Cow Mountain Pond Hiking Trail Relocation Project

Decision Memo

Northeastern States Forest Legacy Program
Green Mountain National Forest
Rochester Ranger District
Town of Granby
Essex County, Vermont

For Information Contact: Jay Strand
Green Mountain National Forest
Rochester Ranger District
99 Ranger Road, Rochester, VT 05767
(802) 767-4261 x522
Fax: (802) 767-4777
E-mail: jstrand@fs.fed.us

Responsible Official: Christopher Mattrick
District Ranger
Rochester & Middlebury Ranger Districts
Green Mountain National Forest
99 Ranger Road, Rochester, VT 05767
(802) 767-4261 x513
Fax: (802) 767-4777
E-mail: cmattrick@fs.fed.us
In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer and lender.

This document can be made available in large print. Contact Jay Strand at (802) 767-4261 x522; or email at jstrand@fs.fed.us
Cow Mountain Pond Hiking Trail Relocation Project
Decision Memo

USDA Forest Service, Eastern Region, Green Mountain National Forest
Northeastern States Forest Legacy Program
Rochester Ranger District
Town of Granby, Essex County, Vermont

I. SUMMARY

As District Ranger for the Rochester and Middlebury Ranger Districts of the Green Mountain National Forest (GMNF), I am approving the implementation of the Cow Mountain Pond Hiking Trail Relocation Project. The project includes the relocation of an existing segment of the Pond Hiking Trail to a more sustainable location. The relocation will include about 440 feet of new trail construction and will be authorized through a recreation special use permit. The project area is on Northeastern States Forest Legacy Program lands in the Town of Granby, Essex County, VT administered by the Rochester Ranger District of the GMNF (see attached project map).

II. DECISION TO BE IMPLEMENTED

A. Purpose and Need

The 0.25 mile Pond Trail is part of the Cow Mountain Pond trail system located on the Cow Mountain Pond forest legacy tract property in Granby, VT. The trail provides access to Cow Mountain Pond starting at the main access trail/logging road and then passes through a low wet area for much of the remainder of the route. The Vermont Department of Forests, Parks and Recreation (FPR) received a request from the Town of Granby to relocate a segment of this non-motorized trail identified as Trail Reroute 1 on the attached project map. This segment is within the area owned in fee by the USDA Forest Service. The purpose of the proposed relocation is to move the trail out of perpetually wet ground and onto adjacent well-drained side slopes; thereby reducing the impact on the wetland soils eliminating the need for maintenance on the series of bog bridges currently in use on the existing trail. The planking on these bridges has been found to need replacement approximately every 10 years; a significant long-term maintenance responsibility for the Town of Granby.

The legacy tract (the 1,685 acre “Cow Mountain Tract”) was acquired from Champion International Corporation by the Forest Service in 1993 and is managed in cooperation with the Town of Granby; The Nature Conservancy; Vermont Department of Forest, Parks and Recreation; and the Vermont Housing and Conservation Board through a Memorandum of Understanding (MOU) dated December 7, 1993. The tract is outside of the GMNF proclamation boundary and thus any trail even on lands under Forest Service jurisdiction are not designated National Forest system trails. For this reason, a special use permit would need to be issued to the town to authorize this land use.

The legacy tract is not within the National Forest proclamation boundary and thus was not allocated to Management Areas as provided for in the 2006 GMNF land and Resource Management Plan (Forest Plan). Although management direction for the tract is provided by the 1993 MOU and associated documents, Forest-wide standards and guidelines direction should be followed if not inconsistent with the MOU. Managed recreation is an allowable use of Legacy Program lands.
B. Description of Decision

Relocate the trail upslope from and parallel to the existing trail route for approximately 440 feet as shown Trail Reroute 1 on the project map. This portion of the trail is under Forest Service jurisdiction and outside of the 200 foot protection buffer around Cow Mountain Pond. The new proposed route will be on a well-drained slope, will require minimal drainage, rock work or tree clearing, and will provide a long-term solution to replacing bridges every 10 years.

Since this trail is not within the GMNF proclamation boundary and will not be part of the National Forest trail system, its construction and use will be authorized through a recreation special use permit issued to the Town of Granby not to exceed 5 years. If the Forest Legacy Program tract is fully transferred to a non-National Forest entity, the permit will be terminated upon legal transfer of the land.

My decision includes implementation of mitigation measures identified in Appendix A of this Decision Memo. This decision is based upon an environmental analysis conducted by Forest Service and VT Agency of Natural Resources staff. This information is filed in the project planning record located in the Rochester Ranger District office in Rochester, VT.

III. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS) when they are within one of the categories of actions found at 36 CFR 220.6(d) or (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

Based on the environmental analysis included in the project planning record and on experience with similar activities on the GMNF, I have concluded that this decision can be appropriately categorically excluded from further analysis and documentation in an EA or EIS. I have determined that the selected action is a routine activity within the following category of exclusion found at 36 CFR 220.6(e)(1): “Construction and reconstruction of trails.”, and (e)(3): “Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.”

B. Relationship to Extraordinary Circumstances

Resource conditions that should be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or EIS may be found at 36 CFR 220.6(b)(1). The degree of any potential effect from the proposed action associated with these resource conditions determines whether extraordinary conditions exist. The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion.

I have considered the potential effects from the project associated with the resource conditions listed at 36 CFR 220.6(b)(1) and conclude they are not significant. As a result, there are no extraordinary circumstances related to this action. My conclusion is based on information presented in this document and the entirety of the project planning record. A summary of the project’s potential effects on each resource condition is as follows:
1. 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 proposal was reviewed by the Vermont Agency of Natural Resources staff for the presence of threatened, endangered or sensitive species based on the current species list provided by the Forest Service. There are currently no known occurrences of threatened or endangered wildlife species in this area. Likewise, there is no potential or critical habitat within the project area. In regards to northern long-eared bat habitat, no trees over 3 inches at diameter breast height will be cut in association with this project. As a result, there will be "no adverse effect on species or critical habitat" (Wildlife Biological Evaluation, 9/15/2016). There are no federally listed threatened or endangered plant species on the GMNF.

Forest Service Manual (FSM) 2670 direction requires analysis of potential effects to sensitive species, those species for which the Regional Forester has identified population viability is a concern. These species are listed as Regional Forester's Sensitive Species (RFSS). The project area has not been surveyed for sensitive species; however, the site information has been reviewed by State staff (7/28/2016) and there is no RFSS habitat or species identified within the influence of the project site. As a result, there will be no adverse effect anticipated to any sensitive species.

2. Floodplains, Wetlands, or Municipal Watersheds

The project is not located within or directly adjacent to any floodplain, Class I or II wetlands, or municipal watersheds. This has been validated by map and site-review. As a result, there will be no adverse effects associated with these resources expected from this project (communication with Angie Quintana, Forest Soil Scientist, 5/17/2016).

3. Congressionally Designated Areas, such as Wilderness, Wilderness Study Areas, or National Recreation Area

**Wilderness:**
Congressionally designated Wilderness is allocated to the Wilderness Management Area (MA) in the Forest Plan (Forest Plan, pp. 49 to 53). The project is not within or directly adjacent to any Wilderness MA. This project, with effects limited to the immediate area of activity, will have no effects associated with the Wilderness resource (communication with Melissa Reichert, Recreation Planner, 5/17/2016).

**Wilderness Study Areas:**
There are no Congressionally designated Wilderness Study Areas on the GMNF.

**National Recreation Areas:**
The GMNF contains two National Recreation Areas: the Moosalamoo National Recreation Area and the Robert T. Stafford White Rocks National Recreation Area. The project is not located within or near these areas as validated by map and site-review. As a result, there will be no effects associated with the National Recreation Area resource expected from this project (communication with Holly Knox, Recreation Staff, 5/17/2016).

**Appalachian National Scenic Trail:**
The Appalachian National Scenic Trail (AT) traverses across the GMNF and is designated and managed as a special area because of its uncommon and outstanding values (Forest Plan, pp. 66 to 72). The AT is not near or within the influence of the project. As a result, no
effects associated with the AT are expected (communication with Melissa Reichert, Recreation Planner, 5/17/2016).

*Wild and Scenic Rivers:*
Although the GMNF does not contain any Congressionally designated Wild and Scenic Rivers, there are many river segments that are eligible to be further considered for addition to the National Wild and Scenic River System. These river segments and their associated corridors are within the Eligible Wild, Scenic, and Recreational Rivers Management Area (Forest Plan, pp. 105 to 109). The project is not located within or near these eligible river segments as validated by map and site-review. As a result, no effects associated with the outstandingly remarkable values identified for any eligible Wild, Scenic, and Recreational Rivers are expected from this project (communication Holly Knox, Recreation Staff, 5/17/2016).

4. **Inventoried Roadless Areas or Potential Wilderness Areas**

The project is not within any inventoried roadless area (2001 Roadless Area Conservation Rule or 2006 Forest Plan inventoried roadless areas). As a result, no effects associated with the inventoried roadless area resource are expected from the project (communication with Melissa Reichert, Recreation Planner, 5/17/2016).

5. **Existing and Candidate Research Natural Areas**

There are no existing or candidate Research Natural Areas (Forest Plan, pp. 90 to 93) within or directly adjacent to the project area. This project, with effects limited to the immediate area of activity, will have no effects associated with any existing or candidate Research Natural Area resource (communication with Jay Strand, Forest Planner, 5/17/2016).

6. **American Indian and Alaska Native Religious or Cultural Sites**

See Item 7 below.

7. **Archeological Sites, or Historic Properties or Areas**

Forest Service Archeologists Tim Watkins and Rachael Kannegaard conducted an archeological resource assessment based on a site visit. No effects to these resources are expected and no consultation with the State Historic Preservation Office or potentially affected tribes is required (Letter from VT Department of Forests, Parks and Recreation, 7/28/2016).

C. **Other Resources**

In addition to resource conditions that could lead to extraordinary circumstances, I have also considered the direct, indirect, and cumulative effects to other resources such as soil, water, fisheries, visuals, recreation, and vegetation. The project is not expected to result in any adverse effects associated with these resources, particularly because all applicable Forest Plan standards and guidelines will be implemented (communication with Forest Service and State specialist staff, 5/17/2016 and 7/28/2016).

No non-native invasive plants were identified along the trail corridor or the immediate area during a site visit inspection conducted by Kate Willard, VT Department of Forests, Parks and Recreation on 6/28/2016. Of specific concern is the potential impact to ecological resources.
around Cow Mountain Pond and its 200 foot buffer. This site is considered old growth forest and is afforded special protection in the Grant Conservation Restrictions document dated January 14, 1993. The trail reroute will be outside of this 200 foot buffer and thus there will be no effect anticipated.

IV. PUBLIC INVOLVEMENT

This project was listed in the quarterly Green Mountain National Forest Schedule of Proposed Actions (SOPA) beginning in July 2016, and will remain in the SOPA until the project is authorized for implementation. Public involvement included contact with the Town of Granby. VT Department of Forests, Parks and Recreation staff has been in close communication with Forest Service staff regarding resources subject to potential impact from the project.

This project was also internally reviewed by an interdisciplinary team of Forest Service staff at a “Small Projects Day” meeting in Rutland, VT on May 17, 2016. Issues and concerns have been addressed by the analysis and through the development of mitigation measures (Appendix A of this decision document).

V. FINDINGS REQUIRED BY OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent laws and regulations in this section.

National Environmental Policy Act
The National Environmental Policy Act (NEPA) requires public involvement and consideration of environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Forest Consistency (National Forest Management Act)
The National Forest Management Act (NFMA) requires development of long-range land and resource management plans, and that all site-specific project activities to be consistent with direction in the plans. The GMNF Land and Resource Management Plan (Forest Plan) was completed and approved in 2006 as required by the NFMA and provides direction for all management activities on the Forest. The Cow Mountain Pond Hiking Trail Relocation Project implements the Forest Plan, and consideration of the project is guided by its direction when not inconsistent with the Memorandum of Understanding (MOU) dated December 7, 1993 that authorizes Forest Service management responsibilities for the Cow Mountain Pond Forest Legacy Program tract.

My decision is based on the best available science, including a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. As required by the NFMA Section 1604(i), I find this project to be consistent with the Forest Plan Forest-wide standards and guidelines. I also find this project to be consistent with direction found in the Forest Legacy Program tract MOU.

Endangered Species Act
The Endangered Species Act 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 to such species’ designated critical habitat. In accordance with Section 7(c) of this Act, a report of the listed and proposed, threatened or endangered species that may be present in the project area was reviewed. See Section III, Item B.1 of this decision document.
Clean Water Act
The intent of the Clean Water Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through Forest Plan standards and guidelines, specific project design criteria, and mitigation measures to ensure protection of soil and water resources.

Wetlands (Executive Order 11990)
Executive Order 11990 directs the agency to avoid to the extent possible the adverse impacts associated with the destruction or modification of wetlands, and to avoid support of new construction in wetlands wherever there is a practical alternative. See Section III, Item B.2 of this decision document.

Floodplains (Executive Order 11988)
Executive Order 11988 directs the agency to avoid to the extent possible the adverse impacts associated with the occupancy and modification of floodplains, and to avoid support of floodplain development wherever there is a practical alternative. See Section III, Item B.2 of this decision document.

Wilderness Act
The Wilderness Act established a National Wilderness Preservation System to be composed of federally owned land designated by Congress as “wilderness areas”. These areas are administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness. The Act provides for the protection of these areas, the preservation of their wilderness character, and for gathering and dissemination of information regarding their use and enjoyment as wilderness. See Section III, Item B.3 of this decision document.

National Trails System Act
The purpose of the National Trails System Act includes the designation of the Appalachian National Scenic Trail to help institute a national system of trails for the ever-increasing outdoor recreation needs of an expanding population. It also promotes the preservation of, public access to, travel within, and enjoyment and appreciation of outdoor areas and historic resources of the Nation. See Section III, Item B.3 of this decision document.

Wild and Scenic Rivers Act
The Wild and Scenic Rivers Act institutes a national wild and scenic rivers system that includes selected rivers which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. It provides for them to be preserved in a free-flowing condition, and that they and their immediate environments will be protected for the benefit and enjoyment of present and future generations. See Section III, Item B.3 of this decision document.

Native American Graves Protection and Repatriation Act
The Native American Graves Protection and Repatriation Act addresses the discovery and protection of Native American human remains and objects that are excavated or discovered on federal lands. The Act encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. See Section III, Item B.6 of this decision document.
National Historic Preservation Act
Section 106 of the National Historic Preservation Act requires federal agencies to take into
account the effect of a project on any district, site, building, structure, or object that is included
in, or eligible for inclusion in the National Register. It also requires federal agencies to afford the
Advisory Council on Historic Preservation a reasonable opportunity to comment. See Section
III, Item B.7 of this decision document.

Archeological Resources Protection Act
The Archeological Resources Protection Act covers the discovery and protection of historic
properties (prehistoric and historic) that are excavated or discovered on federal lands. This Act
affords lawful protection of archaeological resources and sites that are on public and Indian
lands. See Section III, Item B.7 of this decision document.

Federal Noxious Weed Act and Executive Order 11312 (Non-native Invasive Species)
The Federal Noxious Weed Act requires cooperation with State, local, and other federal
agencies in the management and control of non-native invasive species (NNIS). Executive
Order (EO) 11312 requires all pertinent federal agencies (subject to budgetary appropriations)
to prevent the introduction of NNIS. This project’s decision meets the intent of this law and EO
by incorporating all pertinent Forest Plan standards and guidelines.

Environmental Justice (Executive Order 12898)
Executive Order 12898 requires consideration of whether projects would disproportionately
impact minority or low-income populations. This decision complies with this order. No adverse
impacts to local minority or low-income populations were identified.

VI. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES
This decision is not subject to an administrative review or objection pursuant to 36 CFR 218.

VII. IMPLEMENTATION DATE
This decision may be implemented immediately. Implementation is scheduled to begin in
September 2016.

VIII. CONTACT PERSON
Further information about this decision can be obtained from Jay Strand during normal office
hours (weekdays, 8:00 am to 4:30 pm) at the Rochester Ranger District office located at: 99
Ranger Road, Rochester, VT 05767; phone: 802-767-4261 x522; fax: 802-767-4777; or email:
jstrand@fs.fed.us.

IX. SIGNATURE AND DATE

/s/ Christopher Mattrick
CHRISTOPHER MATTRICK
District Ranger
Rochester & Middlebury Ranger Districts

Date

September 20, 2016

Attachments: Project Area Map; and Appendix A – Mitigation Measures
APPENDIX A – Mitigation Measures

All pertinent Forest-wide standards and guidelines, and the Forest Legacy Program Memorandum of Understanding (dated January 7, 1993) provisions will be adhered to during project implementation. The following additional mitigation measures will also be adhered to during project implementation:

Non-native Invasive Plants (NNIP)
- Clean any equipment used for trail construction prior to accessing the site to prevent introduction of NNIP.
- Any mulch used for seeding activities will consist of inert biological materials.
- If seeding of bare soils is required, use a mix of native or desirable non-invasive non-native species, to be approved by the Forest botanist.

Heritage
- If any cultural and/or paleontological resource (historic or pre-contact site or object) is discovered by the project proponents, or any person working on their behalf, within the project area, the discovery shall be immediately reported to the Green Mountain National Forest. The proponent shall suspend all operations in the immediate area so that appropriate actions to prevent the loss of significant cultural or scientific values can be determined.