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# Decision Memo

## Northern New Hampshire Bird Dog Club Special Use Permit Renewal

City of Berlin, and Town of Randolph,  
Coos County, New Hampshire

Prepared By  
The Androscoggin Ranger District  
White Mountain National Forest

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**Decision Memo**  
**Northern New Hampshire Bird Dog Club**  
**Special Use Permit Renewal**

**1.0 – Decision**

After conducting an environmental analysis and seeking public comment on the Northern New Hampshire Bird Dog Club (NNHBDC) request to renew their Special Use permit I have decided to renew their special use permit for tenure of 5 years. The permit authorizes the NNHBDC to conduct grouse and woodcock field trials in the Kilkenny area of the White Mountain National Forest (see map located in Appendix C pages 13 and 14) and maintain the field trial walking courses. Renewing the permit would authorize uses identical to the previous permit that expired on December 31, 2006, consistent with approved operating plans.

**1.1 -- Rationale for the Decision**

An analysis of the resource conditions (see Section 4.2) revealed no extraordinary circumstances that would require further environmental analysis.

With no compelling reasons such as poor performance, and with support expressed by those who participated in the environmental analysis, I believe a decision to renew the permit is in the government's best interest that best meets the purpose and need to renew the Special Use permit.

The purpose of the project is to enable the NNHBDC to continue to conduct bird dog club events within the existing permit area.

The need of this action is to address the NNHBDC's request to renew the expired Special Use permit.

Renewing this Special Use permit meets the goal and objective of the White Mountain National Forest by renewing permits when appropriate in a timely manner (USDA, 2005, White Mountain National Forest Land and Resource Management Plan; Ch. 1, page 1-7).

In addition, renewal of the NNHBDC Special Use permit is in the category of actions identified in Forest Service Handbook (FSH) 1909.15 Chapter 30, Section 31.2 (15):

“Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized

activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorizations.”

The permit activities are consistent with first and second level screening criteria as described in FSH 2709.11/12.21 and 11/12.31.

## **2.0 Background and Location.**

### Background

The NNHBDC has been permitted to conduct field trials since 1992 beginning with annual Special Use permits. In 1996, Special Use permits were changed from annual renewable permits to renewable 5 year permit terms.

The NNHBDC has demonstrated responsible land stewardship by following annual permit operating plan guidelines and has been responsive to the U.S. Forest Service.

### Location

The project area is located in the Kilkenny area adjacent to the Bog Dam Loop Road, in the City of Berlin, and Town of Randolph, Coos County, New Hampshire. The permit area has 9 designated walking courses (see location map Appendix C pages 13 and 14) located within an approximate 850 acre area of National Forest Land. Originally, ten courses were listed on the map but the “Beaver Area” course will be dropped from further use.

The trail passes through a variety of habitats including mature and young northern hardwoods, mixedwoods, softwoods, permanent wildlife openings, and alder thickets along the Upper Ammonoosuc River. They cross several streams and follow along the edges of some beaver ponds.

## **3.0 – NNHBDC Operations**

The Forest Service requires the NNHBDC to submit an annual operating plan that identifies work projects, staffing plans, field trial dates and details associated with implementing the Special Use permit as specified in the Annual Operating Plan. The events are inspected during the season to ensure compliance with the permit clause. Monitoring is overseen by a Forest Service permit administrator. As part of the Operating Plan the NNHBDC agrees to monitor, collect, and provide bird counts to the USFS, coordinate trail maintenance with the USFS Permit Administrator, conduct no more than 6 (six) annual field trial events, and allow other visitors to the National Forest to use National Forest System Lands. The Special Use Permit is a non-exclusive use permit and the NNHBDC shall implement the permit accordingly.

The trails are brushed by hand to maintain an approximate 3 foot wide walking course. Brushing and annual maintenance would be kept to a minimum to ensure that the trails are barely visible to the casual eye. Trails would be brushed outside the breeding season for birds. There is no ground disturbance. Some sections of the walking trails follow old skid roads or abandoned hiking trails and require minimal brushing.

In an ongoing field trial a pair of dogs (brace) follows a 60 minute walking course with their handlers and a judge. The dogs are required to locate and point ruffed grouse (*Bonasa umbellus*) and American woodcock (*Philohella minor*). Each trail would be occupied once each day.

A maximum of six events would be held sometime between September 1 and mid-November before the opening day of New Hampshire's regular deer season. An event would take place over one weekend. Up to 20 pairs of dogs would compete during an event with as many as 10 spectators observing each brace of dogs. Approximately 30 people would attend each event. The Grand National Event would be held every three years. There would be an increased number of people and dogs at this event. Participants would park along the Bog Dam Loop Road near designated trails. A portable toilet would be available for use.

#### **4.0 -- Category of Exclusion and Environmental Analysis**

Renewal of the NNHBDC Special Use permit is in the category of actions identified in Forest Service Handbook (FSH) 1909.15 Chapter 30, Section 31.2 (15):

"Issuance of a new special use authorization for a new term to replace an existing or expired Special Use authorization when only the changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorizations."

#### **4.1 -- Rationale for Category**

I find that the above category is appropriate for this analysis and decision because the NNHBDC is not proposing changes in the uses, or services currently authorized, and continues to comply with the terms and conditions authorized by the Forest Service. I have determined that there will be no resulting significant effects on the environment, and therefore the proposed action requires no further analysis in an environmental assessment (EA) or an environmental impact statement (EIS).

#### **4.2 -- Resource Conditions and Extraordinary Circumstances**

The environmental analysis included on-site surveys for rare plants, heritage resources and also determined if any extraordinary circumstances exist that could result in significant

effects to the environment. In accordance with FSH 1909.15 Chapter 30, the following specific resource conditions were examined:

4.2a -- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

A Biological Evaluation of the permit area was conducted to analyze and document if suitable habitat exists and what potential effects could occur as a result of this decision. It was determined that the permit area might have suitable habitat or known populations of the following species, Canada lynx, eastern small-footed myotis, northern bog lemming, Brown's Ameletus mayfly, Third Ameletus mayfly, Bailey's sedge, boreal bedstraw, auricled twayblade, northern adder's tongue, mountain sweet cicely, sweet coltsfoot, and pink wintergreen.

- ⊙ would have no effect on federally listed species Canada lynx
- ⊙ would have no impact on the following RFSS species: eastern small-footed myotis, northern bog lemming, Brown's Ameletus mayfly, Third Ameletus mayfly, auricled twayblade, mountain sweet cicely, boreal bedstraw, northern adder's tongue, and pink wintergreen.
- ⊙ may impact the following RFSS, but would not likely cause a trend toward federal listing or loss of viability: Bailey's sedge and sweet coltsfoot.

Additional information on all species is in the Biological Evaluation, which is available in the Project File located at the Androscoggin Ranger District Office. Refer to Appendix B for Implementation Guidelines regarding RFSS plant species.

4.2b -- Floodplains, wetlands, or municipal watersheds

Renewing the permit should not result in any adverse impacts to wetlands or floodplains. The NNHBDC walking trails are however located within the Berlin municipal watershed. Forest Plan standards and guidelines are designed to protect water quality and aquatic habitat. Therefore, renewal of the special use permit is not expected to result in any impacts to this municipal watershed.

4.2c -- Congressionally Designated Areas

The Great Gulf Wilderness is the closest congressionally designated area to the permit area. This Wilderness area is located about 14 miles east. Renewal of the special use permit will not result in any impacts to the Wilderness.

4.2d -- Inventoried Roadless Areas

The NNHBDC is near the Kilkenny Inventoried Roadless Area as identified in the Forest Plan (USDA 2005a). The NNHBDC site is excluded from the Roadless Area as

were all areas on the Forest with long-term special use permits. The majority of the authorized operations are confined to the course trails and some activity may occur within 50 feet of the walking trails. The trail areas do not make use of the surrounding forest. Permit renewal will not affect the roadless area

#### 4.2e -- Research Natural Areas (RNAs)

The White Mountain National Forest currently has three designated Research Natural Areas – The Bowl, Alpine Garden, and Nancy Brook. The Forest Plan also identifies several additional Candidate Research Natural Areas. None of the RNA's or Candidate RNA's are nearby or will be affected by renewal of NNHBDC special use permit.

#### 4.2f -- American Indians and Alaska Native Religious or Cultural Sites/Archaeological Sites, or Historic Properties or Areas

An examination of cultural resources data followed by field surveys and consultation with the State Historic Preservation Office has revealed no known sites located in the permit area, hence there will be not be any impacts to cultural or archeological sites. This is an administrative action with no proposed changes, and there will be no effects to the site. The permit area will be re-evaluated with any future proposals that would involve ground-disturbing activity or other physical disturbance.

### **5.0 -- Public Involvement**

The White Mountain National Forest listed the renewal of the NNHBDC Special Use Permit on the Schedule of Proposed Actions (SOPA) beginning in October 1, 2006, and mailed scoping reports to 23 interested and affected parties on April 6, 2007. The three respondents support renewal of the NNHBDC Special Use permit for a period of five years (see Appendix A for details regarding public comments and Forest Service responses). Two of the three respondents shared a concern that the permit operations upset hunters that perceive they cannot hunt in the area during the field trial events. Renewal of the Special Use permit does not allow for exclusive use of the area. The Forest Service will work with the NNHBDC to ensure that other Forest visitors have full year-round access and use of the lands within the permit area (see Appendix A).

### **6.0 -- Consistency with the Land and Resource Management Plan (Forest Plan) and other Applicable Laws**

My decision to renew the NNHBDC Special Use permit operations is consistent with the Forest Plan. Standards and Guidelines in the Forest Plan are designed so that on-the-ground activities comply with applicable regulations, laws, and executive orders.

## 6.1 -- Forest Plan

Renewing this special use permit meets the goals and objectives of the White Mountain National Forest by renewing permits when appropriate and in a timely manner (USDA, 2005a, Ch. 1, page 1-7.)

Management direction in the Environmental Impact Statement for the Forest Plan describes the Desired Future Condition as follows:

“Stewardship of the National Forest continues to be a collaborative effort between local communities, forest users, private sector entities, nonprofit partners, and other government agencies (USDA 2005b, Ch. 1, 1-9.)”

The NNHBDC is located in General Forest Management Area (MA) 2.1. While the Forest Plan does not refer to Special Uses in MA 2.1 specifically, field trial events and permit operations are consistent with the goals within this management area, which allow for a wide range of uses and provides for a full mix of recreation opportunities and development levels (USDA 2005a, Ch. 3, pgs. 3-4 through 3-8.)

## 6.2 -- Special Uses – Forest Service Manual 2700

My decision to renew the NNHBDC Special Use permit complies with Forest Service regulations as stated in Forest Service Manual 2700, which directs the management of special uses in the national forests. The regulations provide the authority and terms and conditions necessary for granting and administering special use permits.

## 7.0 -- Implementation Date

Renewal of the NNHBDC Special Use permit may proceed immediately. A new permit is expected to take effect by September 15, 2007.

## 8.0 -- Administrative Review or Appeal Opportunities

This decision is not subject to administrative review or appeal, pursuant to 36 CFR 215.8.

## 9.0 -- Contact Persons

For more information, contact Katherine W. Stuart, District Ranger, or Thomas M. Moore, Special Use Permit Administrator, at 300 Glen Road, Gorham, NH 03581; (603) 466-2713 TTY 603-466-2856; email [kstuart@fs.fed.us](mailto:kstuart@fs.fed.us), or [tmmoore@fs.fed.us](mailto:tmmoore@fs.fed.us).

## 10.0 -- Signature and Date

I have concluded that renewing NNHBDC Special Use permit may be categorically excluded from documentation in an environmental impact statement or environmental assessment, because the scope of activities will not individually or cumulatively have a

significant effect on the quality of the human environment. My conclusion is based on the information presented in this document and in the Project File.

KATHERINE W. STUART  
District Ranger

DATE: \_\_\_\_\_

## References

USDA (U.S. Department of Agriculture, Forest Service). 2005a. Land and Resource Management Plan. Laconia, NH: USDA-FS, Eastern Region, White Mountain National Forest.

USDA (U.S. Department of Agriculture, Forest Service). 2005b. Final Environmental Impact Statement: White Mountain National Forest Land and Resource Management Plan. Laconia, NH: USDA-FS, Eastern Region, White Mountain National Forest.

## Appendix A

### U.S. Northern New Hampshire Bird Dog Club Special Use Permit Scoping Comments and Forest Service Responses

#### Public Involvement

10/01/2006 - present: Listed on the White Mountain National Forest's Schedule of Proposed Actions. Distributed via mail and available on [www.fs.fed.us/r9/white](http://www.fs.fed.us/r9/white) and (since 04/01/2005) [www.fs.fed.us/sopa/](http://www.fs.fed.us/sopa/).

April 6, 2007: Mailed 23 scoping reports to interested and affected parties that provided the project description and contact information.

- 3 responded with comments.
  - 2 responded by letter through the mail
  - 1 responded by the phone.

#### Support of Proposed Action

All comments are noted and available in the project file. The three respondents support the NNHBDC Special Use permit renewal. 2/3 shared some concerns although they support permit renewal.

The comments are:

- "...That group is a pretty good outfit and operates responsibly..."
- "...In the past they have offered to assist the District with wildlife opening maintenance...they have a pretty substantial budget and might be able give you some assistance if you need it..."
- "Also you should make sure that they continue to give you all the records of the birds they encounter, by species and date, during their trials or at any other time, so that Lesley can continue to assess population trends over time..."
- "I have no objection...but hunters are upset...told they can't hunt on the land...come to moose station...some are enraged...make them understand it is public land..." (041907 phone call @ 1127)
- "... We support the reissuance of a permit to this club under the following conditions:
  1. ...events are limited to no more than 6 per year between September 1 and the opening of New Hampshire's regular deer season..."
  2. ...it is critical that the club understand that Kilkenny is a popular destination for hunters as well as for other members of the public recreating in the area and that it is likely that these other activities may occur concurrently with field trial events....

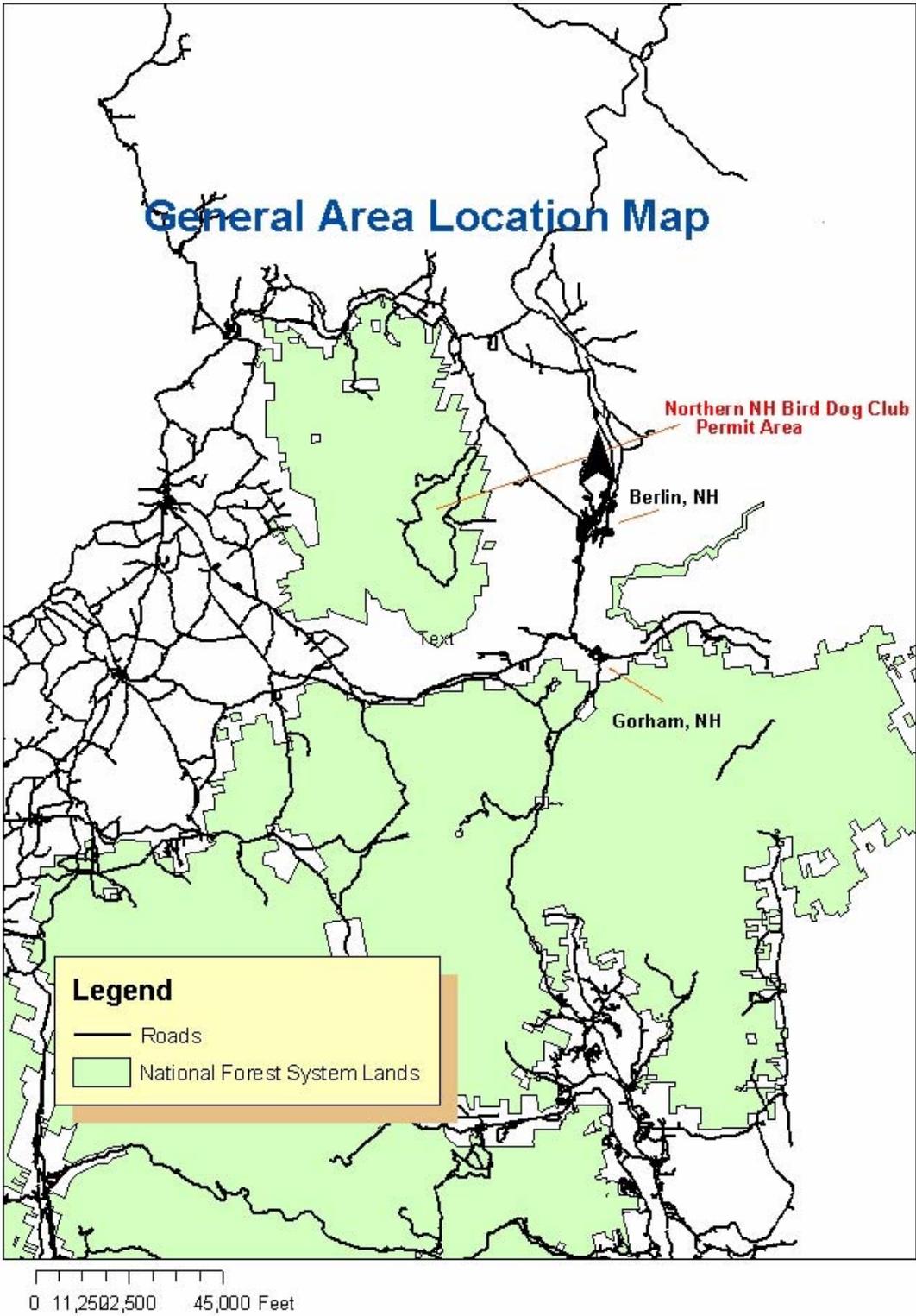
3. ...we requested that grouse and woodcock flushes tabulated during the trial events be provided at the end of the field trial season to the Androscoggin Ranger District Wildlife Biologist....we ask that the permit require the club to do a better job of providing this information...
4. Any trail work performed by the Club should be closely coordinated with the Androscoggin District Wildlife Biologist...

## **Appendix B**

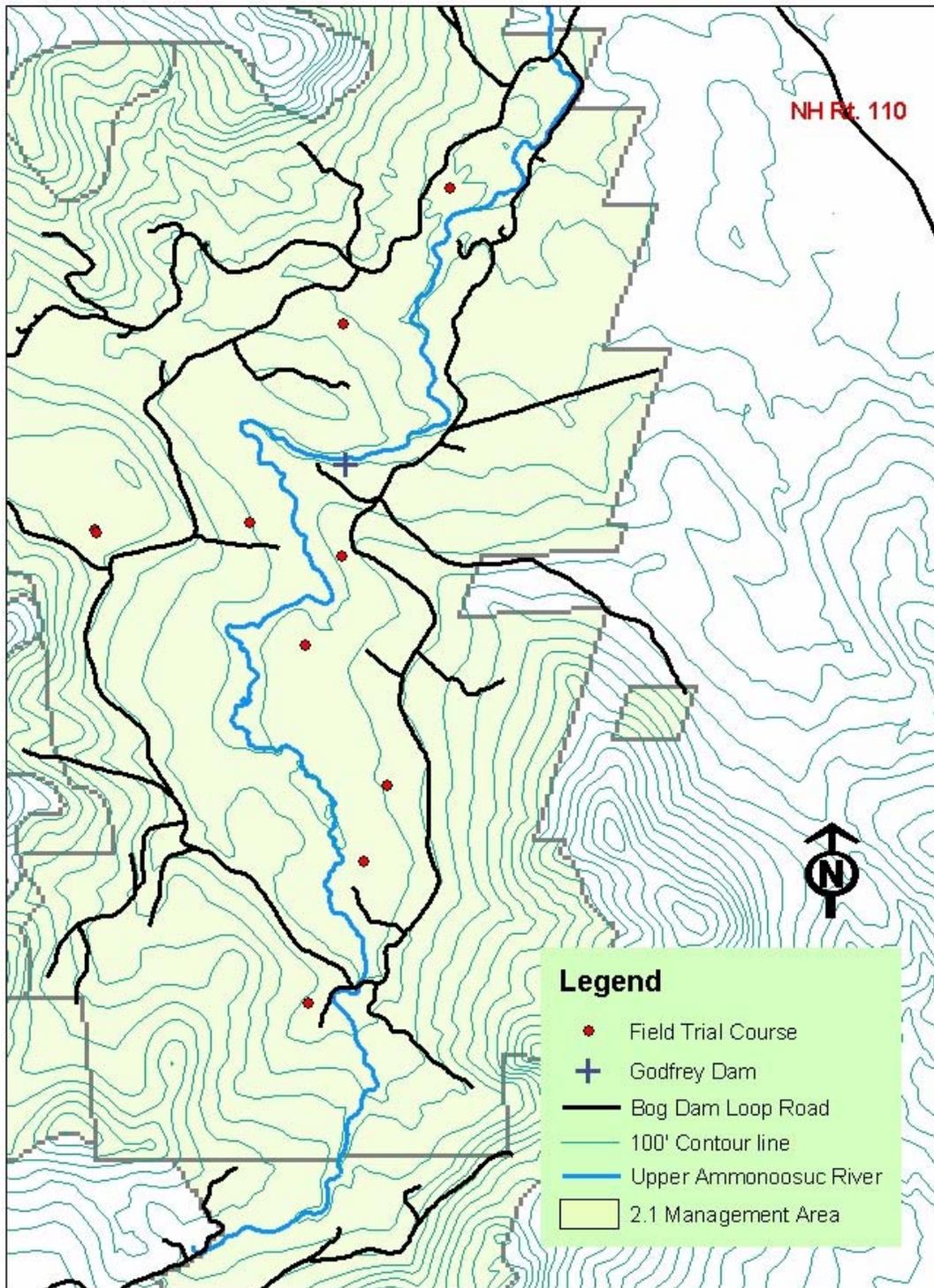
### U.S. Northern New Hampshire Bird Dog Club Special Use Permit Implementation Guidelines.

1. If the Moosehorn Trail is ever relocated, it should be kept at least 50 meters from the seep that contains sweet coltsfoot (*Petasites frigidus* var *palmaris*).
2. No trails should be relocated from their current position without some type of review to minimize any potential impacts to RFSS plant species that are known to occur or have suitable habitat in the permit area.
3. Trails would be brushed outside the breeding season for birds
4. The NNHBDC shall contact the Forest Service Permit Administrator for site maintenance, event planning, and related permit operations including:
  - a. Providing annual grouse and woodcock population counts and data, final tallies, and related biological information to the Androscoggin Ranger District Wildlife Biologist.
  - b. Contact the Permit Administrator for any proposed trail work and relocations (see number 1 above).
5. The NNHBDC shall submit an annual Operating Plan. As part of the Operating Plan the NNHBDC agrees to allow visitors to use National Forest System Lands within the permit area during the permit operating season.

# Appendix C



# NHBDC Permit Area and Trail Locations



0 2,500 5,000 10,000 15,000 20,000 Feet