

**File Code:** 1570

**Date:** September 27, 2023

Dear Objector to the Tarleton Integrated Resource Project:

This letter is in response to the objections filed (# 23-09-22-001-218 through #23-09-22-019-218) on the Tarleton Integrated Resource Project (henceforth Tarleton project) Environmental Assessment/Finding of No Significant Impact (EA/FONSI) and Draft Decision Notice (DDN). This project is located on the Pemigewasset Ranger District of the White Mountain National Forest (WMNF). As the Reviewing Officer for the Tarleton project's objections, I have completed the review of your objection issues and concerns following the pre-decisional administrative review regulations provided by 36 CFR 218, Subparts A and B. The 45-day objection filing period for this project was initiated by the publication of a legal notice in the newspaper of record, the Union Leader, on March 16, 2023. The Responsible Official for this project is Brooke Brown, District Ranger. Your written objection was timely. This letter responds to your objection as well as the objections received from 14 other objectors withstanding to object. Three additional objections were set aside from review because they failed to meet the requirements of 36 CFR 218.10 and two letters of support were received during the objection period.

The Tarleton project's proposed action was developed to meet desired conditions as provided by the WMNF's 2005 Land and Resource Management Plan (henceforth referred to as the Forest Plan). The project is located within the Tarleton Habitat Management Unit (HMU). This HMU comprises about 5,375 acres on National Forest System lands: about 2,645 acres occur within the General Forest Management Area (MA 2.1); about 1,560 acres occur within Semi-Primitive Recreation Area (MA 6.1) lands; about 830 acres occur within the Appalachian National Scenic Trail (MA 8.3) lands; and about 240 acres are private inholdings. Vegetation management, wildlife, and recreation project activities are proposed on about 755 acres within the project area.

A virtual objection resolution meeting was held on June 28, 2023, using Microsoft Teams. No resolutions were achieved.

I have reviewed the project's supporting record including the Final EA/FONSI and DDN relative to the issues raised in your objection. A team of natural resource professionals assisted me in this review. The following sections of this letter provide my written response to your objection issues as required by 36 CFR 218.11(b). Note that the objectors withstanding on each issue are denoted in parentheses.

Issue 1 (Porter, Kline, Faletra, Mandeau, Marvelle)

Commercial timber harvesting in the Tarleton project is inconsistent with protection of the area and the perceived purpose of the land acquisition of the project area.



Response: The project record contains documentation of the acquisition of parcels in the Tarleton project area in 2000, showing that there were no encumbrances or deed restrictions in the project area. Consistent with the National Forest Management Act (NFMA) of 1976, the lands were included in the analysis for the 2005 Forest Plan revision and assigned to MA 2.1 – General Forest Management of the Forest Plan. The DDN (p. 2) briefly summarizes this acquisition history. The acquisition was described in more detail in a May 10, 2022 public comment by Tom Wagner, the WMNF Forest Supervisor at that time of the acquisition (located in the project record, hereafter indicated by PR: [Public\\_Comment\\_Tom\\_Wagner\\_3804046.pdf](#)). The acquisition occurred prior to the completion of the 2005 Forest Plan, which, through an interdisciplinary process and with public engagement, resulted in a decision to assign most of the project area to MA 2.1 as noted in the project record (PR: [20230404\\_ResponseToCommentReportDraft, RTC #6](#)).

## Issue 2 (Porter, Pastoriza)

The Forest Service did not adequately involve the public in the development of the project and evaluation of its effects.

Response: The project record indicates that public involvement began in the summer of 2019 with pre-scoping meetings and open houses to seek public input for the Tarleton project. In October 2019, the Tarleton project was added to the Schedule of Proposed Actions. Scoping was then initiated in January 2020 with a notice of availability, scoping newsletter, and request for comments sent to 500 parties and posted to the WMNF website. The first (of two) 30-day designated comment periods began in July 2021 and the second in April 2022. During that period, there were a number of meetings and open houses involving the public and local and state entities. In addition to mailings, designated comment periods were announced by publication of a legal notice in the newspaper of record for the WMNF and posted to the WMNF website.

Public comments during formal scoping and comment periods, comments from open houses, and input from meetings were considered by the interdisciplinary team and the Responsible Official. A summary of public involvement is presented in the Final EA (pp. 3-5). In that summary, changes to the project and effects analyses were outlined. However, not all input resulted in changes to the project or its analysis for several reasons, such as the commenter's concerns were adequately addressed by the current proposed action or effects analysis or the commenter's suggestions would prevent the project from achieving its stated purpose and need. Although a response to comments is not required for an Environmental Assessment (36 CFR 220.7 (b)), a summary of how public comments were considered would improve transparency.

Members of the public made Freedom of Information Act (FOIA) requests to the WMNF, to an adjacent National Forest, and to the Forest Service's Eastern Region for information about the Tarleton project and about broader topics. Timeliness of the Forest Service's FOIA responses is often related to the scope and scale of the request. The request for stand inventory data made by Rob Wipfler, a party to the Standing Trees objection, was fulfilled within 13 days because it was sufficiently specific (PR: [Wipfler FOIA Response 2023-FS-R9-03022-F.pdf](#)). Additional FOIA requests #2023-FS-R9-02877-F and #2023-FS-R9-02394 spanned multiple Forest Service units and years of records; thus, the responses could not be gathered by the close of the comment

period for the Tarleton project. FOIA requestors are given the opportunity to refine the scope of their request to receive a quicker turnaround time. In this case, the requestors have not done so.

Instruction: Make available with the final decision a summary of how public comments were considered in the development and effects analysis for the project.

### Issue 3 (Porter)

The Forest Service did not adequately demonstrate how best available science was considered in project effects analysis.

Response: The Porter objection alleges that the Final EA failed to demonstrate how best available science was considered, citing requirements in the Forest Plan and NFMA. Direction found at 36 CFR 219 Subpart A (specifically, 36 CFR 219.3) discusses the requirement for documenting the use of best available science. The Tarleton project does not involve development of a forest plan, plan amendment, revision, or monitoring directed under the plan.

Nonetheless, the project record includes project-specific specialist reports citing accurate, reliable, and relevant peer-reviewed scientific information for relevant natural resource areas specific to the project area, prepared by an interdisciplinary team of specialists with formal training and experience in their respective fields. Furthermore, the project record documents consideration of the scientific papers brought forward by the public, with an item-by-item response (PR: 20230404\_LongFormPDFRTCDRAFTWorking).

Forest Service National Environmental Policy Act (NEPA) analysis is prepared by qualified professionals using the best available information to inform sound decisions regarding resource management actions directed by the Forest Plan and other applicable laws and policies. During the analysis, the proposed action and alternatives (if any) are evaluated for whether they will have a significant effect on the environment. An EA discloses the anticipated environmental consequences of the alternatives. The best available science was considered in preparation of the Tarleton project's EA; however, what constitutes best available science might vary over time and across scientific disciplines.

The conclusions in a FONSI should be supported by references to the relevant sections of the EA; see Forest Service Handbook (FSH) 1909.15(43.1). The finding itself need not be detailed but must succinctly state the reasons for deciding that the action will have no significant environmental effects and, if relevant, must show which factors were weighted most heavily in the determination; see Council on Environmental Quality (CEQ) Forty Most Asked Questions (#37). The Tarleton project's EA and accompanying project record identifies methods used, references reliable scientific sources, discusses responsible opposing views, and discloses incomplete or unavailable information, scientific uncertainty, and risk.

The Tarleton project record references all scientific information considered: papers, reports, literature reviews, review citations, academic peer reviews, science consistency reviews, and results of ground-based observations to validate best available science. The Final EA incorporates by reference the project record, including specialist reports and other technical documentation and reflects technical and scientific matters within the Forest Service's area of expertise.

#### Issue 4 (Porter)

The Forest Service inappropriately concluded analysis with a FONSI despite uncertain or adverse impacts and lack of consideration of context and intensity of effects and the high controversy with this project.

Response: In determining the significance of a proposal, CEQ regulations require an agency to consider “the degree to which the possible effects on the human environment are likely to be highly controversial” (40 CFR 1508.27(b)(5)). However, “controversy” as set forth in this regulation does not equate with public opposition. Instead, controversy concerns disputes regarding the size, nature, or effect of an action, which are not present in the Tarleton project.

In support of the FONSI, the degree of effects of the project are summarized in the Final EA (pp. 23-25) and further supported by WMNF monitoring results as noted in the consideration of public comments in the project record (PR: LongFormPDFRTCDRAFTWorking.xlsx; sheet: PorterStandingTrees, lines 90-105). The FONSI indicated no significant effects or extraordinary circumstances after consideration of broad and site-specific effects of the proposed action and alternatives. Analysis was completed for silviculture, wildlife, botany, sensitive species, fire/fuels, economics, soils, watershed and fisheries, access and travel management, range, noxious weeds, cultural/heritage, and recreation/visuals. The Tarleton project is consistent with the Forest Plan and other laws and regulations.

NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). Issues that are not significant or have been covered by prior environmental reviews may be eliminated from detailed study as part of the scoping process (40 CFR 1505.9(f)(1)). The selection of which type of analysis should be performed is detailed by CEQ and described in 40 CFR 1501.3. Where the determination was made that there was no uncertainty as to significant effects resulting from the proposed action, an EA/FONSI and Decision Notice were determined by the Responsible Official as the appropriate level of analysis.

#### Issue 5 (Porter)

The determination of a FONSI was incorrect because the project’s actions could disqualify the area from future consideration for Wilderness designation.

Response: The Wilderness Act provides for the recommendation of designation of lands greater than 5,000 acres (contiguous) or of sufficient size to make it practical for preservation and use in an unimpaired condition. Lands found eligible and proposed for designation are subject to intensive inventory, analysis, and recommendation to Congress to formally designate the lands as Wilderness.

The 2005 Forest Plan final environmental impact statement (pp. 2-6 to 2-7) also describes the criteria used in consideration for designation as Wilderness, including an alternative to convert all Inventoried Roadless Areas. The analysis and subsequent designation indicated that the lands were found not eligible for designation under the Wilderness Act and subsequently assigned the designation MA 2.1, General Forest Management. The Tarleton project’s Scenery Specialist Report (PR: PemiTarletonSMReport.pdf) provides additional evidence concerning the

incompatible nature of the area adjacent to the project area when compared with the criteria for Wilderness designation.

Furthermore, the WMNF considered the request to consider the Tarleton area for Wilderness designation in consideration of comments during the second formal comment period, concluding that public input regarding management area assignments occurred during development of the Forest Plan and that reassignment was outside of the scope of the Tarleton project (PR: LongFormPDFRTCDRAFTWorking.xlsl, RTC #29). There were no deed restrictions placed on the lands in this project area (committing them to Wilderness or other designation) when they were acquired in 2000 (see RTC #6 from Response to CommentReportDraft.docx). See also Response to Issue #1.

In conclusion, the project area does not qualify as a Congressionally designated Wilderness based on criteria set forth in the Wilderness Act and analysis conducted for the Forest Plan. Because the project area does not meet size requirements and because existing permanent facilities and other attributes do not support future designation as Wilderness, the assignment of MA 2.1 in the Forest Plan is appropriate. Revision of the designation is beyond the scope of the proposed action for the Tarleton project.

Issue 6 (Porter, P. Ascher, T. Ascher, Turanski, Hochschild)

The purpose and need of the project is unreasonably narrow such that there is not an adequate range of alternatives.

Response: In the preparation of an EA, a no-action alternative may be included but is not required. An EA may document consideration of a no-action alternative through the effects analysis by contrasting the impacts of the proposed action and any alternative(s) with the current condition and expected future condition if the proposed action were not implemented (36 CFR 220.7(b)(2)(ii)).

The need for the Tarleton project emphasizes an integrated resource project incorporating sub-projects each with separate but highly focused proposals. A well-defined “need” or “purpose and need” statement, as provided in the EA (pp. 5-7), narrows the range of alternatives that may need to be considered (FSH 1909.15 11.2). No specific number of alternatives is required or prescribed (36 CFR 220.7(b)(2) and FSH 1909.15 14).

A no-action alternative was proposed by commenters during the second formal comment period, as was an alternative for recreation development and a plan amendment changing the management area designation from MA 2.1 (General Forest Management) to MA 8.5 (Scenic Areas). A no-action alternative was included in the effects analysis by “contrasting the impacts of the proposed action and any alternatives(s) with the current condition and expected future condition if the proposed action were not implemented” (36 CFR 220.7(b)(2)(ii)).

While the Final EA does consider baseline conditions in the sense of no-action, the comment analysis states that a no-action alternative is not necessary, nor are alternatives that are unreasonable or outside the scope of the proposed action. Commenter Porter proposed a third project alternative, but this alternative was not considered reasonable because it failed to achieve the purpose and need of the project (RTC #27 in PR: LongFormPDFRTCDRAFTWorking.xlsl).

The objectors' contention that a no-action alternative or additional action alternatives should have been considered is unsupported, as the effects analysis discloses the range of effects of the proposed action in comparison to the absence of any activity. The Final EA is consistent with law, regulation, and policy regarding the range of alternatives and the no-action alternative.

#### Issue 7 (Porter, Pastoriza)

The Forest Service failed to address the impacts of the project on climate change and did not consider recent executive orders and scientific literature.

Response: The Final EA (p. 20) included analysis of the Tarleton project's climate change effects, which referenced the WMNF's 2019 forest-level carbon assessment (Dugan et al., 2019; available on Pinyon Public) to provide proper context. The project record also includes a project-specific carbon analysis (PR: Carbon AssessmentTarletonCarbonFinal021921) that uses the best available climate science and considers how forests affect — and are affected by — changes in atmospheric carbon over the long term. The project-specific carbon analysis concludes that (p. 3):

Forest management activities such as harvests and hazardous fuels reduction have characteristics similar to disturbances that reduce stand density and promote regrowth through thinning and removal, making stands and carbon stores more resilient to environmental change (McKinley et al. 2011, Swanston et al. 2016). The relatively small quantity of carbon released to the atmosphere and the short-term nature of the effect of the proposed action on the forest ecosystem are justified, given the overall change in condition increases the resistance to wildfire, drought, insects and disease, or a combination of disturbance types that can reduce carbon storage and alter ecosystem functions (Millar et al. 2007, Amato et al. 2011).

Literature submitted by commenters was considered and documented in the project record. See RTC report #63, #69, and #120 and references to these responses in the project record: LongFormPDFRTCDRAFTWorking.xsl, where Porter's and Pastoriza's comments (including, but not exclusively, L1- C1, L1-C29, L1-C38, L4-C19, and L5-C25) are considered (L denotes letter, C denotes comment).

The Forest Service's July 2022 Climate Adaptation Plan describes how the Forest Service, as an agency, will adapt its priorities, organization, and policies to better incorporate climate change mitigation strategies. It does not provide specific direction or requirements for how National Forest System units conduct planning or analysis. The Tarleton project's climate change analysis, as described above, is consistent with this adaptation plan.

At the time the Tarleton project was initiated with a pre-scoping meeting in November 2019, the incorporation of climate change analysis was at the discretion of the Responsible Official. Climate change was incorporated into the analysis using the most recent climate information (Dugan et al., 2019). The project record also contains a project-specific specialist report completed in February 2021.

The objections also faulted the WMNF for not considering Executive Orders (EO) and CEQ guidance related to carbon and climate change. EO 14072 (Strengthening the Nation's Forests, Communities, and Local Economies) was signed by President Biden on April 22, 2022. Section

2 applies to National Forest System lands, requiring the Secretaries of Agriculture and Interior to “complete an inventory of old-growth and mature forests on Federal lands” within one year (by May 22, 2023) and directing the Forest Service and Bureau of Land Management to develop mature and old-growth definitions and inventory on Federal lands by April 22, 2023. The initial inventory was released in April 2023 but has yet to be followed by the development of “climate-smart” management and conservation strategies to address threats to mature and old-growth forests on Federal lands. It’s important to note, however, that EO 14072 does not promulgate a specific policy regarding operating (or not operating) in stands identified as old growth or mature forest; therefore, for the Tarleton project, the relevant guidance for forest management comes from the Forest Plan.

EO 14008 (Tackling the Climate Crisis at Home and Abroad), signed January 27, 2021, required the Secretary of Agriculture to “submit to the Task Force within 90 days of the date of this order a report making recommendations for an agricultural and forestry climate strategy” (Sec. 216(ii)). The EO contains no specific references to the USDA Forest Service or NEPA; it is relevant at the Department level and is beyond the scope of the Tarleton project. That said, the Tarleton project is consistent with direction provided in EO 14008. For example, the Forest Service takes a consistent approach to the engagement of external partners in managing all resources, including climate change.

The CEQ guidance (National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change) is an interim document intended to facilitate compliance with existing NEPA requirements, improving the efficiency and consistency of reviews of proposed major Federal actions. Agencies are encouraged to follow the interim guidance for new projects (initiated after the publication date in the Federal Register, January 9, 2023). The Tarleton project was initiated more than three years before this guidance was released. The guidance further encourages agencies to “exercise judgment” if applying the recommendations to ongoing NEPA analyses.

The Tarleton project had already incorporated climate change analysis at the time the CEQ guidance was published and is therefore consistent with current law, regulation, and policy. Furthermore, the recommendations made in the guidance are, in general, already in use by the Forest Service and have been integrated in the Tarleton project analysis. Greenhouse gas (GHG) emissions were not quantified for this project but were described in the project-level analysis as “an extremely small quantity” (PR: TarletonCarbonFinal021921.docx, p. 4). This level of estimate is consistent with the current, standard approach at the time of analysis. As the Forest Service incorporates new tools and methods for quantifying GHG into its NEPA process, future projects may have more detailed GHG emission estimates; however, the CEQ guidance allows that “actions with only small GHG emissions may be able to rely on less detailed emissions estimates.”

In conclusion, the carbon and climate change section of the Final EA is brief, but its findings that the proposed forest management activities represent a long-term net benefit in terms of resiliency to climate change and GHG emission are well supported by more detailed analysis in the project record. Public comments on climate change and carbon management were considered in the project record. Policies and interim direction related to climate change analysis were released after the beginning of scoping and comment periods, but none that would require the WMNF to

revisit its 2021 project-specific analysis.

#### Issue 8 (Pastoriza, Porter)

The DDN refers to previous decisions made over 30 years ago to which the Tarleton project is tiered but does not name them.

Response: The DDN (p. 2) discusses the land's condition when it was acquired, including some areas that were heavily harvested before they became national forest land. The "previous decisions" to which the DDN refers are management decisions by previous owners of the land and the management area designation during Forest Plan revision. In the development of the Forest Plan, these areas were assigned to MA 2.1 (General Forest Management). The project record includes background information on the land acquisition, including the Mittersill–Sentinel Mountain Decision Notice & FONSI (pp. 9-10) and Tract 1067A Deed. The WMNF's Forest Plan was completed in 1985 and revised in 2005. Landscape-level decisions, including MA assignments to parcels, remain in effect until the plan is revised or amended.

#### Issue 9 (P. Faletta, Porter)

The Forest Service failed to consider the cumulative effects of past, ongoing, and proposed projects involving substantial logging, carbon emissions, and/or habitat alteration. The Forest Service also failed to define the temporal and geographic scopes of its cumulative impacts analysis for a majority of the resources.

Response: The Final EA (pp. 18-19) defines and discusses cumulative effects, stating that:

Generally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions. Consistent with this guidance and Forest Service regulations for cumulative effects analysis (36 CFR 220.4(f)), this analysis considers past, present, and reasonably foreseeable future actions relevant to the proposal, including how they may have contributed to existing conditions and trends.

The Final EA (p. 20) also discusses carbon emissions, citing the forest-level carbon assessment (Dugan et al., 2019; available on Pinyon Public). The project record contains several documents that outline past and current conditions of the Lake Tarleton HMU, including the Rationale for Habitat Objectives in the Lake Tarleton Habitat Management Unit (on Pinyon Public; henceforth called Rationale for Habitat Objectives) and Wildlife Specialist Report (PR: WildlifeSpecialistReport.docx). The Biological Evaluation was clear in defining geographic and temporal cumulative effects boundaries. Cumulative effects boundaries for wildlife and other resources can also be found in the Effects Tracking Spreadsheet document (PR: TarletonEffectsTrackingWorksheetWorking.xlsx). Historic timber harvest records for the area are in PR folder: L-Cumulative Effects. Harvest history contributes to the age structure of the forests in this HMU, as summarized in Table 6 of Rationale for Habitat Objectives (p. 9).

In conclusion, the project record includes multiple documents, as well as cutting cards documenting volumes of timber removal on private land, that show how cumulative effects were considered for the Tarleton project.



#### Issue 10 (Porter)

The Forest Service failed to consider impacts of the project on public health and safety.

Response: Based on a review of comments received in 30-day comment periods 1 and 2, members of the public are concerned that improving the parking area at the Lake Katherine boat launch for hand-launched watercrafts (such as canoes, kayaks and paddleboards) would result in increased use and a spillover of vehicles parking along Route 25C (RTC report draft, #39, #41; p. 14). The Final EA acknowledges that the proposed improvements of the Lake Katherine boat launch may “result in some increased use due to the improved site design and changes to the character of the site” (p. 21) but “are not expected to increase visitation to a level that would change current use levels initially” (p. 21). If use exceeds capacity of the lot, it is expected that users would go elsewhere or find safe and legal alternatives to park.

Regarding safety concerns related to log truck traffic, Forest Service timber sale contracts include standard provisions (BT6.33) requiring timber purchasers to prepare Traffic Control Plans and place adequate signage to provide the public “with adequate warning of hazardous or potentially hazardous conditions associated with Purchaser’s Operations.” When using public highways, timber purchasers and their subcontractors are expected to follow all applicable local, State, and Federal traffic laws to keep themselves and other highway users safe.

The Final EA considers the potential overall impacts to public health and safety and concludes that the Tarleton project does not present any unusual or substantial risks because the proposed activities are not novel to the WMNF (p. 21). Safety-specific design features are provided for the powerline (Final EA, p. 18). In conclusion, the issue of public health and safety and application of design features to mitigate safety concerns have been addressed. There is no expectation that traffic levels would increase to a level that would surpass the capacity of existing or proposed infrastructure or traffic laws.

#### Issue 11 (Porter)

The Forest Service has not adequately demonstrated how the transportation system will be affected by project activities and how the transportation system activities will affect soil, water, and habitat fragmentation.

Response: The Porter objection letter’s claim that the EA is “internally inconsistent” (p. 46) is related to language in the Draft EA that was corrected following the second 30-day comment period. The Draft EA stated that “system roads and log landings would be constructed, maintained, or reconstructed to provide safe access to vegetation management areas and to meet modern design standards” (p. 15). That language was corrected in the Final EA to “system roads would be maintained or reconstructed to provide safe access to vegetation management areas and to meet modern design standards” (Final EA, p. 15).

Existing roads in the project area are not currently part of the Forest Service system but would be classified in the WMNF road inventory through this decision document. The project record includes detailed descriptions of the existing condition of Old Charleston Road (PR: OldCharlestonRoadFieldReview.docx). The Final EA Appendix C (p. 33) describes the existing condition and proposed management actions of each road in the project area. Because these are

existing roads and no new construction is proposed, the only on-the-ground impacts would be related to maintenance and reconstruction activities on a total of 5.24 miles of existing road. No existing habitat will be fragmented as a result of these activities.

The Soils Specialist Report (PR: Tarleton\_IRP\_SoilsSpecialistRpt021921.docx) and Final EA (p. 15) document how these activities may affect soil and water resources. The Final EA (p. 17) notes the Standard Operating Practice whereby most of the road work would be completed during dry conditions or in winter when impacts would be minimized.

#### Issue 12 (Porter)

The Forest Service did not properly evaluate and disclose the economic impacts of the project, including wood product value and recreationist spending in the area.

Response: The forestry-derived economic benefits associated with the proposed action are detailed in the Socioeconomics Specialist Report (PR: Tarleton Socio Economic Write Up.docx). However, the Final EA does not list generating timber revenue as a specific need for the proposal, so revenue is not a factor in the decision. The Socioeconomics Specialist Report (p. 1) and Final EA both note that timber harvesting activities could cause recreation users “to disperse to other recreation sites”; in context, this statement suggests that users would still stay within or near the project area since individual timber harvests would be localized and short term. Other proposed actions (wildlife opening enhancement and an improved parking lot at Lake Katherine) are expected to slightly increase recreation use.

In conclusion, the Final EA and Socioeconomics Specialist Report consider both the potential positive and negative economic impacts of the proposed action and conclude that any negative impacts would be short term and localized.

#### Issue 13 (Porter)

The Forest Service did not properly evaluate and disclose effects to soil resources, including defining the allowable amount of detrimental soil impact per the Forest Plan.

Response: The Soils Specialist Report (p. 12) and Final EA (p. 22) list up to 1 acre of detrimental disturbance for Lake Katherine boat launch parking area improvement (0.08 percent of the project area). From the language in EA (p. 22) and Soils Specialist Report (p. 1), “detrimental soil disturbance” is the loss of the soil capacity to support the growth of specified plants, plant communities, or sequences of plant communities because of soil displacement or compaction. Both the Final EA and Soils Specialist Report reference the Forest Plan FEIS (pp. 3-29 through 3-36) to contextualize the effect of this project by considering its effects as similar to road construction. During the life of the Forest Plan (Forest Plan FEIS; Table 3-04) the WMNF projected to average no more than one mile of new road construction per year. The improvements at the Lake Katherine boat launch parking lot could be considered to contribute to this the total and the Final EA (p. 22) indicated that the projected total had not yet been met forest-wide.

#### Issue 14 (T. Ascher, P. Faletra, Porter)

The Forest Service did not properly disclose the occurrences of cultural resources in the project

area and how impacts to these resources were analyzed or avoided.

Response: My review found that the project record includes documentation that cultural resources in the project area were considered and impacts to these resources were analyzed or avoided. These documents include cultural resources (survey) reports (PR: Cultural Resource Reconnaissance Report) and consultation correspondence with the New Hampshire State Historic Preservation Office (SHPO). The Forest Service analysis resulted in a determination of “no historic properties affected,” to which the SHPO concurred. Multiple archaeological surveys and site documentation efforts occurred in the analysis area, all of which were completed to professional standards and demonstrate a reasonable and good faith effort to avoid, minimize, or mitigate impacts to cultural resources. Through project planning and design, treatment units have been altered, dropped, buffered, and constructed to avoid impacts to documented sites in the area. In this respect, the National Historic Preservation Act (NHPA) Section 106 process itself is deemed sufficient and justifiable to support the proposed action and decision.

Both NHPA and the Archaeological Resources Preservation Act address confidentiality and informational integrity of historic properties and (by extension) unevaluated cultural resources, and it is within the discretion of the agency to withhold information specifically regarding the location and integrity of sites and cultural resources, if there is reason to believe disclosure of information or data may lead to direct or indirect impacts to these sites and resources. In this case, the objector is not specifically requesting site-level information or data; instead, it’s mostly a matter of general disclosure, documenting awareness that cultural resources do exist in the analysis area and that protective measures are in place (design criteria) that will protect these resource values. The standard operating practices at sites identified (or sites discovered during implementation of the project) were disclosed in the Final EA (pp. 16-17) and noted in the comment analysis from both the scoping and comment periods (though this analysis was not made available to the public). In conclusion, the project record demonstrates that the WMNF upheld its responsibilities to comply with NHPA Section 106; however, due to confidentiality concerns, detailed information was not shared with the public.

Issue 15 (Donelon, E. Faletra, P. Faletra, Porter)

The Forest Service did not properly evaluate and disclose the impacts of the project on water quality, nutrient runoff, and harmful algal blooms or cyanobacteria proliferation in Lakes Tarleton and Katherine. The 300-foot buffer is inadequate to protect water quality.

Response: The Albany South project’s EA was relied upon as supporting analysis for the Tarleton project’s EA because “similar types of activities included in the Tarleton Project, the potential impacts to riparian and aquatic resources and water quality discussed in the Albany South EA would be broadly applicable to the current proposal” (Final EA, p. 20). Best management practices (BMPs) prevent the directing of concentrated runoff into water bodies (Albany South EA, p. 145).

The Albany South EA and its Hydrology Specialist Report were prepared in 2017 and include references to scientific literature that vary in age. The analysis protocols used for the Albany South project were used again for the Tarleton project because studies in the White Mountains indicate the validity of this method. Those studies are referenced in the Albany South

Hydrologist Specialist Report (in the Tarleton project record).

The April 2022 Draft EA (p. 19) included a brief analysis explaining how impacts to water quality will be avoided or reduced to de minimis levels. After consideration of comments, the Final EA section on hydrology (p. 20) was expanded to provide more detail on design features and BMPs that will be used to protect these resource values and for an explanation of how effects of timber harvest are evaluated at the watershed scale based on timber basal area removed.

The soils section of the Final EA (p. 22) states that the soil quality standards issued by the Forest Service's Eastern Region are designed to allow for non-detrimental disturbances. Several standard operating procedures and BMPs are listed in Table 2 of the Final EA (pp. 16-17), which are designed to reduce impacts of disturbances to water quality. Examples of these include following all national core and State BMPs to minimize soil loss and erosion; limiting ground-disturbing activities to appropriate seasons and conditions to minimize erosion and sedimentation; minimizing stream crossings; and implementing BMPs if a body of water is discovered that is absent from the National Hydrography Dataset (NHD).

The Forest Plan (p. 2-29) indicates that whole tree removal is limited to soils with sufficient nutrient concentration and replenishment capacity (Vegetation Management S-2). It further states that all State of New Hampshire BMPs must be met or exceeded (Vegetation Management S-4). The Forest Plan (p. 2-30) also states that Soil and Water Conservation Practices (FSH 2509.22) must be developed for any activity that could impact water and soil resources (Soil and Water Conservation Practices S-1), and that any construction activity must use methods proven to be effective at reducing runoff and erosion (Soil and Water Conservation Practices S-3). Additionally, sediment traps must be used on disturbed ground until sites are stabilized (Soil and Water Conservation Practices S-4). Table 2 of the Final EA (p. 16) states that the district wildlife biologist or the WMNF watershed team will be consulted regarding Timber Unit 29 to ensure that impacts to wetlands are minimized or avoided (SS-1).

Regarding effects specifically to Lake Katherine, the New Hampshire Department of Environmental Services indicates in their 2021 data summary (PR: NHDES 2021\_Lake Katherine VLAP Report.pdf) that the user-created boat launch at Lake Katherine is a mechanism for runoff and erosion. The proposed activity to adopt and improve the Lake Katherine boat launch and install drainage features will help to address existing resource degradation (i.e., water quality) and soil instability through shoreline stabilization (Final EA, p. 15). The current condition of Lake Katherine indicates that the lack of forested buffer along the shoreline parallel to the permanent wildlife opening increases lake temperatures and decreases the input of woody debris, impacting overall water quality. Lake Katherine will be buffered from timber harvest activities by 100 feet, which will allow for natural revegetation to occur, and white pines may be planted to supplement this process (Final EA, pp. 5, 13). Riparian vegetation helps to intercept and slow the impact of precipitation and water flowing over the soil, thereby reducing overall runoff and erosion.

Numerous BMPs (Final EA, pp. 16-17) and Forest Plan standards and guidelines (Chapter 2) would be followed throughout the Tarleton project to minimize erosion and sedimentation, thereby minimizing the amount of phosphorus (the limiting nutrient for algae in the region)

entering water bodies throughout the watershed. While oligotrophic lakes can experience cyanobacterial blooms, the risk comes from changing land uses, which, with the exception of the small parking lot for the Lake Katherine boat launch site, is not proposed in the Tarleton project. Silvicultural treatments by the WMNF in the Lake Tarleton drainages will maintain these catchments as forested. Treatments will result in natural reforestation as compared to deforestation, which converts forests to non-forest use.

No pronounced negative impacts to water quality or quantity are anticipated due to national core and State BMPs and Forest Plan standards and guidelines. These are implemented to minimize erosion and sedimentation due to project activities. Based on monitoring of vegetation management activities in the WMNF, and following the National BMP Monitoring Program, the 75-foot buffer has been effective in preventing sediment from reaching waterways; however, to preserve the dispersed recreation features adjacent to Lake Tarleton, the Responsible Official has approved extending the buffer to 300 feet. It has been well documented that larger forested buffers benefit water quality by slowing and filtering stormwater runoff and providing shade. Increasing the width of a buffer strip improves water quality by lowering sedimentation, decreasing the loading of nutrients (including phosphorus), lowering water temperature, and increasing the concentration of dissolved oxygen.

The Tarleton project is consistent with law, regulation, and policy regarding hydrologic concerns raised by commentors. The project record, including analysis incorporated by reference, sufficiently demonstrates compliance.

Issue 16 (P. Faletra, Porter)

The Forest Service's water quality effects analysis is inadequate because it relied on outdated lake water quality data or imprecise field data.

Response: In New Hampshire, the USDA Forest Service relies on the New Hampshire Department of Environmental Services to collect and maintain water quality records and reports. The most recent water quality data was obtained from the State and used in the Tarleton EA. The data is located in the project record. According to the Final EA, "Applicable Forest Plan standards and guidelines, national core and state best management practices (BMPs) (U.S. Department of Agriculture, Forest Service 2012) (New Hampshire Division of Lands and University of New Hampshire (UNH) Cooperative Extension. 2016), standard operating procedures (SOPs), and project-specific minimization measures would be implemented as part of the Proposed Action (Table 2)" (Final EA, p. 16).

The responses to comments describe how buffer strips, BMPs, and timber harvest basal area limits by watershed will protect water quality (PR: ResponseToCommentReportDraft.docx, pp. 10-17). The responses explain how BMPs will limit impacts to Lake Tarleton and Lake Katherine, and they reference analyses completed in support of the Forest Plan as well as published research papers that present evidence of the effectiveness of BMPs and analytical approaches to evaluating watershed impacts. See also the response to the previous issue.

In conclusion, the proposed action is consistent with laws and policies related to the protection of water quality. The Final EA discloses that implementing Forest Plan standards and guidelines,

as well as State and Federal BMPs, is expected to adequately protect water quality.

#### Issue 17 (Porter)

The Forest Service failed to disclose the impact of the project in relation to Forest Plan guideline G1 regarding even-aged management in first and second order watersheds.

Response: Forest Plan vegetation management guideline G-1 states that “No more than 15 percent of the area of watersheds of first and second order perennial streams should be treated with even-age regeneration methods in a five-year period” (Forest Plan, p. 2-29). The GIS analysis that calculated basal area reduction as a result of the Tarleton project is located in GIS working files in the T-drive at: ...Tarleton\GIS\Data\Hydrology\Tarleton\_Watshd\_BAstats\_pre-update-tounits.shp and ...Tarleton\GIS\Data\ProjectRecord\FinalEA\_copied20220816

The basal area reduction analysis did find two watersheds (within the Eastman Brook watershed) that would reduce basal area by 15.5 percent and 16.9 percent. The Eastman Brook watershed is listed as impaired for acidity. This guideline may not be applicable, though, if the basal area reduction is from silvicultural treatments that are not considered even-aged management.

Instruction: Explain in the Final EA, decision document or project record that the Eastman Brook is listed as “impaired” for acidity and clarify if the Tarleton project’s timber harvest will affect residual basal area in the impaired reach of Eastman Brook such that the threshold of vegetation management guideline G-1 will be exceeded and explain the rationale for exceedance.

#### Issue 18 (Porter)

The Forest Service failed to address the increased risk of introducing aquatic invasive species in the analysis of effects of the Lake Katherine boat launch.

Response: The current state of the existing user-created boat launch at Lake Katherine does not meet Forest Service safety and recreation standards (Final EA, p. 7). Improvements are needed to address these concerns. The Forest Plan (pp. 2-11 to 2-12) contains standards and guidelines to prevent the spread of aquatic invasive species, including weed prevention measures (S-2), required equipment cleaning (S-6), non-native invasive species (NNIS) eradication efforts (S-7), and roadside maintenance for NNIS suppression (Transportation System G-1 & G-2).

The primary avenue for aquatic invasive species establishment is through motorboats, and the Lake Katherine boat launch will be designed for hand-launched vessels only, as stated in the Final EA (p. 15).

Included in the proposed action (Final EA, p. 16) is the installation of a kiosk that will include standard signage with best practices for boat equipment cleaning to reduce the spread of aquatic invasive species. Additionally, according to the Final EA’s design features (p. 16), the WMNF and its contractors shall implement national core and State BMPs to protect water quality.

The Final EA’s design features (p. 17) provide for district staff review of the location and status of NNIS with the Forest Botanist prior to project implementation. The project will be carried out in conjunction with the Forest-wide Invasive Plant Control Project EA (NNIS-1). The WMNF

will also explore options with relevant local organizations to establish a Lake Host program at Lake Katherine to help inform boaters about reducing NNIS spread (NNIS-2).

#### Issue 19 (Porter)

The Forest Service’s “may affect – not likely to adversely affect” determination is inconsistent with the Standing Analysis and Implementation Plan – Northern Long-Eared Bat Assisted Determination Key (DKey), monitoring data, and the U.S. Fish and Wildlife Service’s published information on northern long-eared bat (NLEB) and violates the NFMA requirement to maintain or restore viability for the species in the project area.

Response: The Biological Evaluation (BE) (pp. 9-11) explains the process used to reach the Tarleton project’s “may affect – not likely to adversely affect” determination for NLEB. The process considered information including life history, species status, and habitat suitability to reach this determination. The BE also explains that “it was initially determined the Proposed Action would have no effects beyond those previously disclosed in the programmatic biological opinion on implementing the final 4(d) rule dated January 5, 2016 (USFWS 2016)” (p. 10). Streamlined consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act was completed in February 2021. However, on November 30, 2022, the U.S. Fish and Wildlife Service issued a rule to reclassify the NLEB as endangered. This action removed the final 4(d) rule when the uplisting became effective March 31, 2023. As a result, the Forest Service reinitiated consultation on August 22, 2022. The BE was signed and consulted upon prior to March 31, 2023, but it states that “Any reasonable and prudent measures or terms and conditions that result from the Biological Opinion will be incorporated into the Proposed Action and final decision to ensure compliance with the Endangered Species Act” (p. 11).

The U.S. Fish and Wildlife Service’s Standing Analysis and Implementation Plan Northern Long-Eared Bat Assisted Determination Key (DKey) was released after the objection period was initiated and was therefore not considered in the Tarleton project. The project record documents the consultation history with U.S. Fish and Wildlife Service, including NLEB (PR: Tarleton IRP - NLEB Verification Letter.pdf; PR: Tarleton IRP - IPaC Species List\_20221122.pdf). The BE provides sufficient analysis and clear rationale for the Tarleton project and provides baseline/monitoring data on NLEB in the project area and a rationale for the “may affect – not likely to adversely affect” determination.

Instruction: Incorporate in the Tarleton project any reasonable and prudent measures, or terms and conditions resulting from the March 2023 Biological Opinion from the U.S. Fish and Wildlife Service, concerning NLEB conservation.

#### Issue 20 (Pastoriza, Porter)

The Forest Service failed to fully evaluate and disclose the effects of the Tarleton project and cumulative effects of other projects on NLEB. Further, in violation of its Forest Plan goal, the Forest Service has not developed conservation approaches for NLEB within the WMNF.

Response: The BE discusses direct, indirect, and cumulative effects on NLEB and lays out the life history, species status, and habitat suitability in the project area (pp. 7-11). It assumes presence although “white-nose syndrome has decimated the NLEB across its range, including

within the action area” (BE, p. 9). It provides clear rationale for how the existing conditions and survey results were used to analyze these effects. It ties NLEB to the March 31, 2023, Biological Opinion (PR: Biological Opinion NLEB Reinitiation Forest Service R8 and R9\_final.pdf). The BE was signed and consulted upon prior to March 31, 2023, but it states that “Any reasonable and prudent measures or terms and conditions that result from the Biological Opinion will be incorporated into the Proposed Action and final decision to ensure compliance with the Endangered Species Act” (p. 11). Reasonable and prudent measures or terms and conditions, in part, address conservation, monitoring, and reporting requirements issued by the U.S. Fish and Wildlife Service for the Southern and Eastern Regions of the Forest Service. Furthermore, the BO provides conservation recommendations including to continue the practices contributing to the conservation of NLEB and other forest bat species (pp. 54-55).

Finally, regarding cumulative effects, the BE states that “activities considered for the cumulative effects analysis include past timber sales, ongoing hazard tree removal, future timber stand improvement work, treatment and removal of non-native invasive plant species, and all other vegetation management activities” (p. 8). It defines temporal and geographic boundaries and provides reasoning for how those parameters were determined.

The Final EA defines and discusses cumulative effects, stating that (pp.18-19):

Generally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions. Consistent with this guidance and Forest Service regulations for cumulative effects analysis (36 CFR 220.4(f)), this analysis considers past, present, and reasonably foreseeable future actions relevant to the proposal, including how they may have contributed to existing conditions and trends. Unless specifically stated otherwise, the project record is incorporated by reference and contains all relevant data, methods, analyses, references, and other technical documentation used in this assessment.

Additional documents incorporated by reference that support the cumulative effects analysis include Rationale for Habitat Objectives and Wildlife Specialist Report. The BE also explains the situation regarding the new NLEB BO and ensures adherence to it, which addresses conservation measures for NLEB and addresses the Forest Plan Goal.

Issue 21 (Pastoriza, Porter)

The WMNF has not disclosed its conservation methods and recovery strategy for federally listed and sensitive species, including NLEB.

Response: The Forest Service developed a strategy to manage wildlife habitat on the WMNF within delineated HMUs, as discussed in the Rationale for Habitat Objectives document (p. 5). Watershed, compartment boundaries, and transportation systems were considered when delineating HMUs across the WMNF. Within each HMU, vegetation is managed to provide a diversity of habitats, to conserve existing wildlife populations, and to ensure habitats are distributed across the landscape in an ecologically appropriate way (Forest Plan, pp. 1-20 to 1-22). The Rationale for Habitat Objectives document summarizes information used by an interdisciplinary team in developing the long-term habitat objectives in the Lake Tarleton HMU.



Threatened, endangered, and designated sensitive species in the Tarleton project area require habitats in a variety of age classes, including both early successional and mature. The project followed Forest Plan direction to provide a mosaic of conditions to benefit those species.

The BE (p. 9) states that all Forest Plan standards and guidelines, including those for wildlife reserve trees (Forest Plan, p. 2-35), and the NLEB conservation measures from the Forest Service Eastern Region 2015 Programmatic BA will be followed (PR: Sandeno 2015\_Final\_Programmatic\_BA\_Eastern\_Region.pdf, pp. 58-59). Furthermore, the BE (p. 11) states that “a Biological Opinion is anticipated from the USFWS by March 31, 2023. Any reasonable and prudent measures or terms and conditions that result from the Biological Opinion will be incorporated into the Proposed Action and final decision to ensure compliance with the Endangered Species Act.” These actions will minimize incidental take of the species.

In conclusion, the Tarleton project is consistent with WMNF Forest Plan goals and objectives that were developed, in part, to manage wildlife populations. Standards and guidelines that conserve those species are also outlined in the Forest Plan.

Issue 22 (P. Ascher, Bald, Porter)

The Forest Service failed to adequately address the environmental effects of invasive species spread and herbicide use in the project area.

Response: The Final EA references the 2007 WMNF Forest-wide Invasive Plant Control Project EA (hereafter NNIS EA), which documents the analysis of effects to the environment resulting from the mechanical, chemical, and biological control of invasive plants on the WMNF. Project-specific minimization measures and standard operating procedures, consistent with the NNIS EA, are listed in the Final EA (pp. 17-18). Monitoring is included in NNIS control in the EA/FONSI. The Effects Tracking Worksheet provides cumulative effects geographical and temporal boundaries used to analyze effects on the environment.

In addition, the requirement for equipment cleaning, as part of NNIS prevention practices, is a standard provision in Forest Service timber sale contracts (see BT6.35, pp. 127-128). Furthermore, the Tarleton project’s NNIS Risk Assessment (PR: TarletonNNISRiskAssessmentCurrent2022.docx, p. 5) identified standard S-6 as a requirement for heavy equipment to be inspected and cleaned such that they are free of seeds or plant material prior to project implementation.

In conclusion, the effects of invasive species and control actions were fully addressed in the evaluation of the Tarleton EA and supporting documents.

Issue 23 (P. Faletra, Porter)

The Forest Service failed to address how the prescribed treatments creating early successional habitat are justified given scientific information provided by commenters.

Response: The main goal of vegetation management on the WMNF is to “manage vegetation using an ecological approach to provide both healthy ecosystems and a sustainable yield of high-quality forest products, with special emphasis on sawtimber and veneer” (Forest Plan, p. 1-17).

The Tarleton project helps move the WMNF toward this goal, in addition to providing habitat for sensitive species. The Forest Service Manual (FSM 2620.1) directs the agency to manage habitats for all existing native and desired non-native plants, fish, and wildlife species in order to maintain at least viable populations of such species and (FSM 2672.41) to ensure that Forest Service actions do not contribute to loss of viability of any native or desired non-native plant or contribute to animal species or trends toward Federal listing of any species.

Per Forest Plan wildlife guideline G-1 (p. 2-33), habitats are managed according to the WMNF Terrestrial Habitat Management Reference Document (2019; available on Pinyon Public), which provides guidance on the management of apple trees, wildlife opening maintenance and accessibility, and opening size and vegetation features (pp. 6-9). The Tarleton project is consistent with this guidance (Final EA, p. 20).

The monarch butterfly and yellow-banded bumblebee are sensitive species requiring floral resources throughout the growing season (BE, pp. 16-17). These resources would be provided and managed in early successional areas to the benefit of both species (BE, p. 17), consistent with Forest Service Manual direction above.

Furthermore, the WMNF considered comments regarding early successional forest from objectors. The Porter objection letter references Kellett et al. (2023), which argues against the creation of early successional forests and minimal harvesting in mature and old-growth forests, as well as the protection and expansion of parks and preserves. Because this publication was not previously submitted in comments, it could not be considered at that time. It was considered during the objection review.

In conclusion, the Tarleton project follows guidance in the WMNF Forest Plan FEIS, Forest Plan, and the Terrestrial Habitat Management Reference Document concerning management of early successional habitats. The BE documents the rationale for management of early successional habitat and conservation of sensitive species.

#### Issue 24 (Pastoriza, Porter)

The Forest Service fails to acknowledge the project's impacts on wildlife and the important role that mature and old-growth forests play in this delicate ecosystem.

Response: The Rationale for Habitat Objectives document for the Tarleton project points out that wildlife species in the project area that rely on mature forest have resilient populations because mature forests are abundant there; however, it notes, "there have been declines in populations of species that rely on regenerating forest habitat and openings [...]. For these species, patch size is critical in providing food and cover, with the diversity of species increasing as regenerating patch size increases to 30 acres" (p. 6).

Later, the Rationale for Habitat Objectives states, "Over 65 percent of all habitat types are in the mature age class. A relatively low percentage of the General Forest Management MA (6 percent) that is forested is unsuitable for harvest and would continue to grow older as the forest matures. The mature age class objective is based on the portion of General Forest Management MA land in the HMU that is suitable for harvest and is not committed at any one time to the other age class objectives" (p. 8).

The Forest Plan also addresses old-growth and mature timber. One of the Forest Plan's wildlife objectives is to "Maintain high quality mature forest and old forest habitats on a majority of the Forest" (p. 1-20). The Forest Plan also presents age class objectives for the WMNF and points out that land "unsuitable for harvest is not available for timber harvest" and will "continue aging for the long-term" (p. 1-21), which contributes to long-term old-growth forest. Among the Forest Plan's standards and guidelines is standard S-3, which states that "Timber harvest is prohibited in old growth forest" (p. 2-13). The Forest Plan also addresses the management of wildlife reserve trees in harvested areas to provide mature characteristics for species that rely on them (p. 2-35).

The BE clearly addresses impacts on threatened, endangered, and sensitive species, which require a variety of habitats, including closed canopy/mature forests with snags, as well as early successional and open habitats with floral resources. Old-growth conditions were not identified as a requirement for any of those species, but mature forests and the role of snags in the life history of some of those species is discussed. The Wildlife Specialist Report also discusses forested habitat and provides the composition with a breakdown of age classes in the project area.

In conclusion, the project record documents the consideration of mature and old-growth forest and the importance of those resources to wildlife. Those documents include the Forest Plan, Forest Plan FEIS, Rationale for Habitat Objectives, and BE.

#### Issue 25 (Porter)

The Forest Service's wildlife habitat improvement actions in the Tarleton project are capricious because they would benefit species that are not "habitat limited."

Response: The Forest Plan includes wildlife guideline G-1, which states that "Habitat should be managed according to guidance provided in the Forest's Terrestrial Habitat Management reference document" (p. 2-33). This document's guidance is intended to increase consistency across the WMNF districts and further convey the Forest Plan's intent for wildlife and plant habitat management and was relied upon WMNF.

In addition, the Tarleton project's Wildlife Specialist Report provides existing age class and species composition tables for the Tarleton HMU, stating that the "age class composition of the forested habitat types described above can be found in Table 2. The regenerating age class is absent across the HMU which is indicative of the lack of stand-replacing disturbance events (e.g. timber harvests) in the last ten years. However, it should be noted that there is young forest and shrubby habitat within the HMU in small patches (i.e. smaller than the stand level), much of which is the result of beaver activity" (p. 7).

The WMNF acknowledges that project activities will attract game species such as deer, moose, grouse, bear, and turkey, which are wide-ranging. However, the main goal of vegetation management on the WMNF is to "manage vegetation using an ecological approach to provide both healthy ecosystems and a sustainable yield of high quality forest products, with special emphasis on sawtimber and veneer" (Forests Plan, p. 1-17). The project helps the WMNF move toward this goal.

In conclusion, the wildlife habitat improvement actions proposed in the Tarleton project are consistent with the Forest Plan and the Terrestrial Habitat Management Reference document and are adequately addressed in the project record and are therefore not capricious.

#### Issue 26 (Porter)

The Forest Service has not adequately demonstrated how the project will achieve age class and species diversity in the project area because an accurate baseline of this data is not provided.

Response: Existing and desired species composition and age class distribution goals are described in the Rationale for Habitat Objectives document. Current species composition and age class information is based on field inventory done in 2018-2019 (field notes are in the project record and summary data is stored in the Field Sampled Vegetation (FSVeg) spatial database). A summary report (PR: 20200811LakeTarletonHMUFinal) was provided to the public during the second formal comment period, and stand-by-stand age information was provided in April 2023 in response to a FOIA request.

HMU-specific species composition and age class distribution objectives are tiered to Forest Plan objectives that include managing for mature and old forest habitats and a mix of northern hardwood, mixedwood, and spruce-fir, as well as “less common habitat types, such as aspen-birch and oak/pine, where ecologically feasible” and “regeneration age forest and open habitats to sustain biological diversity and support species that prefer those habitats” (Forest Plan, p. 1-20). Forest Plan Tables 1-03 and 1-04 show composition and age class goals for MA 2.1. The Rationale for Habitat Objectives describes how the proposed management activities in the project area will contribute to meeting these forest-wide habitat objectives.

During field examination, each stand was classified based on its suitability for timber management. Only suitable stands are proposed for timber harvest. None of the stands proposed for management in the project area meet the Forest Plan definition of “old-growth” forest (Forest Plan Glossary), nor were any Outstanding Natural Communities identified, so neither S-3 nor G-1 (Forest Plan, p. 2-21) apply.

#### Issue 27 (Kline, Porter)

The Forest Service did not evaluate and disclose the noise impacts on recreationists (ice fishermen, hikers, campers) and the local communities.

Response: The Final EA (p. 21) describes the design features to minimize noise heard from the Appalachian Trail. More detail on the consideration of these noise impacts is documented in the Recreation Specialist Report (PR: TarletonRecreationSpecialistReport.docx, pp. 2-4). It is reasonable to conclude that — given distances much greater than 30 meters between harvest activities and the Appalachian Trail, in conjunction with the noise buffer provided by the intervening vegetation — the actual noise impacts experienced by the relatively few winter trail users would be minimal. The majority of the timber harvest activities would occur in the winter.

As noted by objectors, the Final EA, Recreation Specialist Report, and Socioeconomics Specialist Report do not explicitly evaluate or disclose potential noise impacts to winter recreation activities (other than Appalachian Trail use) and recreation-related businesses in the

project area. In general terms, both the Final EA (pp. 21-22) and Socioeconomic Specialist Report (pp. 1-2) state that “socioeconomic effects that may be caused by timber harvesting activities to recreational users of the area would be localized [...] over the short-term for the duration of project implementation or shortly thereafter” and “would not result in measurable disruption to local socioeconomic conditions,” with the socioeconomic changes to the local communities expected to be negligible. The potential noise impacts to recreational use on Lake Tarleton itself would be lessened by the “no cut buffer of at least 300 feet from the water’s edge” (Final EA, p. 17) that is specified as a project design feature and would buffer noise generated by harvest activities.

The project record documents additional consideration of noise impact in response to concerns raised by the public during the second 30-day comment period (PR: ResponseToCommentReportDraft.docx), including the anticipated effects to winter recreationists in the project area overall (Seq #89), in the Sentinel Mountain area specifically (Seq #24), and to tent campers at Ore Hill (Seq #90).

Although the Final EA does not present an evaluation of how the project’s potential noise impacts could affect local residents and property values, this claim was not raised by objectors prior to the objection period. Nonetheless, the Recreation Specialist Report (p. 1) states that “recreation impacts are considered in the context of the affected local community” and that “the local community in the project area includes the year-round residents in the towns of Warren and Piermont and the seasonal residents who occupy second homes or camps that are scattered throughout the project area.”

In conclusion, the WMNF disclosed that potential noise impacts from the Tarleton project would be of short duration, localized, equal to or quieter than specified benchmark noises (e.g., truck traffic), experienced by relatively few recreationists due to the season of occurrence, and buffered by intervening vegetation at critical locations such as the Appalachian Trail and Lake Tarleton. Further consideration of the impacts of noise are documented in the project record.

Issue 28 (Pastoriza, Porter)

The Forest Service did not evaluate the risk of increased illegal motorized use in harvested areas.

Response: While the Final EA does not specifically discuss the potential for illegal or increased motorized use as a result of the Tarleton project, it can be inferred that such impacts would have a low likelihood of occurring, given the 300-foot no-cut buffer along Lake Tarleton (Final EA, p. 17); no new road construction in the project area (Final EA, p. 15); and the installation of gates or other barriers to motorized traffic (Final EA, Appendix C). Because of the gate installations and removal of temporary gates and bridges on the maintenance level 1 roads (including Charleston Road), illegal or increased motorized use would not be expected. Instead, the 1.2 miles of maintenance level 2 roads would be publicly accessible and would thus be the travelways over which increased motorized use was more likely to occur. Furthermore, it is worth noting that the travelways in the project area already exist as unauthorized roads.

In all cases, illegal motorized activities would be addressed via law enforcement actions, and because such activities are speculative (unpredictable), a reasonable assessment of potential

effects is not required or possible.

Regarding motorized use along skid trails, the Recreation Specialist Report (p. 6) states that “newly created skid trails [would be] covered with slash, fresh stumps and an abundance of limbs and woody debris carpeting the forest floor.” Such conditions would not be conducive to motorized use and would help prevent, rather than contribute to, illegal or increased motorized use.

Forest-wide Winter Motorized Trails Standards S-2 and S-3 clearly state that the WMNF “will remain closed unless designated open to snowmobile and all-terrain vehicle (ATV) use” and that “motorized use is permitted on designated motorized trails only. Off-trail cross-country use is prohibited” (Forest Plan, p. 2-18). Similarly, Forest-wide Summer Motorized Trail Standard S-1 clearly states that “summer motorized trail use is prohibited” (Forest Plan, p. 2-19). Regarding motorized use along the powerline corridor, previous Forest Service comment analysis from the second formal comment period (PR: LongFormPDRFTCDRAFTWorking.xlsx) indicates that the WMNF has not been approached by the New Hampshire Board of Trails (Department of Natural & Cultural Resources) for permission for recreational OHRV use of the existing snowmobile trail along that corridor. Additionally, project design features show that there would be a 50-foot no-cut buffer between most of the treatment units and the edge of the powerline corridor, but that “the National Grid powerline company will conduct a linear clearcut in units 13, 17, and 25 to bring down all potential hazard trees before project activities begin. Felled hazard trees will be left grounded on site” (Final EA, p. 18). Therefore, in most cases, project activities would not change the existing conditions of the powerline corridor; where changes in the powerline corridor would occur (limited hazard tree felling), such activities would not be expected to facilitate illegal or increased motorized use.

In conclusion, while the project record does not specifically focus on potential motorized use impacts, there does not appear to be any evidence that illegal or increased motorized use is a likely result of project activities.

#### Issue 29 (Porter)

The Forest Service did not properly evaluate and disclose the potential effect of displacing recreation use due to timber harvesting activities.

Response: Recreation impacts were considered in the context of the affected local community and potential changes in visitor use levels in the project area (Final EA, p. 21). Though the Recreation Specialist Report does not provide an in-depth analysis of potential changes in visitor use levels, it does forecast an increase in use of Lake Katherine because of the improved boat launch (p. 1) and that increased use of Lake Katherine would still conform with the recreation experience characteristics that are expected for the Roaded Natural Recreation Opportunity Spectrum (ROS) class (p. 2). The report also concludes that, as far as the Appalachian Trail is concerned, recreational use displacement would be minimal due to the fact that “the number of winter users of the Lake Tarleton project area’s section of the AT is very low” (p. 3).

The Final EA (p. 21) disclosed that the effects of timber harvesting on “recreational users of the area would be localized [...] and recreational users are likely to disperse to other recreation

sites.” The Socioeconomics Specialist Report (p. 1) disclosed that the noise or physical disturbance associated with timber harvest and other construction activities could result in potential dispersal of recreational users to other sites, but again notes that “these effects would be localized, as project activities would occur in discrete portions of the project area at any given time” (p. 1), not the entire project area. Given this, the Socioeconomics Specialist Report concluded that “changes in tourism patterns or resident use, resulting from this displacement would occur locally over the short-term, for the duration of project implementation or shortly thereafter. These impacts would be minor or less, as they would not result in measurable disruption to local socioeconomic conditions” (pp. 1-2).

The Final EA (p. 21) and the Socioeconomics Specialist Report (p. 2) state that the improvements to the Lake Katherine boat launch could increase recreational use and contribute positively to the local economy because the boat launch improvements may attract more users who would positively contribute to the local economy, particularly at local restaurants, convenience stores, and gas stations.

In conclusion, the Final EA and project record document the consideration of potential recreational use displacement during vegetation management activities and disclose that any effect would be localized and short-term, with neutral or even positive impacts (in the case of Lake Katherine, boat launch improvements) to local socioeconomic conditions. Given the anticipated localized and short-term nature of potential effects to recreational use, lower recreational use patterns during the winter months when project activities would occur, and the consistency of project activities with the recreation experience characteristics of the applicable ROS classes, there is no indication that measurable recreation use dispersal should be expected throughout the Tarleton project area.

#### Issue 30 (Porter)

The Forest Service did not properly evaluate the impacts of the project on the Appalachian Trail.

Response: The Final EA (p. 21) and the Recreation Specialist Report (p. 2) disclose that trail users will be exposed to the noise, smell, and, in some areas, sights of the operations and their aftereffects; at the same time, they note that timber harvesting is proposed only for winter, when the number of trail users is considerably less than in other seasons. Scenery impacts of the project are disclosed in the Scenery Specialist Report (p. 2), including analysis at multiple viewpoint locations along the trail and the project’s potential visibility from it, in compliance with Forest Plan guideline G-1 (Forest Plan, p. 3-53). It should also be noted that a May 1, 2023, letter (during the objection period) from the Appalachian Trail Conservancy (ATC) states that “ATC anticipates no significant impact within the Appalachian Trail visual foreground provided that no harvesting takes place within the stated 500-foot buffer area and that all such activity be conducted only in winter.” This is consistent with the disclosure in the Final EA (p. 21) that harvesting would be limited to the winter and would occur at least 500 feet away from the trail.

Per the Scenery Specialist Report, the only identified viewpoints along the Appalachian Trail where middleground or background views of the project area were identified, and where the visualization of treatment units was performed, were at the State Route 25C/powerline corridor crossing (p. 12), Mt. Moosilauke (pp. 16-17), and Mt. Cube (p. 18). The visualizations for those

viewpoints show that no treatment units would be visible from the powerline corridor crossing and would be only marginally visible in the background from Mt. Moosilauke, thereby meeting the High Scenic Integrity Objective. The view from Mt. Cube (Sentinel Mountain area), on the other hand, would include limited middleground visibility of portions of two regeneration units and two improvement cuts (which would have a thinning, rather than clearcut, appearance). These units would be located in MA 8.3 rather than MA 2.1 and would therefore be subject to a minimum Scenic Integrity Objective of High. The units visible from the Mt. Cube viewpoint would at least meet the Moderate Scenic Integrity Objective, if not the High Scenic Integrity Objective, since the corresponding visualization indicates that they would be subordinate to the surrounding scenic character. However, it is not clear from the visualization that a High Scenic Integrity Objective would be met.

To ensure that project activities meet the applicable Scenic Integrity Objective, “prior to implementation, field visits would occur to refine treatment unit boundaries and acres including modification to address on-site conditions” and “treatment acres may be reduced to meet visual and water quality objectives, to incorporate reserve patches of uncut trees in final harvest stands, and to incorporate protective buffers around features” (Final EA, p. 10).

As the Forest Plan is publicly accessible on the WMNF website, it is unreasonable to expect that applicable Forest Plan content would be restated in full in the Final EA or specialist reports. However, the Scenery Specialist Report (p. 3) states that “the proposed project was designed to meet the intent and spirit of the Forest Plan’s Standards and Guidelines for Scenery Management,” and the Final EA (p. 2) states that “the proposed action is consistent with Forest Plan standards and guidelines for scenery management.” From those broad disclosures, it is reasonable for the public to conclude that the project would be consistent with the scenery management standards and guidelines for MA 2.1, even if those standards and guidelines are not specifically cited.

In conclusion, the WMNF complied with all applicable laws, regulations, and policies in its evaluation and disclosure of the project’s potential impacts to the Appalachian Trail. A foreground distance zone was established for the trail in which no harvest activities would occur, thereby maintaining existing scenery conditions along the trail. Viewpoints along the trail from which middleground or background views of the project area may exist were identified, and visualizations of the treatment units potentially visible from those locations were generated.

#### Issue 31 (Porter)

The Forest Service did not properly evaluate the effects of the project on recreation in the context of the local project planning area.

Response: The Recreation Specialist Report (p. 1) states that recreation impacts are considered in the context of the affected local community and the influx of visitors to the area seeking to enjoy recreational activities. In particular, the report discusses (pp. 1-2) local-level impacts to Lake Katherine specifically in the context of the boat launch parking proposal. Local-level impacts to Lake Tarleton were also considered and addressed through the specification of a minimum 300-foot no-cut buffer from the water’s edge as one of the project design features (Final EA, p. 17). As discussed in the Scenery Specialist Report (p. 2), the potential impacts to Webster Slide were



considered and no clear viewpoint or viewshed of the proposed project area was identified.

Regarding local-level impacts to the recreation settings of the various locations identified by the objector, only Webster Slide is located in an area that is associated with the Semi-Primitive Non-Motorized ROS class, in which the recreation setting characterization should be “predominantly natural or natural-appearing” and the recreation experience characterization should include a “high, but not an extremely high, probability of experiencing isolation from the sights and sounds of humans” (Forest Plan FEIS, p. H-2). As discussed above, no clear viewpoint or viewshed of the project area was identified from Webster Slide, and therefore the project would achieve the visual criteria of the applicable recreation setting for that location. The other locations identified by the objector are instead located within or immediately adjacent to areas associated with the Roaded Natural ROS class, in which “moderate evidences of the sights and sounds of human activity” would be expected (Forest Plan FEIS, p. H-3), and with which the project’s visual impacts to the recreation setting would be consistent. The Recreation Specialist Report provides additional discussion of the project’s recreation setting impacts relative to both ROS classes (pp. 2, 5, 6).

The Final EA notes that “wildlife habitat and transportation improvements near Lake Katherine may also result in increased opportunities for hunting and birdwatching by expanding available wildlife habitat and improving access to the adjacent wildlife openings” (p. 21).

In conclusion, WMNF complied with all applicable laws, regulations, and policies in its evaluation and disclosure of the project’s potential local-level impacts to recreation settings and other recreation-related resources.

#### Issue 32 (Porter)

For treatment units in Management Area 2.1 that are visible from Concern Level 1 higher-elevation viewpoints, the Forest Service didn’t sufficiently evaluate the project’s consistency with applicable Forest Plan scenery management direction.

Response: The only Concern Level 1 higher-elevation viewpoints in the project area would occur along the Appalachian Trail. Thus, MA 2.1 scenery management guideline G-1 (Forest Plan, p. 3-6) would only apply to regeneration units visible from the Appalachian Trail, rather than to views from other locations in the project area (which would not be Concern Level 1 viewpoints) or to views of treatment units that are not regeneration units. As a result, the applicability of this guideline is very limited within the project area. Per the Scenery Specialist Report, the only identified viewpoints along the Appalachian Trail where the visualization of treatment units was performed were at the State Route 25C/powerline corridor crossing (p. 12), Mt. Moosilauke (pp. 16-17), and Mt. Cube (p. 18). At the powerline corridor crossing, no treatment units are anticipated to be visible. From Mt. Moosilauke, only 4.1 acres of regeneration unit #2 are anticipated to be visible. From Mt. Cube, only 0.8 acres of regeneration unit #39 and 6 acres of regeneration unit #42 are anticipated to be visible. Based on the referenced visualizations, the visible acreage of regeneration units at any of the viewpoints identified above would not exceed the 4 percent threshold for a single-entry period (Forest Plan, p. 3-6, G-1) in comparison to the expansive surrounding viewshed.

In order to evaluate cumulative effects and demonstrate consistency with guideline G-1, the visible regeneration acreage associated with the project must be considered in conjunction with the acreage of previous (within the preceding 30 years) regeneration units visible from the identified viewpoints and, in congregate, must not exceed 9 percent of the visible landscape (Forest Plan, p. 3-6, G-1). Given that project implementation would occur in the future, the 30-year timeframe for evaluating cumulative effects would begin at some point after 1993, depending on the actual project implementation date. The Final EA (p. 7) states that approximately 700 acres of regeneration harvest is believed to have occurred in the project area between the late 1980s and early 1990s prior to Federal ownership. While an exact calculation of the portion of the 700 acres of previous regeneration harvest that may be visible from the Mt. Moosilauke and Mt. Cube viewpoints was not documented, there is only a low probability that any of the regeneration harvest activities in question occurred within the 30-year evaluation timeframe that currently exists, with that probability becoming even lower by the time that the project would actually be implemented.

In conclusion, because of the limited availability of records and reliance primarily on “on the ground and LiDAR analysis and professional knowledge from the Pemigewasset District forestry team” (Final EA, p. 7), there remains some uncertainty around the timeframe and location of the previous regeneration harvests, and it cannot be said with absolute certainty that the project would be consistent with guideline G-1. Thus, it is necessary to accept the risk of not achieving consistency with that guideline in order to implement the project. While it can be determined that the proposed action in isolation would be consistent with guideline G-1, there is a remote possibility that the 9 percent threshold visible from either Mt. Moosilauke or Mt. Cube could be exceeded if portions of the previous regeneration harvest areas were visible within the respective viewsheds from those locations and if the visible regeneration harvest activities had fully occurred within a 30-year time frame prior to project implementation. However, the likelihood of such a scenario is reasonably small and will become increasingly so with each passing year.

Instruction: Clarify the Vegetation Management History of the Tarleton Area section in the Final EA (p. 7) to note the uncertainty regarding the exact locations and timing of regeneration harvests prior to the lands entering Federal ownership.

Issue 33 (George, Porter)

The Forest Service did not properly evaluate and disclose effects to scenery because the set of viewpoints was inadequate.

Response: Neither the Forest Service Landscape Aesthetics Handbook (PR: [Landscape\\_Aesthetics\\_Handbook\\_USFS.pdf](#)) nor the Forest Plan provides specific guidance for the selection of viewpoints for scenery analysis on a given project. On the WMNF, the selection of viewpoints is a multidisciplinary approach that not only relies on review of Google Earth imagery and LiDAR data for the project area, as discussed throughout the Scenery Specialist Report, but also incorporates informed knowledge of the project area from field-going staff to identify those locations with the greatest likelihood of views and highest concern levels for scenery, and those locations that afford different perspectives of the project area. Given this, there is no clear basis on which to argue that a greater number of viewpoints should have been selected for analysis.

Selection of viewpoints for scenery analysis was limited to fixed points in high use areas that are publicly owned and publicly accessible, where land use and visitation patterns are not anticipated to change over time. Kingswood Camp and Camp Walt Whitman are privately owned and do not meet these criteria. Piermont Mountain, while located on public land, lacks a publicly accessible Forest Service system trail to its summit and is subject to lower visitation, and was therefore not selected as a viewpoint. Viewpoints within the boundary of Lake Tarleton itself were not selected because they would not be fixed points that could be precisely revisited for scenery monitoring over time. Charleston Road currently has open access but would be converted to maintenance level 1 and have gates installed as part of the project, making it no longer accessible to public vehicular traffic and limiting visitation. Thus, viewpoints along Charleston Road were not selected for analysis in favor of other viewpoint locations that would have greater potential opportunity and volume of public access. Thus, none of the locations suggested by the objector met the WMNF's criteria for viewpoint selection.

For the Tarleton project, the spatial and temporal boundaries for scenery analysis are defined in the Scenery Specialist Report (p. 1) as "30 years into the future" and up to "8 miles from any [selected] viewpoint." The perceived visual recovery of regeneration units may actually be achieved in a shorter timeframe on a site-by-site basis, as evidenced by forest-wide vegetation management guideline G-4 (Forest Plan, p. 2-30), which allows for new even-aged regeneration harvest to occur adjacent to previous regeneration areas once the average height of the first harvest area is at least 15 feet (which would be anticipated to occur on a much shorter than 30-year timeframe for most species). The spatial analysis boundary is based on the maximum distance between each of the selected viewpoints and the various harvest units and may actually be less than 8 miles for some viewpoints but would not exceed that distance for any of the viewpoints. The selected viewpoints are identified in the Scenery Specialist Report (pp. 1-2) and mapped in Figures 2-4 (pp. 8-10) of that report.

Regarding the significance of effects, Figures 6-17 in the Scenery Specialist Report (pp. 12-18) provide photographs of views from the viewpoints toward the project area and visualizations of the extent of the treatment units that would be visible from each of those viewpoints. These visualizations clearly show the limited extent to which the treatment units would be visible from the different viewpoints. The Scenery Specialist Report (pp. 5-6) also discusses in general terms the intensity, nature, and duration of potential impacts to scenery, based on different visibility factors and treatment prescriptions, with recognition that there would be site-specific differences at the different viewpoints. Additional viewpoint-specific information regarding the extent and nature of the potential impacts is also provided in the report (pp. 12-18). Disclosure of the duration of potential impacts in the report is limited to general discussion (pp. 5-6) rather than on a viewpoint-by-viewpoint basis, but it can be assumed that the duration of potential impacts would be similar among the different viewpoints (potentially up to 20 years, as stated in the report, but no longer than 30 years). While the Final EA's discussion of potential impacts to scenery (p. 21) is much more generalized, the Scenery Specialist Report provides sufficient detail to understand and visualize the anticipated effects within the temporal and spatial boundaries for scenery analysis, and to recognize the limited visual extent of the treatment units, as viewed from the selected viewpoints.

In conclusion, the WMNF complied with all applicable laws, regulations, and policies in its selection of viewpoints and evaluation and disclosure of the project's potential impacts to

scenery as viewed from those locations.

#### Objection Review Conclusion

My review of your objection issues finds that the Tarleton Integrated Resource Project's EA/FONSI, DDN, and supporting documents in the project record comply with all applicable laws, regulations, and policies, and with the White Mountain's Forest Plan. The only exceptions to my findings concern Issues 2, 13, 17, 19, and 32, which are discussed earlier in this letter. I am instructing the Responsible Official to address these concerns as follows:

- Issue 2: Make available with the final decision a summary of how public comments were considered in the development and effects analysis for the project.
- Issue 17: Explain in the Final EA , decision document or project record that the Eastman Brook is listed as "impaired" for acidity and clarify if the Tarleton project's timber harvest will affect residual basal area in the impaired reach of Eastman Brook such that the threshold of vegetation management guideline G-1 will be exceeded and explain the rationale for exceedance
- Issue 19: Incorporate in the Tarleton project any reasonable and prudent measures, or terms and conditions resulting from the March 2023 Biological Opinion from the U.S. Fish and Wildlife Service, concerning NLEB conservation.
- Issue 32: Clarify the Vegetation Management History of the Tarleton Area section in the Final EA (p. 7) to note the uncertainty regarding the exact locations and timing of regeneration harvests prior to the lands entering Federal ownership.

The Responsible Official may not sign the final Decision Notice until these instructions have been addressed (36 CFR 218.12(b)). My review constitutes the final administrative determination of the Department of Agriculture. No further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available (36 CFR 218.11(b)(2)).

Sincerely,

X *Derek J.S. Ibarquen*

Derek J.S. Ibarquen,

Forest Supervisor / Reviewing Officer

Cc: Brooke Brown, Matt St. Pierre, Theresa Corless, Scotty Hall