



United States
Department of
Agriculture

Forest
Service

White Mountain National Forest
Pemigewasset Ranger District

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File Code: 2630/2350

Date: September 10, 2009

Dear Interested Citizen,

I would like to thank you for your interest in the Beaver Pond Dam Reconstruction Project. Four comment letters were received and considered during the comment period. I have reviewed the comments and the analysis documents. I am satisfied that this project is beneficial, and can safely proceed with no significant adverse environmental effect to the National Forest, the Appalachian Trail or the surrounding area.

My decision is to move forward with the Beaver Pond Dam Reconstruction Project. The enclosed Decision Memo provides detail as to the reasons for my decision. These documents are also posted on our White Mountain National Forest web site:
www.fs.fed.us/r9/forests/white_mountain/projects/projects/.

I am pleased this project has been accepted as part of the American Recovery and Reinvestment Act (ARRA). The project will be implemented using a competitively bid contract. The dam reconstruction project will foster the ARRA intent by aiding in job preservation, job creation and infrastructure investment.

My planning staff and I have appreciated the public involvement on this project. The goal of public involvement efforts in our programs and projects is to improve decisions. We look forward to your continued involvement in projects on the Pemigewasset Ranger District.

Sincerely,

/S/ MOLLY FULLER

MOLLY FULLER
District Ranger



White Mountain National Forest



United States
Department
of
Agriculture

Forest
Service

Eastern
Region



Beaver Pond Dam Reconstruction Project

Town of Woodstock
Grafton County, NH

Decision Memo

Prepared by the
Pemigewasset Ranger District
September 2009



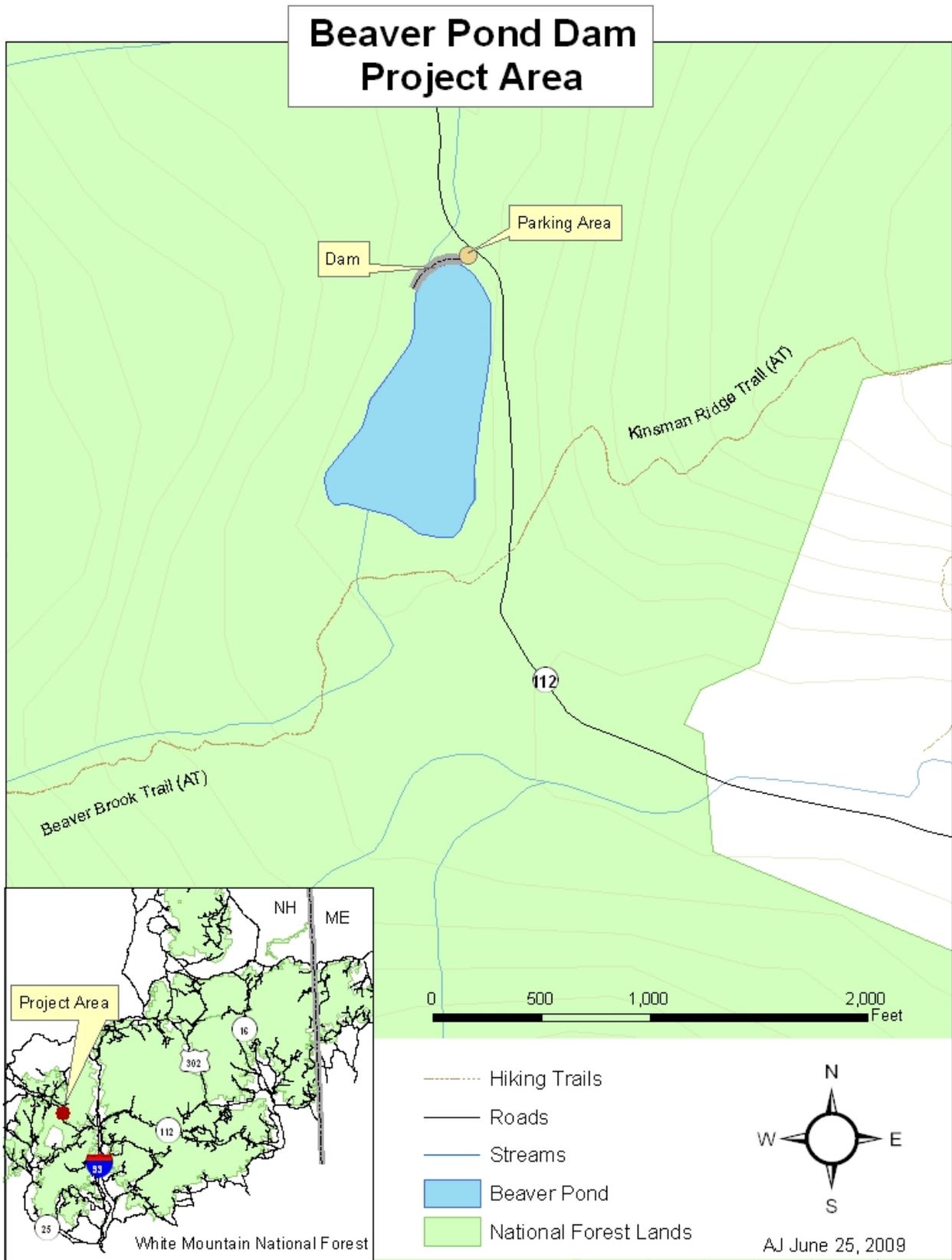
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**This document is available in large print.
Contact the Pemigewasset Ranger District
White Mountain National Forest
603-536-1315
TTY 603-536-3281**

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1 Summary

After careful consideration of public input, the recommendations of appropriate resource specialists, and the requirements of applicable laws and regulations, I have decided to move ahead with the Beaver Pond Dam Reconstruction Project.

2 Background

2.1 Project Area

Beaver Pond is located near the height of land in Kinsman Notch along Rte 112 in Woodstock, New Hampshire. Adjacent to the dam are a paved parking area and user-made incidental trails providing access to the spillway and to the edge of the pond. The pond's proximity to the highway allows drivers a convenient rest spot with a view of the pond and surrounding mountains as well as a fishing opportunity.

The Appalachian Trail (AT) crosses Rte 112 just south of the pond on the Beaver Brook Trail and the Kinsman Ridge Trail. The Beaver Pond Dam and surrounding area are within the White Mountain National Forest Land and Resource Management Plan (WMNF Forest Plan) designated Appalachian National Scenic Trail Management Area (MA 8.3) which extends a half mile from the trail in either direction. A manmade structure was first constructed to dam the water at Beaver Pond around 1900 and the designation of the AT did not occur until 1968. The WMNF Forest Plan (LRMP 3-52) under management for Riparian/Aquatic habitat in MA 8.3 states as a guideline that "Artificial habitat structures should not be used. If used they must be created from materials that blend with the site and do not detract from the natural landscape." During implementation and immediately afterwards, impacts from the project will be visible, however the dam will be made to blend with the natural surroundings over time.

2.2 Purpose and Need

The concrete of the failed spillway at Beaver Pond dam has been eroding for many years. If left in its current condition, the water level will continue to go down and eventually the pond itself could drain. In a letter to the Forest Service, New Hampshire Department of Environmental Services (NHDES) states that although the repairs to the dam "do not appear to be emergencies; if they are allowed to continue to deteriorate they can become critical as evidenced by the

partial failure of the concrete spillway.” NHDES has stressed that the deficiencies in the dam should be addressed as soon as funding becomes available.

Foot traffic leading to the spillway across the top of the dam from the parking lot has caused erosion and damaged the vegetation in the area. Defining a trail will address the erosion issues and keep visitors off the vegetation including in the riparian area. The trail construction effort will need only minor additional work to upgrade to and adhere to the Forest Service Trail Accessibility Guidelines (FSTAG). In addition, it would provide a great opportunity for those who enjoy accessible trails to get out of their car, take in the view and go fishing in Beaver Pond. The parking area is in good condition and no changes will be made from its current state. Repairing the spillway and making the trail accessible are consistent with the goals and objectives in the WMNF Plan:

- The WMNF will protect, restore or improve riparian area conditions to benefit riparian dependent resources and values. (WMNF LMP p1-15)
- The WMNF will maintain existing impoundment structures constructed for fish and wildlife management...to prevent downstream damage. (WMNF LMP p1-15)
- The Forest will provide a variety of recreation opportunities for people with disabilities, and will continue to improve accessibility... accessibility is also considered each time a trail or more remote site is maintained or reconstructed. (WMNF LMP p1-3)

3 Decision to Be Implemented

My decision is to reconstruct both the concrete spillway and the earthen dam at Beaver Pond. This project will address NHDES and Forest Service concerns over leaking and seepage issues and the failed concrete in the current spillway.

Implementation of the dam reconstruction project will last approximately 2 months. During which time, visitors can expect access to the dam and parking lot to be restricted and the pond water to be drawn down so that construction crews can work on the dam and concrete spillway. However, a conservation pool will remain in the deepest part of the pond. The earthen dam will be reconstructed by clearing, grubbing, earthwork and compaction. The existing, non-functioning, outlet structure will be replaced and a new spillway will be constructed.

Upon completion of the project, the water level of the pond will sit at approximately the same level it did before the deterioration of the concrete in the cur-

rent spillway. The earthen dam will be seeded with grasses and maintained to prevent the growth of woody stems. An accessible trail will be created on top of the earthen dam to provide access from the parking lot to the pond and the spillway.

This decision is based on my review of the project record, including input from the public and appropriate resource specialists. The record shows a thorough review of relevant scientific information, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

4 Rationale for Categorically Excluding the Decision

Based on information in the project record and experience with similar activities on the WMNF, I have concluded that this decision can be categorically excluded from documentation in an environmental impact statement or environmental assessment.

Decisions may be categorically excluded from documentation in an environmental impact statement or an environmental assessment when they are within one or more of the categories found at 36 CFR 220.6(d) and (e), and there are no extraordinary circumstances related to the decision.

4.1 Category of Exclusion

I have determined that the selected action is a routine activity within the following two categories of exclusion:

36 CFR 220.6(e)(7): modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices.

36 CFR 220.6(e)(1): Construction and reconstruction of trails.

Both of these categories require a project file and decision memo.

4.2 Finding that No Extraordinary Circumstances Exist

Based on information presented in this document and the entirety of the project record, I have evaluated the resource conditions listed in 36 CFR 220.6(b)(1) and determined there are no extraordinary circumstances related to this project. As indicated in 36 CFR 220.6(b)(2), the mere presence of one or more of the listed resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effects of a proposed action on these resource conditions

that determines whether extraordinary circumstances exist. As long as the potential effects on these resources are minor or non-existent, there are no extraordinary circumstances (Forest Service Handbook 1909.15, Chapter 30.4). A summary of the project's potential effects on each resource condition follows.

Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Endangered Species Act requires that federal activities not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Evaluation

As detailed in the Biological Evaluation, this decision will have 'no effect' on listed species or designated critical habitats because no listed species or critical habitats have the potential to occur in the area that would be affected by this project.

As detailed in the Biological Evaluation, this decision will have "no impact" on any sensitive species because no sensitive species have the potential to occur in the area that would be affected by this project.

Floodplains, Wetlands, or Municipal Watersheds

Executive Orders 11988 and 11990 direct federal agencies to avoid adverse impacts to floodplains or wetlands, which are defined in the executive orders.

Forest Plan management direction and project design features will ensure that impacts to floodplains and wetlands are prevented. Therefore effects from this project will be non-existent.

This decision will not affect municipal watersheds because there are no municipal watersheds in the area.

Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas

The closest Wilderness, the Pemigewasset Wilderness, is 9 miles east of the project. The project record indicates that impacts from this project would be limited to the immediate area of activity. Therefore this decision will not affect any Wilderness Area or other congressionally designated area.

Inventoried roadless area or potential wilderness area

Consistent with FSH 1909.12 chapter 70, the WMNF completed an inventory during Forest Plan revision for the sole purpose of identifying all lands that met the criteria for being evaluated for wilderness suitability and possible recommendation to Congress for wilderness designation (WMNF LMP, Appendix C). This inventory was not a land designation and did not imply any particular level of management direction or protection.

The Beaver Dam is located on lands that were part of the Forest Plan inventory. The project involves correcting erosion issues and damage to vegetation along with stabilizing and repairing an existing dam. These actions will not affect the character of the area around the dam and as a result, effects of the project on the Forest Plan roadless inventory will be minor or non-existent.

The 2001 Roadless Area Conservation Rule (RACR) applies to a separate, much smaller, inventory. The project is not located in lands that were part of the RACR inventory.

Research Natural Areas

There are no Research Natural Areas in the project area. The closest Research Natural Area is 20 miles east of the project. This decision, with impacts limited to the immediate area of activity, will not affect Research Natural Areas.

American Indian and Alaska Native religious or cultural sites; and archaeological sites, and historic properties or areas

This decision complies with the National Historic Preservation Act, the Archaeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act. An archeologist was consulted on this project. Based on records research there are no affects to heritage resources. The Dam was constructed less than 50 years ago and does not qualify as an historic property.

5 Public Involvement

This project was listed on the quarterly White Mountain National Forest Schedule of Proposed Actions (SOPA) beginning in July 2009, and will remain on the SOPA until after a decision is made. Public involvement included a letter sent to the White Mountain mailing list and interested parties on May 1, 2009.

The Forest Service received four responses from the public on this project, all of which were in favor of the proposal. Two respondents additionally mentioned that care should be taken in the design of the trail to avoid further incidental foot traffic and erosion. A handrail for this purpose was suggested by one.

Local organizations with interest in the Appalachian Trail and the Appalachian Trail Conservancy (ATC) were contacted during scoping to help determine the effects this management action will have on AT values in the area. The spillway is not visible from the trail; however the pond is visible through the trees when hiking on the AT. It was generally felt by those who responded that repairing the dam will have no effect to the AT values in the area.

To respond to additional questions posed by a commenter; The original intent of the pond was to supply water in case of a fire, however the pond is stocked by NH Fish and Game to provide for a put and take fishery. A fish ladder is not required for the survival of the local fish population. All comments were appreciated and they were considered during the decision making process

6 Findings Required By and/or Related to Other Laws and Regulations

My decision complies with all applicable laws and regulations.

7 Administrative Review or Appeal

This type of activity is not covered by the 2005 Earth Island Institute v. Ruthenbeck court ruling. Therefore this decision is not subject to appeal in accordance with 36 CFR 215.

8 Implementation Date and Contact

Implementation of this decision may begin immediately.

For additional information concerning this decision, contact: Anna Johnston at email: amjohnston@fs.fed.us, or by phone at (603-447-5448, x119), or by FAX (603-447-8405).

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

www.fs.fed.us/r9/forests/white_mountain.

/S/ Molly Fuller

September 10, 2009

MOLLY FULLER

Date

Pemigewasset District Ranger

Responsible Official