

White Mountain National Forest



United States
Department
of
Agriculture

Forest
Service

Eastern
Region



Slippery Brook Road Repair Project

Jackson, Carroll County, NH

Decision Notice and Finding of No Significant Impact

Saco Ranger District

May 30, 2013



For Information Contact: Rick Alimi
White Mountain National Forest
33 Kancamagus Highway
Conway, NH 03818
Phone: 603 447-5448 (103)
Fax: 603 447-8405
www.fs.fed.us/r9/forests/white_mountain

**This document is available in large print.
Contact the Saco Ranger District
White Mountain National Forest
603-447-5448
TTY 603-447-3121**

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1 Introduction

This document announces my decision to implement the Slippery Brook Road Repair Project and my finding that this project will not have a significant impact on the quality of the human environment. This Decision Notice and Finding of No Significant Impact incorporate by reference the Environmental Assessment (EA) for the Slippery Brook Road Repair Project dated May 2013 and its supporting project record.

The Slippery Brook Road Repair Project is located along Slippery Brook Road, also known as Town Hall Road, which runs along Slippery Brook in Jackson, NH (See map on page 4). This road serves as a route for summer vehicular access and winter snowmobile access. The repair site is approximately 2 acres in size, and is located just south of the junction with the East Branch road.

2 Purpose and Need

Tropical Storm Irene brought several inches of rain to the White Mountain National Forest (WMNF) on August 28, 2012. Rivers and brooks on the Forest swelled and Slippery Brook was no exception. Carrying wood and moving boulders, the river scoured its streambanks, deposited material far downstream and altered the stream dynamics. After Tropical Storm Irene a variety of resource specialists and engineers assessed the damage to the road to determine what repair or relocation opportunities were available.

This road system provides access to approximately 20,000 acres of National Forest land and receives a substantial amount of dispersed recreation use including hiking, biking, hunting and fishing. Repairs are needed to reopen the road to public vehicular use and to restore access to the National for public motorized traffic and for administrative purposes.

3 Decision and Rationale

Decision

I have seen on-the-ground conditions in the project area, considered input from

the interdisciplinary team and the public, and reviewed the Environmental Assessment and Forest Plan direction. Based on all this information, I have decided to implement the Proposed Action (Alternative 2) as it is described in the EA.

This project will armor Slippery Brook along the failed section of road, reconstruct the road base to insure its stability, and integrate drainage and other engineered features such as soil nails, fabric, gabions and plantings to ensure soil stabilization.

The Forest Service is partnering with Federal Highways Administration (FHWA) on this project. FHWA is providing funding and technical engineering support to ensure this action will permanently repair this section of road and eliminate the chance of another road failure.

My decision includes application of all mitigation measures identified in the EA.

Reasons for the Decision

1. This project would reopen an existing road system that provides public access to approximately 20,000 acres of National Forest land. This area receives a substantial amount of dispersed recreation.
2. Administrative access to this area is also needed to manage existing uses and ongoing activities, including wildlife habitat improvement and forest resources management.
3. This project will protect the streambank and eliminate the likelihood of causing additional soil erosion and road damage.

The EA and its supporting documents demonstrate that the Proposed Action will meet the projects goals without adversely affecting biological or cultural resources. This decision is based on my review of the EA and the supporting documentation in the project record, including input from the public and appropriate resource specialists.

This Decision complies with the White Mountain National Forest's Land and Resource Management Plan, which is based on extensive environmental analysis and collaboration with the public. The Plan documents the agreed-upon balance of uses and activities desired to meet society's needs while protecting, restoring, and enhancing our natural resources. All project activities would be

implemented in accordance with the White Mountain National Forest Plan, with New Hampshire Best Management Practices and with NH Department of Environmental Services (NHDES) Wetlands Bureau implementing requirements.

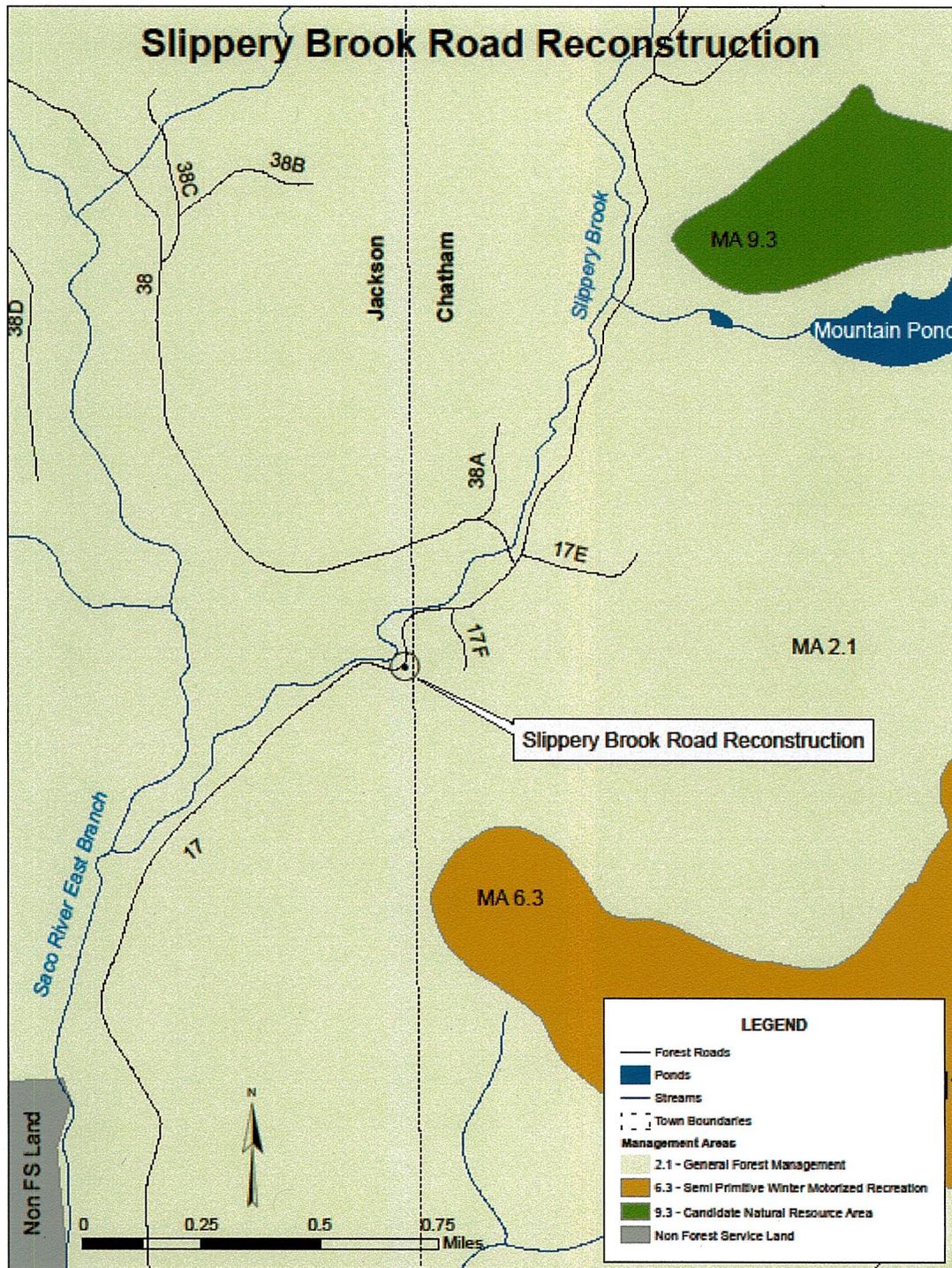


FIGURE 1: Proposed Road Repair Project Location

Alternatives Considered but not Selected

Alternative 1 (No Action)

Analysis of this alternative provides a baseline for evaluating the effects of action alternatives. Under this alternative, none of the proposed activities in this project would occur at this time. Custodial resource protection; law enforcement; and periodic trail, sign, and shelter maintenance would continue.

I did not select Alternative 1 because it would not meet the purpose and need for the project. The road would continue to be impacted as Slippery Brook continues to erode this section of streambankbank. The road slump would likely worsen, eventually causing all motorized uses of this road to be discontinued. This alternative would not move the Forest toward the desired condition for this area.

Alternatives Considered but Not Fully Evaluated

Another alternative was considered but not analyzed in detail for reasons explained in the EA:

- Relocate the road to bypass the damaged section of road.

4 Public Involvement

On February 28, 2013, scoping letters announcing this project and inviting public comment were sent to the Forest's mailing list, and the project was listed on the White Mountain National Forest Schedule of Proposed Actions (SOPA), and became available (electronically) as of March 1, 2013. The project was listed in the quarterly White Mountain National Forest SOPA (for hard copy mail) beginning on April 1, 2013, and will remain on the SOPA until after this decision is signed. The Scoping Report was posted to the WMNF website at: http://www.fs.fed.us/nepa/nepa_project_exp.php?project=41416 on February 28, 2013. Commenters included 7 individuals.

On April 16, 2013, a letter or email was sent to those who had commented during scoping. The notification announced the availability of the 30-Day Comment Report, and a legal notice was published in the *New Hampshire Union Leader*. The 30-day comment report or notification of its availability online was sent to seven people who had commented on the project, and to two local town offices. The 30-Day Comment Report was posted to the Forest's website on April

1, 2013. Two responses were received, both supporting the project.

Issues

An issue is a point of debate, dispute, or disagreement regarding anticipated effects of implementing the proposed action. Issues are usually identified by the interdisciplinary team based on comments from the public or other agencies. For this project, the public comments received were generally supportive of the proposal, and once the questions/suggestions were communicated to the two individuals who presented them, those questions were resolved. Therefore, all public concerns were addressed and no outstanding issues were identified.

5 Findings Required By Other Laws and Regulations

My decision will comply with all current, applicable laws and regulations. I have summarized pertinent ones below.

National Environmental Policy Act

This Act requires public involvement, and consideration and disclosure of potential environmental effects. The Eastside Road and Trail Repair 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 evaluation, 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)

The National Forest Management Act (NFMA) requires that all site-specific project activities be consistent with direction in the applicable Land and Resource Management Plan (Forest Plan). This project implements the White Mountain National 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.

Clean Water Act

The beneficial uses of project area streams would be maintained during and following project implementation. As the soil and water resources and aquatic species and habitat sections of the EA make clear, application of Forest Plan standards and guidelines, best management practices, and project design features will ensure protection of water resources. In fact, this project is designed reduce erosion and sedimentation in the long-term.

Executive Orders 11990 (Wetlands) and 11988 (Floodplains)

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

6 Finding of No Significant Impact

Findings

Based on my review of the Slippery Brook Road Repair Project EA and documentation, I have determined that the activities included in Alternative 2 will not individually or cumulatively have a significant effect on the quality of 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 C.F.R. § 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 a site-specific action, significance depends on the effects in the locale rather than in 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 Final Environmental Impact Statement (FEIS), which analyzed and disclosed effects of potential Forest management at a larger scale. The activities planned in the Slippery Brook Road Repair Project are similar to other infrastructure repairs 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 as

described for each resource in Chapter 3 of the EA. I have reviewed the cumulative effects of past management, combined with this project and reasonably foreseeable future actions as analyzed in Chapter 3 of the EA and feel that the context of this decision is limited to the land in and adjacent to the project area. The project's relatively small scale limits its effects. The analysis in Chapter 3 indicates that project design and application of Forest Plan standards and guidelines and best management practices will minimize negative impacts to all resources. Given the short-term and localized nature of impacts described in the EA, the Slippery Brook Road Repair Project will have no measurable effects at regional or national levels, and therefore consideration of significance will focus on the local setting.

This decision, and the environmental assessment and effects analysis on which it is based, applies only to this local area. After a thorough review of the effects analysis contained in the EA, I find that this project does not establish a local, regional, or national precedent, nor does it have any substantial applicability beyond the bounds of the White Mountain National Forest.

Intensity

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

As described in the EA (Chapter 3), there are likely to be both beneficial and adverse effects to certain resources from taking the actions proposed in Alternative 2. 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 effects are minor and of short duration, and are not directly, indirectly, or cumulatively significant.

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

As discussed in the EA, this project is designed to reduce an existing risk to public safety, in that this section of road is currently unstable. Hikers, bikers and snowmobilers, as well as vehicles on this road for administrative purposes, could be at risk under current conditions, and more so if erosion of the streambank were allowed to continue. Repairing this road would secure safe passage for all.

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 areas.*

This project is on an existing road. It is not in Wilderness, in proximity to historic or cultural resources, or ecologically critical areas. All road repair activities are designed to maintain the integrity of Slippery Brook at this location, along with the long term structural stability of the road.

The project is not within a Roadless Area Conservation Rule inventoried roadless area. The project lies immediately adjacent to the Kearsarge Forest Plan revision roadless inventoried area, but it would not alter the potential for this inventoried area to be part of a future inventory. Nor would the project have long term or landscape level direct or indirect effects on the inventoried lands, nor affect consideration of this area for future inventories.

Slippery Brook is identified in the Forest Plan as eligible for designation under the Wild & Scenic Rivers Act as a scenic river. The stretch of river in the project area is a second order stream. As discussed in the EA, this project will not adversely affect water resources and will stabilize this brook. Therefore I find that my decision will not affect the eligibility of this river for designation under the Wild & Scenic Rivers Act.

There are no park lands, prime farmlands, research natural areas, or ecologically critical areas in or near the project area, and therefore none would be adversely affected. The interdisciplinary team designed the project to protect and improve the affected streambank and its waters. As a result, there will be no significant effects to these resources (EA Chapter 3). The selected alternative will not violate standards set for Outstanding Resource Waters for New Hampshire (EA, Water

Resources section).

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 National Environmental Policy Act, controversy refers to a substantial dispute in the scientific community regarding the effects of an action, not social opposition. Our contacts with the State Historic Preservation Office did not identify any scientific controversy regarding the direct, indirect, or cumulative effects of this project (see project record). The interdisciplinary team for this project considered available scientific literature (see project record) 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 Alternative 2 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 are 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 the 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. Other similar streambank stabilization projects have been completed or analyzed with similar conclusions (see Eastside Decision, December 19, 2012). The body of knowledge gained through years of project-level and programmatic monitoring, contract inspections, and review of 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 occur regularly across the

Forest. The effects of implementing Alternative 2 disclosed in Chapter 3 of the EA are within the range of effects of these similar actions. They also are within the range of effects disclosed in the Forest Plan FEIS. The implementation of Alternative 2 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 consistent with the Forest Plan so 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 of the EA discloses the combined effects of this project with other past, present, and reasonably foreseeable future actions. None of the actions included in the Proposed Action would create significant impact alone or when considered with other actions. The interdisciplinary team chose cumulative effects analysis areas and timeframes that would most thoroughly examine and predict effects (see project record). 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 the Proposed Action 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 scientific, cultural, or historical resources.*

Surveys were conducted for archaeological sites and historic properties. The findings and recommendations from the inventory and report were submitted to the New Hampshire State Historic Preservation Office, and they concurred with our finding that there would be no adverse impacts to any cultural resources. Therefore I find that this decision complies with the National Historic Preservation Act and the Archaeological Resources Protection Act.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The Endangered Species Act requires that federal activities not jeopardize the

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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 a Biological Evaluation (see project record). As disclosed in the Biological Evaluation, this project may impact individual woodland bats, northern bog Lemming, and third ameletid mayflies but would not likely cause a trend toward federal listing or loss of viability. This project is consistent with direction protecting bats.

All applicable laws for the protection of the environment are incorporated into the standards and guidelines in the White Mountain National Forest Plan. Alternative 2 complies with the Forest Plan. I find that none of the actions in this decision threatens to violate applicable Federal, State, or local laws or other requirements imposed for the protection of the environment.

7 Administrative Appeal, Implementation Date and Contact

In accordance with 36 CFR 215.12(e)(1), this decision is not subject to appeal because there were no non-supportive comments during the 30-day Comment Period. Therefore implementation of this decision may begin immediately.

For additional information concerning this decision, contact: Rick Alimi, email: ralimi@fs.fed.us, or by phone (603 447-5448 ext. 102), or by FAX (603 447-8405). Additional information about this decision also can be found on the White Mountain National Forest web page:

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



MIKE MARTIN

District Ranger

Responsible Official

05/31/13
Date