

# DECISION MEMO

## Special Use Permit Renewals

USDA Forest Service, Eastern Region, White Mountain National Forest  
Saco Ranger District  
Carroll County, New Hampshire

### 1.0 Decision

#### 1.1 Background

This decision memo addresses five special use permit renewals on the Saco Ranger District. All improvements exist and physical changes have not been proposed. Two of the permits also involve new ownership. Updated applications will be completed prior to issuance.

The permittees, locations and special uses this decision addresses are:

Permittee	Special Use	Location*
Chatham Woods Road Association	Road Access to Private land	Stow, ME
Elizabeth C. Lincoln	Water Line	Harts Location, NH
Robert Yeaton	Well and Bulkhead	Albany, NH
John Eastman (formerly Frechette)	Road Access to Private Land	Albany, NH
Dr Aurelio Palubeckas (formerly Robledo)	Water Line/ Road Access to Private Land	Chatham, NH

\*Please see attached maps for more detailed location information.

#### 1.2 Purpose and Need

The proposed action is in response to expiration of permits, transfer of private land ownership, and the need to properly document existing forest uses.

#### 1.3 Description of Decision

It is my decision to continue to allow existing use of forest lands for these five special uses on the Saco Ranger District. The uses will be permitted to the existing property owners served by these improvements.

#### 1.4 Alternatives Considered but Eliminated

Alternative methods were considered when these expired permits were initially issued and were determined to be impractical and/or unreasonable due to terrain, location or adverse environmental effects. The current alternative of not re-issuing permits is also

impractical and unreasonable as the uses are ongoing and do not involve further land disturbance activities.

## **2.0 Reasons for Categorically Excluding the Decision**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the US Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances present.

### **2.1 Category of Exclusion**

The proposed action falls within the categories of actions described in the FSH 1909.15, Amendment Number 1909.15-92-1 (September 21, 1992), Section 31.2.

Category 3 of Section 31.2 states:

“Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.”

Example h of Category 3 states:

“Approving the continued use of land where such use has not changed since authorized and no change in the physical environment or facilities are proposed.”

### **2.2 Relationship to Extraordinary Circumstances**

Permit of these existing improvements does not involve earth disturbance or other resource concerns.

**Steep slopes or highly erosive soils.** Neither steep slopes nor highly erosive soils are present within the permit areas.

**Threatened and endangered species or their critical habitat.** Potential effects of this decision on listed species has been analyzed and documented in a biological evaluation. The proposed action would have no effect on any federally listed or proposed species except the Indiana bat (*Myotis sodalis*), listed as threatened. For Indiana bat, the determination is may affect – not likely to adversely effect. The possibility of an Indiana bat utilizing the minimal roadways as a travel corridor while a vehicle is also on the road is so remote as to be insignificant and discountable (Starke 2002).

For all Region 9 Regional Forester sensitive species, except eastern small-footed myotis (*Myotis leibii*), the proposed action would cause no impacts. For the eastern small-footed myotis, the permit renewals may cause impacts, but would not lead to federal listing or a loss of population viability (Starke 2002).

**Flood plains, wetlands, or municipal watersheds.**

No additional construction or disturbance will occur in the project areas as all improvements are pre-existing. Therefore, there will not be a significant impact upon flood plains, wetlands or similar areas.

**Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.**

There are no congressionally designated areas within the permit areas (White Mountain National Forest Land and Resource Management Plan 1986).

**Inventoried roadless areas.**

There are no inventoried roadless areas within the permit areas (White Mountain National Forest Land and Resource Management Plan 1986).

**Research Natural Areas.**

There are no research natural areas within the permit areas (White Mountain National Forest Land and Resource Management Plan 1986).

**Native American religious or cultural site, archaeological sites, or historic properties or areas.**

No land disturbance will occur, as all improvements currently exist. All permits issued will contain clause X-17, which requires permit holders to immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest.

No other extraordinary circumstances related to this project were identified. Based on past experience with similar activities of this type on the Saco Ranger District, I have determined that the environmental effects associated with the proposed action are not likely to exceed those associated with Category 3 actions.

### **3.0 Scoping**

Scoping included site visits and evaluation by Saco Ranger District Assistant Ranger Dean Yoshina, Biologist Kathy Starke, White Mountain National Forest Land and Special Use Program Leader Ken Crevier, and myself.

Assistant Ranger Dean Yoshina also contacted town offices and adjacent landowners during the scoping process. The individuals contacted did not raise any concerns.

### **4.0 Findings Required by and/or Related to Other Laws and Regulations**

My decision will comply with all applicable laws and regulations. See Section 2.2 above.

## 5.0 Administrative Review or Appeal

This decision is not subject to a higher level of administrative review or appeal pursuant to 36 CFR 215.8.

## 6.0 Implementation Date

The decision may be implemented immediately.

## 7.0 Contact Person

Further information about this decision can be obtained from Holly Jewkes at the Saco Ranger District:

33 Kancamagus Highway

Conway, NH 03818

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Email: [hjewkes@fs.fed.us](mailto:hjewkes@fs.fed.us)

## 8.0 Signature and Date

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the US Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in FSH 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the planning record.

/s/ Terry Miller

TERRY MILLER

District Ranger

9/3/2003

Date