

## **DECISION MEMO**

### **Re-Issue of the Hermit Lake Special Use Permit**

USDA Forest Service  
Androscoggin Ranger District, White Mountain National Forest  
Coos County, New Hampshire  
Sargents Purchase

#### **Background**

The purpose of the project is to continue implementing the Forest Plan by providing public recreation opportunities. Hermit Lake shelters contribute to the Forest Plan goals and objectives “to feature quality recreation opportunities not likely to be provided elsewhere on other lands.” The need for the project is to address the fact that the Appalachian Mountain Club’s (AMC) special use permit to manage the site has expired and they have requested renewal of their permit. After consideration, the Forest Supervisor determined that there was no compelling reason to seek other bidders for operation of the site (see project file).

The site under permit to the AMC consists of a Caretakers Cabin, propane platform, eight open-front shelters, three tent platforms, winter vault toilet, summer flush toilet and associated septic system, and two barrel pit toilets (see Map 1). All of the facilities are owned by the USDA Forest Service. The AMC has managed and maintained the shelter site since 1947.

An estimated 75,000 people pass through the Hermit Lake area annually. The shelters and tent platforms have a capacity of up to 90 campers per night. The permitted shelters and platforms are the only camping option for visitors to Tuckerman Ravine (CFR 261.58e). The AMC caretaker resides at the cabin year-round. Caretaker duties include maintaining the shelter site and facilities, providing search and rescue assistance, and providing information and education services to visitors.

#### **Decision**

It is my decision to renew the Appalachian Mountain Club’s special use permit for management of the Hermit Lake Shelter site and adjust the permit area boundary to better define the permit area (i.e.: exclude the Mount Washington Volunteer Ski Patrol cabin

which is not included in the AMC permit). This decision will be implemented through issuance of a special use authorization that meets the requirements of the decision and Forest Service regulations.

Forest Service regulations require the permittee to:

- Submit an annually-approved Operation and Maintenance Plan that complies with the decision requirements
- Pay any necessary fees and
- Secure any state or federal permits or authorizations required by law

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because this activity falls within a category of actions established by the USDA Forest Service that normally do not individually or cumulatively have a significant effect on the human environment. This category of actions is identified in Forest Service Handbook 1909.15 Chapter 30, Section 31.2-3 “Approval, modification, or continuation of minor special uses of national Forest System lands that require less than five contiguous acres of land.”

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances associated with the following resource conditions that may significantly affect the environment.

Resource Conditions:

- Federally-listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species: No listed or proposed species or critical habitats exist in the project area. I have decided that this decision will have no effect on listed or proposed species or critical habitats. See the Biological Evaluation in the Project File.
- A map review (see project file) indicates that the project area is not in and will not affect:
  - Floodplains, wetlands, or municipal watersheds
  - Congressionally designated areas, such as Wilderness, wilderness study areas, or national recreation areas
  - Inventoried roadless areas
  - Research Natural Areas
- American Indian religious or cultural sites; archeological sites or historic properties or areas: Prior cultural resource surveys (see project file) revealed no cultural sites in or near the permit area.

**Public Involvement**

This proposal to re-issue the Hermit Lake permit was listed in the White Mountain National Forest Quarterly Schedule of Proposed Actions in January 2001. It has been listed in all subsequent editions. A public involvement (scoping) letter was mailed from the Androscoggin Ranger District to over 200 individuals on March 24, 2003. A list of those contacted through the scoping process can be found in the Project File. The letter described the project and requested comments and concerns from the public. The list included individuals and groups who are interested in recreation activities on the Androscoggin Ranger District and/or the White Mountain National Forest.

Seventeen responses were received through the scoping process. Fourteen respondents were in support of re-issuing the special use permit. Five comments centered on the facilities. The concerns outlined include removing the facilities, questions about the water system and flush toilets, and opening the caretaker cabin to the public. Three comments were made regarding the permit. These included making sure AMC managed and maintained the facilities to the Forest Service standard, how fees were used, and making the permit available to others for bid. Two comments were made regarding the resources. Both centered on controlling use levels to make sure the resources were not impacted negatively. Refer to the Scoping Response Table attached to this decision for a detailed reply to each concern. More detail can be found from the original letters in the project file.

## **Findings Required by Other Laws**

### Forest Plan Direction

This decision is consistent with the Land and Resource Management Plan for the White Mountain National Forest as required by the National Forest Management Act. Hermit Lake shelters contribute to the Forest Plan goals and objectives “to feature quality recreation opportunities not likely to be provided elsewhere on other lands (Forest Plan pp III-2).” The project is in conformance with forest plan standards and incorporates appropriate Forest Plan guidelines for Management Areas 8.1 that states in part to “provide facilities to prevent site deterioration and protect the user from health and safety hazards (Forest Plan pp III-65).”

### Endangered Species Act of 1966

A biological review of the area was completed for this action and it was determined that no listed threatened or endangered species or their critical habitat will be affected by this activity.

### National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act includes locating, inventorying, and nominating all cultural sites that may indirectly be affected by schedule activities. Two cultural resource reconnaissance surveys (# 01-2-6 & 01-2-8) were conducted in the permit area for related projects (installation of a phone line and installation of a well/water system) and no cultural resources were identified. This project does not have any ground-disturbing activities therefore an additional survey

was not conducted. Any future site specific projects that may contain ground disturbing activities will require a cultural resource survey.

### **Implementation Date**

Implementation of this decision may begin immediately.

### **Administrative Review or Appeal Opportunities**

This decision is not subject to administrative review/appeal pursuant to 36 CFR Part 215.12(f).

### **Contact Person**

For further information regarding the actions of this decision, contact Don Muise, project leader at (603) 466-2713 ext. 214.

/s/ William A. Dauer  
WILLIAM A. DAUER  
Acting District Ranger

3/19/2004  
DATE

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