



DECISION NOTICE

And

FINDING OF NO SIGNIFICANT IMPACT

**NEW STRAITSVILLE LAND EXCHANGE
ENVIRONMENTAL ANALYSIS**

**USDA Forest Service, Region 9
Wayne National Forest
Athens Ranger District**

**Falls Gore, Green and Starr Townships,
Hocking County
Coal Township, Perry County**

January 31, 2003

This notice documents the agency's finding (40 CFR 1508.13) and project decision regarding the exchange of three parcels of private land for one parcel of National Forest System land that lies within the Village of New Straitsville.

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1. Introduction

The Village of New Straitsville requested that the USDA Forest Service convey 106.728 acres of federal land (T14 North, Range 15 West, Coal Township, Perry County, Ohio) for 95.56 acres of private land (T14N, R16W (Falls Gore Township); T12N, R16W (Starr Township); and T13N, R16W (Starr Township, Hocking County, Ohio). The federal land is within the Village of New Straitsville. The private land includes a 14-acre wetland, land bordered on two sides by Wayne National Forest, and land bordering National Forest within the off-road vehicle area.

Purpose and Need for the Proposed Action

Wayne National Forest land within the Village of New Straitsville (the Village) is limiting the Village's ability to develop land for housing and economic development. The Village requested the exchange of 106.728 acres of federal land for an equivalent value of private land and invited Good Builders Inc. to be a partner in the exchange for the purpose of using land now owned by the United States for economic development.

The Village is totally surrounded, even interspersed, with WNF lands. Due to excessive slopes, there is little additional private land on which to expand the Village. The federal land requested in the exchange is a 106.728-acre parcel that lies within the corporate limits of the Village. The private lands being proposed for exchange are in the public interest because they include a wetland, land within the designated off-road vehicle area, and lands bordered on two sides by other national forest parcels.

Forest Service Manual Direction (FSM 5430.2) directs the National Forests to complete land-for-land exchanges to permit needed urban or industrial expansion, to make other adjustments in landownership clearly in the public interest and to stay consistent with land management planning objectives.

If the exchange is completed, Good Builders, Inc. in cooperation with the Village of New Straitsville, proposes to develop the land for single and multi-family homes. The Village and Good Builders anticipate developing only 20 acres for commercial use. Recreational facilities will be located throughout the development for families and seniors.

Description of Lands to Be Conveyed

The estate to be conveyed is all the rights, title, and interest in and to approximately 106.728 acres of land, subject to survey, belonging to the United States of America with no reservations, but subject to outstanding mines, coal, oil, gas, brines, metalliferous ores, limestone, operating sand banks, furnace slag, coal formation clays and shales of Ohio; to oil and gas leases, and to easements for power lines, pipelines, and telephone lines.

The non-federal land is described as:

Tract 1 – Township 14 North, Range 16 West, Falls Gore Township, Hocking County, Ohio, being Part of the Southwest Quarter of Section 25 containing 26.66 acres more or less; and Part of the Northwest Quarter of Section 36 containing 11.9 acres, more or less. The estate to be acquired is all the rights, title, and interest in and to 41.56 acres of land, including minerals, with no reservations but subject to oil and gas leases, easements for pipeline purposes, and the rights of the public to State Highway 93, Township Road T-382, and existing and established utilities.

Tract 2 – Township 12 North, Range 16 West, Green Township, Hocking County, Ohio, being Part of the West Half of the Northeast Quarter of Section 6. The interest to be acquired is all

rights, title, and interest in 15 acres of land with no reservations, but subject to outstanding oil and gas rights and a pipeline right-of-way.

Tract 3 – Township 13 North, Range 16 West, Starr Township, Hocking County, Ohio being Fractional Lot 3, in Section 12 containing 35 acres, and Part of Fractional Lot 5 containing 4 acres, more or less. The estate to be acquired is all the rights, title, and interest in and to 39 acres of land along with a right of way for ingress and egress, with no reservations but subject to a one-half interest in oil and gas rights and other minerals outstanding of record and to a pipeline easement.

2. Summary of Decision

An environmental assessment (EA) was completed on December 5, 2002. This EA analyzed and displayed the direct, indirect, and cumulative effects of the proposed action and a no-action alternative. It is my decision to select Alternative B to approve the exchange of 106.728 acres of federal land for 95.56 acres of private land for an equivalent value based on the analysis in the EA. The approved value for the Federal land is \$160,092 and the non-Federal land is \$122,100. A cash equalization payment of \$37,992 will be made by the exchange proponent, Good Builders, to the United States of America.

Rationale for Decision

This decision supports Forest Service Manual Direction (5400) on Land Ownership, stating that it is Forest Service policy to complete land-for-land exchanges to consolidate National Forest System lands and to permit needed urban or industrial expansion in the public interest and consistent with land management planning objectives (EA, pg 17). I am satisfied that a purchase option was considered (EA, pg 8).

The decision also complies with exchange criteria in the Wayne National Forest Land Management Plan (USFS 1988) (Forest Plan) with respect to ecology and consolidation of federal land. This exchange adds 14 acres of wetland, an important and sometimes scarce habitat for wildlife species, to the federal land base. It also adds two tracts of land that are adjacent to federal ownership, further consolidating our land base inside the purchase boundary (EA, pg 17).

Mitigations

Specialists for archaeology, wildlife, minerals, hydrology, and botany reviewed the proposed action. No mitigations were proposed.

3. Alternatives Considered

The EA considered two alternatives in detail, including a No Action alternative. I did not select Alternative A because it would not have allowed the Village of New Straitsville to pursue commercial and residential development within the Village limits. A purchase alternative was considered, but negotiations to purchase each of the private tracts were unsuccessful (EA, pg 8).

4. Public Involvement

Letters requesting comments during initial scoping on the proposed action were sent to 140 groups and individuals on May 20, 2002. Responses were received from six people.

An Environmental Assessment was issued in December, 2002, for a 30-day Notice and Comment period. No comments were received.

5. Determination of Public Interest

In making a determination of public interest (CFR 254.3(b)1), I considered several factors or values. Those factors applicable to this project are as follows.

1. The exchange provides for the consolidation of NFS land by acquiring two tracts that border national forest.
2. The exchange meets the need of the Village of New Straitsville to develop housing and commercial facilities within the Village limits.
3. The exchange allows the National Forest to further protect wetland habitat by acquiring the 14-acre wetland in Falls Gore Township.
4. The exchange provides for more efficient management of the National Forest by removing lands within the Village limits.
5. The exchange accomplishes the goals of the land acquisition program in the Wayne Forest Land and Resource Management Plan.

The resource values and public objectives on the acres to be acquired exceed those resource values and public objectives served by the Federal lands to be conveyed. Therefore, I have determined that the public interest will be well served through this exchange of lands.

6. Congressional Oversight

As stated in Forest Service Handbook 5409.13 Chapter 30 Land Exchange, for Weeks Law and related act cases where the Federal land value is \$150,000 or more, a report is submitted to the House and Senate Committees on Agriculture for a 30-day review pursuant to Section 17(b) of the National Forest Management Act (16 U.S.C. 5216).

Finding of No Significant Impact

I have determined that implementation of Alternative B to approve the exchange is not a major federal action either individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not necessary.

“Significance” as used in the National Environmental Policy Act (NEPA) requires consideration of both the context and intensity of the project. The context of this action was analyzed for the regional and local area’s population and the physical environment, and for the short and long-term effects. This determination is based upon the following “intensity factors (as described in 40 CFR 1508.27):

1. Both beneficial and adverse effects have been considered and this action will not have a significant effect on the quality of the human environment (See the EA, Chapter 3, Environmental Consequences, pages 10-19).
2. The proposed action in the selected alternative will not have an impact on public health and safety.
3. The project will not adversely affect any unique characteristics of the geographic area, as it is not a land-disturbing activity. It will transfer 14 acres of wetland into federal ownership.
4. Based on public involvement and the environmental analysis, the effect on the quality of the human environment is not likely to be highly controversial

5. The actions do not involve highly uncertain, unique, or unknown environmental risks to the human environment. (See the EA, Chapter 3, Environmental Consequences).
6. The action in this decision will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration. (See the EA, Chapter 1, pg 14).
7. The cumulative effects of the proposed actions have been analyzed with consideration for past and foreseeable future activities on adjacent public and private land (See the EA, Chapter 3, Environmental Consequences, pg 14).
8. The actions will not affect any sites listed in or eligible for listing in the National Register of Historic Places, nor will they cause loss or destruction of significant scientific, cultural, or historic resources. This is based on site specific cultural resource surveys conducted on the analysis area (See the EA, Chapter 3, Environmental Consequences, pg 14).
9. The actions are not likely to adversely affect endangered, threatened, or sensitive plant or animal species, critical habitat, or unique natural plant communities (See the EA, Chapter 3, Environmental Consequences, pages 15-17).
10. None of the actions threaten to lead to violation of federal, state, or local laws imposed for the protection of the environment. This will be ensured by carrying out the proposed actions in a way that is consistent with the standards and guidelines, management requirements and mitigation measures established in the Forest Plan. This project will fully comply with the Forest Plan (See the EA, Chapter 3, pg 17).

Findings Required By Other Laws

As required by the Endangered Species Act, effects to federally listed species were addressed. Biological evaluations were completed by the Forest's botanist and the Athens Ranger District's wildlife biologist. Their findings were based on field reviews and the Wayne's 2002 biological opinion. The U. S. Fish and Wildlife Service concurred with the findings of the biological evaluation for wildlife (see Project File 16-4).

The Forest Archaeologist was involved in the review of the proposed action and alternatives per Section 106 of the National Historic Preservation Act, and provided information that protects heritage resources from adverse effects (see Project File 15-3).

Appeal Regulations

The environmental assessment for this proposed action was made available to the public for a 30-day Notice and Comment Period. Actions for which notice and opportunity to comment have been published and on which no expression of interest has been received during the comment period, and on which the Responsible Official's decision does not modify the proposed action, are not subject to appeal according to 36 CFR 215.8a(3).

Project Implementation

Since no expression of interest was received on this project during the 30-day Notice and Comment period and this decision is not appealable, implementation of this decision may occur immediately upon the publication of this Notice.

For more information, contact:

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Responsible Official

Mary O. Reddan
Forest Supervisor
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/s/Ricardo Garcia for

2/07/2003

MARY O. REDDAN
Forest Supervisor

DATE