Access to Private In-holding — Gale River Road

30-Day Comment Report

Grafton County, NH

Pemigewasset Ranger District

March 2010

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Chapter 1: Proposed Action and Purpose and Need

1.1 Introduction

The White Mountain National Forest (WMNF) is initiating a public 30-day public comment period for a project to grant legal access, through an easement, to a private in-holding in the town of Bethlehem, New Hampshire. This in-holding is a parcel of privately owned land which is completely surrounded by National Forest land. If the decision is made to grant this access, the landowners will use the easement to construct a road across the WMNF to their privately owned in-holding. This document provides the details of an environmental analysis of the proposed action as well as two other alternatives which were analyzed in response to the issue of where the access should be granted. In this assessment, we describe the process and considerations used in developing these three alternatives, the environment where the proposed action would occur, and the resources potentially affected by the alternatives. We then set out to disclose the effects of the three alternatives on these resources and evaluate their effectiveness in achieving the goals and objectives of the Forest Plan and in fulfilling our statutory requirements for access. Included is information on how you can submit comments to the Forest Service concerning the proposed project and this environmental assessment. Also enclosed are maps that display the privately owned parcel involved, the surrounding area and the proposed access to the parcel for each alternative considered.

1.2 Background

The United States acquired the area surrounding the approximately 157 acre in-holding, known at the time as Berlin Mills Company Tract #12, by “friendly” condemnation in 1914. “Friendly” condemnation refers to the situation where a landowner is supportive of the government acquiring their property through the condemnation process. The in-holding is surrounded on all sides by public land under the management of the U.S. Forest Service. In cases such as this, the Alaska National Interests Lands Conservation Act (ANILCA) authorizes the Secretary of Agriculture to provide, subject to reasonable rules and regulations, such access to non-Federal lands within the boundaries of the National Forest System as deemed adequate to secure the owner the reasonable use and enjoyment of his land (Public Law 96-487 Section 1323(a)).

Since the U.S. government acquired the lands surrounding this in-holding in 1914, ownership of the in-holding has transferred several times until the current owners applied for access to the in-holding. The legal description for the in-holding is recorded in the Grafton Country Registry of Deeds. According to a deed recorded on December 28, 2005 (Book 3234, Page 0634), it is described as Lot 16 and the northern half of Lot 17, both in the tenth range of lots of the Town of Bethlehem.

Historically, previous land owners have accessed the area of the in-holding over a road known as the Deerfield Road. The road’s name refers to the historic community of Deerfield, parts of which were located within the in-holding, which was abandoned during the late 1800s and early 1900s. The old Deerfield Road extended from U.S. Route 3, generally following portions of Forest Road (FR)
94, the North Gale River Road, to a point at which it crossed the North Branch of the Gale River by bridge at the northwestern edge of another in-holding owned by the Town of Littleton (Water and Light Department). The old Deerfield Road continued along the western edge of the Town of Littleton’s property, at points crossing back and forth across the National Forest boundary, to a point at which it now crosses the National Forest for approximately 660 feet before entering the northeast section of the in-holding (see Map 1-1).

Since approximately 1983, the legitimacy of the owner’s claims to rights of access across the old Deerfield Road has been a matter of contention. The Forest Service has maintained that any outstanding rights of access across the portions of the old Deerfield Road that cross the National Forest were extinguished through condemnation when the property was acquired by the United States in 1914. In 2008, the Forest Service worked with the current landowners to arrive at a mutually agreeable proposal to provide access.

1.3 Purpose and Need for Action

The purpose and need for action is to secure legal access for the owners of a privately owned in-holding within the National Forest located within the Gale River Loop Road. This access also seeks to accomplish some goals identified in the White Mountain National Forest Land and Resource Management Plan (the Forest Plan, September 2005), which include:

Goals—Forest Plan Lands Goals, p.1-6:

- National Forest System lands will be accessible for public use.
- Special uses will be administered to provide a consistent, fair, and comprehensive application of regulations and policies to all users.

A formal request was made by the current landowners seeking access to their property through an Application for Transportation and Utility Systems and Facilities on Federal Lands (Standard Form 299), received in this office on 27 December 2008. The legal framework for evaluating this application includes Forest Service Manual 2701.1(18), Special Uses Management, and ANILCA (Title 16 U.S. Code Section 3210(a)), reprinted as follows:

(a) Reasonable use and enjoyment of land within boundaries of National Forest System.

Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to non-federally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: Provided, that such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

The Forest Service does not have regulatory authority over the density of development on the private land and any parcel of land surrounded by Forest Service land could have a range of reasonable uses. The Forest Service does not decide which use of the private property within the range of reasonable uses will be

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1Town of Littleton’s access to this in-holding, across the North Gale River Road, is secured through a permit with the WMNF.
allowed. The Forest Service must provide access over National Forest System
lands that are adequate to allow use and enjoyment of the private property
within that range of reasonable uses.

The White Mountain National Forest has been in contact with the current land-
owners to determine a mutually satisfactory access route, which was agreed
upon and applied for as the proposed access for consideration in this project.
The need for this project is to process the application for access, submitted by
the landowners, and to fulfill the requirements of ANILCA.

1.4 Proposed Action

The White Mountain National Forest is proposing to grant access, through
the issuance of an easement, for the owners of an in-holding to their property
located within the loop formed by the North Gale River Road (FR 25) and
the South Gale River Road (FR 92). The easement will be for the purpose of
allowing the landowners to use a segment of the South Gale River Road, make
improvements to a former forest logging road, and build a section of new road
to connect to their property to U.S. Route 3. The easement will allow for perma-
nent, year-round access. While the proposed action is limited to the issuance of
an easement, the White Mountain National Forest performed this environmen-
tal analysis of the effects of the constructing and maintaining the road and the
expected change in use of a section of existing road. If the decision is made to
grant the easement, the costs associated with constructing the new access will
be the responsibility of the landowners. The cost of any improvements neces-
sary to upgrade any sections of the road to year round standards is also at the
expense of the landowners. The Forest Service will not construct this access;
rather this proposed action would secure the legal authority for the landowners
to construct the access in compliance with Forest Service standards.

1.5 Where Actions Would Occur

The easement and subsequent road construction actions would be limited to
the public lands managed by the WMNF. This area is in the Town of Bethlehem
and within the area defined by the Gale River Road loop formed by the connec-
tion of the South Gale River Road and the North Gale River Road. Site-specific
locations are displayed on the site maps 1-1 and 1-2.

The area in which all of the actions are proposed is Management Area 2.1,
General Forest Management. The proposed easement and its subsequent
purpose to use portions of an existing road, reconstruct road, and build a section
of new road for motorized access is permissible and consistent with the uses
allowed in Management Area 2.1.

1.6 What the Decision Will Address

The framework of the decision focuses on whether or not the access conforms to
regulation and direction and best protects the public’s long-term interest in the
management of the areas surrounding the access. A decision on this proposal
is limited to the following:

• The route of access to be provided in an easement.
Map 1-2. Proposed Access Road Segments.
• The standards of construction which will be used to achieve the access, including any site specific mitigations necessary to minimize the impacts of the construction and use of the access.

• Any limitations or restrictions associated with use of the access.

• The mitigation measures that will be required to minimize impacts of constructing the access.

This proposal and decision would not require amendments to the Forest Plan. The Responsible Official for this decision is the Pemigewasset District Ranger.

1.7 Public Involvement and Initial Scoping

State and local governments and the public were notified and encouraged to provide any initial comments or issues they may have had about this project in the spring of 2008. This project included an initial public scoping and comment period, as described in the scoping letter dated April 9, 2009, which was mailed to the Forest’s National Environmental Policy Act (NEPA) mailing list. Notice of the project was also posted on the White Mountain National Forest website at <http://www.fs.fed.us/r9/forests/white_mountain/projects/projects/index.php> and on the Forest Service’s Schedule of Proposed Actions (SOPA) website at <http://www.fs.fed.us/sopa/>.

During this initial public scoping and comment period, we received responses from 19 individuals. All responses received are included in the Project File. Comments questioned why other alternatives were not being proposed. Several respondents expressed frustration that the Forest Service was considering a new access that would involve new road construction instead of using the historical access across the old Deerfield Road. Others voiced concern with not using the existing South Gale River Road until it reached a point on the south side of the in-holding where the road is very close to the in-holding. Following an interdisciplinary team review of these points, the team concluded that the Scoping Report failed to elaborate on the rationale of why these potential access routes were discounted. The team concluded there would have to be a good discussion of these potential access routes and the rationale for not proposing them in this assessment (found in Section 2.3, Alternatives Considered but Not Analyzed).

Other respondents voiced concern of what the intended or future use of the in-holding will be. Concerns were raised that this access would be used to facilitate a significant subdivision or business operation that would be incompatible with existing uses in the surrounding area. After reviewing the Scoping Report, it was noted that the report didn’t elaborate on the fact that since the 157-acre in-holding is private land and as an abutter to that land, the Federal Government has very limited authority to dictate how a private land owner should use their property. The current land owners have stated their use will be consistent with what they are using it for currently, which includes recreation and some logging for firewood.

The next phase of public involvement includes a formal public comment period following the release of this environmental assessment. Based on the responses received during the formal comment period for this analysis, this environmental assessment and proposed action will undergo a review to identify any needed
changes or revisions. The deciding official will then publish her decision along with the environmental assessment in its final form.

1.7 Issue Identification

An interdisciplinary team reviewed the comments received during the initial public scoping period in order to identify substantive issue(s) that would either have to be addressed with mitigation measures or the development of one or more alternatives for further analysis. The results of process concluded there was one substantive issue, namely:

- What is the best location for the private in-holding access route?

We received several comments which led to the identification of this issue, which could be summarized as follows:

- Use the old Deerfield Road – year round access via North Gale River Road to the old Deerfield Road is perceived to be superior and shorter than the proposed access.
- Use Campsite 9 access (this also includes the southeast or southwest corner of the in-holding, both of which are in the same general area) - this access is perceived to be superior and require much less new road construction. Note: Campsite 9 is one of the roadside dispersed campsites on the South Gale River Road that has an old logging road that provides direct access to the southern edge of the in-holding (see Map 1-2).

The interdisciplinary team, along with the deciding official, discussed whether these issue were substantive enough to carry forward into the alternative development process. Neither the proposed access using the old Deerfield Road nor the Campsite #9 access was unfamiliar to the specialists. Both of these accesses had been carefully reviewed and deliberated by the interdisciplinary team. For reasons which will be discussed in Comment Report Section 2.3, Alternatives Considered But Not Analyzed, the access using the old Deerfield Road was determined to not be practical or viable. The other potential access route, through Campsite #9 (or in its vicinity) is analyzed in this Comment Report.

- Soil Productivity/Watershed Function with new construction. Possible effects of degradation of soil and watershed function from new road construction.

The loss of soil productivity and watershed function resulting from new road construction was also determined by the interdisciplinary to not be substantive. Through the use of best management practices and by following the applicable standards and guidelines in the Forest Plan, the amount of loss soil productivity and watershed function was not deemed to be significant at the project or landscape scale.

This resulted in three alternatives for further development and analysis:

- Alternative 1 (No Action) — Continue authorizing seasonal access through a special use permit for access through Campsite #9, using the South Gale River Road during the summer and on North Gale River Road during winter.
- Alternative 2 (Proposed Action) — Authorize permanent, year-round legal access through an easement using a combination of existing reconstructed road and new road originating on the South Gale River Road.
• Alternative 3 (Campsite #9 Access) — Authorize permanent, year-round access through an easement using the South Gale River Road and Campsite #9.
Chapter 2: Alternatives

2.1 Introduction

Three management alternatives were developed for further consideration in this analysis. The action alternatives described in this section conform to the management direction described in the Forest Plan and would not require a Plan amendment. Alternative 1 would not meet all of the Forest Plan goals and objectives, but is used as a baseline to compare the effects of the action alternatives and to display the effects of not implementing the proposed action.

2.2 Actions Common to All Alternatives

All alternatives described in this analysis would share the following actions, listed here in the interest of avoiding repetition.

- This analysis assumes the three washed-out bridges on South Gale River Road will be repaired this year and reopened to the public.
- Normal road and trailhead maintenance, gate closure, and other management activities such as timber harvest and recreation management would occur.

2.3 Project Area

The project area for this environmental assessment is defined by a loop of classified roads which circle the 157 acre in-holding and encompass the area where foreseeable direct and indirect impacts from the alternatives would likely occur. Moving clockwise around the in-holding and starting on the north side, the loop is formed first by a segment of the North Gale River Road (FR 25) starting at its junction with U.S. Route 3 and ending with its junction with the South Gale River Road (FR 92). At this point, the second segment is the entire South Gale River Road (FR 92) until it ends at U.S. Route 3. The third segment is the section of U.S. Route 3 which completes the loop between the South and North Gale River Road. This loop was enlarged by a 50 foot buffer from the center of the road to include the entire roadbed that defines the loop and an extension into the surrounding area to include any possible effects to the environment occurring off-road. The perimeter of the project area is 4.8 miles and it encompasses 801.5 acres (see Map 1-1).

No portion of the project area is within or adjacent to any inventoried roadless area.
2.4 Alternative 1 (No Action)

Alternative 1 represents the current condition and serves as a baseline to evaluate the effects of the action alternatives. For the purposes of this analysis, Alternative 1 assumes that no new road construction or new access would be permitted and the owner of the in-holding would continue to access the property as has been permitted in the past three years. One exception is that the administrative access that has been authorized pending resolution of this access issue would be formalized in a permit in accordance with the Federal Land Policy and Management Act of 1976 (FLPMA) in order to fulfill the requirements of ANILCA.

During the late spring, summer and early fall, when the gates are open to the loop formed by the South and North Gale River Road (FR 92 and FR 25), the owner has been permitted motorized access through Campsite #9 on the South Gale River Road. This campsite was originally established at the entrance to a 350 foot section of logging road which provides direct access to the in-holding from the South Gale River Road. As permitted, motorized access to the in-holding through the entrance of Campsite #9 is possible from the Gale River Loop Road when the gates are open and the road is passable.

During the late fall, winter and early spring, when the gates are closed, the owner of the in-holding has been permitted to open the gate on the North Gale River Road (FR 25) and drive to the Littleton Reservoir Access Road (FR 25B) that leads into the Town of Littleton’s (Water and Light Department) property where the town owns an in-holding with a impoundment for a water in-take on the North Branch of the Gale River. Motorized access up to this point is usually possible because this section of the road is plowed by the Town of Littleton to afford them access to the water in-take in the winter. The Town’s access is authorized under a special use permit issued by the White Mountain National Forest. At this point, the owner of the in-holding typically parks and crosses the North Branch of the Gale River on foot and travels along the old Deerfield Road approximately 0.39 miles until reaching the in-holding. Motorized access along this portion of the route, after leaving Littleton Reservoir Access Road (FR 25B) and crossing onto the White Mountain National Forest, is not permitted.

Under this alternative, during the summer season, access would be authorized through a special use permit, providing motorized access across the 350 foot section of unclassified road behind Campsite #9. During the winter season access would be authorized through a permit allowing motorized access along the North Gale River Road to the point of the Littleton Water and Light Department’s in-holding, approximately 0.72 miles. From that point forward, access would be limited to non-motorized means to traverse the remaining 0.39 miles. Non-motorized, cross-country travel is allowed throughout the National Forest; consequently this segment does not require a permit.
Table 2-1a. Alternative 1 (No Action) — Season Lengths and Descriptions.

<table>
<thead>
<tr>
<th>Season</th>
<th>Segment/Type</th>
<th>Length (mi)*</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Summer</strong></td>
</tr>
<tr>
<td>1</td>
<td>Existing Classified Road</td>
<td>2.33</td>
<td>Starting at Route 3 and the entrance to the South Gale River Road (FR 92), Segment 1 proceeds for 2.33 miles to a left turn out for Campsite #9. This section is entirely on existing road and requires no construction or modification. This road is currently closed during the winter season.</td>
</tr>
<tr>
<td>2</td>
<td>Existing Road Limited Recon-</td>
<td>0.07</td>
<td>Starting at Campsite #9, this short section of road passes through the campsite in a northerly direction along the remnants of what appears to be an old logging road. The road has an earthen surface and has spots of very low ground vegetation during the summer season. Reconstructing this road will require light brushing and slight widening along the sides in places and possible mowing. Additional gravel may be necessary at some point in order to harden the surface. This section generally level and straight and connects to an opening on the private in-holding.</td>
</tr>
<tr>
<td></td>
<td>struction</td>
<td></td>
<td><strong>Winter</strong></td>
</tr>
<tr>
<td>1</td>
<td>Existing Classified Road</td>
<td>0.64</td>
<td>Starting at Route 3 and the entrance to the North Gale River Road (FR 25), Segment 1 proceeds for 0.64 miles to a short spur road named the Littleton Reservoir Access Road (FR 25B) that accesses an in-holding for the Town of Littleton's dam and water source on the North Branch of the Gale River. This section is entirely on existing road and requires no construction or modification. This road segment is currently closed for public motorized access during the winter season; however it is plowed by the Town of Littleton. This road segment has sections where a snowmobile trail crosses the road or runs parallel on the road’s shoulder.</td>
</tr>
<tr>
<td>2</td>
<td>Existing Classified Road</td>
<td>0.08</td>
<td>This short section starts at the junction of the North Gale River Road (FR 25) and short spur road named the Littleton Reservoir Access Road (FR 25B) and extends to the boundary of the Town of Littleton’s in-holding where the road widens to accommodate parking and turn-around. This section is entirely on existing road and requires no construction or modification. This road segment is currently closed for public motorized access during the winter season; however it is plowed by the Town of Littleton.</td>
</tr>
<tr>
<td>3</td>
<td>Cross country – no classified</td>
<td>0.39</td>
<td>This section starts at the boundary of the Town of Littleton’s in-holding off the Littleton Reservoir Access Road (FR 25B) where the road widens to accommodate parking and turn-around. This section changes to non-motorized, cross country travel. In the past, crossing the North Branch of the Gale River Road at this point was possible over a logging bridge which washed out at least once in December 1973. Since then, two logs have been placed across the river which serves as an improvised foot bridge. Rock hopping or fording is possible at low water levels. Once on the southern side of the North Branch of the Gale River, foot travel typically follows the old Deerfield Road which mostly straddles the boundary between the National Forest and the Town of Littleton’s in-holding. The old Deerfield Road’s alignment crosses back and forth briefly over the ownership boundary when it is not straddling the boundary. After approximately 1,400 feet, the old Deerfield Road crosses solely on to the National Forest for another 660 feet before reaching the boundary of the in-holding. The old Deerfield Road is generally sunken and lacking in drainage features and lies within the flood plain of the North Gale River Road, passing through a large poorly drained forested area of the watershed.</td>
</tr>
<tr>
<td></td>
<td>road or trail</td>
<td></td>
<td><strong>Note:</strong> Distances obtained using Forest transportation electronic map layers calculated in Arc-GIS® software</td>
</tr>
</tbody>
</table>
Map 2-1. Alternative 1 (No Action).
Table 2-1b. Alternative 1 (No Action) — Summary of Access Distances by Type of Construction.

<table>
<thead>
<tr>
<th>Season</th>
<th>Segment/Type</th>
<th>Length (mi)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summer</td>
<td>Existing Classified Road</td>
<td>2.33</td>
</tr>
<tr>
<td></td>
<td>Existing Road - Limited Reconstruction*</td>
<td>0.07</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>2.40</strong></td>
</tr>
<tr>
<td>Winter</td>
<td>Existing Classified Road*</td>
<td>0.72</td>
</tr>
<tr>
<td></td>
<td>Cross country – no classified road or trail</td>
<td>0.39</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>1.1</strong></td>
</tr>
</tbody>
</table>

*A non-transferrable, renewable FLPMA Permit would be issued.

2.5 Alternative 2 (Proposed Action)

The White Mountain National Forest is proposing to grant access, through the issuance of an easement, for the owners of an in-holding to their property located within Gale River Loop Road (FR 92 and FR 94). The easement will be for the purpose of allowing the landowners to use a segment of the South Gale River Road (FR 92), make improvements to a former forest logging road, and build a section of new road to connect to their property. The easement would allow for permanent, year-round access. While the proposed action is limited to the issuance of an easement, the White Mountain National Forest performed this environmental analysis in order to disclose the effects of constructing, reconstructing, and maintaining the road and the expected change in use of a section of existing road.

If the easement is granted, the costs associated with constructing the new access will be the responsibility of the landowners. The cost of any improvements necessary to upgrade any sections of the road to year round standards will also be at the expense of the landowners. The Forest Service will not construct this access; rather this proposed action would secure the legal authority for the landowners to construct the access.

Table 2-2a describes each of the segments of the access and what would be required in terms of new construction or reconstruction. Please refer to Map 2-2 in reviewing this information.
<table>
<thead>
<tr>
<th>Segment</th>
<th>Length (mi)*</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Existing Classified Road</td>
<td>0.46</td>
<td>Starting at Route 3 and the entrance to the South Gale River Road (FR 92), Segment 1 proceeds for 0.46 miles to a left turn out for Forest Road (FR) 6213, which is currently barricaded with boulders. This section is entirely on existing road and requires no construction or modification. This road is currently closed during the winter season and coordination would be made with the landowners if they desire access during these months. During the winter season, this section of road would only be opened if conditions permit and plowing would be the responsibility of the landowners.</td>
</tr>
<tr>
<td>2 Existing Road Limited Reconstruction</td>
<td>0.16</td>
<td>Starting at the intersection of South Gale River Road (FR 92) and the turnout for FR 6213 (barricaded with boulders), this section passes along a closed section of an existing forest road. The boulders would be removed and replaced by a gate accessible by the Forest Service and the owner of the in-holding. The road has an earthen surface and has low ground vegetation during the summer season. Reconstructing this road will require light brushing along the sides in places and possible mowing. Additional gravel may be necessary at some point in order to prevent rutting. This section passes over a drainage that has an existing culvert and turns to the left and then climbs to point at which the access will depart to the right, avoiding entering a clearing that is currently managed as a Forest wildlife opening.</td>
</tr>
<tr>
<td>3 New Construction</td>
<td>0.12</td>
<td>Starting at point along FR 6213, approximately 150 feet prior to the road entering an opening, this section would be new road construction, passing through a wooded area that will require crossing through one broad swale with some possible intermittent drainages and some partial bench construction. This section maintains a 150-300 foot (approx.) set back from the wildlife opening and joins a well defined logging road which skirts the eastern end of the wildlife opening.</td>
</tr>
<tr>
<td>4 Existing Road Limited Reconstruction</td>
<td>0.31</td>
<td>Starting at a point along a well defined logging road where section 3 joins, this section is the longest of the segments and follows entirely on an existing logging/skid road in a southeasterly direction. Two well defined tracks and some minimal road improvements are evident from the original construction. This segment generally has a straight alignment and does not pass over any drainage features. Improvements will involve clearing of blow down and deadfall as well as some limited brushing to widen the clearance in spots. The addition of some gravel may be necessary to improve the surface. This segment is not currently part of the Forest’s classified road system. This segment continues to a point approximately 150 feet before an opening where it leaves the logging road and turns left to start segment 5.</td>
</tr>
<tr>
<td>5 New Construction</td>
<td>0.32</td>
<td>Starting at a point approximately 150 feet before an opening where the proposed access will leave an old logging road and enter the forest, this section will involve new road construction and clearing until it crosses the private property boundary. This segment is nearly level and crosses one ephemeral draw and one intermittent draw and will require setting one or more culverts. The road width will need to be cleared of vegetation and graded with the addition of gravel to create the road surface. The easement will end at the point at which this segment crosses the National Forest – private property boundary.</td>
</tr>
</tbody>
</table>

*Distances obtained using GPS field recording of the proposed access route and Arc-GIS® software
Table 2-2b. Alternative 2 (No Action) — Summary of Access Distances by Type of Construction.

<table>
<thead>
<tr>
<th>Type</th>
<th>Length (ft)</th>
<th>Length (mi)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Classified Road</td>
<td>2,414</td>
<td>0.46</td>
</tr>
<tr>
<td>Existing Road - Limited Reconstruction</td>
<td>2,500</td>
<td>0.47</td>
</tr>
<tr>
<td>New Construction</td>
<td>2,329</td>
<td>0.44</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7,243</strong></td>
<td><strong>1.37</strong></td>
</tr>
</tbody>
</table>

2.6 Alternative 3 (Campsite #9)

During public scoping, several people commented that access should be provided through Campsite #9 or in its vicinity where the South Gale River Road passes in close proximity to the southern boundary of the in-holding. This access has the distinct advantage of very little road reconstruction. This alternative would essentially be the same as the summer access described in Alternative 1, with the following differences:

- Access would be extended year-round with the provision that the owners of the in-holding would be responsible for plowing 2.33 miles of South Gale River Road to reach Campsite #9.
- The owners would be responsible for hardening the road for access in the shoulder seasons when and where necessary.
- The owners would be granted an easement to legally record their access. The easement would provide permanent rights of access to its owners and assigns.
- A section of the Corridor 11 snowmobile trail from the point where it joins the South Gale River Road to Campsite #9 (approximately 0.8 miles) would have to be plowed to permit either an adjacent snowmobile trail on the shoulder or dual use of snowmobiles.

Table 2-3a. Alternative 3 (Campsite #9) — Lengths and Descriptions

<table>
<thead>
<tr>
<th>Segment/Type</th>
<th>Length (mi)*</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Existing Classified Road</td>
<td>2.33</td>
<td>Starting at Route 3 and the entrance to the South Gale River Road (FR 92), Segment 1 proceeds for 2.33 miles to a left turn out for Campsite #9. This section is entirely on existing road and requires no construction or modification. This road is currently closed during the winter season.</td>
</tr>
<tr>
<td>2 Existing Road Limited</td>
<td>0.07</td>
<td>Starting at Campsite #9, this short section of road passes through the campsite in a northerly direction along the remnants of what appears to be an old logging road. The road has an earthen surface and has spots of very low ground vegetation during the summer season. Reconstructing this road will require light brushing and slight widening along the sides in places and possible mowing. Additional gravel may be necessary at some point in order to harden the surface. This section generally level and straight and connects to an opening on the private in-holding.</td>
</tr>
</tbody>
</table>
Map 2-3. Alternative 3 (Campsite #9).
### Table 2-3b. Alternative 3 (Campsite #9) — Summary of Access Distances by Type of Construction

<table>
<thead>
<tr>
<th>Type</th>
<th>Length (mi)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Classified Road</td>
<td>2.33</td>
</tr>
<tr>
<td>Existing Road - Limited Reconstruction</td>
<td>0.07</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2.40</strong></td>
</tr>
</tbody>
</table>

#### 2.7 Alternatives Eliminated from Detailed Study

Several comments were received during the initial public scoping period that asked us to consider another possible access route using the old Deerfield Road. The reasons why we didn’t propose this access were not fully disclosed in the scoping report. It should be noted that this route was analyzed and evaluated by an interdisciplinary team, the owners of the in-holding and Forest leadership at length prior to proposing this project. The interdisciplinary team and the deciding official reached consensus that this route of access did not sufficiently meet the purpose and need for action in light of some significant resource concerns, detailed as follows.

**Access Through the Old Deerfield Road**

The historic Deerfield Road lies in a floodplain of the North Branch of the Gale River. While roads can be constructed in floodplains, the considerable amount of fill and improvements necessary to harden this access, particularly in light of its close proximity to the water source for the Town of Littleton was deemed to be excessive. In addition to the hardening requirements for the road, bridging the North Branch of the Gale River Road would be necessary. Records refer to a high water event in December 1973 which washed out what was possibly the last bridge in this area. Copies of correspondence in Forest Service records indicate previous bridges in that area repeatedly washed out extending back to the turn of the 20th century when the community of Deerfield was active. Construction of a new bridge at the existing site would be on the property of the Town of Littleton, crossing within 150 feet of the boundary with the National Forest. Consequently, other possible bridging sites were considered downstream of the existing site down to U.S. Route 3. The most promising site was located very close to U.S. Route 3 and would require significant bridge construction and hardening due to the high water flashing potential of the North Branch of the Gale River. The amount of new road construction necessary would be significant, roughly between one half and three quarters of a mile. The total amount of disturbance and construction, including a bridge, needed to access the in-holding from the North Gale River Road was deemed to be excessive.

Compounding these issues is the fact that the old Deerfield road both straddles and crosses several times between the Town of Littleton’s property and the Forest Service land. In order for the Forest Service to grant access, the roadbed would have to be realigned to be solely on Forest Service land.

For these reasons, this alternative was determined not to be viable and was dropped from further consideration.
### 2.8 Comparison of Alternatives

Table 2-4 summarizes some of the differences in the accesses proposed in the three alternatives.

**Table 2-4. Comparison of Alternatives.**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Alternative 1 No Action</th>
<th>Alternative 2 Proposed Action</th>
<th>Alternative 3 Campsite 9</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Road Use and Construction</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Summer</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Classified Road</td>
<td>2.33 mi</td>
<td>0.46 mi</td>
<td>2.33 mi</td>
</tr>
<tr>
<td>Existing Road – Limited Reconstruction</td>
<td>0.07 mi</td>
<td>0.47 mi</td>
<td>0.07 mi</td>
</tr>
<tr>
<td>Cross country – no classified road or trail (non-motorized)</td>
<td>0.00 mi</td>
<td>0.00 mi</td>
<td>0.00 mi</td>
</tr>
<tr>
<td>New Construction</td>
<td>0.00 mi</td>
<td>0.44 mi</td>
<td>0.00 mi</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2.40 mi</td>
<td>1.37 mi</td>
<td>2.40 mi</td>
</tr>
<tr>
<td><strong>Winter</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Classified Road</td>
<td>0.72 mi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Road – Limited Reconstruction</td>
<td>0.00 mi</td>
<td>Uses same access as above</td>
<td>Uses same access as above</td>
</tr>
<tr>
<td>Cross country – no classified road or trail (non-motorized)</td>
<td>0.39 mi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Construction</td>
<td>0.00 mi</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1.11 mi</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Legal Instrument</strong></th>
<th>Permit</th>
<th>Easement</th>
<th>Easement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shared Motorized Uses on Access</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicles</td>
<td>Summer: 2.3 mi</td>
<td>0.5 mi</td>
<td>2.3 mi</td>
</tr>
<tr>
<td>Winter: 0.7 mi</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snowmobiles</td>
<td>None</td>
<td>None</td>
<td>0.8 mi</td>
</tr>
</tbody>
</table>
Chapter 3: Environmental Effects

3.1 Introduction

This chapter describes the current condition of the environment in the project area around the Gale River in-holding. This description of the affected environment uses information gathered from research, Forest inventory and monitoring databases, and field observations performed by resource specialists working in the project area. The description of the affected environment will be used as a common baseline or frame of reference to analyze and describe the effects of implementing any one of the alternatives. A description of the effects of each of the alternatives will follow in Section 4, Environmental Consequences.

Forest Plan Management Direction

The Forest Plan provides goals and objectives specific to the lands and special uses on the Forest. The relevant goals and objectives are listed in section 1.3 of this document.

3.2 Land Ownership

Affected Environment

Private In-holdings on the Forest

Currently there are approximately 175 areas listed as in-holdings on the White Mountain National Forest management area map. On closer inspection, approximately 57 of these are completely surrounded by public land managed by the White Mountain National Forest. The remaining 118 share either a private or state boundary in addition to their boundary with the National Forest. The vast majority of these in-holdings have existing rights-of-way or other legal access for the landowner, which is typically provided via an existing public road or a forest road which is part of the Forest’s classified road system. In-holdings that are completely surrounded by National Forest, where there is no legal motorized access, are very rare, estimated to be less than 10 forest-wide. Some of these in-holdings are managed privately as wood lots and therefore do not require motorized access beyond the use of skid roads or timber haul roads which can be requested and approved through the use of a special use permit.

3.3 Recreation

Affected Environment

The boundary of the project area is defined by the North and South Gale River Road, which provides seasonal motorized access to a popular area that offers several important recreational activities. These activities are discussed by type as follows:

Hiking

The Gale River loop provides access to two trailheads, the Gale River Trail and the Garfield Trail, both located on the eastern side of the loop. These trails ascend
to the Garfield Ridge Trail, which is a segment of the Appalachian Trail. These two trails provide a direct ascent, gaining approximately 2,500 feet in elevation, to the exposed northern ridgeline of the Pemigewasset Wilderness as well as the summits of Mt Garfield and Galehead Mountain. The Appalachian Mountain Club's Galehead Hut, located on the northern slope of the Galehead Mountain, is a popular destination for hikers departing from these trailheads. The hut system attracts a wide range of hikers of varying hiking experience and ability; consequently there is a wide diversity of hikers using these trailheads during the summer season. In the winter, motorized access is not permitted, and access to the trailheads is available by foot travel from the gates near the junctions of Gale River Road at U.S. Route 3. Due to the technical nature of winter alpine hiking, use of the trailheads is low during the winter season and typically limited to experienced hikers who are usually prepared for overnight trips.

More casual hikes are possible on the Gale River Road itself and its extensions such as Scarface Brook Road (FR 92A) on the southwestern corner of the loop, Thompson Brook Road (FR 117), or any of several other closed logging roads in the area.

Camping

There are ten designated roadside campsites interspersed along the North and South Gale River Road. These sites were originally created as a result of previous logging activities in the area and are typically located on former log landings or access points to closed logging roads. The sites are included in a high intensity recreation area (HIRA) which includes these campsites, similar campsites on Haystack Road and Beaver Brook Wayside. Any motorized vehicles parked at any of the campsites on the Gale River Road are required to display a recreation pass under the authority of the Federal Lands Recreation Enhancement Act. Primitive camping is permitted on public land except within ¼ mile of trailheads and ¼ mile of the South Gale River Road from its junction with Route 3 to the Garfield Trailhead.

Fishing and Hunting

This area is very popular with hunters, in large part due to the success of previous habitat management projects in the Gale River area. Depending on ground conditions, some of the fall hunting seasons overlap the season when the gates to the North and South Gale River Roads are closed, typically around November 15th. Notwithstanding the possibility of motorized access, hunters use this area in search of a variety of game including moose, deer and turkey. Fishing is also popular in the coldwater streams and rivers that run throughout this drainage. The North and South Branch of the Gale River and their feeder streams converge to provide ample cold water stream fishing opportunities. Anglers will primarily find Eastern brook trout in these rivers and streams.

Wildlife Viewing

As is true for hunting, the success of previous habitat management projects in this area has created a diversity of habitat for wildlife viewing and birding. The relatively easy access to the area in the summer season provides excellent opportunities for viewing wildlife, both roadside and within an easy walk into
any of the surrounding forested areas. These areas offer a diversity of age class and species composition which supports a diverse wildlife population.

**Snowmobiling**

Sections of the North and South Gale River Roads are used as snowmobile routes in the winter season. On the South Gale River Road, the Scarface Snowmobile Trail, which is also part of the Corridor 11 Trail, enters from the south on a section of Scarface Brook Road and turns sharply onto South Gale River Road at its southwestern corner. The Corridor 11 Trail continues along South Gale River Road to its junction with North Gale River where it turns southeast on the North Gale River Road to the road's end where it goes off-road and continues on the Haystack Connector Trail en route to Zealand, Cherry Mountain Road, Jefferson and points further north. The Corridor 11 Trail is very well known to snowmobile enthusiasts and is one of New Hampshire's featured trails—paralleling I-93 from points south on through Franconia Notch continuing on through the north country all the way to Canada. The popularity and importance of this trail in the State of New Hampshire is noteworthy, with many snowmobile long distance trekkers and day travelers using it to access many of the trails in the White Mountain National Forest and points further north.

On the North Gale River Road (FR 25), the North Branch Snowmobile Trail enters from the north side of U.S. Route 3 and after passing around the gate, enters the woods on the south side of the road and generally parallels the road. At one stretch, the trail uses the shoulder of the road to the point where the Littleton Reservoir Access Road (FR 25B) starts. At this point, the snowmobile trail gets on the remaining portion of North Gale River Road and continues to the junction of the South Gale River Road, joining the Corridor 11 Trail.

Depending on weather and snow conditions, snowmobiling is an economically important recreational activity locally and in the region. If conditions are poor in the southern or central part of the state, the North Country can generally be counted on to have better snow conditions and a longer season. Consequently, use can be high in the winter in the Gale River area, particularly on Corridor 11 due to its critical role in providing access through Franconia Notch, one of the major connectors between the North Country and the rest of the state.

**Direct and Indirect Effects**

The analysis area for direct and indirect effects on recreation is the Access to Gale River In-holding project area. The timeframe for this analysis is 10 years into the future. This timeframe was selected in order to allow enough time for any new access to be constructed and any resulting adjustments to trails, such as snowmobile trails, to be implemented as well. This should effectively allow enough time for the alternatives to be fully implemented and any resulting effects to recreation to be examined and described.

**Alternative 1**

**Summer** motorized access to the in-holding would continue primarily along the South Gale River Road to Campsite #9. Given this access would be formalized under a FLPMA permit, and we would expect the in-holder to make minor improvements to the short section of logging road at Campsite #9, there may be a
slight increase to the amount of vehicular travel on South Gale River Road. This increase would only result from the owner’s needs and desires to access their property. Based on the owner’s stated intentions for accessing the in-holding, any increase in traffic would likely be nominal and have an imperceptible effect to other recreational users in the area. The improvements to the short section of logging road at Campsite #9 may involve spreading some gravel grading the surface with heavy equipment. The expected duration of this activity may last a week or less and create some noise for campers in the area and noticeable use of the equipment while the improvements are made. The effects from this activity would be limited in duration and impact a relatively small number of recreational users in the area.

Winter motorized access to the in-holding would continue behind the gated North Gale River Road to access the Littleton Reservoir Access Road (FR 25B). Due to the need to access the in-holding by foot travel from that point forward, and the owner’s stated intentions; it is unlikely there would be any noticeable increase in the frequency of trips behind the gate in the winter. Consequently, we would not anticipate any additional effects from this winter access over what is currently experienced.

Alternative 2

Motorized access to the in-holding on the South Gale River Road would be limited to the first 0.46 miles. From that point forward, access would be off the Gale River Road and behind a gate along a road accessible only by the owners and the U.S. Forest Service. While the road construction on the interior section of the access road is in progress, recreational users may hear heavy equipment operating and see heavy equipment passing in and out along the first 0.46 miles of the South Gale River Road. Wildlife viewing and foot travel opportunities along the interior section of the access road would be impacted while construction is underway. The duration of the construction activities could span more than one season. Once completed, foot travel along the access road would be permitted and would improve accessibility for the public to experience wildlife viewing in this area in the interior of the Gale River Road loop. There may be a slight increase in motorized vehicle travel along the access route once it is established. This would be attributed to a possible increase the owner’s desire to use the in-holding once this access is available. This increased use would be primarily felt along the first 0.46 miles of the South Gale River Road. Since most vehicles using the South Gale River Road drive to either the trailheads or campsites, which are located well beyond the turnoff for this access, this increase in use would not have much effect on recreation in the area.

During the winter season, motorized access behind the gate at the beginning of South Gale River Roads, near U.S. Route 3, would be restricted to the owner of the in-holding and Forest Service personnel. The owner would be responsible for plowing the first 0.46 miles of the road as well as the new access road. Given the owner’s stated intentions, motorized access in the winter should be limited. Recreation will be more affected by the owner’s plowing of this section of road. Winter foot travel along this section of road, which has traditionally not been plowed, may be easier by foot due to the plowed surface. Cross country skiing over this plowed section would not be as pristine and may be interrupted by an exposed gravel surface or gravel mixed with snow surface. Dual use of the
road, with concurrent foot travel and motorized vehicle use, would introduce some potential safety issues. This would also be disruptive to both foot and vehicle travel depending on the width of the plowed portion of the road and the room available for safe passage.

**Alternative 3**

As described in Alternative 2, instead of affecting the first 0.46 miles of the South Gale River Road, this alternative extends those effects to the first 2.33 miles of the South Gale River Road until it reaches Campsite #9. One difference is this access will be over existing road, so the temporary impacts to recreation of noise and heavy equipment in the area expected in Alternative 2 would not be experienced in this alternative. During the summer, this access would effectively have the effects described in Alternative 1 for the summer season. During the winter, this access would involve the in-holder having responsibility for plowing the South Gale River Road for the first 2.33 miles to Campsite #9. This will introduce winter motorized use over a section of road which, except for the last 0.8 miles, had none previously. This last 0.8 miles is the section where the Corridor 11 Snowmobile Trail joins the South Gale River Road and will introduce dual use of motorized vehicles and snowmobiles along this section. Safety concerns with this dual use will have to be addressed, to include consideration of a possibly implementing a snowmobile by-pass trail, provision for shared use and mitigation measures for dual use across two bridges located in this section. Winter cross country skiers, snowshoers, hikers, wildlife viewers, and other foot travelers along this 2.33 mile section will have to contend with occasional vehicular traffic. The road surface, when plowed, would adversely impact opportunities for snowshoeing, cross country skiing and interfere with wildlife tracking.

**Cumulative Effects**

The analysis area for cumulative effects on recreation resources is the area bounded by and including the Skookumchuck Trail, the Garfield Ridge Trail, the North Twin Trail, Haystack Road (and its roadside campsites) and U.S. Route 3. This area includes the smaller project area and extends to include several connected hiking trails, snowmobile trails and roadside campsites in the surrounding and potentially affected area.

The temporal scope for cumulative effects on recreation resources is ten years past and fifty years in the future (2000 to 2060). This timeframe acknowledges past actions and considers both present and foreseeable activities. It also provides enough time to anticipate reasonably foreseeable future actions that may cumulatively impact the recreation experience in the analysis area over a reasonable period of time.

**Alternative 1**

Currently, by continuing to use the Campsite #9 access in the summer and driving to the Littleton Reservoir Access Road in the winter, impacts to recreation would not change over what is currently experienced. Therefore, Alternative 1 would not add any cumulative effects in the analysis area.
Alternatives 2 and 3

Forest Service management activities in the analysis area included the past Nubble and Bickford and the current Sugar House vegetation management projects. The reasonable foreseeable future Gale River Bridge replacements and the Twin Mountain Bicycle Path, and the foreseeable future vegetation and wildlife habitat management projects, would likely occur. These activities have and would affect recreation resources and have or would use a similar mix of Standards and Guidelines that protected recreation resources described in Chapter 2 and the previous direct and indirect section of this Comment Report.

In summary, under Alternatives 1, 2 or 3 there would be very low potential for very minor and localized direct and indirect effects on recreation resources from either road construction, reconstruction, maintenance and year-round use to access private land. There have been and would be relatively minor, localized direct and indirect effects to recreation resources from past and likely future projects. Therefore, Alternatives 1, 2, or 3 would not add any cumulative effects to recreation resources in the analysis area.

3.4 Aquatic Species and Terrestrial Wildlife Resources

Affected Environment

The existing condition of aquatic and terrestrial wildlife resources in the project area is based on several multi-year, multi-seasonal, and site-specific field surveys and general area and database reviews (Audubon 2009; Mattrick 2009; NHNHB 2009; USDA-FS 2009, 2009a, ID-Team reviews, and breeding bird, winter tracking and trapping surveys).

Aquatics

The project area is located within the Gale River Watershed and contains the North and South Branch Gale River and an unnamed tributary. The State of New Hampshire (NHDES, 1999) designated all waters on the White Mountain National Forest (WMNF) as Outstanding Resource Waters (ORW). The ORW in the project area are part of the town of Littleton’s public water supply and also provide habitat for a variety of aquatic species and wildlife. There are beaver flow areas in the project area.

The North and South Branch Gale River are occupied by common coldwater fishes Eastern brook trout (Salvelinus fontinalis) and sculpin (Cottus cognatus) (Multi-dated NHFG Eastern brook trout fish stocking records, Pemigewasset District Office). These streams also potentially support sensitive mayflies (see TEPS heading in this section). There are no aquatic Management Indicator Species (MIS) identified for the WMNF.

The North and South Branch Gale River are part of the Connecticut River watershed, where efforts are ongoing to re-establish a self-sustaining population of Atlantic salmon (Salmo salar). Since 1994, the North and South Branch Gale River are stocked with hatchery-reared Atlantic salmon fry. Adult salmon do not return to the Gale River and tributaries to spawn due to impassable dams.
on the lower Connecticut River system (Multi-dated NHFG Atlantic salmon fish stocking records, Pemigewasset Office).

The existing riparian vegetation prevents sediment from entering streams, maintains stream bank stability, and provides streamside shade to maintain cooler summer instream water temperatures for aquatic species in the project area. The riparian vegetation provides a source of food (nuts, berries, fruits, twigs, and leaves) for aquatic species. The riparian area adds leaf and wood material into streams and onto the forest floor providing fish habitat and amphibian and reptile habitat diversity.

**Wildlife**

The project area is located within the WMNF Gale River Habitat Management Unit (HMU). The project area contains predominately northern hardwood habitat with spruce-fir and hemlock components common to the WMNF. There are several permanent wildlife openings in the project area (one opening is located near the proposed new road construction/reconstruction and one opening near the existing dispersed Campsite #9). There were few large diameter trees located in the foot print of the proposed new road construction segments. No active or dormant raptor nests or mammal dens were seen in the few large trees or in the immediate project area during site-specific field reviews. There are no documented deer yards within the project area. Common hobble bush and stripped maple showed evidence of past and current browsing by moose and deer. Moderate levels of recent and old deer and moose sign (summer and winter fecal pellets, browsing pressure, bark-scarred trees, and scattered game trails) were seen during the field reviews indicating moose and white-tailed deer occupy the project area throughout the year. The project area contains American beech trees that produce beechnuts, a hard mast food source for black bear and other wildlife. No beech trees clawed by foraging black bear were observed in the proposed new road construction sections during field reviews (USDA-FS 2009). NH Fish and Game manages moose, white-tailed deer, and black bear as game species harvested annually, and their populations are viable in the state and on the WMNF (Wildlife Management Unit E3, NHFG 2008).

Common wildlife seen or heard included downy woodpecker, raven, red-eyed vireo, black-throated blue and green vireo, Eastern phoebe, black capped chickadee, winter wren, yellow warbler, white-throated sparrow and MIS ruffed grouse. There are no caves, mines, tunnels, or prominent rock outcrop exposed to sun within the project area as woodland bat roosting habitat or overwinter hibernacula. See the TEPS section for more wildlife species information.

**White-Nose Syndrome (WNS) and Woodland Bats:** Affected bats have a white fungus on their noses or other hairless body parts. The exact cause of WNS is still being investigated and it is not known if the recently identified fungus is the cause of mortality. WNS was identified in 2006 in New York, and later confirmed in hibernating bats in Vermont, Connecticut, Massachusetts, Pennsylvania, New Jersey, Virginia, West Virginia, and Tennessee. In March, 2009, WNS symptoms were observed in three hibernacula in New Hampshire. Laboratory testing has not been definitive, but NH Fish and Game Department is treating these sites as positive for WNS (USDA 2009b). No Indiana bat or Eastern small-footed myotis were observed in these hibernacula. WNS has been detected in Indiana bats,
little brown bats, northern long eared bats, small-footed myotis, and eastern pipistrelles elsewhere (USDI 2008, WMNF Biologist L. Rowse personnel communication with USFWS Biologist S. von Oettingen). The USFWS Northeast Region maintains a website on WNS with the most recent scientific information on this syndrome: <http://www.fws.gov/northeast/white_nose.html>.

The majority of bats with WNS have been found during the winter hibernating in caves. No bat hibernacula are known to exist on the WMNF (including the Gale River Inholding Access project area). No confirmed cases of WNS have been found on the WMNF. The only recommendation developed by the USFWS, and their partners is aimed at preventing the spread of WNS. Efforts focus on human visitation or research in affected hibernacula, human visitation between affected and unaffected caves and mines, and human handling of affected bats (see above USFWS website for details).

Based on woodland bat surveys (Krusic et al. 1996; Sasse 1995; Chenger 2002, 2004), bats that may forage or roost in the project area include little brown bat, northern long eared bat, eastern pipistrelle, and Eastern small-footed myotis (Indiana bat does not occur on the WMNF). These bat species commonly roost in trees (snags and partially dead trees near foraging habitat) or buildings, except literature indicates that Eastern small-footed myotis roost in rock outcrops exposed to sun.

**Direct and Indirect Effects**

The analysis area for direct and indirect effects on aquatic and terrestrial wildlife (including MIS, TEPS, and NNIS) and their habitat is the project area because it includes the proposed access route and use activities. The temporal scope is the duration of the road construction and/or reconstruction because that is when the effects on aquatic and terrestrial wildlife resources from ground disturbance and initial increased human presence to access private land would occur.

Indicators used to measure effects to aquatic species and wildlife and their habitats:
- Reduction in amount of riparian, aquatic, wildlife habitats.
- MIS — changes in the amount and quality of habitat.
- TEPS — impacts to species population trends and habitats.

**Alternative 1**

**Summer** motorized access to the in-holding would include using approximately 2.33 miles of existing classified South Gale River Road (FR 92) requiring no construction or reconstruction up to Campsite #9. Access to the in-holding from Campsite #9 would require approximately .07 miles of limited reconstruction of existing unclassified road.

**Winter** motorized access would include using approximately .64 miles of the existing classified North Gale River Road (FR 25) and approximately .08 miles of spur road (FR 25B) to the Town of Littleton Water and Light Department in-holding. These segments of classified road are plowed in the winter by the Town of Littleton requiring no construction or reconstruction. Winter access from FR 25B to the private in-holding would include approximately .39 miles of non-motorized, cross country travel.
Alternative 1 would require minor amounts (.07 miles) of unclassified road reconstruction (light brush removal and slight widening and possible mowing) through Campsite #9 to the in-holding. The existing classified road sections (FR 92 and FR 25) require no construction or reconstruction. Therefore, Alternative 1 would cause very minor, localized direct and indirect effects of disturbance, displacement, and soil and snow compaction on terrestrial wildlife and their habitat from conversion of minor amounts of brushy habitat into hardened forest road, and increased noise and human presence caused by landowner seasonal access and use in the project area.

The Gale River Loop Road and general project area would continue to receive year-round human use such as hunting, fishing, hiking, camping, snowmobiling, skiing, snowshoeing, wood gathering, and wildlife watching. Routine Forest Service activities such as road, gate, and wildlife habitat opening and dispersed campsite maintenance would continue under Forest Plan S&Gs and Best Management Practices (BMPs). Aquatic and terrestrial wildlife and their habitat would be affected by the natural process of forest succession or through larger scale natural disturbances such as wind events, ice storms, hurricanes, fire, or forest insect or disease infestations and ice and flow regimes (Lorimer and White 2003). Riparian habitat would continue to provide food, shade, and streambank stability. Trees would mature and eventually die and some would fall into the streams creating habitat diversity.

Alternative 2

New road construction (approximately .44 miles) and limited reconstruction (approximately .47 miles) of existing road segments (with approximately a 12 foot wide corridor) would require removal of blown down and live trees and understory vegetation, dozing, ditching, widening, graveling, and culvert installation. Because the project area contains sections of existing road segments, removal of only a few large diameter trees would be required for construction and reconstruction. The proposed access route would be located outside of an existing wildlife opening with no access permitted into the wildlife opening.

Removal of trees and understory vegetation and dozing and ditching for road construction and reconstruction would cause relatively minor and localized direct effects of noise, disturbance and/or displacement of wildlife (i.e. nesting birds, foraging bats, and denning small mammals) from the immediate disturbance area. Indirect effects from tree and vegetation removal include minor decreases in the amount of roosting, nesting and denning habitat for wildlife and a minor reduction in large woody material recruitment onto the forest floor used by birds, small mammals, amphibians, reptiles, and insects.

Alternative 2 could cause a very minor, localized, and short-term direct effect of turbidity on aquatic habitat if soil entered streams during road construction, reconstruction, or culvert installation. Long-term indirect effects of year-round road maintenance, use, and human presence for private land access include noise, trampling vegetation, and compacting soil and snow substrates. These indirect effects could potentially affect some invertebrates and/or small mammals burrowing in soil or under the snow. Amphibians and reptiles would be dormant during the winter. Other long-term effects include a conversion of forested habitat into a permanent year-round use road corridor (approximately 1.37
miles) with semi open canopy conditions for the life of the road. Some woodland bats use forest road corridors as flyways and forage areas. Alternative 2 would not cause any direct or indirect effects to deer yards because none are present in the project area, and would not result in removal of bear-clawed beech trees (none seen during field reviews).

There is low risk of mortality for some wildlife such as amphibians, reptiles, and invertebrates if they did not avoid or survive the construction, maintenance, or use activities. Effects could include alteration of wildlife travel patterns, including amphibians, reptiles, and small and large mammals. Due to larger home ranges, some small and large mammals would most likely avoid disturbance and use areas more readily. Alternative 2 would not cause any permanent travel or migration barriers (i.e. paved roads or impassible large ditches, berms, or culverts) for fish, frogs, salamanders, snakes, and turtles. The unnamed tributary to the North Branch Gale River is fish bearing in the section through the private property in-holding. The unnamed tributary is non-fish bearing where a stream crossing is proposed on the new access road construction segment. Alternative 2 would not cause any instream migration barriers or water diversions for Atlantic salmon, Eastern brook trout, sculpin, or Regional Forester Sensitive Ameletid mayflies.

Forest Plan Wildlife, Riparian and Aquatic Habitats, and Soil and Water Standards and Guidelines (G-1 & G-2, p. 2-24) and BMPs for erosion control during road construction, reconstruction, maintenance, use, and the timing of activities, and installation of proper road drainage would protect streams and riparian areas and reduce potential direct and indirect effects of turbidity, sedimentation, oil, or grease entering aquatic habitat. Based on 18 years of practical experience, the district biologist observed effective Forest Plan Standards and Guidelines that protected the riparian and aquatic habitat on numerous vegetation management projects (i.e. nearby Moose Watch Timber Sale, Bethlehem, NH).

Alternative 3

Access to the in-holding year-round via the existing South Gale River Road up to Campsite #9 would require plowing approximately 2.33 miles of the South Gale River Loop Road to reach Campsite #9, and hardening the road for access in the shoulder seasons. A section of the Corridor 11 Snowmobile Trail from the junction with the South Gale River Road to Campsite #9 (approximately 0.8 miles) would have to be plowed to permit either an adjacent trail or dual motorized use in the winter.

Alternative 3 would require no new road construction and very minor amounts of road reconstruction as described under Alternative 1. Similar effects to aquatic and terrestrial wildlife and their habitat associated with road reconstruction and maintenance as described under Alternative 2 would occur, but to a lesser degree compared to Alternative 3 because of lesser amounts of ground disturbing activity required. Plowing of the South Branch Gale River Road would allow a greater amount (overall still relatively minor) of motorized winter use in the project area (Gale River Loop Road) compared to the other alternatives. This increased motorized winter use may cause a minor effect of displacement of
some wildlife such as moose, deer, fox, fisher, snowshoe hare that cross the Gale River Loop Road (observed during winter track surveys in the project area).

**Federally-Listed Threatened, Endangered, Proposed (TEP) and Regional Forester-listed Sensitive Species (RFSS)**

The District Biologist completed a Biological Evaluation (BE) of potential effects of the Proposed Action and alternatives on TEP and RFSS for the Gale River In-holding Access Project. The BE determined there is potential suitable aquatic habitat for RFSS mayflies (*Ameletus tertius* and *browni*) within portions of the fast moving perennial headwater streams (North and South Branches of the Gale River) located within the project area. There is potential suitable foraging habitat for RFSS Eastern small-footed myotis (*Myotis leibii*), and habitat for Federal-listed Canada lynx (*Lynx canadensis*) within portions of the project area (no lynx or their sign were noted during field reviews or several years of winter tracking in portions of the analysis area). Habitat exists in the project area for three RFSS of plants: Bailey’s sedge (*Carex baileyi*), pink pyrola (*Pyrola asarifolia*), with known occurrence of adder’s tongue fern (*Ophioglossum pusillum*) discovered in 2005 (observed again in 2008) in a wildlife opening near the proposed new construction/reconstruction access route. The BE detailed the potential direct, indirect, and cumulative effects to these species and their habitat. The BE determined Alternatives 1, 2, or 3 would cause “no effect” to individual Canada lynx (there is so Federal designated critical habitat in the analysis area), and determined “no impact” to the population or species of RFSS plants or small-footed myotis (see BE in Project Record).

**Management Indicator Species (MIS)**

The project area contains habitat for all five of the WMNF (FEIS) MIS: Chestnut-sided warbler (regeneration age class hardwood); Scarlet tanager (mature hardwood); Magnolia warbler (regeneration age softwood); Blackburnian warbler (mature softwood); Ruffed grouse (all ages of aspen / paper birch).

Alternative 1 would not cause any discernible effects to the amount or quality of MIS habitat. Alternatives 2 and 3 would not affect the overall amount and quality of MIS habitat in the project area because the existing road segments need limited reconstruction, and the relatively minor amounts of new construction would require minor amounts of tree and vegetation removal. Alternatives 1, 2, and 3 would not adversely affect WMNF MIS population trends and viability within the Forest-wide planning area. The effects to MIS and their habitat are within the range of those described in the WMNF FEIS (USDA 2005). The MIS framework is useful for indicating the effects of Forest Plan implementation. MIS may be affected by individual project actions or lack of actions, but viable populations of MIS are to be maintained or monitored in the Forest-wide planning area.

**Non-Native Invasive Species (NNIS)**

The WMNF Forest Botanist reviewed plant databases and conducted a WMNF NNIS Risk Assessment and site-specific botanical field surveys of the project area (see Project File). The project area contains a single mapped infestation of a small colony of Japanese knotweed (*Polygonum cuspidatum*) located on the
boundary line between the WMNF and Littleton Water and Light Department in-holding, which is under active management by the WMNF via manual removal. Although none were observed, small colonies of coltsfoot (Tussilago farfara) are located along the banks of the Gale River. Coltsfoot is on the WMNF NNIS list, but little effort on its control occurs due to its widespread nature and limited impact on ecological processes. The immediate area outside of the project area is National Forest land and contains limited infestations along Route 3 of Japanese knotweed, common reed (Phragmites australis), and purple loosestrife (Lythrum salicaria). Along Trudeau Road are limited infestations of Morrow’s honeysuckle (Lonicera morrowii). All of these infestations are under active treatment by the WMNF Invasive Plant Control Program. It is highly unlikely that proposed project activities or alternatives would cause the dispersal of propagules or creation of new NNIS infestations on the Forest or surrounding analysis area.

The WMNF NNIS Risk Assessment determined the overall risk rating assigned for the Gale River In-holding Access Project is low. However, areas where heavy disturbance (equipment and materials staging areas and the actual footprint and right of way of any proposed road construction / reconstruction) should be surveyed periodically for the presence of new infestations during and following project activities so control measures can be implemented before new infestations spread in size or disperse to new locations.

Mitigation Measures

- Any heavy equipment must be visibly free of seeds and plant parts prior to entering the project area. Cleaning should take place off-Forest unless an on-Forest cleaning site has been approved by a Forest Officer in advance.
- Gravel or fill must come from weed-free sources. The Forest Service 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.
- Minimize soil disturbance to no more than needed to meet project objectives.
- Where project disturbance creates bare ground, 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 stray where certified materials are reasonably available.
- Periodically monitor staging areas and access trails for dispersal or expansion of NNIS plants.

Cumulative Effects

The analysis area for cumulative effects on aquatic and terrestrial wildlife resources (including private land) is the Gale River HMU. The HMU considers species with large home ranges and habitat connectivity related to roads, and it includes the smaller project area to address species with smaller home ranges (i.e. water and riparian habitats for aquatic species with specific and restricted habitat requirements). The other nearest private land is the Littleton Water and Light Department facility.
The temporal scope for cumulative effects on aquatic and terrestrial wildlife resources is ten years past and ten years in the future (2000 to 2020). This time-frame considers past, present, and foreseeable activities and provides enough time for the expected responses of aquatic and terrestrial wildlife resources from new road construction and reconstruction, maintenance, and use patterns. The Forest classified roads, recreation trails, and permanent wildlife openings in the HMU will continue to be maintained and used for public and administrative access.

**Alternative 1**

Because of no new road construction and very minor amounts of road reconstruction requiring minor amounts of brushing and surface hardening, there would be very minor localized direct and indirect effects. The Forest Service would continue to maintain the Gale River Loop Road and trail systems, and visitors would continue to access hiking trails and dispersed camping in the cumulative effects area.

Therefore, Alternative 1 would not add any cumulative effects to aquatic or terrestrial wildlife resources (including ORW, MIS, TEPS, bear-clawed beech trees, deer yards, or add stress to woodland bats that summer roost in large trees if WNS spreads to the WMNF) in the HMU analysis area.

**Alternatives 2 and 3**

Forest Service management activities in the analysis area included the past Nubble and Bickford and the current Sugar House vegetation management projects. Reasonably foreseeable future projects include the Gale River Bridge replacements and the Twin Mountain Bicycle Path, and future vegetation and wildlife habitat management projects. These activities have and would affect aquatic and terrestrial wildlife and their habitat within the HMU. These activities have or would use a similar mix of Standards and Guidelines that protected riparian, aquatic, and terrestrial wildlife resources described in Chapter 2 and the previous direct and indirect effects section.

WNS has not been linked in any way to general forest management practices or any activities proposed in the Gale River In-holding Access Project. At this time, WNS is limited to hibernacula caves and mines. All activities proposed in Alternatives 1, 2 and 3 would occur outside of these areas, which are off-Forest, with no direct, indirect or cumulative effects on hibernacula (USDA 2009b).

**Private Land**

Activities on private land have, and would, affect habitat (altered habitat, loss of habitat, improved habitat). Increased activities on private lands may result in some increases in human presence in the HMU over time, resulting in possible increased disturbance to wildlife in the HMU. The Littleton Water and Light Department in-holding currently contributes to habitat diversity via a mix of habitats, unpaved dirt road, and some structures used for the maintenance of Littleton’s Town public water supply.

In summary, there would be very low potential for very minor and localized direct and indirect effects from road construction or reconstruction, maintenance,
and year-round use to access private land. Also, there would be relatively minor, localized, direct and indirect effects to aquatic and wildlife resources from past and likely future projects. Therefore, Alternatives 1, 2 or 3 of the proposed Gale River In-holding Access Project would not add any cumulative effects to aquatic and terrestrial wildlife resources (including ORW, TEPS, MIS, deer yards, bear clawed beech trees, or add stress to woodland bats that summer roost in large trees if WNS spreads to the WMNF) in the HMU analysis area.

Aquatic-and Wildlife Resources Related Design Features

• Retain woody material in riparian areas & outside of access locations where feasible.
• Minimize the number of stream crossings where possible.
• Construct and reconstruct road segments during dry periods when feasible.

3.4 Soils

Affected Environment

The analysis area has soils common to the rest of White Mountain National Forest: moderate to well-drained fine sandy loam or sandy loam on average. The analysis area is a mix of northern hardwood and softwood Ecological Land Types (ELTs).

Desired soil conditions are considered here with respect to processes that affect long-term soil productivity (soil erosion, soil displacement, soil compaction, soil cover, and nutrient cycling). The 2005 Final Environmental Impact Statement (FEIS) states soil productivity, as is defined by the Forest Service, is the inherent capacity of the soil to support the growth of specified plants, plant communities, or sequences of plant communities. Soil productivity may be expressed in a variety of ways, including volume, weight/unit/area/year, percent plant cover, or other measures of biomass accumulation (Forest Service Handbook (FSH) 2509.18). A productive soil is able to help support a healthy and growing forest. Soil may also play a role in buffering the impacts of other environmental concerns, such as changes in stream chemistry, which may originate from acid deposition.

The desired soil conditions are tiered to the Forest Plan Standards and Guides and the Forest Service Soil Quality Standards (SQS) (USDA-FSH, Supplement Region 9 Regional Office (R9 RO) 2509.18-2005-1). Implementation of SQS and relevant best management practices (BMP) to all phases of the project will ensure that long-term soil productivity is maintained in this area. Soil erosion may occur along steeper sections of the road during wet periods affecting adjacent soil. This soil erosion can affect soil productivity by loss of organic matter that harbors nutrients and helps maintain soil aeration, it can also lead to stream sedimentation. Some of the soils in the analysis area are rated as having a high surface soil erosion hazard relative to other soils on the Forest (Forest Plan). This rating is for conditions without forest cover or any mitigation measures. However, the 2005 Final Environmental Impact Statement (FEIS) notes that “research findings and on-the-ground experience for all [soil] hazard classes confirm that accelerated soil erosion due to roads and trails can be reduced
— and its effects on streams largely eliminated — by timely application of well-known best management practices.” (FEIS, p 3-29) The State of Maine recently published monitoring data supporting the conclusion that properly applied BMPs will mitigate effects from soil erosion (Maine Department of Conservation, Maine Forest Service, 2005; Maine Forestry Best Management Practices Use and Effectiveness, 2001–2003, 2005), and while the results of a similar study in New Hampshire have not yet been published, Maine and New Hampshire soils and BMPs are similar. It is therefore assumed that the effectiveness of these BMPs is also similar. Roads are a concern for soil erosion because they may expose mineral soil (Patric, 1976).

**Direct and Indirect Effects**

The analysis area for direct and indirect effects on soil productivity is the 801-acre project area. This area was selected because there will not be any effects outside the project area. The analysis area lies within the Gale River Watershed. The temporal scope for the analysis of direct and indirect effects is the life of the project, because the soil disturbance will occur over that amount of time.

**Alternative 1**

Under this alternative, impacts to soil productivity would not extend beyond those that occur in nature. The owner of the in-holding will continue to enter through Campsite #9 during the summer.

No new road construction is to occur.

**Alternative 2**

This alternative proposes reconstruction of approximately 2,500 feet of an existing road and construction of a new designated road approximately 2,329 feet long with a 12 foot wide zone of surface compaction of the soil. As long as this road exists, soil under the road is detrimentally impacted by compaction. While the trail is constructed, soil would be compacted, graded or sloped by workers for up to 6 feet out from the new road on either side. This would expose the previously protected soil to rainfall, and the top, organic rich layer of soil could more easily erode away from the site, decreasing soil productivity. Following Forest Plan direction and BMPs related to surface erosion control at trail sites, timing the construction activities, and controlling trail drainage should effectively rehabilitate the temporarily disturbed area, preventing soil erosion and protecting the soil adjacent to the construction site.

Field review of this proposal showed there would be at least a 4,829 foot long and 12 foot wide path of new soil disturbance from construction and reconstruction activities having detrimental results on soil productivity.

This alternative has a greater impact to soils than the No Action alternative.

**Alternative 3**

Under this alternative, impacts to soil productivity would not extend beyond those that occur in nature. The owner of the in-holding will be responsible for plowing the South Gale River Road in winter, and making any improvements to the road for year round access to enter at campsite nine. Campsite nine is a previously disturbed area with a compacted road surface.
No new road construction is to occur. This alternative has less impact than Alternative two but more than Alternative 1.

**Cumulative Effects**

The analysis area for cumulative effects on soil productivity is the approximately 801-acre project area. This scale is not so large that it spatially dilutes the cumulative sum of effects on soil resources, nor is it so small that it fails to identify and consider use and potential use on both National Forest and private lands relative to the proposed project.

The temporal scope for cumulative effects on soil productivity is ten years in the past and ten years beyond the Proposed Action. These periods were chosen to consider present effects on soil resources resulting from any past soil disturbing actions, to allow time for the proposed activities to occur and be completed, and to consider any other foreseeable soil disturbing activities. This timeframe allows consideration of multiple uses, and provides enough time for the expected recovery of soils from erosion and compaction resulting from road building. Evidence of erosion and compaction beyond the expected timeframe would imply that the soil is not recovering as expected, and effects from this and future activities could be additive and cumulative.

Although possible, no timber harvest is planned on National Forest lands within the cumulative effects analysis area over the next ten years, and no other projects are anticipated within this area during this timeframe. The Forest classified roads, recreation trails and permanent wildlife openings in the cumulative effects analysis area will continue to be maintained and used for public and administrative access.

**Alternative 1**

This Alternative proposes no action beyond what is currently permitted for access to the in-holding. There will continue to be localized erosion related to ongoing maintenance of Forest Roads, recreation trails and private roads and timber harvest on public and private lands.

**Alternative 2**

The project will result in a permanent increase in the amount of the analysis area that has disturbed soils. This alternative will result in soil disturbance on approximately 1.33 acres, or 0.2 percent of the 801-acre Analysis Area. The action alternative would cause 1.33 acres of permanent cumulative effects from soil erosion and compaction, severe enough to be detrimental, and not within the soil disturbance limits established by the Soil Quality Standards for the Eastern Region of the Forest Service (USDA-Forest Service Handbook, Supplement R9RO 2509.18-2005-1, Section 2.2), as well as the scope of effects anticipated and analyzed in the 2005 FEIS (USDA-Forest Service 2005b, FEIS, pp 3-29 to 3-36).

**Alternative 3**

This Alternative proposes to enter at campsite nine. There will continue to be localized erosion related to ongoing maintenance of Forest Roads, recreation
trails and private roads and timber harvest on public and private lands. This alternative would cause no permanent cumulative effects from soil erosion and compaction, severe enough to be detrimental, and within the soil disturbance limits established by the Soil Quality Standards for the Eastern Region of the Forest Service (USDA-Forest Service Handbook, Supplement R9RO 2509.18-2005-1, Section 2.2), as well as the scope of effects anticipated and analyzed in the 2005 FEIS (USDA-Forest Service 2005b, FEIS, pp 3-29 to 3-36).
Chapter 4: How to Comment on This Project

The following instructions explain current regulations for formal comment, notice, and appeal of projects. The new regulations allow only those who submit timely comments to be eligible to appeal a final decision. If you decide to submit comments, they should enhance the project analysis and provide meaningful and useful information about your concerns.

To be timely your comments must be received within 30 calendar days following the publication of the legal notice in the New Hampshire Union Leader. When the comment period ends on a Saturday, Sunday, or federal holiday, comments will be accepted until the end of the next federal working day. If you do not have access to the Union Leader, please call the Pemigewasset Ranger Station at 603-536-6100, (TTY 603-536-3665) for the publication.

It is the responsibility of persons providing comments to submit them by the close of the comment period. Individuals and organizations wishing to be eligible to appeal must provide the following information:

1) Name, address, and telephone number;
2) Title of the proposed action (Access to Private In-holding — Gale River Road Project);
3) Specific comments on the proposed action, along with supporting reasons the Deciding Official should consider in reaching a decision; and
4) Signature or other verification of identity upon request. Identification of the individual or organization who authored the comments(s) is necessary for appeal eligibility.

Comments should be directed to Pemigewasset District Ranger Molly Fuller as follows:

• Written comments must be postmarked by the Postal Service, emailed, FAXed, or otherwise submitted by 11:59 PM ET on the 30th calendar day following publication of the legal notice.

• Letters should be submitted to 71 White Mountain Drive, Campton, NH 03223. Hand delivered letters should be submitted during these office hours: Monday through Friday, 8:00 AM – 4:30 PM.

• FAX comments should be sent to 603-536-3685.

• E-mail comments should include an identifiable name and be sent to: <comments-eastern-white-mountain-ammo-pemi@fs.fed.us>. Comments submitted as electronic documents must be in plain text (.txt), rich text format (.rtf), or Word (.doc) format. When you submit your comments to this email address, you should receive an electronic acknowledgement as confirmation of receipt. If you do not receive acknowledgement, it is your responsibility to ensure timely receipt by other means.

• Oral comments may be submitted Monday through Friday 8:00 AM to 4:30 PM, either by phone (603-536-6133) or in person, and must be received by the close of business on the 30th calendar day following publication of the legal notice.