationale for the Decision

Decision

In reaching my decision, I relied on several information sources including the Forest Plan, the South Peak Learning Center EA, public comment, input from the Interdisciplinary Team, the Loon Mountain Master Development Plan (MDP) and my experience with ski area operations and similar projects. Based on this information, I am proposing to approve the Proposed Action (Alternative B), as it is described in the EA.

This project will:

- Create approximately thirteen new trails comprising 18.7 acres of new and 6.6 acres of existing beginning/learner terrain and associated snowmaking and snowmaking lines.
- Construct two fixed-grip quad chairlifts. Clearing for these lifts would total 3.1 acres in addition to the clearing of 18.7 acres for new trails.
 - Lift A would traverse about 1,100 feet on private land and then continue an additional 1,560 feet on NFS lands (~2,660 feet total). It would have a design capacity of 2,400 people-per-hour and a vertical rise of ~ 550 feet.
 - Lift B would traverse approximately 1,170 feet on private land and then continue an additional 630 feet on NFS land (1,800 feet total), ending about 1,100 feet downslope from-Lift A. It would also have a design capacity 2,400 skiers and riders per hour and have a vertical rise of approximately 350 feet.
- Install two Magic Carpet® conveyor surface lifts, both entirely on private lands.
- Construct a 6,000 square foot base lodge, entirely on private land, near the existing overflow parking area.

- Expand the snowmaking system to include the installation (generally aboveground) of approximately 5,000 feet of snowmaking pipeline on NFS lands and approximately 5,500 feet on private lands. There is currently about 3,000 feet (1,000 feet on NFS lands and 2,000 feet on private lands) on existing terrain that would be incorporated into the South Peak Learning Center.

Reasons for the Decision

Based on all available information, I have decided that Alternative B will provide improved and safer skiing and snowboarding opportunities for beginner and novice skiers at Loon Mountain. This improved recreation experience will move the White Mountain National Forest toward its Goal for the Alpine Ski Areas Management Area 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 traffic, water, and climate change. Based on the information in the project record and input from the interdisciplinary team, I determined that this project will reduce through-traffic on Loon Brook Road and in the Westwood Acres area and protect 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 South Peak Learning Center Project would be designed to be consistent with all applicable Forest-wide and MA 7.1 goals, objectives, standards and guidelines, as outlined in the Forest Plan.

Alternatives Considered But Not Selected

Based upon review of the scoping comments and input from the ID team, I decided that no additional action alternatives would be included for analysis in this EA. This is because no issues were identified that could not be avoided, minimized or mitigated and because issues raised by the public or the ID team were not sufficiently substantive to warrant consideration of other action alternatives. Consequently, the No Action alternative was the only other alternative described and analyzed 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 South Peak Learning Center Project area would occur at this time. Selective tree cutting for safety purposes in areas immediately adjacent to existing developed ski trails, monitoring and control of any non-native invasive species, maintenance of drainage structures and ground cover and other routine maintenance would be the only management activities occurring in this portion of MA 7.1 lands.

As discussed above, effects from Alternative B will be within acceptable levels. I did not select Alternative A because Alternative B addresses Forest Plan goals, the project purpose and need, and public concerns without substantial negative effects to any resource. Alternative A would have fewer effects, but would not meet the project purpose and need or 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)

4 Public Involvement

Section 1.7 of the environmental assessment explains the public involvement process for the South Peak Learning Center Project, which reached out to town, state and federal agencies, adjacent landowners, the permit holder, and other individuals who expressed interest in the project. An informational open house was held on Wednesday, August 21, 2013 at the Octagon Lodge at Loon Mountain. The scoping comment period was open from July 31, 2013 to August 31, 2013 and seventeen 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 28, 2014. The comment period ended on May 28, 2014. One comment was received on the Preliminary EA. A response to this comment is contained in Appendix A of the EA.

Issues

The Environmental Assessment (Section 2.3) explains that public scoping brought forth 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).

Three main issues, derived from one or more comments received expressing concern on a particular topic, were identified by the ID

team and issue statements (listed below) were developed for these issues. These issues are:

Traffic

1. Traffic effects in the nearby Westwood Acres residential area

Water

1. Water availability for snowmaking
2. Expanded water use solely for beginner skiers

Climate Change

1. The need for ski area growth, considering a changing climate.

5 Findings Required by Other Laws and Regulations

My proposed decision will comply with all current, applicable laws and regulations that govern actions by the USDA-Forest Service. Stated below are findings regarding compliance with some of these laws and regulations.

National Environmental Policy Act (NEPA)

This Act requires public involvement and consideration and disclosure of potential environmental effects. For this project, a concerted 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 that information to develop proposed alternatives, improve the effects analysis and make a well-reasoned decision.

The South Peak Learning Center 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 - 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 South Peak Learning Center Project implements the WMNF Forest Plan. 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.

As noted in the Forest Plan Goals and Objectives (Chapter 1, Forest Plan), a goal for the WMNF 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 Loon Mountain 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).

Endangered Species Act (ESA)

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 proposed decision on listed species have been analyzed and documented in a Biological Evaluation (BE) (see project record).

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 in November 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 (Section 3.6), based on the results of the pre-field review and the field reconnaissance, three plant species were determined to have potential habitat within the Project Area. These included: Bailey's Sedge (*Carex baileyi*), Northern Adder's Tongue (*Ophioglossum pusillum*) and American Ginseng (*Panax quinquefolius*). A field survey (Normandeau 2013b) found no RFSS plants in the Project Area. Site work for the expansion could result in improved potential habitat for two species, Baileys' sedge and northern adder's tongue. The rich woods with the potential to support American ginseng are outside of the area of effect.

A full discussion of the environmental effects with regard to TEPS and RFSS plants and their habitat can be found in the BE, available in the project file.

Animals

Bicknell's thrush (*Catharus bicknelli*), R9SS is a passerine endemic to the Northeast, and breeds in high elevations in disturbed, fir-dominated forests. There is no suitable habitat for this species in the Project Area. Also, although the Loon Mountain South Peak Learning Center Project Area lies with the WMNF Lynx Analysis Unit 8, there is no mapped suitable habitat for Canada lynx (*Lynx Canadensis*) within the Project Area. (See the Project BE Tables A-1 and A-2 for a complete description).

The South Peak Learning Center Project Area provides suitable foraging habitat for Northeastern forest bats. The eastern small-footed myotis (*Myotis leibii*) roosts in rock crevices, but the other bat species that occur on the Forest commonly roost in trees, most often in deciduous foliage, snags and partially dead trees near foraging habitat or deciduous foliage, or buildings. Both types of roosting habitat are available in the Project Area.

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. The survey type and results are presented in Table 3.6-2 of the EA.

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 implementation of the Proposed Action “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 the Eastern small-footed bat (*Myotis leibii*), Little brown bat (*Myotis lucifugus*), Tri-colored bat (*Perimyotis subflavus*) and is “not likely to jeopardize continued existence or adversely modify proposed critical habitat” of the federally proposed Northern long-eared bat (*Myotis septentrionalis*).

This project would have “no effect” on any other listed or proposed species or designated critical habitat because they do not occur in the project area.

Clean Water Act (CWA)

For the new trails, Loon Mountain proposes to use the existing water supply sources (the East Branch, Boyle Brook, and Connector Pond) to supply machine-made snow to the new terrain at the South Peak Learning Center. These sources are sufficient to meet the snowmaking demand (coverage, depth and completion dates)

of the proposed terrain expansion. Loon Mountain would stay within existing minimum flow requirements, which reflect previous guidance from USFWS and NHDES. As disclosed in Section 3.1 – Water Resources of the EA, this project will not have a significant effect on any water resources.

Executive Orders 11990 (Wetlands) and 11988 (Floodplains)

As discussed in the EA, two wetlands will be partially affected due to clearing only for a ski lift corridor. Total wetland impacts due to clearing are 2,040 square feet.

A total of 12 streams will be affected at one or more segments by trail clearing and ski lift corridor clearing (see Table 3.1-2 of the EA). One stream is perennial, six are intermittent and five are ephemeral. Stream crossings will be designed to eliminate significant impact to floodplains.

All wetlands and floodplains will be protected through the use of Forest Plan standards and guidelines and best management practices during implementation. Therefore, this proposed decision is in compliance with these Executive Orders.

Clean Air Act

This project has no potential to significantly affect air resources.

National Historic Preservation Act and Archaeological Resources Protection Act

Surveys were conducted for archaeological sites and historic properties or areas that might be affected by this decision. No archaeological or historic resources were identified that would be impacted by the proposed action. These findings were documented in a Cultural Resources Report (see project record) which was submitted to the New Hampshire Historic Preservation Office (SHPO); we are awaiting concurrence with our findings. (see

project record). The project will not be implemented until concurrence has been received from the SHPO.

Native American Graves Protection and Repatriation Act

This proposed decision complies with the Native American Grave Protection and Repatriation Act. Surveys were conducted for Native American religious or cultural sites that might be affected by this proposed decision (see project record). None were found.

Wild and Scenic Rivers Act

The only river on the WMNF that is designated under the Wild and Scenic Rivers Act is the Wildcat River, which is approximately 20 miles to the east of the project area. A portion of the East Branch of the Pemigewasset River, two miles upstream of the project area, is the closest river segment that is identified in the Forest Plan as eligible to be designated under this Act. Because waters in the project area are not tributary to this eligible segment, Alternative B has no potential to impact any eligible rivers.

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 meets the intent of this law and EO by incorporating all pertinent Forest Plan Standards and Guidelines to ensure the management and control of NNIS (see project record).

Migratory Bird Treaty Act

This proposed decision is consistent with the Act and Executive Order 13186 regarding the responsibilities of Federal agencies to protect migratory birds. As required by the Memorandum of

Understanding between the Forest Service and USFWS to promote the conservation of migratory birds, the EA (Section 3.5 – Wildlife) evaluates the likely effects to migratory birds known to nest and breed on the WMNF.

Executive Order 12898 (Environmental Justice)

This order requires consideration of whether projects will disproportionately impact minority or low-income populations. Public involvement occurred for this project, the results of which I considered in making my decision. Neither public involvement nor review of local demographic information (EA, Section 3.9 – Socioeconomics) identified any adversely impacted local minority or low-income population. This proposed decision is not expected to cause disproportionate effects to minority or low-income populations.

6 Finding of No Significant Impact

Based on my review of the South Peak Learning Center 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. Therefore, preparation of an Environmental Impact Statement is not required. 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 of 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 South Peak Learning Center 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 Lincoln, East Branch Pemigewasset River watershed, etc.) 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. While the project may affect some resources outside of this area, the project's relatively small scale limits the extent of its effects. Given the short-term and localized nature of impacts described in the EA, the context of this decision, both from a biological and social perspective, is largely localized and consideration of significance will focus on the local setting.

After a thorough review of all effects, I find that this project does not establish a local, regional or national precedent, nor does it have any substantial applicability beyond the immediately 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.

As described in the EA (Chapter 3), there are likely to be both beneficial and adverse impacts to certain resources from taking the actions proposed in Alternative B. 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 impacts are minor and are not directly, indirectly or cumulatively significant.

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

Based on the EA, there will not be any negative impacts to public health or safety. On the contrary and as stated in the EA (Section 1.5 – Purpose and Need), this project is designed, in part, to improve public safety by increasing terrain for beginner and novice skiers, therefore reducing skier density on existing terrain and offering an improved and safer skier experience at the resort.

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 area.

As documented in the EA:

- There are no known historic or cultural/heritage resources within the Project Area and none were observed during field inspection. No resources were observed within zones associated with the project area in numerous prior archeological surveys.

For more information, a formal cultural/heritage resources site-survey can be viewed in the project file.

- There are no parks lands, prime farmlands, inventoried Roadless Areas, designated or eligible Wild and Scenic Rivers, Wilderness Areas or ecologically critical areas within or near the Project Area. Portions of the East Branch of the Pemigewasset approximately 2 miles upstream of the resort are listed as eligible for designation in the 2005 Forest Plan, but these segments would not be impacted by my proposed decision.
- A total of 14 wetlands, 30 streams and 0 vernal pools were identified during field surveys. These natural features occur primarily in the upper and lower portions of the South Peak project area, with one wetland located in the center of the project area (Figure 3.1-3 of the EA).

Alternative B would result in partial impacts to wetlands-and impacts to five ephemeral streams, six intermittent and one perennial stream due to crossings by new ski trails and ski lift corridor clearing. There are no prime wetlands within or adjacent to the project area.

- 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.**

In the context of the National Environmental Policy Act, controversy refers to a dispute within the scientific community regarding the effects of an action, not social opposition. Our contacts with the USFWS did not identify any scientific controversy regarding the direct, indirect or cumulative effects of the proposed project (see project record). We have filed our report with the State Historic Preservation Office; we await concurrence with our findings that there are no affected heritage or cultural resources.

The interdisciplinary team for this project considered extensive scientific literature (see project record) to determine its applicability to the project 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 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.

The White Mountain National Forest has considerable on-the-ground experience with the types of activities to be implemented in this project, under similar conditions. The range of site characteristics is similar to those taken into consideration and disclosed in the Forest Plan FEIS, Chapter 3, and the effects of this project are within the range anticipated in that FEIS and Forest Plan Record of Decision. The effects analysis (EA Chapter 3) 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 project-level and programmatic monitoring, botanical and wildlife surveys and applied research (see project record) provides a basis for the effects analysis in the EA 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 7.1 on the Forest. The effects of implementing Alternative B disclosed in Chapter 3 of the EA are within the range of effects of

these similar actions. They are also 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 B but at a larger scale. The implementation of Alternative B 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 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, including private lands where it made sense for particular resources, which would most thoroughly examine and predict effects (see EA, Chapter 3). 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 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, cultural or historical resources.

For reasons explained in Chapter 3 of the EA and Section 5 of the Decision Notice, above, I find that this decision will not adversely affect any cultural or historic resources. No significant 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), in the EA (Section 3.6) and summarized in Section 5 of this Decision Notice, Findings Required by Other Laws and Regulations. 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.**

All applicable laws for the protection of the environment are incorporated into the standards and guidelines in the White Mountain National Forest Plan. Alternative B complies 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 Pre-Decisional Objection Opportunities

This draft decision is subject to the objection process pursuant to 36 CFR Part 218, Subparts A and B. Individuals or non-federal organizations who submitted timely, specific written comments during any designated opportunity for public comment, including scoping, have standing to file an objection prior to the deciding official making a decision on the project. Issues raised in objections must be based on previously submitted timely, specific written

comments regarding the project, unless based on new information arising after the designated comment opportunities.

A notice of objection must be filed in writing and meet objection content requirements at 36 CFR 218.8(d). Incorporation of documents by reference is permitted only as provided for at 36 CFR 218.8(b). Objections must be sent to:

Kathleen Atkinson, Reviewing Officer
USDA Forest Service, Eastern Region
Attn: Appeals & Litigation
626 East Wisconsin Avenue
Milwaukee, WI 53202
414-944-3963 (FAX)
<objections-eastern-regional-office@fs.fed.us> (email)

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

Objections must be postmarked or received within 45 days of the publication of a legal notice in the New Hampshire Union Leader, Manchester, New Hampshire announcing the availability of this draft Decision Notice. It is the responsibility of the objectors to ensure that their objection is received in a timely manner (36 CFR 218.9). 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.

8 Implementation Date and Contact

Pursuant to regulations found at 36 CFR 218.12, the Deciding Official may not sign the decision notice until the Reviewing Officer has responded in writing to all pending objections. If no objections are received, the Deciding Official may sign the decision

Draft Decision Notice and Finding of No Significant Impact

notice five (5) business days after expiration of the opportunity to object. Implementation may begin immediately after the decision notice is signed.

For additional information concerning this decision or the Forest Service objection process, contact: Joe Gill at email: jgill@fs.fed.us, or by phone at 603-466-2713 x221, or by FAX at 603-466-2856 ATTN: Joe Gill.

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

<http://www.fs.usda.gov/projects/whitemountain/landmanagement/projects>.

