



Department of
Agriculture

United States
Forest Service

April, 2008



Decision Memo

South Pond Association Special Use Permit Renewal

Town of Stark,
Coos County, New Hampshire

Prepared By
The Androscoggin Ranger District
White Mountain National Forest

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Decision Memo
South Pond Association
Special Use Permit Renewal

1.0 – Decision

After conducting an environmental analysis and seeking public comment on the South Pond Association request to renew their Special Use Permit I have decided to renew their Special Use Permit for a new tenure of 5 years. The 5 year tenure is preferable to a 10 year permit period because it allows for better management flexibility and frequency to address permit implementation and operations issues through a 5 year permit renewal process. The permit authorizes the South Pond Association annual maintenance of the Forest Roads located in U.S. Tracts 813 and 813B on National Forest System Lands in the Town of Stark, New Hampshire (see Appendix B for Vicinity and Permit Area maps).

The authorization enables the South Pond Association to remove snow, grade, and clean culverts on approximately .7 miles of the South Pond Road (FR65) and two .1 mile spur sections (FR 65A and 65B) of road known as the Normand Road off of Forest Road 65 (See map in Appendix B).

Renewing the permit would authorize uses identical to the previous permit that expired on January 1, 2008.

1.1 -- Rationale for the Decision

An analysis of the resource conditions (see Section 3.2) 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 and best meets the purpose of and need for action.

The purpose of the project is to provide residents and camp owners safe access to private lands at South and North Ponds.

The need of this action is to address the South Pond Association request to renew the expired Special Use Permit.

2.0 --Background

Background: On December 22, 2007 the South Pond Association requested renewal of their Special Use Permit. The Forest Service has issued a Special Use Permit to the South Pond Association since 1988. Over the past 20 years the South Pond Association has demonstrated responsible land stewardship by following the annual permit operating plan requirements and they have been responsive to communications and permit administration with the U.S. Forest Service.

3.0 -- Category of Exclusion and Environmental Analysis

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 South Pond Association 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.

3.1 -- Rationale for Category

I find that the above category is appropriate for this analysis and decision because the South Pond Association 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).

3.2 -- Resource Conditions and Extraordinary Circumstances

The environmental analysis included surveys of existing data for rare plants, heritage resources, and a determination 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:

3.2a -- 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

Based on a prefield review of all available information, it is my determination that there are no known occurrences of federally threatened, endangered, and proposed species and Regional Forester Sensitive Species in the permit area and the type of habitat present in the permit area is not likely suitable for any of the species on the TES/RFSS list therefore there would be no impact to any TES/RFSS species as a result of this action.

Non-native Invasive Species (NNIS)

Some species of NNIS have been reported in or near the permit area including *Aegopodium podagraria* (goutweed), *Fallopia japonica* (Japanese knotweed), and coltsfoot (*Tussilago farfara*). As a result, the overall NNIS risk rating assigned for the South Pond Road Association Special Use Permit Area is “Moderate” and requires implementing the 2005 Forest Plan standards and guidelines (USDA Forest Service 2005, Chapter 2, pages 11-12).

Implementing these guidelines reduces but does not eliminate the possibility of introducing NNIS. Road maintenance activities in the permit area could introduce or spread NNIS. The risk of this occurring is possible as there are established NNIS species in the Permit Area, but the incorporation of the 2005 Forest Plan standards and guidelines reduces this risk.

The South Pond Association shall follow the Forest Plan standards and guidelines described below. In addition further assurance is provided through the special use permit mandatory clause that also addresses the invasive species concern.

NNIS Forest Plan Standards and Guidelines

- Heavy equipment must be visibly free of seeds and plant parts prior to entering the permit area. Cleaning should take place off-Forest unless an on-Forest cleaning site has been approved by a Forest Officer in advance (USDA-Forest Service, 2005, *Invasives*, S-6, p 2-12).
- Gravel and fill must come from weed-free sources. The Forest will be available to work with owners of local gravel sources to identify weed-free borrow material in their pits. The entire pit or fill area need not be identified as weed-free; material may be used that is not likely to contain invasive plants or seeds (USDA-Forest Service, 2005, *Invasives*, S-4, p 2-11).
- Minimize soil disturbance to no more than needed to meet project objectives.

Where ditching is required to place the under ground cable or other disturbance creates bare ground, and consistent with project objectives, reestablish vegetation to prevent conditions to establish weeds. Use native seed where appropriate and feasible, and use certified weed-free or weed-seed free hay or straw where certified materials are reasonably available.

Additional information on all NNIS and TES/RFSS species is in the Biological Evaluation, which is available in the Project File located at the Androscoggin Ranger District Office.

3.2b -- Floodplains, wetlands, or municipal watersheds

Renewing the permit should not result in any adverse impacts to wetlands or floodplains. Road maintenance may initially cause short term and localized ground disturbance near and adjacent to the South and North Ponds. Improving and maintaining these sections of road for their level of use can prevent future sediment transport and inputs of existing roads (NCASI 2000) The South Pond Association Special Use Permit area does not lay within the Berlin Municipal Watershed. Therefore, renewal of the special use permit is not expected to result in any impacts to this municipal watershed.

3.2c -- Congressionally Designated Areas

The Great Gulf Wilderness is the closest congressionally designated area to the permit area. This Wilderness area is located about 15 miles south. Renewal of the special use permit will not result in any impacts to the Wilderness.

3.2d -- Inventoried Roadless Areas

The South Pond Association is near the Kilkenny Inventoried Roadless Area as identified in the Forest Plan (USDA 2005a). The South Pond Association permit site is excluded from the Roadless Area. Permit renewal will not affect the roadless area.

3.2e -- 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 is nearby or will be affected by renewal of South Pond Association Special Use Permit.

3.2f -- American Indians and Alaska Native Religious or Cultural Sites/Archaeological Sites, or Historic Properties or Areas

An examination of cultural resources data has revealed no known sites located in the permit area, hence there will be not be any impacts to cultural or archeological sites. No known cultural resources are likely to be impacted by this project and no unidentified cultural resources are likely to be impacted by grading or other construction work on the existing road bed due to the highly disturbed nature of the project area, nor will any other physical activity take place that could potentially impact cultural resources. 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.

4.0 -- Public Involvement

The White Mountain National Forest listed the renewal of the South Pond Association Special Use Permit on the Schedule of Proposed Actions (SOPA) beginning in June, 2007 and mailed scoping reports to 53 interested and affected parties on February 28, 2008. Eleven responses were received through the mail, e-mail, and phone call. Two respondents support renewal of the South Pond Association Special Use Permit for a period of 5 years (see Appendix A for details regarding public comments and Forest Service responses), and 9 respondents wished to be notified of the decision through a summary note or copy of the decision. There was no opposition expressed.

5.0 -- Consistency with the Land and Resource Management Plan (Forest Plan) and other Applicable Laws

My decision to renew the South Pond Association 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.

5.1 -- 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 South Pond Association Special Use Permit 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, 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).

5.2 -- Special Uses – Forest Service Manual 2700

My decision to renew the South Pond Association 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.

6.0 -- Implementation Date

Renewal of the South Pond Association Special Use Permit may proceed immediately. A new permit is expected to take effect by May 15, 2008.

7.0 -- Administrative Review or Appeal Opportunities

This decision is not subject to administrative review or appeal, pursuant to 36 CFR 215.

8.0 -- 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, or tmmoore@fs.fed.us.

9.0 -- Signature and Date

I have concluded that renewing South Pond Association 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.

USDA (U.S. Department of Agriculture, Forest Service). 2008. Mill Brook Project – Preliminary Environmental Assessment. Gorham, NH: USDA-FS, Eastern Region, White Mountain National Forest.

National Council for Air and Stream Improvement, Inc. (NCASI). 2000. Handbook of Control and Mitigation Measures for Silvicultural Operations. Unpublished draft Technical Bulletin. Research Triangle Park, N.C. National Council for Air and Stream Improvement, Inc.

Appendix A
South Pond Association Special Use Permit
Scoping Comments

Public Involvement

07/01/2007 - 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 and www.fs.fed.us/sopa/.

February 26, 2008: Mailed 53 scoping reports to interested and affected parties that provided the project description and contact information. Two respondents indicated support of the project and nine respondents did not provide substantive comment indicating support or non support for the permit renewal.

- 9 responded by letter through the mail
- 1 responded by the phone.
- 1 responded through e-mail.

Support of Proposed Action

All comments are noted and available in the project file. Two respondents indicated direct support of the South Pond Association Special Use Permit renewal. Nine respondents requested notification of the decision and did not offer substantive comments of support or non-support of the permit renewal.

APPENDIX B

Vicinity and Project Area Maps