

1.0 DECISION MEMO

For

MILL BROOK STREAM RESTORATION PROJECT **Towns of Carroll, Jefferson, Low and Burbanks Grant, Coos County, New Hampshire**

USDA Forest Service, White Mountain National Forest
Ammonoosuc-Pemigewasset Ranger District, Bethlehem, NH 03574

Background

The Mill Brook Stream Restoration Project Area is located in the Towns of Carroll, Jefferson, Lowe and Burbanks Grant, Coos County, NH. The Project Area is located entirely on National Forest System land within Management Area 3.1 (WMNF Land and Resource Management Plan, 1986, III-30-35).

Land use practices during the turn-of-the-century removed wood and boulders from streams and cleared riparian forests. These historic practices have affected watershed conditions and aquatic habitat diversity in many of the streams on the WMNF. Today, many of these riparian areas have reverted to a second growth forest and streams have a low amount of instream wood material and lack aquatic habitat diversity (including Mill Brook as documented during Forest Service stream surveys in 2003, 2004, 2005).

2.0 DECISION

Description of the Decision

My decision is to increase aquatic habitat diversity and improve watershed conditions of Mill Book and its tributaries for wild brook trout (*Salvelinus fontinalis*) and other aquatic/riparian dependent species. This decision will be implemented over 5 years via the following activities:

1. Placing by hand approximately 300 trees ranging 4 to 12 inches diameter into four stream sections approximately ¼ to ½ mile long on Mill Brook and East Branch Mill Brook, thereby increasing pool habitat and woody cover diversity (Reaches A, B, C, E on Scoping Map).

Placing approximately 200 trees total ranging 6 to 18 inches diameter using a tracked excavator into two stream sections approximately ½ mile long on Mill Brook (Map Reaches D and F).

Maintain the existing beaver habitat in the headwater section of Mill Brook (downstream of Reach B) using regeneration techniques for alder and aspen.

2. Stabilize eroding stream banks where a bridge was removed on the East Branch Mill Brook and restore instream channel habitat using native materials (Map Reach A).
3. Improve watershed condition and floodplain function in approximately a ½ mile section of the lower portion of Mill Brook using a tracked excavator approximately two weeks during low flow by:
 - a. Closing out a short section of unclassified road and the non-designated campsite in the riparian area.
 - b. Placing Rock barriers at the FS boundary with the Agnew State Forest preventing motorized vehicle access into the riparian area; however, foot traffic would be permitted.
 - c. Placing earthen piles and trees into the unclassified roadbed and the abandoned foot trail to raise their elevation, deflect water, and prevent new channels from developing.
 - d. Stabilize a small hillside slump (Scoping Map Reach D) using native materials.

Reasons for Categorically Excluding the Proposed Action

Decisions may be categorically excluded from documentation in an environmental impact statement or assessment when they are within one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15, Section 31.2, and there are no extraordinary circumstances related to the action that may result in a significant individual or cumulative effect on the quality of the human environment.

A. The Category of the Proposed Action

The Proposed Action of the Mill Brook Stream Restoration Project fits in the category “modification or maintenance of stream or lake aquatic habitat improvement structures using native material or normal practices” (FSH 1909.15-31.2, category 7).

B. Rationale for using Category 31.2

Based on my review of the project file and my knowledge of similar projects on the White and Green Mountain National Forests, I have determined that this project fits within Category 7 of FSH 1909.15-31.2, because it involves in-stream aquatic habitat improvement using native materials. The practices included have been carried out for several years and in several locations on both the White Mountain and Green Mountain National Forests with great results and no unexpected impacts.

C. Findings of No Extraordinary Circumstances

The following were considered to determine whether extraordinary circumstances related to the Proposed Action warrant further analysis and documentation in an EA or an EIS. The mere presence of one or more of these conditions does not preclude the use of a categorical exclusion:

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 (ESA) requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification of such species’ designated critical habitat. In accordance with Section 7(c) of the ESA, a Biological Evaluation (BE) of potential effects to ESA and Regional Forester-listed sensitive species (RFSS) was completed for the Mill Brook Stream Restoration Project. The BE determined this project would have “no effect” on federally-listed species and “no impact” to Regional Forester-listed sensitive species for the WMNF (see Mill Brook BE 2005 in the Project File).

Flood Plains, Wetlands, or Municipal Watersheds: Executive Order 11988 requires Federal agencies to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that areas subject to a one percent or greater chance of flooding in any one year”. Executive order 11990 requires Federal agencies to avoid impacts associated with destruction or modifications of wetlands. Wetlands are defined by this order as, “areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction”. The Proposed Project would improve floodplain functions previously affected by historical land-use practices. Increased amounts of wood material add roughness to dissipate flood energies and encourage the formation of diverse stream habitat features, which are lacking in this watershed. Mill Brook and its tributaries are not used as municipal water sources and this decision will not affect municipal watersheds.

All necessary permits will be obtained prior to project implementation. Forest Service personnel will follow Forest Plan Standards and Guidelines (Forest Plan III 19-20), and any other mitigation measures required by the permitting agencies during project implementation to minimize impacts.

Congressionally Designated Areas (Wilderness, Wilderness Study Areas, or National Recreation

Areas): The Mill Brook Stream Restoration Project Area is not located within any congressionally designated Wilderness, Wilderness Study Areas, National Recreation Areas, or any other congressionally designated areas.

Inventoried Roadless Areas (IRAs): The Mill Brook Project Area is not within the boundaries of the Forest Plan Revision Inventoried Roadless Areas. Activities of the Proposed Action are limited to the immediate Project Area and will not affect any IRAs.

American Indians and Alaska Native Religious or Cultural Sites: The Mill Brook Project Area was surveyed for cultural sites and no sites were located in the immediate Project Area. This decision, with impacts limited to the immediate area of activity, should not affect any American Indians, Alaska Native Religious or Cultural Sites. If, in the course of any project activity, previously unknown sites or artifacts are located, activities would stop immediately in that location. The Forest Archaeologist would be called in to evaluate the finds and make recommendations on how to proceed.

Archaeological Sites or Historic Properties: The Project Area was surveyed by a para-professional for cultural and historic resources and several sites were located in the upper portions of the Project Area. The Proposed Action calls for minimal ground-disturbing activities and the intent of the project is to retain watershed functions. Project implementation and access routes have been designed to avoid all historical sites. This decision, with impacts limited to the immediate area of activity, should not affect any Archaeological Sites or Historic Properties. A letter from the NH State Historic Preservation Officer concurs this project would have no effect on historic properties within the area (letter in Project File; Heritage Resource Reconnaissance Report in Permanent File). If, in the course of any project activity, previously unknown sites or artifacts were to be located, activities would stop immediately in that location. The District heritage paraprofessional or Forest Archaeologist would be called in to evaluate the finds and make recommendations on how to proceed.

No other extraordinary circumstances related to the project were identified.

3.0 PUBLIC INVOLVEMENT

This project was listed in the White Mountain National Forest Quarterly Schedule of Proposed Actions on October 1, 2004 and listed in all subsequent editions. Public involvement was conducted with a project scoping letter that was mailed 21 July 2005 to approximately 34 interested parties including adjacent land owners, fisheries groups, town conservation commissions, local towns, and state agencies (see Project File). Three comments were received, all in support of the Proposed Action. Public recommendations included placement of a rock barrier at the boundary between Agnew State Forest and National Forest land to discourage unwarranted use by the public within the riparian.

4.0 FINDINGS REQUIRED BY OTHER LAWS

My decision will comply with all applicable laws and regulations, including:

National Forest Management Act: This Decision meets all requirements of NFMA.

National Environmental Policy Act: This Decision has been prepared in accordance with the requirements of the National Environmental Policy Act.

Executive Order 12898 – Environmental Justice:

This order requires consideration of whether projects would disproportionately impact minority or low income populations. The Project Area does not qualify as an Environmental Justice Community and accordingly this decision will not adversely impact minority or low-income populations.

Clean Water Act: This Act was established to restore and maintain the integrity of waters. This decision in accordance with the Forest Plan and Best Management Practices serves to ensure protection of soil and water resources.

5.0 IMPLEMENTATION DATE

This project may be implemented after the date of the signed decision contingent on receiving all permits.

6.0 ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is not subject to a higher level of administrative review or appeal pursuant to 36 CFR 215.12(f).

7.0 CONTACT PERSON

For further information about this decision contact Project Leader Clara Weloth, at (603) 869-2626; TTY at (603) 869-3104; E-mail: cweloth@fs.fed.us; or contact John Serfass, District Ranger at (603) 536-1315.

8.0 SIGNATURE AND DATE

I have concluded this decision may be categorically excluded from documentation in an environmental impact statement or assessment, as it is a category identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 section 31.2 and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the human environment. My conclusion is based on information presented in this document and the entirety of the Planning Record.

/s/ John J. Serfass

DATE: 11/16/2005

JOHN J. SERFASS
District Ranger

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