

UTILITY LINE SPECIAL USE PERMIT RE-ISSUANCE DECISION MEMO

White Mountain National Forest Carroll, Coos, and Grafton Counties New Hampshire

PROPOSED ACTION

The White Mountain Forest Supervisor is proposing to re-issue the special use permits currently held by the Public Service of New Hampshire, New Hampshire Electric Co-Operative and Verizon allowing their utility line facilities to remain on National Forest System lands. The permits will cover the following utility line authorizations:

New Hampshire Electric Co-Op

Authorization # s = 400501, 400502, 400503, 400504, 400505, 400506, 400508, 400509, 400510, 400511, 400512, 401101, 401102, and 401103.

Public Service of New Hampshire

Authorization # s = 400601, 400603, 400604, 400605, 400606, 400608, 400609, 400610, 400611, 400612, 400613, 400614, and 400616.

Verizon

Authorization # s = 401401, 401402, 401403, 401404, 401406, 401407, 401409, 401410, 401411, 401412, 401413, 401415, 401416, 401417, 401418, and 401419.

There are no proposed changes to the authorized facilities.

DECISION

I have decided to re-issue the aforementioned special use permit authorizations. This will allow the communication and electrical services that are provided by these facilities to continue benefiting their users in Coos, Carroll and Grafton Counties.

The permit will have a thirty year term. No new facilities and/or structures are authorized by this decision. The typical maintenance that is performed under this permit involves trimming tree limbs or using a boom truck from existing service roads to repair an insulator or support structure.

Terms and conditions of use for the permit re-issuance will adhere to FSM 2726.41 and include Clauses A-17, B-1, B-10, C-8, D-4, D-9, D-23, F-15, R9 D-1, R9 D-2, X-8, X-17, X-33 and X-48. These clauses, if pertinent to resource protection requirements, are detailed below:

R9-D1. Invasive Species Prevention and Control

The holder shall be responsible for the prevention and control of noxious weeds and invasive species arising from the authorized use. For the purpose of this clause, noxious weeds and invasive species include those species recognized as such by (name of federal, state, or local authority). When determined to be necessary by the authorizing officer, the holder shall develop a plan for noxious weed and invasive species prevention and control. Such plans must have prior written approval from the authorizing official and upon approval, shall be attached to the permit as an appendix.

R9-D2. Weed-Free Hay

The holder shall use only hay, grain, straw, pelletized feed, or mulch certified as noxious/invasive weed-free or noxious/invasive seed-free by State Departments of Agriculture or other authorized officials. The holder shall provide documentation of such certification to the authorizing officer.

D-9. Revegetation of Ground Cover and Surface Restoration.

The holder shall be responsible for prevention and control of soil erosion and gullyng on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

D-23. Pesticide Use.

Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned will be considered for use on National Forest System lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

F-15. Right-of-Way Clearing, Powerline.

The holder shall clear designated parts of the powerline right-of-way and keep them clear as required by the Forest Service; shall trim all branches of trees in contact with or near the line; shall remove all dead snags and all trees which are leaning toward the line on or adjacent to the right-of-way; and shall observe such other fire precautions as may be required; but all waste material shall be burned or otherwise disposed of to the satisfaction of the Forest Service. The clearing width shall be restricted to that necessary for safe transmission, unless the specific permission of the Forest Service for a greater clearing width is obtained.

X-8. Protection of Habitat of Endangered, Threatened, and Sensitive Species.

Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder. If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

X-17. Archaeological-Paleontological Discoveries.

The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

REASONS FOR CATEGORICAL EXCLUSION

Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA) when conditions of one of the categories identified by the U.S. Department of Agriculture are met. These categories can be found in 7 CFR part 1b.3, or as identified by the Chief of the Forest Service in the Forest Service Handbook (FSH) 1909.15 section 31.12 or 31.2. To use a categorical exclusion there must not be any extraordinary circumstances. I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the project record.

The decision qualifies for the following exclusion under FSH 1909.15 section 31.2, Category 15, "Issuance of a new 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 authorization." The decision meets requirements for exclusion from an EIS or EA, but does require a Project File and Decision Memo (FSH 1909.15, section 31.2).

No extraordinary circumstances exist that might cause the action to have significant effects; therefore, the action is categorically excluded from documentation in an environmental assessment or an environmental impact statement. Based on the environmental analysis and past experience, the effects of implementing this action will be of limited context and intensity and will result in little or no effects to either the physical or biological components of the environment. The environmental impact of the project is minimal. No threatened, endangered, or sensitive species, or species proposed for such status will be adversely affected. No cultural resources in the area will be adversely affected. All practicable means to avoid or minimize environmental damage have been adopted.

After reviewing the project file, proposed areas, and uses, I have determined that environmental impacts from this decision would be negligible, as it merely authorizes the re-issuance of permits on existing facilities. Additionally, there are no extraordinary circumstances related to the implementation of this decision. Resource conditions considered in determining the presence of extraordinary circumstances included, but were not limited to, Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species; flood plains, 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 and Alaska Native religious or cultural sites; archeological sites, or historic properties or areas. The mere presence of

one or more of these resource conditions does not preclude the use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist (FSH 1909.15 Chapter 30.3(2)).

SCOPING AND PUBLIC INVOLVEMENT

General public scoping was started by placing the proposed project in the April 1, 2005 White Mountain Schedule of Proposed Actions on the White Mountain National Forest website. Public involvement was conducted with a project scoping report and letter that was mailed on April 3, 2006 to approximately 203 interested individuals and agencies. Six comment letters were received. These comments are appreciated, and are being incorporated into project design. On April 3 2006, the Scoping Report was added to the web site and also on April 3, 2006 it was advertised in the legal notice section of the Manchester Union Leader. The mailing list of individuals and organizations contacted is on file in the project record.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is in accordance with the National Environmental Policy Act (1969), the National Forest Management Act (1976), and all other applicable laws and regulations.

I have evaluated this project and have found it to be consistent with the Standards and Guidelines contained in the White Mountain National Forest Land and Resource Management Plan, as amended.

No impacts are expected on Sensitive, Threatened, or Endangered species. No impact is expected on cultural resources. This action will comply with requirements of the Clean Water Act.

I have reviewed this action in accordance with Executive Order 12898 (consideration of environmental justice). I find scoping was adequate to inform low income and minority populations that may be affected by this action. No concerns of disproportionate health or environmental effects surfaced. Adverse effects of this action will be very minor or not apparent. Therefore, I find my decision will not disproportionately create high and adverse health or environmental effects to low income or minority populations.

No impact is expected on parkland, floodplains, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas. There are no anticipated impacts on consumers, minority groups, American Indians, women, or civil rights.

There are no known significant indirect, cumulative, or unavoidable adverse effects on the environment. There is no threat to public health or safety. Implementation of this proposal meets the resource protection requirements of 36 CFR 219.27.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES / IMPLEMENTATION DATE

This decision is not subject to appeal, pursuant to Forest Service regulations at 36 CFR 215.12(f). This decision may be implemented immediately. Notification of this Decision will be published in the Manchester Union Leader.

For further information, contact Craig Young at the White Mountain National Forest Supervisors Office at 719 Main Street, Laconia, New Hampshire 03246 or phone (603) 528-8706.

/s/

6/01/06

Thomas G. Wagner
Forest Supervisor

Date

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