

Exhibit 2

DECISION MEMO

Special Use Permits Issuance Crossover Road

USDA Forest Service, Eastern Region, White Mountain National Forest
Saco Ranger District
Town of Albany, Carroll County, New Hampshire

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1.0 Decision

1.1 Background

Crossover Road, maintained by the Town of Albany, New Hampshire, provides access to several private properties as well as National Forest Lands. Significant human activity is evident on lands adjacent to White Mountain National Forest in this area, including private residences and associated improvements. The power and phone lines that lie on Forest Land on Crossover Road are currently under Special Use Permits to the respective service providers.

National Forest Land is predominantly located east of Crossover Road. However, along the southernmost half mile, a narrow strip of Forest Land lies west of the road. Private property is located west of this strip of National Forest Land (see Figure 1). Currently, access to one of these private lots is not provided via existing roads and driveways.

1.2 Purpose and Need

The proposed action and decision are in response to a special use proposal for portions of a driveway, in addition to power and phone service, utilizing approximately .2 acres of National Forest Lands. National Forest Land provides the only reasonable access to the private land sharing the Forest's western boundary.

1.3 Description of Decision

It is my decision to issue special use permits for a driveway and installation of power and phone service on the Saco Ranger District within the Town of Albany, New Hampshire. The driveway will be permitted to the existing property owner for a five year period.

Temporary permits will be issued to the same property owner for installation of power and phone service. Once installed, the additional phone and power lines will be added to existing permits held by the service providers.

1.4 Alternatives Considered but Eliminated

Alternative locations were considered but eliminated because prior access occurred at the proposed location decades ago. The proposed location also provides the shortest access route to the private property and consequently minimizes further disturbance of Forest Land. Any other alternative routes, avoiding National Forest land entirely, would have required considerable soil and vegetative disturbance and much greater risks to local water quality. Such routes would require 300 feet or more of road construction.

2.0 Reasons for Categorically Excluding the Decision

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the US Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances present.

2.1 Category of Exclusion

The proposed action falls within the categories of actions described in the FSH 1909.15, Amendment Number 1909.15-92-1 (September 21, 1992), Section 31.2.

Category 3 of Section 31.2 states:

“Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.”

2.2 Relationship to Extraordinary Circumstances

Permitting of these improvements involves minimal earth disturbance.

Steep slopes or highly erosive soils. Neither steep slopes nor highly erosive soils are present within the permit areas.

Threatened and endangered species or their critical habitat. No known threatened or endangered species or their critical habitats are present in the project area.

Flood plains, wetlands, or municipal watersheds.

There will not be a significant impact upon flood plains, wetlands or similar areas as the project area is more than 500 feet from the nearest water body or wetland.

Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.

There are no congressionally designated areas within the permit areas (White Mountain National Forest Land and Resource Management Plan 1986).

Inventoried roadless areas.

There are no inventoried roadless areas within the permit areas (White Mountain National Forest Land and Resource Management Plan 1986). Also, there are not any new roadless areas identified in 2003 during the ongoing White Mountain National Forest Land and Resource Management Plan Revision (available on the web at www.fs.fed.us/r9/white/3_WM_fpr_Web/forest_plan/revision/2003_roadless.htm).

Research Natural Areas.

There are no research natural areas within the permit areas (White Mountain National Forest Land and Resource Management Plan 1986).

Native American religious or cultural site, archaeological sites, or historic properties or areas.

All permits issued will contain clause X-17, which requires the permit holders\ to immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. Additional mitigation will include the presence of an onsite para-archaeologist during earth disturbing activities related to the driveway, power and phone line installation.

Summary

No other extraordinary circumstances related to this project were identified. Based on past experience with similar activities of this type on the Saco Ranger District, I have determined that the environmental effects associated with the proposed action are not likely to exceed those associated with Category 3 actions.

3.0 Scoping

Scoping included notification of nearby private landowners and the Town of Albany with a letter detailing the proposed project. Additionally, scoping included site visits and file reviews by the District Special Use Permit Administrator, Holly Jewkes. Several inquiries were made by interested parties for additional information.

4.0 Findings Required by and/or Related to Other Laws and Regulations

My decision will comply with all applicable laws and regulations. See Section 2.2 above.

5.0 Administrative Review or Appeal

This decision is not subject to a higher level of administrative review or appeal pursuant to 36 CFR 215.8.

6.0 Implementation Date

The decision may be implemented immediately.

7.0 Contact Person

Further information about this decision can be obtained from Holly Jewkes at the Saco Ranger District:

33 Kancamagus Highway

Conway, NH 03818

Voice: 603 447-5448 Ext. 127

TTY/TDD: 603 447-3121

Email: hjewkes@fs.fed.us

8.0 Signature and Date

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the US Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in FSH 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the planning record.

/s/ Terry Miller
TERRY MILLER
District Ranger

3/24/2004
Date