



United States
Department of
Agriculture

Forest
Service

White Mountain
National Forest

719 N. Main Street
Laconia, NH 03246
Comm: (603) 528-8721
TTY: (603) 528-8722

File Code: 1570-1

Date: August 16, 2004

Mr. Robert Stone
P.O. Box 537
Intervale, NH 03845-0537

RE: Appeal of the Decision Notice and Finding of No Significant Impact for the Chandler Round Mountain Vegetation Management Project Environmental Assessment, Saco Ranger District, White Mountain National Forest, Appeal 04-09-22-0026 A215

Dear Mr. Stone:

On July 7, 2004, you filed a notice of appeal pursuant to 36 CFR 215.18. District Ranger Terry Miller signed his Decision Notice and Finding of No Significant Impact on May 26, 2004, for the Chandler Round Mountain Vegetation Management Project. The legal notice for the decision was also published on May 26. My decision is based upon the appeal record and the recommendation of the Appeal Reviewing Officer (ARO) Jim A. Thompson, District Ranger, Cadillac/Manistee Ranger Station, Huron-Manistee National Forest, regarding the disposition of your appeal. The Appeal Reviewing Officer's review focused on the decision documentation developed by the Responsible Official, Terry Miller, and the issues raised in your appeal. The Appeal Reviewing Officer's recommendation is enclosed. This letter constitutes my decision on the appeal and on the specific relief requested.

FOREST ACTION BEING APPEALED

The Chandler Round Mountain Vegetation Management Project will diversify wildlife habitat in terms of successional communities and softwood development, harvesting about 6.0 million board feet of timber from approximately 976 acres of National Forest lands managed under the White Mountain National Forest Land and Resource Management Plan.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer found no evidence that the Responsible Official's decision violated law, regulation or policy. He found that the decision responded to comments raised during the analysis process and comment period and adequately assessed the environmental effects of the selected action. In addition, he found that the issues raised in your appeal were addressed, where appropriate, in the decision documentation. Based on his review, the Appeal Reviewing Officer recommended that the decision be affirmed.



DECISION

After review, I concur with the Appeal Reviewing Officer's analysis and findings regarding your specific appeal issues (e.g., wildlife diversity, log hauling on the Town Hall Road, economic effects to the recreation industry, and the potential observation of a peregrine falcon within the harvest area). To avoid repetition, I adopt his rationale as my own and refer you to the enclosed Appeal Reviewing Officer recommendation for further detail.

It is my decision to affirm District Ranger Terry Miller's Decision Notice and Finding of No Significant Impact for the Chandler Round Mountain Vegetation Management Project on the White Mountain National Forest.

Pursuant to 36 CFR 215.18(c) this decision constitutes the final administrative determination of the Department of Agriculture.

Sincerely,

/s/ Thomas G. Wagner
THOMAS G. WAGNER
Appeal Deciding Officer
Forest Supervisor

Enclosure

cc:
Responsible Official, Terry Miller
NEPA Coordinator, Rob Fallon
ARO, Jim A. Thompson
RO, Patricia Rowell



United States
Department of
Agriculture

Forest
Service

Huron-Manistee National Forests
Manistee Ranger Station
412 Red Apple Road
Manistee, MI 49660

231-723-2211 (Voice)
231-723-8642(Fax)
231-723-0124(TTY)

File Code: 1570-1
Route To:

Date: August 13, 2004

Subject: Appeal of the Decision Notice and Finding of No Significant Impact for the Chandler Round Mountain Vegetation Management Project, Saco Ranger District, White Mountain National Forest, Appeal 04-09-22-0026 A215 (ARO)

To: Forest Supervisor Tom Wagner, White Mountain NF

This letter constitutes my recommendation for the subject appeal filed by Robert L. Stone for the Chandler Round Mountain Vegetation Management Project on the Saco Ranger District of the White Mountain National Forest. District Ranger Terry Miller signed and published this Decision Notice on May 26, 2004.

My review was conducted pursuant to 36 CFR 215 – “Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities.” To ensure the analysis and decision are in compliance with applicable laws, regulations, policies and orders, I have reviewed and considered each of the points raised by the Appellant, Mr. Stone, and the decision documentation submitted by the White Mountain National Forest. My recommendation is based upon review of the Project Record and Appeal Record, including but not limited to the scoping letter, public comments, Decision Notice (DN), Finding of No Significant Impact (FONSI), and Environmental Assessment (EA).

On July 16, 2004, the Responsible Official, Terry Miller contacted Mr. Stone by telephone to discuss this appeal and the specific issues raised. The participants included Mr. Stone and District Ranger Terry Miller. Nothing was agreed upon and Mr. Stone concluded the call by saying he preferred to “let the appeal run its course”. The Responsible Official subsequently set up another conference call with Mr. Stone and members of his staff (District Biologist Kathy Starke, Forester, Rick Alimi and Wilderness and Backcountry Technician David Neely) to exchange information about possible peregrine falcon nesting habitat. Attempts to resolve the appeal were not successful.

Appeal Issues

Mr. Stone raised four main issues in his appeal of the Chandler Round Mountain Vegetation Management Project Decision. These appeal points will be addressed in the order in which they were presented in the appeal.

Issue 1: Mr. Stone states, “*NH Fish and Game asserts that this particular area needs extensive clear-cutting to promote species (which are well-represented) diversity. With regard to Showshoe hare, I have encountered them [while] hiking Mt. Kearsarge and Cranmore. I have seen Bobcat at Woodland Pines condos in Intervale. We all know that increasing White Tail Deer*



populations in proximity to humans increases the risk of Lyme Disease Transmission.” (NOA, p. 1).

Response: Mr. Stone appears to challenge the purpose and need for the project, particularly as it relates to promoting species diversity. Mr. Stone believes that various species are well represented within the project area negating the need to actively manage the habitat. This issue was not raised during the 30-day comment period.

The Responsible Official clearly states the purpose of this proposal in the EA (p., 15) and DN (p. 9), to “[i]ncrease wildlife habitat diversity for the full range of wildlife species with emphasis on early-successional species (wildlife that require plant species that thrive in sunlit conditions – typically those first to re-vegetate an area that was once, but no longer shaded). The “Need for Change” was explained on page 15 of the EA. Specifically, an interdisciplinary team of specialists monitored forest conditions, including vegetative conditions (tree disease, crown, stand structure, age, diversity), evidence of current wildlife presence and past human use and found that the desired conditions in this area, as described by the Forest Plan, were not being met. The Forest Plan set goals to ensure that a variety of habitat types and vegetation age classes would be present to meet the life cycle needs for wildlife species inhabiting the National Forest. Extensive data indicated, “. . .a need to establish regenerating stands of aspen, paper birch and northern hardwoods; and release understory and co-dominant spruce, fir and hemlock trees from competing hardwoods in mixed wood stands.” (EA, p. 16).

In forested habitat, 66 percent of wildlife species use early successional habitats for all or part of their life cycle (EA, p. 98). On the even-aged lands within Management Areas (MA) 2.1 and 3.1 (Chandler Project resides in MA 3.1), mature and overmature age classes (on average greater than 60 years and 120 years respectively) predominate. Early successional or regeneration-aged habitat (0-9 years) typically makes up less than 6 percent of the lands. Although early-successional wildlife species may be present, analysis indicates that within 20 years these species would likely only be passing through. Habitat conditions would no longer be favorable for early successional species. The area would have little age-class diversity. (EA, p. 101). Implementation of the selected alternative (Alternative 2) would best achieve future habitat conditions (EA, p. 103).

My review of the Project Record finds the rationale used for this project is sound. The Responsible Official clearly establishes the projects need by monitoring current conditions and projecting future anticipated effects. Although Mr. Stone may observe many wildlife species indicating to him a diverse environment, the Responsible Official not only looked at current conditions but also analyzed impacts over a 20-year period (EA, pp. 100-105).

Issue 2: Mr. Stone contends, *“There are inconsistencies regarding the volume of timber in million board feet planned for harvest. The March 2004 EA page 148 lists the annual timber haul on Town Hall Road as averaging 0.9 MMBF since 1986. A proposed timber haul of 6 million board feet over 3 years represents a greater than 100% increase in volume over recent historical levels. Consequent to item #2 the substantially increased timber haul ‘would represent a change in expectations for people who regularly travel or live on this road’ (page 86 of EA). I*

personally have not been adversely affected by past timber hauls and have no issue on maintaining historical levels.” (NOA, p. 1).

Response: Mr. Stone raised the general concern about safety for forest travelers with increased logging truck and heavy equipment use on the Town Hall Road during the 30-day comment period, however, he did not specifically address haul volumes at that time.

My review of the Project Record finds no inconsistencies in the volume of timber planned for harvest and the average annual timber hauling on the Town Hall Road as Mr. Stone alludes. Both Town Hall and Slippery Brook roads have been used to transport timber for over 30 years. Timber haul records were analyzed from 1975 to the present (Project Record, Tab II-b, “Town Hall Road History”). Prior to the signing of the Forest Plan in 1986, timber haul volume averaged 1.8 million board feet. During the period from 1986 to 1996 volume averaged 0.9 million-board feet. The Kearsarge Project, approved in 1998 and planned for completion in 2004 anticipated an average annual volume of 1.4 million board feet (EA, Appendix B, p. 156). The Chandler Round Mountain Vegetation Management Project will haul approximately 1.3 million board feet over the same road. Timber sale contracts usually run from 3 to 5 years and vary depending on the season of operations (EA, Appendix B, p. 157). Haul operations for Chandler Round are estimated to conclude in 2009. (Project Record, Tab II-b, “Town Hall Road History”). The anticipated haul volumes are within historical averages.

Using this analysis, the Responsible Official concludes that Town Hall Road’s “...continued use for this purpose [hauling of timber] would not represent a change in expectations for people who regularly travel or live on this road.” (EA, p. 93). “Logging operations would follow all federal, state and contractual requirements to insure the safety of other forest users and travelers on Town Hall Road.” (EA, Appendix B, p. 156). It’s important to note, “[t]he Forest Service, through the Forest Highway program, and in cooperation with the state and town, invested over \$450,000 in 1999-2000 to reconstruct and pave Town Hall Road, to ensure that it can continue to function in a safe, useable condition for all users, including logging trucks.” (EA, Appendix G, p. 185).

Issue 3: Mr. Stone states, *“I support the multiple use concept of the White Mountain [N]ational Forest, but not at the expense of recreational activities such as snowmobiling, fishing and hiking. These sports provide much-needed revenue to the local economy as well. Limiting access to the Trail System to weekends and holidays crimps these revenue sources.”* (NOA, p. 1).

Response: Mr. Stone expressed concern about the potential impacts this project could have to the recreational use of the National Forest however, he did not specifically address trail system access and its effects on the local economy during the 30-day comment period.

The Responsible Official considered the potential impacts this project could have on recreational activities and included that analysis in the EA (pp. 85-92). Selection of the proposed action has the potential to impact some users, however the effects are short-term and confined primarily to noise and increased traffic as operations commence within the area. Users of hiking trails may be affected where trails now share the same footprint as haul roads (i.e., harvest activities may be visible). However, the roads will remain open for foot travel. In addition, no-cut buffer zones

and slash removal will minimize potential adverse visual effects (EA, Appendix D, p. 163). When logging is complete the route would be restored to meet the road's current design standard. The majority of recreation use occurs south of the proposed harvest units (EA, p. 89). Surveys of the hiking trail system indicate minimal use (EA, p. 85).

The temporary winter closure of Slippery Brook Road to snowmobiles during logging was also an issue analyzed in detail. Topography would not safely accommodate dual use of the road. The Responsible Official concluded that the trail mileage affected "... is a small portion of the total trail system, and there are other access points that can be used by the public." (EA, Appendix G, p. 200). None of the action alternatives would change the long-term recreation opportunities within the analysis area. "Recreation and vegetation management have co-existed in [the] area previously." (EA, p. 90).

I find the analysis considered these potential recreation impacts. The Responsible Official adopted mitigation measures to minimize these effects. I find no violation of law, regulation or policy.

Issue 4: Mr. Stone comments, "*I documented my observation of a fledgling Peregrine Falcon in the harvest area. The Endangered Species Act may be compromised by the proposed Forest Plan. Accordingly, I have notified the US Fish and Wildlife Service and the National/State Audubon Societies.*" (NOA, p. 1).

Response: Mr. Stone did not raise this concern during the 30-day comment period. Mr. Stone's observation of a potential peregrine falcon fledging within the harvest area is information that is currently under review by the Responsible Official. The Forest Service has established policies to determine the importance of such information and where necessary to modify Decisions (Forest Service Handbook 1909.15, Chapter 18).

Regardless, the Project Record for Chandler Round is clear on several points. The peregrine falcon is not a "Federally Threatened or Endangered Species" as Mr. Stone alludes. The species was de-listed in 1999. The peregrine falcon is a "Regional Forester Sensitive Species". These species are monitored to ensure they do not become listed as a "Federally Threatened or Endangered Species".

The Forest evaluated the potential effects of the Chandler Round Mountain Vegetation Project on the peregrine falcon and other species (Project Record, Tab 2B, BE, pp. 1-37; EA, p. 123). The Record indicates that "[a]ll known breeding pairs of ... American peregrine falcons are closely monitored in New Hampshire by various agencies including [the] Audubon Society of New Hampshire and the United States Fish and Wildlife Service." (Project Record, Tab 2B, BE, p.9). This information, along with habitat requirements, was used in preparation for this project. Peregrine falcons require cliff faces for nesting. No cliffs are present in the project area (Project Record, Tab 2B, BE, p. 136). No sightings or prior documented occurrences have been recorded within the project area (Project Record, Tab 2B, BE, p. 136). Furthermore, research indicates that peregrine falcons forage in open areas. Harvest areas may provide this hunting habitat.

I find the Responsible Official relied on the most current scientific information in arriving at his decision for Chandler Round. The analysis included potential impacts to the peregrine falcon. I find no compromise to the Endangered Species Act as Mr. Stone alludes. I find no violation in law, regulation or policy. Any new information will be evaluated following established procedures.

RECOMMENDATION

After reviewing the Project Record for the Chandler Round Mountain Vegetation Management Project, and considering each issue raised by the Appellant, Mr. Stone, I recommend District Ranger Terry Miller's Decision Notice of May 26, 2004 be affirmed.

/s/ Jim A. Thompson
JIM A. THOMPSON
Appeal Reviewing Officer
District Ranger

cc:
Responsible Official, Terry Miller
White Mtn. NEPA Coordinator, Rob Fallon
RO, Patricia Rowell