



United States
Department of
Agriculture

Forest
Service

June 2015



Boyden Brook Road Decommission, Watershed Restoration, and Trail Relocation Project

Decision Notice and Finding of No Significant Impact

Green Mountain National Forest
Rochester Ranger District
Town of Hancock
Addison County, Vermont



Boyden Brook Road and Trail Damage

For Information Contact:

Jay Strand
Green Mountain National Forest
99 Ranger Rd. Rochester, VT 05767
(802) 767-4261 (ext. 522)
jstrand@fs.fed.us

Responsible Official:

Christopher Mattrick
District Ranger
Rochester and Middlebury Ranger Districts
Green Mountain National Forest
99 Ranger Rd. Rochester, VT 05767
(802) 767-4261 (ext. 513)
cmattrick@fs.fed.us

U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication for program information (e.g. Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

This document can be made available in large print.
Contact Jay Strand (802) 767-4261, ext. 522; or
Email: jstrand@fs.fed.us

TABLE OF CONTENTS

TABLE OF CONTENTS.....	3
1. DECISION NOTICE.....	4
1.1 INTRODUCTION.....	4
1.2 PUBLIC INVOLVEMENT	5
1.3 DECISION AND RATIONALE FOR THE DECISION	5
1.3.1 Decision.....	5
1.3.2 Rationale	6
1.3.3 Management Actions.....	6
1.4 OTHER ALTERNATIVES CONSIDERED	8
1.4.1 No Action.....	8
1.5 OTHER ALTERNATIVES CONSIDERED BUT DISMISSED FROM FURTHER ANALYSIS	8
1.6 FINDINGS REQUIRED BY LAW AND REGULATION.....	10
2. FINDING OF NO SIGNIFICANT IMPACT (FONSI).....	14
2.1 CONTEXT- 40 CFR 1508.27(A)	14
2.2 INTENSITY- 40 CFR 1508.27(B) (1-10).....	15
3. ADDITIONAL INFORMATION	18
3.1 FINAL DECISION AND IMPLEMENTATION DATE	18
3.2 INFORMATION CONTACT	18
APPENDIX A: MITIGATION MEASURES	A-1

**DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT**

**Boyden Brook Road Decommission, Watershed Restoration,
and Trail Relocation Project Final Environmental Assessment**

USDA Forest Service
Green Mountain National Forest
Rochester Ranger District
Town of Hancock, Addison County, VT

April 2015

1. DECISION NOTICE

1.1 INTRODUCTION

This document describes my decision, and the rationale for the implementation of the management activities proposed for the Boyden Brook Road Decommission, Watershed Restoration, and Trail Relocation (Boyden Brook) Project located on the Rochester Ranger District, Green Mountain National Forest (GMNF) within the Town of Hancock, Addison County, VT. The Decision Notice (DN) and Finding of No Significant Impact (FONSI) are based on an environmental assessment that documents the analysis of the proposed action and no-action alternatives for the Boyden Brook Project.

The Boyden Brook Project was designed to achieve multiple resource benefits as provided by direction in the 2006 GMNF Land and Resource Management Plan (Forest Plan). The *Boyden Brook Road Decommission, Watershed Restoration, and Trail Relocation Final Environmental Assessment* (Final EA) dated March 2015 was prepared by an interdisciplinary team (IDT) of Forest Service resource specialists following the implementing regulations for the National Environmental Policy Act (NEPA). It describes the project purpose and need, the alternatives considered for detailed analysis, and the potential environmental effects for each alternative.

The Boyden Brook Project includes activities to decommission road and trail infrastructure, and improve and maintain watershed health. Although the initial proposal included activities to re-establish snowmobile recreation opportunities in response to multiple flooding events, these activities have been removed from the proposed action as a result of public response received during the preliminary EA 30-day comment period.

The Final EA analyzes two alternatives including the No Action alternative, and the Proposed Action alternative. I believe this range of alternatives adequately addresses the project purpose and need, the issues raised during the initial scoping process, and the comments received during the formal 30-day notice and comment period. Other alternative actions were considered but eliminated from detailed analysis in the Final EA. The description of these alternatives and rationale for not analyzing them is discussed in Chapter 2, pages 11 to 13 of the Final EA.

1.2 PUBLIC INVOLVEMENT

Public issues and management concerns related to the proposed action were identified by reviewing Forest Plan direction for the Boyden Brook Project area, and by contacting interested and affected members of the public in a process called “scoping”. Scoping is required per the Council on Environmental Quality (CEQ) regulations for implementing the NEPA (40 CFR 1500-1508, specifically 1501.7 on scoping).

Formal public involvement for the Boyden Brook Project was initiated by the public distribution of the Scoping Notice document dated March 21, 2013 that was sent to a list of individuals, organizations, towns and agencies that were identified to be either interested in or affected by the proposed action. The scoping information was made available at this same time on the GMNF website at:

http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=41633

The project was also listed in the quarterly GMNF Schedule of Proposed Actions beginning in April 2013.

A total of 15 comment responses were received for the proposal as described in the March 2013 scoping document. How the comments were categorized into issues and used to prepare the Boyden Brook Project preliminary EA can be found in the *Boyden Brook Road Decommission, Watershed Restoration, and Trail Relocation Project Scoping Comments: Content Analysis and Response to Comments* document dated April 2014.

The *Boyden Brook Road Decommission, Watershed Restoration, and Trail Relocation Project Preliminary EA* was publicly distributed to a list of individuals, organizations, towns and agencies for a 30-day notice and comment period from May 2 to June 2, 2014. Just two comment responses were received. Review and consideration of these comments were an important basis for preparing the Boyden Brook Project Final EA.

All public suggestions, input, and feedback provided during project development; and formal comments received during the initial scoping and preliminary EA comment periods were all factors that I considered when making my decision for the Boyden Brook Project. Further details related to the public involvement process and the issues identified for the analysis are found on pages 6 and 7 of the Final EA.

The *Draft Decision Notice and Finding of No Significant Impact for the Boyden Brook Road Decommission, Watershed Restoration, and Trail Relocation Project* was subject to a 45-day objection period from April 29 to June 12, 2015. No objections were filed during this period.

1.3 DECISION AND RATIONALE FOR THE DECISION

1.3.1 Decision

This decision is based on the results of the analysis documented in the Boyden Brook Project Final EA, project planning record, and comments received during initial scoping (March 2013), and the preliminary EA 30-day comment period (May 2 to June 2, 2014). It is my decision to select the Proposed Action alternative for implementation. The Final EA fully describes the selected actions and their site-specific locations on pages 9 to 11, and the Proposed Management Activities Map. My decision also includes the adoption of mitigation measures that

were developed to address resource concerns associated with the Proposed Action (see Appendix A).

1.3.2 Rationale

The Proposed Action alternative best meets the purpose and need for the project (Final EA, pp. 4 and 5) while still addressing issues and concerns identified from the public involvement process (Final EA, pp. 6 and 7). The selected alternative also stays below acceptable environmental effect thresholds as disclosed in the Final EA and supporting project planning record.

Although the initial proposal included activities to re-establish snowmobile recreation opportunities in response to multiple flooding events, these activities have been removed from the Proposed Action alternative as a result of public response received during the preliminary EA 30-day comment period. All activities proposed to relocate the Boyden Brook Trail (FT 749) were removed from consideration as a result of private landowner concerns and subsequent decision to not allow the trail and bridge crossing at Hancock Branch to be located on their property along VT 125. Additionally, the improvements to Taylor Brook Trail (FT 700) were also removed from consideration because they are no longer necessary given they were designed to be dependent on the re-establishment of the north-south snowmobile trail corridor.

As a result, the Proposed Action alternative does not meet the desire to restore the north-south connectivity in the Boyden Brook area between the Towns of Hancock, Granville and Rochester and the larger State-wide snowmobile system managed in partnership with the Vermont Association of Snow Travelers (VAST). The loss of this segment of trail that included the bridge crossing of Hancock Branch renders the entire trail relocation as originally proposed to be no longer possible. The limited opportunities for safe crossings of VT 125, steep and wet terrain in this area, and multiple landowner concurrence that is needed have prevented a suitable alternate route to be identified at this time. Although the local VAST club members have found a tentative alternative trail location further east of the original proposed route, the detailed information needed for it to be considered a sustainable route over the long-term has not yet been available. If this route or any other alternative trail location is found to be satisfactory to all jurisdictional parties (Forest Service, VT Department of Transportation, Town of Hancock, and private landowners), the proposal will be considered and analyzed as a separate project.

Although no alternative trail relocation is part of my decision at this time, the decommissioning of Texas Gap Trail (FT 739) from VT 125 to the Texas Falls Picnic Site toilets located on Texas Falls Road (FR 39) approximately 0.8 miles to the north will be implemented. The decommissioning of FT 739 in this location will formally eliminate the dangerous crossing point along VT 125 that is not in accordance with Vermont Statutes for motor vehicles (Vermont Statutes Title 23, Chapter 29, Subchapter 01, part 3206). Additionally, this decommissioning will reduce most of the mixed motorized use of vehicle and snowmobile traffic along VT 125 and Texas Gap Road that was identified as a problem in need of attention in the *Engineering Report for Motorized Mixed Use for FR 39, FT 739 and FT 749* dated January 2009. A short section of FT 739 will still share FR 39 between the Texas Falls Picnic Area toilets and the snowmobile parking lot to the north.

1.3.3 Management Actions

The Proposed Action alternative includes the following specific management actions (see the Authorized Activities Map that is part of my decision). All mile lengths are approximated:

- Conduct restoration activities to address five sections along Boyden Brook Road and Trail (FR 49/FT 749) within the Boyden Brook drainage to improve the ecological processes of the watershed resource.
- Decommission (removal from the transportation system) 2.6 miles of FR 49, beginning at the existing gate at milepost 0.1.
- Provide private land access along the road for 0.1 mile south of the existing gate (from milepost 0.1 to milepost 0.2) through a special use permit.
- Decommission 2.4 miles of FT 749 from a location north of Swan's Mill Trail (FT 764) to VT 125.
- Decommission 0.8 miles of Texas Gap Trail (FT 739) between VT 125 and the Texas Falls Picnic Site toilets.

Boyden Brook Road/Trail Decommission and Watershed Restoration

The proposed action alternative will decommission Boyden Brook Road (FR 49), beginning at the existing road gate at mile post 0.1 to its southern terminus. Decommissioning of the road will result in the administrative removal of approximately 2.6 miles of road from the National Forest transportation system. The road will be physically closed to all vehicle access except for 0.1 mile just south of the existing gate to allow for private inholding access that will be authorized with a special use permit. Restoration activities will mitigate future resource damage. A 2.4 mile portion of the Boyden Brook Trail (FT 749) will also be decommissioned in this vicinity from a location north of its intersection with the Swan's Mill Trail (FT 764) to VT 125.

Restoration activities within the Boyden Brook drainage will be conducted along five sections of damaged roadway to improve the ecological processes of the watershed resource (see the Authorized Activities Map inset). Streams and drainages that cross the damaged sections of road will be restored to a more natural gradient and form. All culverts along and crossing the road will be removed. Stream banks, altered to support culvert placement, will be restored to more natural locations and stabilized. The removal of culverts and contouring of the slope will result in the removal or damage of an estimated 30 or fewer trees of various species and diameters. Road decommissioning and watershed restoration activities will be conducted using machinery conducive to this level of work. The Proposed Action alternative includes the following specific activities:

- Remove existing culverts from the road template. There are currently 34 culverts, ranging in size from 18 inches to 6 feet in diameter, which will be pulled from under the road bed and disposed of off-site.
- Excavation of rolling dip drainage structures along the road bed to mitigate future erosion problems that could lead to soil loss and sedimentation of the Boyden Brook and associated streams and drainages.
- Install grade control structures within the stream channel, adjacent to where major washouts have occurred, to prevent stream head cutting and sedimentation within the Boyden Brook. These activities could include the construction of boulder stream vanes, the reshaping of stream banks, and the placement of large woody debris (LWD) to shield the bottom toe of the slopes adjacent to where culverts would be removed.
- Retention of the first approximate 0.1 mile of FR 49 on the National Forest transportation system beginning at the intersection of FR 49 with VT 125 to the existing road gate.
- Provide reasonable access to a private land inholding that will be authorized through a special use permit along a 0.1 mile section of the road just south from the existing gate. Although remaining open to private vehicular use, this portion of the road will no longer be part of the National Forest transportation system and will be maintained by the private landowner. The road will be blocked with a boulder barrier just south of where the

private land access route diverts to the west. The boulders will have a natural appearance that blends into the surrounding landscape.

- Scarification of approximately 2.5 miles of road surface to encourage revegetation in areas that are not already naturally revegetating. Scarification will begin south of the gate at milepost 0.2.
- Plant native shrubs and trees as specified in a silvicultural prescription to enhance revegetation for approximately 1.0 mile of road, starting south of the gate at milepost 0.2. From approximate milepost 1.1 to milepost 2.7, the road/trail tread will not be seeded except through natural processes.
- Remove the existing steel gate at milepost 1.8.
- Retain/replace the existing gate at milepost 0.1.

Two existing Rights-Of-Way (ROWs) that cross private land along FR 49 currently provide public access to NFS land in the Boyden Brook area. The Forest Service will retain these easements to provide access for potential future management needs. The first ROW begins at VT 125 and travels 200 feet south on FR 49. The second ROW travels approximately 1,617 feet across the private parcel located at the southern end of FR 49.

Authorized activities include the decommissioning of approximately 2.4 miles of the existing FT 749 from a location north of its intersection with Swan's Mill Trail (FT 764) to VT 125. Approximately 0.8 mile of the Texas Gap Trail (FT 739) will also be decommissioned from VT 125 to the Texas Falls Picnic Site toilets located to the north on Texas Falls Road (FR 39).

1.4 OTHER ALTERNATIVES CONSIDERED

1.4.1 No Action

The No Action alternative provides a baseline for estimating the effects of the action alternatives. Under the No Action alternative no new management activities would take place. I did not select the No Action alternative because it does not meet the resource objectives as provided by the Boyden Brook Project purpose and need, and would not address existing and future adverse soil, water and fisheries conditions (Final EA, p. 4). Ongoing soil erosion and sedimentation is degrading water quality and reducing natural ecosystem functions of the Boyden Brook drainage and related watershed. Restoration work would not take place under this alternative, and thus the natural hydrology and aquatic species movement in the Boyden Brook drainage area would continue to deteriorate.

1.5 OTHER ALTERNATIVES CONSIDERED BUT DISMISSED FROM FURTHER ANALYSIS

The Forest Service IDT and Responsible Official discussed the project proposal and considered the following alternatives while developing the proposed action or in response to public comments received during the public involvement process. None of these were included for detailed analysis in the Final EA.

1.5.1 Reconstruction of Boyden Brook Road and Trail within the Existing Footprint

This alternative would reconstruct damaged sections of the 2.7 mile stretch of FR 49/FT 749 back to standard in the original location. The five damaged road sections that consist of

landslides and culvert blowouts, as well as erosion/gullyng to the road surface throughout its length, would be repaired within the existing road template. This alternative was identified as neither ecologically or economically feasible and would not provide a sustainable travel route given probable future storm events, soil types, and road location (Final EA, pp. 11 and 12). The site's terrain, topography and hydrology, in addition to the potentially negative ecological effects associated with possible future road washouts, outweigh any benefits associated with repairing the infrastructure in its current location.

1.5.2 Various Boyden Brook Trail Relocation Routes

Several routes were considered that could serve as potential snowmobile trail relocations including Option 1) a route west of FR 49/FT 749 along an existing skid trail footprint and onto private land; and Option 2) a route directly adjacent to the eastern side of FR 49/FT 749 along an existing skid trail footprint entirely on NFS land. These potential routes are located within direct proximity to the Boyden Brook drainage and would consist of a combination of newly established routes as well as the use of portions of the existing FR 49/FT 749 infrastructure (Final EA, Options 1 and 2, Proposed Management Activities Map inset). It was determined that these routes were not ecologically or economically feasible due to steep and wet ground conditions. The stream bank adjacent to the section of existing trail that would remain in use under these alternative routes is unstable and would be subject to risk from future flooding. The connectivity to trails north of VT 125 would also not be possible due to private landowners in the area not willing to grant permission to allow the trail access.

1.5.3 Improve Fassett Hill Trail Instead of Taylor Brook Trail

This alternative would make improvements to the Fassett Hill Trail (FT 791) to enable groomer access to the Texas Gap area but would not make improvements to the Taylor Brook Trail (FT 700). Although FT 791 is designated as a Class 4 snowmobile trail, portions of the trail do not meet Class 4 standards for clearing width, thus preventing groomer access to maintain the trail tread. It was determined that improving FT 791 was less desirable than improving FT 700 for several reasons. The Fassett Hill Trail would require more ground disturbing activities to widen the trail tread. This trail travels through wet areas where two bridges would need to be replaced and ground disturbance would be required to place new abutments. Additionally, FT 791 is much narrower than FT 700 and a larger number of trees would need to be removed to widen the tread. Finally, the FT 791 travels on and off NFS land where multiple private land owners would need to agree to any trail improvements.

1.5.4 Relocate a Segment of FT 749 to avoid the Apple Orchard

This alternative was considered as a result of public comments received during the initial scoping process regarding concern for impacts to deer habitat and hunting opportunities in and around the wildlife opening (and associated apple orchard) north of VT 125. It would avoid locating the proposed snowmobile trail reroute through the area of concern following an old skid trail running north to FR 100 for approximately 0.4 mile (Final EA, Option 3, Proposed Management Activities Map). This alternative route crosses wet, rough and steep ground that would require substantial trail improvements such as excavation and placement of culverts. It would also open another travel corridor in this area of the Forest. Following a field review by a biologist from the Vermont Fish and Wildlife Department, it was found that there would be no adverse effect to deer winter habitat from the original proposed reroute (Final EA, p. 12). The biologist also determined that the alternative route would have an undesirable effect to deer winter habitat from the opening of additional forest cover in the area.

1.5.5 Relocate FT 749 as Proposed in the Preliminary EA

The original proposal as provided in the Boyden Brook Project preliminary EA included the relocation of Boyden Brook Trail (FT 749) from its current location that connects to the Texas Gap Trail (FT 739) to a new location that would connect to the Taylor Brook Trail (FT 700). This relocation of FT 749 would follow a more sustainable route east of its current location. The snowmobile trail relocation, totaling approximately 1.9 miles would be on both NFS land and private property (0.6 mile on NFS land, 1.3 miles on private land) and would result in a net reduction of approximately 1.6 miles from the existing state-wide snowmobile trail system. To allow continuous grooming opportunity along the trail corridor the proposal also included the improvement of approximately 1.5 miles of Taylor Brook Trail (FT 700) to a Class 2 standard from the terminus of FR 100 north to private land.

This trail relocation is not possible because it crosses private land whose owners do not want the trail crossing their property. This particular trail segment is essential to the entire relocation as proposed, because it provides a safe crossing of VT 125 and includes a bridge across Hancock Branch. It also is essential to navigate the steep and wet ground conditions in this area. The private land owners' decision to not allow the trail to cross their property is based on concerns associated with stream bank instability, damage to property during construction, tax and personal injury liability, and unwanted removal of trees. For this reason, this alternative (Final EA, Option 4, Proposed Management Activities Map) was dropped from further consideration.

The limited opportunities to provide safe crossings of VT 125, steep and wet terrain in this area, and multiple landowner concurrence that is needed have prevented a suitable alternate route to be identified at this time. Although the local VAST club members have found a tentative alternative trail location further east of the original proposed route, the detailed information needed for it to be considered a sustainable route over the long-term has not yet been available. If this route or any other alternative trail location is found to be satisfactory to all jurisdictional parties (Forest Service, VT Department of Transportation, Town of Hancock, and private landowners), the proposal will be considered and analyzed as a separate project.

1.6 FINDINGS REQUIRED BY LAW AND REGULATION

This section provides my findings associated with the Boyden Brook Project in regards to compliance with appropriate laws and regulations.

1.5.1 National Forest Management Act Compliance

Forest Plan Consistency; 16 U.S.C. 1604(i) (Sec. 6, NFMA)

The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans, and that all site-specific project activities be consistent with direction in the plans. The GMNF Land and Resource Management Plan (Forest Plan) was completed and approved in 2006 as required by NFMA. The Forest Plan provides the direction for all resource management activities on the GMNF. The Boyden Brook Project implements the Forest Plan.

The Forest Plan has been reviewed in consideration of this project. I have determined that the activities included in the Proposed Action alternative are consistent with the Forest Plan direction (goals and objectives). Specifically, the Proposed Action alternative will help

“[m]aintain or restore aquatic, fisheries, riparian and wetland habitats” (Forest Plan, Goal 4, p. 13); “[r]educe the total deferred maintenance on the GMNF trail system” (Forest Plan, Goal 12, Objective 8, p. 15); and: “[p]rovide a safe, efficient, and effective Forest transportation system that meets both the needs of the Forest Service and public” (Forest Plan, Goal 14, p. 16). This decision is also consistent with both the Forest-wide Standards and Guidelines (Forest Plan, pp. 10-45), and Standards and Guidelines for the Diverse Forest Use, Diverse Backcountry, and Ecological Special Areas Management Areas (Forest Plan, pp. 47-48, pp. 58-59, and pp. 94-97, respectively). This decision tiers to the Record of Decision for the Forest Plan Final Environmental Impact Statement (FEIS) dated February 2006. All of the expected impacts from this project are consistent with, and within the range of, the impacts disclosed in the Forest Plan FEIS.

My decision is based on the best available science, including a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. My decision implements the GMNF Forest Plan. As required by NFMA Section 1604(i), I find this project to be consistent with the Forest Plan including goals, objectives, desired future conditions, and Forest-wide and Management Area Standards and Guidelines.

1.5.2 Endangered Species Act Compliance; 16 U.S.C. 1531-1536, 1538-1540

The Endangered Species Act (ESA) requires that federal activities do 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. In accordance with Section 7(c) of this Act, a report of the listed and proposed, threatened, or endangered species that may be present in the project area was reviewed.

As required by the ESA, Biological Evaluations (BEs) for wildlife and plants were completed for proposed, threatened or endangered species specifically for the Boyden Brook Project. These documents can be found in the Boyden Brook Project planning record. The conclusions of the BE analyses are summarized in the Final EA (pp. 26 to 30).

The BE analysis for wildlife indicates the likelihood for occurrence for threatened or endangered species (eastern cougar, gray wolf, and Canada lynx) in the Boyden Brook Project area or on the GMNF is low. The GMNF has only historic occurrence records for these species and their occurrence on the GMNF in the near future is unlikely. The GMNF has current occurrence records for the endangered Indiana bat. The likelihood of occurrence for Indiana bats at the project site is low, as it is more than five miles from the nearest known Indiana bat hibernaculum and is at an elevation of over 1,400 feet. The project area does not include potential or critical habitat for these species. Consequently, the Boyden Brook Project will have “no effect” on eastern cougar, gray wolf, Canada lynx, or Indiana bat (Final EA, p. 28).

On April 2, 2015, the U.S. Fish and Wildlife Service (USFWS) published a Final Rule listing the northern long-eared bat (*Myotis septentrionalis*) as Threatened, with an Interim 4(d) Rule exempting some forest management practices from take prohibitions (80 FR 17974). Northern long-eared bats (NLEB) do occur on the GMNF, and the likelihood of occurrence for NLEB in the project area is moderate. Trees that may be potential roost trees for NLEB could be within the project area. There are no known NLEB maternity roost trees in the area, and although the likelihood of actual roost trees being removed is low, it cannot be dismissed entirely. Consequently, this project “may effect but not likely to adversely effect” northern long-eared bats (Final EA, p. 28).

The Boyden Brook Project qualifies for the 4(d) exemption of incidental take for NLEB as a “limited tree removal projects, provided these activities protect known maternity roosts and hibernacula”. The project will be reviewed through informal consultation with the USFWS prior to project implementation. Any modifications to authorized activities and/or new mitigation measures developed to address NLEB listing as a result of consultation will be part of the project implementation requirements.

1.5.3 Regional Forester’s Sensitive Species

Forest Service Manual (FSM) 2670 direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. These species are listed as Regional Forester’s Sensitive Species (RFSS). The BEs have included the consideration of wildlife and plant RFSS and the conclusions of the BE analyses can be found in the Final EA (pp. 26 to 30). In summary, the BEs completed for wildlife and plants both conclude that the Proposed Action alternative will not likely cause a trend towards federal listing or loss of viability for any wildlife or plant RFSS within the project area.

It is important to note that the U.S. Fish and Wildlife Service is assessing whether ESA listing is warranted for the little brown bat (*Myotis lucifugus*). This species is currently considered a RFSS. There is a minimal likelihood that project activities will impact individual little brown bats, but it would not be likely to cause a trend towards federal listing or loss of viability for any of these species within the project area. Project review will be required and new mitigation measures may be necessary if the little brown bat is federally-listed as threatened or endangered before the Boyden Brook Project is completed (Final EA, p. 29).

1.5.4 National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act including Council on Environmental Quality (CEQ) and Forest Service NEPA implementing regulations (40 CFR 1500 -1508; and 36 CFR 220).

1.5.5 Clean Water Act

The intent of the Clean Water Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through Forest Plan Standards and Guidelines, and Boyden Brook Project design criteria and mitigation measures to ensure protection of soil and water resources (Final EA, Soil and Wetlands, pp. 18 to 22; Aquatic Resources, pp. 22 to 26; and Appendix A – Mitigation Measures).

1.5.6 National Historic Preservation Act; Archeological Resources Protection Act; and Native American Graves Protection and Repatriation Act

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. It also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.

The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands.

The Native American Graves Protection and Repatriation Act addresses the discovery and protection of Native American human remains and objects that are excavated or discovered on federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items.

The Boyden Brook Project is in compliance with these Acts. The Proposed Action alternative will not have an adverse effect on any historic or potential prehistoric Native American sites within the project area (Final EA, Heritage, pp. 31 and 32).

1.5.7 Wilderness Act

The Wilderness Act established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas". These areas are administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness. The Act provides for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.

The Boyden Brook Project is in compliance with this Act. There are no management activities that will be implemented within the Wilderness Management Area. The Proposed Action alternative will not result in any adverse effects to the wilderness resource (Final EA, Congressionally Designated Areas, pp. 30 and 31).

1.5.8 Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act institutes a national wild and scenic rivers system that includes selected rivers which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. It provides for them to be preserved in a free-flowing condition, and that they and their immediate environments will be protected for the benefit and enjoyment of present and future generations.

The Boyden Brook Project is in compliance with this Act. There are no management activities that will adversely affect the outstandingly remarkable values of the White River that would preclude it from future consideration as a Recreational River as part of the National Wild and Scenic River System (Final EA, Congressionally Designated Areas, pp. 30 and 31).

1.5.9 Wetlands (Executive Order 11990)

Executive Order 11990 directs the agency to avoid to the extent possible the adverse impacts associated with the destruction or modification of wetlands, and to avoid support of new construction in wetlands wherever there is a practical alternative.

The Boyden Brook Project is in compliance with this Executive Order. There will be no adverse effects associated with wetlands from management activities included in the Proposed Action alternative (Final EA, Soil and Wetlands, pp. 18 to 22).

1.5.10 Floodplains (Executive Order 11988)

Executive Order 11988 directs the agency to avoid to the extent possible the adverse impacts associated with the occupancy and modification of floodplains, and to avoid support of floodplain development wherever there is a practical alternative.

The Boyden Brook Project is in compliance with this Executive Order. There will be no adverse effects associated with floodplains from management activities included in the Proposed Action alternative (Final EA, Soil and Wetlands, pp. 18 to 22; Aquatic Resources, pp. 22 to 26; and Appendix A – Mitigation Measures).

1.5.11 Environmental Justice (Executive Order 12898)

Executive Order 12898 requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Executive Order. Public involvement occurred for this project, the results of which I have considered in this decision. Public involvement did not identify any adversely impacted local minority or low-income populations (Final EA, p. 6). This decision is not expected to adversely impact minority or low-income populations.

1.5.12 Other Relevant Laws

I have considered other relevant laws and regulations that this decision may affect. I have fully considered the effects of this decision on the public, as well as the public's issues and concerns brought forward during the comment periods and feel that these issues have been adequately addressed in the Final EA, its appendices and in this Decision Notice. I have determined that my decision to implement the Proposed Action alternative meets all applicable laws, regulations, and policies, as well as Forest Service direction and guidance as outlined in the Forest Service Manuals and Handbooks.

2. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have determined that the selected activities described in the Proposed Action alternative are not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the context and intensity of the activities:

2.1 CONTEXT- 40 CFR 1508.27(a)

The analysis of the Proposed Action alternative was conducted on a localized area with implications only for this area. All potential irreversible resource commitments and irretrievable losses of resources are limited to the immediate Boyden Brook Project area and do not have effects beyond the immediate locale. The cumulative effects of past, present and reasonably foreseeable future actions combined with the actions of the Proposed Action alternative are displayed by the various resource sections throughout the Affected Environment and Environmental Effects section (Chapter 3) of the Final EA. As a result of the analysis of those effects, I feel that the context of this decision, both from a physical, biological and social standpoint, is localized. I realize that some wildlife species, for example large mammals and migratory birds, range outside of the Boyden Brook Project area boundary. Considering this, my decision is consistent with the management direction outlined in the Forest Plan, and with

the Forest Plan FEIS that analyzed, at a larger scale, the effects of the type of activities that will be implemented through this decision.

2.2 INTENSITY- 40 CFR 1508.27(b) (1-10)

Intensity is a measure of the severity of effects and is based on determinations for the following ten factors:

2.2.1 Impacts that may be both beneficial and adverse.

Impacts associated with my decision are disclosed in the Affected Environment and Environmental Effects section (Chapter 3) of the Final EA. Both beneficial and adverse effects have been taken into consideration when making this determination of significance. Each impact, beneficial or adverse, was considered individually, and no beneficial impact was considered to offset any adverse effect in determining severity and significance. There are no direct, indirect or cumulative adverse impacts that are significant in their effect upon other resources, as they pertain to the relevant issues analyzed in the Final EA. Impacts from this decision are not unique to this project alone. Previous projects having had similar activities and effects were also taken into consideration when measuring severity and significance.

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

There is no indication based on the environmental analysis and implementation of projects similar to the Boyden Brook Project in the past that there will be serious implications to public health or safety. The selected alternative makes an effort to address safety issues by decommissioning sections of FT 739 where it crosses VT 125 and has mixed motorized use (Final EA, p. 16). The project does not involve or have any implications to National Defense or Security.

2.2.3 Unique characteristics of the geographic area.

The Final EA did not identify any unacceptable impacts to any unique geographic areas. According to the CEQ Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR Part 1508.27(b) (3)), unique characteristics are defined "such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas."

A cultural resource inventory has been completed for the Boyden Brook Project area and there are no known resources that will be affected by any management activities (Final EA, p. 31). Additionally, the potential for impacting yet undiscovered sites is adequately mitigated in the Forest Plan Standards and Guidelines.

There are no park lands or prime farmlands within the Boyden Brook Project area.

There are no known wetlands to exist within the proximity of the sites where restoration activities will be implemented (Final EA, p. 21).

All activities included in the Proposed Action alternative that are within stream corridors are consistent with the Forest Plan Standards and Guidelines outlined for the protection of these streams. Impacts of relevant activities on streams within the Boyden Brook Project area are

found in the Soil and Wetlands section (Final EA, pp. 18 to 22); Aquatic Resources section (Final EA, pp. 22 to 26); and Mitigation Measures section (Final EA, Appendix A).

The White River is identified as an eligible National Recreation River in the 2006 Forest Plan, but has not been congressionally designated. I have concluded that the Proposed Action alternative is consistent with the Forest Plan in the Eligible Wild, Scenic, and Recreational River Management Area and will not affect the outstandingly remarkable values associated with the White River that would preclude it from consideration to be added to the National Wild and Scenic River System (Final EA, p. 30).

Ecologically critical areas are those areas that exhibit unique ecological characteristics or, if altered, may affect the viability of threatened or endangered wildlife and plant species. Wildlife and botanical surveys were conducted within the Boyden Brook Project area and Biological Evaluations (BE) were completed for threatened, endangered, and sensitive (TES) wildlife and plants (filed in the Boyden Brook Project planning record). The wildlife and plant BEs found that the Proposed Action alternative will not adversely affect any TES (Final EA, Threatened, Endangered and Sensitive Species, pp. 26 to 30). Refer also to Sections 1.5.2 and 1.5.3 of this decision document for more information related to TES wildlife and plants.

No other ecologically critical areas will be impacted by the Proposed Action alternative. I conclude that there will be no significant impacts to ecologically critical areas.

Based upon these considerations, I conclude there will be no significant effects on unique characteristics within the geographic area.

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

In the context of the NEPA, controversy refers to a substantial dispute in the scientific community regarding the effects of an action. Forest Service resource specialists did not identify any scientific controversy regarding the direct, indirect, or cumulative effects of this project (Final EA, Chapter 3; and the Boyden Brook Project planning record). The interdisciplinary team for this project considered available scientific literature (Final EA, Chapter 5; and Boyden Brook Project planning record) and found no controversy related to the predicted effects. Based on these factors, and the analysis provided in the Final EA and project planning record, I have concluded that the effects of the Proposed Action alternative on the quality of the human environment are not controversial.

2.2.5 The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The actions included in my decision are similar to past actions in other areas across the Forest. Forest Service resource specialists have considerable on-the-ground experience with the types of activities to be implemented in this project, under similar conditions. The interdisciplinary team that conducted the analysis encountered nothing that would indicate a unique or major unknown risk to the human environment. The effects of these actions as disclosed in Chapter 3 of the Final EA are within the range of effects disclosed at a broader scale in the Forest Plan FEIS, are similar to effects of other like actions, and are reasonably predictable. I conclude that there are no unique or unusual characteristics about the area, which have not been previously encountered, that would constitute an unknown risk to the human environment.

2.2.6 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 occur regularly across the Forest. The effects of the Proposed Action alternative are within the range of effects of these other similar actions and within the range of effects disclosed in the Forest Plan FEIS. The implementation of the Proposed Action alternative does not make a commitment to do anything in other areas on the GMNF 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 effects. All actions are consistent with the Forest Plan so this is not a decision in principal.

2.2.7 Whether the action is related to other actions with individually insignificant but cumulative significant impacts.

The Affected Environment and Environmental Effects section of the Final EA (Chapter 3) discusses the combined effects of this project with other past, present, and reasonably foreseeable future actions. None of the actions of the Proposed Action alternative are severe enough to create an unacceptable and significant impact when considered with other actions. The interdisciplinary team chose cumulative effects analysis areas and timeframes that would most thoroughly examine and predict effects. Based on the disclosure of effects in the Final EA and the Forest Plan FEIS, I conclude that there are no significant cumulative impacts associated with the Proposed Action alternative.

2.2.8 The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss, or destruction of significant scientific, cultural, or historical resources.

There are no known Heritage Resource sites (or areas with potential to contain sites) within the immediate vicinity of activities (area of influence) in the Boyden Brook Project area. There are no standing historic structures, extensive cultural landscapes, or areas identified by American Indian Tribes as traditional use or sacred areas. The Proposed Action alternative will have no effect on historic properties. No significant impacts will occur to any proposed or listed National Historic Place nor will there be any loss or destruction of scientific, cultural, or historic resources (Final EA, pp. 31 and 32).

2.2.9 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.

The Endangered Species Act requires that federal activities not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in Biological Evaluations for wildlife and plants (Boyden Brook Project planning record). The Proposed Action alternative will not lead to adverse effects to endangered or threatened species or their habitats (Final EA, pp. 26 to 30). See Endangered Species Act Compliance Section 1.5.2 of this decision document.

2.2.10 Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The activities of the Proposed Action alternative are consistent with, and follow the management direction and Standards and Guidelines mandated by the Forest Plan. The FEIS and Record of Decision for the Forest Plan indicate the consistency of the Forest Plan with laws and requirements imposed for environmental protection. The Final EA and this decision document disclose that the Proposed Action alternative is in compliance with Federal, State and local laws and regulations, and other resource protection requirements. Any required permits will be obtained before implementation occurs. The actions do not threaten a violation of federal, state, or local environmental protection laws.

3. ADDITIONAL INFORMATION

3.1 FINAL DECISION AND IMPLEMENTATION DATE

No objections were filed within the 45-day time period for the draft Decision Notice ending on June 12, 2015. My decision occurs after five (5) business day following the end of the objection filing period (36 CFR 218.12(c)(2)).

Implementation of the Boyden Brook Project cannot occur before informal consultation is completed with the US Fish and Wildlife Service regarding determination of effects and concurrence of adequate mitigation measures for the northern long-eared bat.

3.2 INFORMATION CONTACT

For information concerning the Boyden Brook Project, the Final EA and supporting documentation, my decision, and/or the Forest Service objections process, please contact Jay Strand, Rochester Ranger District, 99 Ranger Road, Rochester, VT 05767; 802-767-4261 ext. 522 (voice); 802-767-4777 (Fax); or jstrand@fs.fed.us (email).

The detailed planning record for the Boyden Brook Project Final EA is available for public review at the Rochester Ranger District, 99 Ranger Road, Rochester, VT 05767.

/s/ Christopher Mattrick

June 22, 2015

CHRISTOPHER MATTRICK
Responsible Official
District Ranger
Rochester and Middlebury Ranger Districts

Date

APPENDIX A: MITIGATION MEASURES

The Green Mountain National Forest Land and Resource Management Plan (Forest Plan) established Forest-wide and Management Area Standards and Guidelines (S&Gs) to mitigate potential adverse effects of management activities (Forest Plan, Chapter 2, Section 2.3; and Chapter 3). The Boyden Brook Project has been designed to be consistent with all Forest Plan S&Gs. Although S&Gs are usually implemented without any need for repetition in site-specific NEPA documents, there are occasions when their emphasis specific to a project is needed to ensure compliance with the Forest Plan. Mitigation measures have also been developed specifically for the Boyden Brook Project to address resource concerns beyond those addressed by Forest Plan S&Gs. Listed below are relevant emphasized S&Gs and mitigation measures for the Proposed Action alternative by resource area.

Recreation

1. Ensure snowmobile traffic cannot continue down Boyden Brook Road (FR 49) following road decommission starting at the southern terminus of the rerouted FT 749. Use boulder, gate or otherwise block entry to prevent access to the decommissioned road.

Soil, Water, Wetlands and Fisheries

1. The following important Forest Plan standards and guidelines for Soil, Water, and Riparian Area Protection and Restoration (Forest Plan, pp. 20-22) should have special emphasis:
 - a. S-2 provides for a buffer strip between management activities and streams. These strips minimize or eliminate impacts to streams and their corresponding riparian areas. While equipment may operate within the protective strip, only minor amounts of soil disturbance are allowed. On the Peru soils common along FR 49 up to the forks, operation of equipment in the buffer strip shall occur only when soils are dry.
 - b. S-3 requires that heavy construction only be allowed when soil conditions are such that compaction, rutting, and erosion will be minimal. Much of this project south of VT 125 will occur on Peru soils, which are sensitive to rutting and compaction. Construction on Peru soils along FR 49 up to the forks shall occur only during dry conditions in these areas.
 - c. S-4 requires that sites for servicing and refueling construction equipment be located outside the protective strip. If tracked equipment will stay onsite along FR 49 during restoration work, contractors shall ensure that this standard is met, given the close proximity of FR 49 to the stream.
 - d. G-6 and 7 recommend that disturbed soil areas where the risks of erosion and sedimentation are high be revegetated as soon as practical. Mulch should be used (alone) outside the growing season, with seeding to follow at the start of the next growing season. These actions will minimize the risk of erosion and stream sedimentation.
2. Follow appropriate Best Management Practices for erosion control and road decommissioning, such as BMP Fac-2 and Road-6, in the Forest Service National Core BMP Technical Guide (USDA Forest Service 2012b, pp. 41-42, 115-117).
3. All pertinent permits will be obtained prior to project implementation including but not limited to a Stream Alteration Permit required by the State of Vermont.

4. During restoration of FR 49/FT749, interception trees to help soil stabilization will be placed perpendicular to cut-and-fill slopes and slumps. These trees will be in full contact with the ground, hold soil in place close to its original source, and would prevent the soil from being delivered to Boyden Brook. Trees will be felled across the road bed to perform the same purpose where a rolling dip or waterbar would not function correctly.

Wildlife

1. No trees greater than 3 inches diameter breast height will be cut between June 1 and July 31 to reduce the likelihood of lethal or injurious take of the northern long-eared bat (*Myotis septentrionalis*) as a consequence of this project.
2. The project will not be initiated until informal consultation is completed with the U.S. Fish and Wildlife Service regarding the listing of the northern long-eared bat (*Myotis septentrionalis*) as a threatened species. Any project modifications and/or new mitigation measures resulting from consultation will be required as part of project implementation. Likewise, if the little brown bat (*Myotis lucifugus*) is federally-listed as threatened or endangered before the project is completed, review of remaining project activities will be required and the development of additional mitigation measures may be necessary.

Vegetation

1. For this project, while natural revegetation is preferred, and while planting is planned for the first mile of FR 49, there are sections of the road on very steep slopes where construction will leave a bare soil surface quite vulnerable to erosion. Where slopes are in excess of 20 percent (the fall line or the slope of the road), additional planting and seeding should be considered as part of the overall planting prescription. Follow guideline G-6 under Pests, Diseases, and Non-native Invasive Species standards and guidelines in developing the planting prescription.
2. If tree seedlings are considered for site rehabilitation after decommissioning activities, the seedlings should be naturally occurring species appropriate to the site and procured from approved nurseries.
3. Do not cut any healthy butternut trees that may be found during project implementation.

Non-Native Invasive Plants (NNIP)

1. To prevent the introduction of additional NNIP, any equipment used to implement the project should be cleaned prior to accessing the site.
2. To prevent the spread of wild chervil within the project area, equipment should either be used to implement the project in uninfested areas prior to implementing in infested areas or it should be cleaned after working in the infested area and before moving to the uninfested area. Ideally, existing wild chervil will be hand pulled prior to when the project is implemented, so that mature seed is less likely to be spread by standing plants.
3. To prevent the further establishment of honeysuckle during project implementation, ideally it will be treated where it occurs along FR 49 prior to project implementation.
4. For all re-vegetation activities, seed mixes should be of native species and mulches should be biologically inert.