

## Cover Sheet

---

<b>Proposed Agency Action:</b>	Exchange 105 acres of federal land for 95 acres of private land in a value for value exchange.
<b>Type of Statement:</b>	Environmental Assessment
<b>Lead Agency:</b>	USDA – Forest Service
<b>Deciding Official:</b>	Mary O. Reddan Forest Supervisor Wayne National Forest 13700 US Hwy 33 Nelsonville, OH 45764 (740) 753-0101
<b>For Further Information:</b>	Marsha Wikle Athens Ranger District NEPA Coordinator (same contact information)
<b>Abstract:</b>	<p>The Forest Service is proposing to approve an exchange of three parcels of private land for one parcel of National Forest System land that lies within the Village of New Straitsville. The federal acreage is for the surface estate only and is approximately 105 acres. The private parcels are approximately 41, 39, and 15 acres for a total of about 95 acres. 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. Commercial development will be limited to approximately 20 acres of the property. Recreational facilities will be located throughout the development for families and seniors.</p> <p>If the exchange is completed, the Forest Service will receive a 14-acre wetland with frontage on two public roads, offering excellent wildlife-viewing opportunities. A tract in Starr Township is entirely within the Monday Creek Off-Road Vehicle Area. A third tract in Green Township is adjacent to Forest Service ownership on a ridge above the Paine's Crossing Special Area. The exchange will be based on value for value, not acre for acre, with property values established following standard land appraisal practices.</p>
<b>Disclaimer:</b>	“The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination rite USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202)720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.”

## Table of Contents

Cover Sheet.....	1
New Straitsville Land Exchange .....	4
Environmental Analysis .....	4
Chapter 1. Purpose and Need for Exchange .....	4
Purpose and Need.....	4
Proposed Action .....	4
Map 1: Vicinity Map.....	5
Federal Land Status .....	5
Legal Description of Private Parcels .....	6
Exchange Authority.....	6
Decision to be Made .....	7
Summary of Scoping .....	7
Permits .....	7
Map 2: Federal Parcel.....	7
Chapter 2. Alternatives .....	8
A. No Action.....	8
B. Proposed Action.....	8
Mitigations .....	8
C. Alternatives Not Analyzed Further .....	8
Map 3: Private Parcels Proposed for Exchange .....	9
Chapter 3: Affected Environment and Environmental Effects.....	10
Issues .....	10
Affected Environment .....	10
Management Area.....	10
Vegetation .....	10
Wildlife .....	12
Hydrology .....	12
Soils .....	13
Map 4. Mining Features .....	13
Mineral History.....	14
Recreation .....	14
Past, Present and Future Activities in or near the Project Area .....	14
Effects of Alternative A – No Action .....	15
Effects of Alternative B – Approve Land Exchange .....	15
Vegetation .....	15
Wildlife .....	16
Hydrology .....	16
Minerals .....	16
Recreation .....	17
Economic and Social Impacts.....	17
Cumulative Effects.....	17
Forest Service Manual Direction .....	17
Forest Plan Implementation .....	17
Exchange Criteria .....	17
Management Indicator Species.....	17
Regional Forester Sensitive Species.....	18
Compliance with Federal Laws and Regulations .....	18

Code of Federal Regulations ..... 18  
Executive Orders 11988 and 11990 ..... 18  
Executive Order 13186 – Migratory Birds ..... 18  
CERCLA..... 18  
Endangered Species Act..... 18  
National Historic Preservation Act..... 19  
Other federal laws ..... 19  
Chapter 4: Consultation and List of Preparers..... 19  
    Agencies Consulted in Preparation of this Document ..... 19  
    List of Preparers..... 20  
Chapter 5: References ..... 20  
    Appendix A Effects on Management Indicator Species..... 21

# New Straitsville Land Exchange

## Environmental Analysis

Athens Ranger District, Wayne National Forest  
Hocking and Perry Counties, Ohio

### Chapter 1. Purpose and Need for Exchange

*New Straitsville seeks opportunities for economic development*

#### Purpose and Need

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 has requested the exchange of 105 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 105-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. See Map 1 for the general vicinity of the exchange 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.

*A private party has offered three parcels of land in exchange for one parcel of federal land*

#### Proposed Action

The Forest Service is proposing to approve an exchange of three parcels of private land for one parcel of National Forest System land that lies within the Village of New Straitsville. The private parcels are approximately 41, 39, and 15 acres for a total of about 95 acres. The federal acreage is approximately 105 acres.

*Exchange tract will become residential development*

If the exchange is completed, Good Builders, Inc. in cooperation with the Village of New Straitsville, propose to develop the land for single and multi-family homes. Commercial development will be limited to approximately 20 acres of the property. Recreational facilities will be located throughout the development for families and seniors.

See Map 1 for the vicinity map and Maps 2 and 3 for the location of the individual tracts.

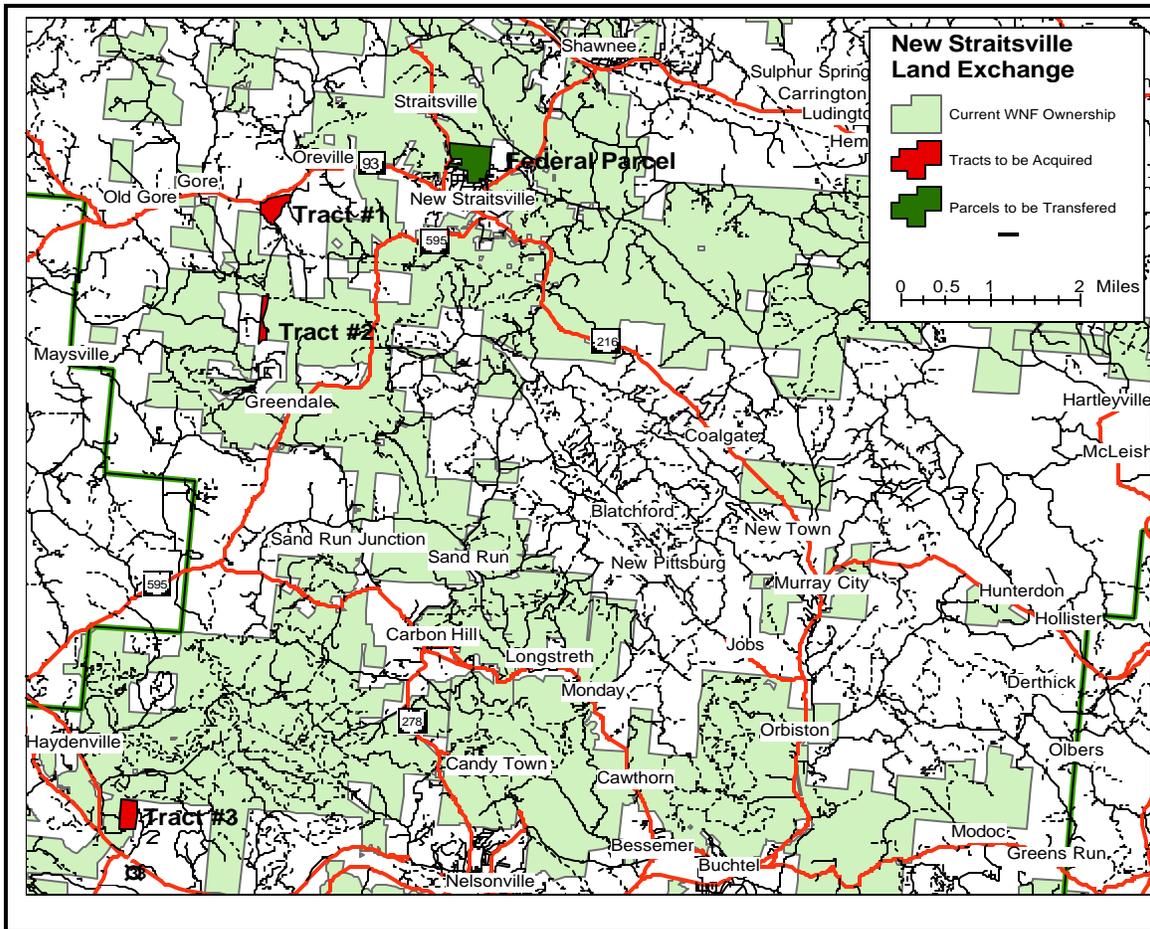
**Forest Service receives a wetland and two tracts adjacent to federal lands**

If the exchange is completed, the Forest Service would receive a 14-acre wetland with frontage on two public roads, offering excellent wildlife-viewing opportunities. A tract in Green Township is adjacent to Forest Service ownership on a ridge above the Paine’s Crossing Special Area. A third tract in Starr Township would be entirely within the Monday Creek Off-Road Vehicle Area

**Value for value basis**

The exchange will be on a value for value basis, not acre for acre, with property values established following standard land appraisal practices.

**Map 1: Vicinity Map**



**Federal Land Status**

**Legal description**

The federal parcel is 105 acres located in the NW Quarter of Section 29, Township 14 North, Range 15 West, Coal Township, Perry County, Ohio.

**Federal land is**

The federal land was acquired through a 1942 land purchase under the Weeks

***wooded with small trees***

Act of 1911. The property is wooded with various oaks, mixed hardwoods, and pine. The average diameter of trees is about 12 inches at breast height. The saw timber-sized trees are scattered, and overall there is little commercial value. Only the surface is owned by the Forest Service; sub-surface minerals are owned by successors of the Greendale Minerals Company.

The estate to be conveyed is all the rights, title, and interest in and to approximately 105 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.

***Easements and special use permits***

There are three special use permits in effect on the Federal tract – two to the Village for a park and playground and access to St. Augustine Cemetery and a third for a pump house and buried water line to the old Straitsville Water Association. The land exchange will either protect or eliminate the need for the rights granted through the special use permits.

**Legal Description of Private Parcels**

The non-federal land is described as:

***Where is it?***

**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.

***What is proposed for acquisition?***

**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.

See Map 2 for the location of the private land proposed for exchange.

**Exchange Authority*****1911 Act authorizes land exchange***

Land exchanges are authorized by the Act of March 1, 1911 (36 Stat. 96) known as the Weeks Law and by the Federal Land Policy and Management Act of 1976. This exchange meets all the legal requirements.

**Decision to be Made**

The Forest Supervisor will decide whether or not to approve the exchange of 105 acres of federal land as described above for 95 acres of private land in three parcels as described above. No other land exchanges, acquisitions, or project activities are encompassed in this decision.

**Summary of Scoping**

Letters requesting scoping comments from the public were sent to 140 individuals on May 20, 2002. A legal notice was placed in the Athens Messenger, the paper of record, the Logan Daily News, and the Perry County Tribune between May 31 and June 6, 2002. The public was informed of the proposed exchange in the following newspapers on the dates indicated.

- Athens Messenger.....5/29, 6/5, 6/12, 6/19
- Logan Daily News       5/29, 6/5, 6/12, 6/19
- Perry County Tribune   5//29, 6/5, 6/12, 6/19

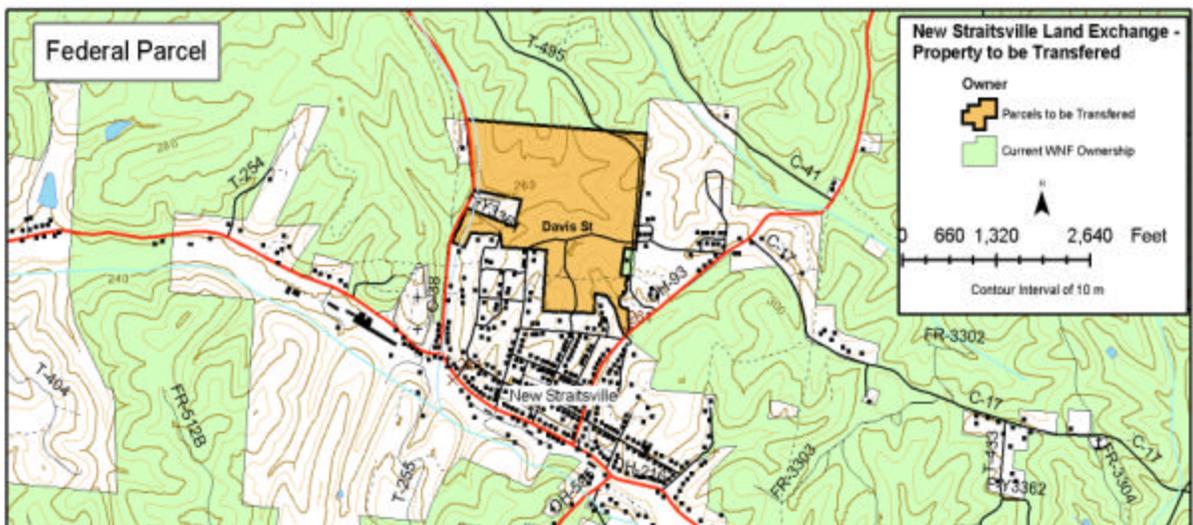
***One issue concerns burned out coal under the federal tract***

A scoping letter was placed on the Wayne National Forest website. Several comments were in favor of the exchange, especially federal acquisition of the wetland tract. Two individuals expressed concern that coal mine fires had burned the coal under the federal tract, making it unsuitable for development. This issue is analyzed in Chapter 3.

**Permits**

There are no state or federal permits required to implement this land exchange.

**Map 2: Federal Parcel**



## Chapter 2. Alternatives

---

*Two alternatives were considered* Alternatives considered for this proposal include the No Action (Alternative A) and the Proposed Action (Alternative B). Other alternatives, including a purchase option and other exchange opportunities, are discussed below.

### A. No Action

*No exchange occurs* If the No Action alternative were selected, the Forest Service would not approve the land exchange. The Village would not have the opportunity for expansion or development within the Village limits as a result of this proposal. Private land secured for this exchange would be available for sale in the private sector. The Federal parcel identified for this exchange would remain under the current management prescription of the Wayne National Forest Land and Resource management Plan.

### B. Proposed Action

*105 acres are traded for 95 acres*

The Forest Service is proposing to approve a proposal by Good Builders, Inc., in cooperation with the Village of New Straitsville, Ohio, to exchange three parcels of private land for one parcel of National Forest System land that lies within the Village. The federal acreage is approximately 105 acres. The private parcels are approximately 41, 39, and 15 acres for a total of about 95 acres. Reservations for minerals are described in Chapter 1. See Map 2 for a detail of the federal parcel and Map 3 for the locations and detail of the private parcels. Good Builders and the Village have stated their reason for acquiring the land is for residential and commercial development.

*Proposed use is for commercial development*

### Mitigations

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

### C. Alternatives Not Analyzed Further

*Initial proposal made years ago*

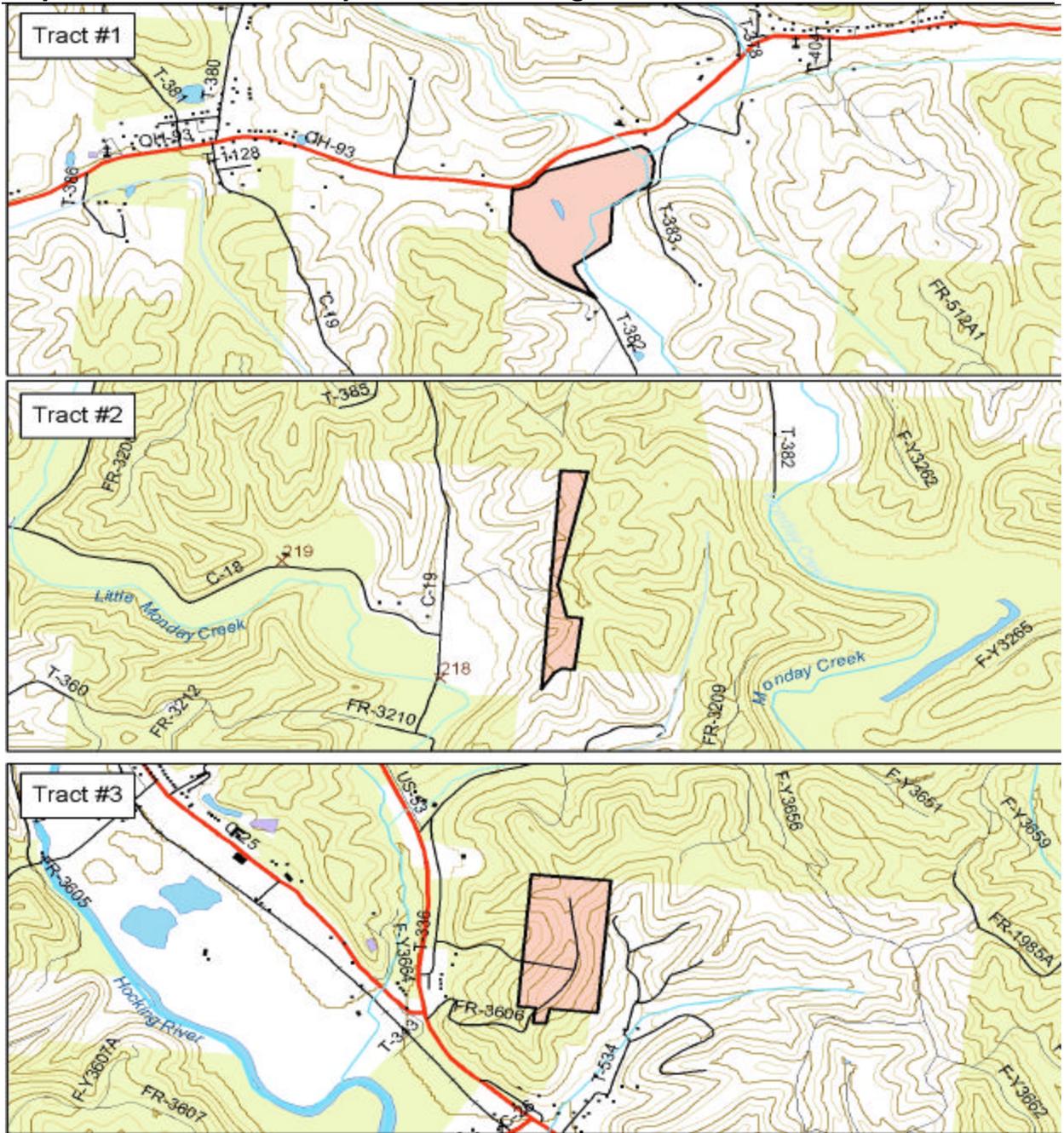
The Village brought the idea of an exchange to the Forest Service many years ago. The lands involved in the initial proposal were not of similar value, and the proposal was not further analyzed.

*Could we have purchased the private tracts?*

### *Purchase Option*

Efforts have been made to acquire the lands included in the exchange, but negotiations to purchase each of the tracts were unsuccessful. Land exchange is an alternative means of assisting the Village (per Manual Direction) and acquiring the non-federal properties. -

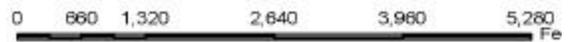
### Map 3: Private Parcels Proposed for Exchange



#### New Straitsville Land Exchange - Property to be Acquired



-  Parcels to be Acquired
-  Current WNF Ownership



## Chapter 3: Affected Environment and Environmental Effects

---

This chapter describes the affected environment of the federal parcel and includes a general description of the private parcels. Environmental impacts on all resources and in relation to the issue raised from the proposed action are disclosed.

### Issues

*The issue of voids in the coal layer was raised*

Only one issue was raised during scoping. There is a concern that burned-out mine voids under the federal parcel make the land unsuitable for residential development and not suitable for exchange for this purpose. This issue is analyzed in the sections on mineral history below.

### Affected Environment

*Forest types on the federal parcel*

The federal parcel requested for exchange is a 105-acre tract located in Section 29 at the intersection of Weaver and Davis Streets within the Village of New Straitsville. Forest types within the parcel are solid white pine (6 acres of which were thinned in 1993), upland mixed hardwoods, and a combination of pine and hardwood.

*Private land is also wooded*

The private tracts include 95 acres of wooded land including Tract #1 containing a 14-acre marsh and low-lying woodlands composed of red maple, aspen, mixed oaks, yellow poplar, beech and hickories. Tract #2 is wooded with mixed oaks, red maple, yellow poplar, beech and other hardwoods and a small amount of open land from past mining activity. Tract #3 is pole-sized trees with scattered large trees of mixed oak, red maple, and yellow poplar along with other mixed hardwoods.

### Management Area

*Two management areas are affected*

The federal parcel lies on the north edge of New Straitsville and is in Management Area 3.3. Management Area 3.3 was established by the Forest Plan to: 1) Provide habitat diversity, favoring wildlife species that require mature and over mature hardwoods; 2) Provide high quality hardwoods on a sustained basis; and 3) Provide various high quality dispersed recreation and hunting opportunities in moderate amounts in a natural-appearing forest landscape.

All three of the private parcels proposed for acquisition lie between New Straitsville and the Hocking River and are in Management Area 3.2. Both management areas allow even-age timber management. Management Area 3.2 allows motorized recreation including off-road vehicle use on designated trails.

### Vegetation

*Vegetation occurring on federal tract*

Twelve stands comprise the 105 acres of U.S. Forest Service land proposed for exchange with New Straitsville. All stands but one were last surveyed in 1984. These twelve stands are diverse in age and size, as well as their composition and growing sites. While all stands but one are forested, only eight are designated as suitable for timber production. Forest types in the 12 stands vary between open fields, pure white pine plantations and mixed hardwood stands.

The majority of these stands are still considered to be relatively young, ranging from 15 to 60 years old. Diameter at breast height (DBH) is the diameter of the tree stem measured at 4.5 feet. Trees in these stands range in size from seedling-sapling sized (1-5 inches DBH), to pole sized trees (5-9 inches DBH), to small saw timber (over 9 inches DBH). Most of these stands occur on low to moderately productive sites. Site index is a measure of site productivity. It compares a tree's height and its age.

Records indicate that no management activities have occurred in nine of these stands since purchase by the Forest Service. Two white pine stands were thinned in 1993. Stand 51-1 is used as ball field under a special use permit.

***Abundant non-native invasive species***

The plant communities surrounding the two drainages running east and north from St. Augustine Cemetery are heavily degraded by several non-native invasive species (NNIS), including Japanese honeysuckle, bush honeysuckle, multi-flora rose, Asian bittersweet, tree-of-heaven, gill-over-the-ground, and myrtle. Native ground and understory vegetation has nearly been excluded. The ridge-top areas adjacent to the township road are also heavily infested with non-natives.

New Straitsville and the surrounding area has an active land use history (e.g. timber harvesting, coal mining, user-developed off-road vehicle trails, and illegal dumping and camping) that could account for the abundance of NNIS throughout the tract.

***Native species***

Native species that are present include violets, Virginia creeper, wild lettuce, Christmas fern, smartweed, cinquefoil, avens, jewelweed, mayapple, buttercups, witch-hazel, paw-paw, clearweed, asters, stinging nettle, spicebush, and sweet cicily.

***No T&E species are present on site***

***Federal Threatened and Endangered Plant Species***

Suitable habitat may exist for **small whorled pogonia** and running buffalo clover, though surveys have not recorded any species present. Pogonia grows on moderate slopes (0-30%) in mid-successional forests with a sparse understory and herb layer. The species locates in proximity to physical features, like streams, which tend to create long semi-permanent breaks in the forest canopy. This rare orchid is only known from three locations in Ohio.

**Running buffalo clover** prefers semi-shaded, edge regions that have been subjected to moderate, periodic disturbance over an extended period of time (e.g. light grazing or old trails). It will generally not tolerate full shade or full sun, or severe disturbance. Populations in Ohio are centered around the limestone-underlain region near Cincinnati and Lawrence County.

***Eleven RFSS species have suitable habitat on the federal tract***

***Regional Forester Sensitive (Plant) Species***

Surveys were also conducted for **Regional Forester Sensitive Species (RFSS)**. Eleven species from the most recent revision of the RFSS list have been designated on the Wayne National Forest. Suitable habitat may exist in the project area for butternut, Philadelphia panic-grass, yellow-fringed orchid,

rock skullcap and summer grape. None of the remaining RFSS species were considered in this analysis because there is either no suitable habitat for the species in the project area, or the species has a well-known distribution that does not include the project area.

*No unique features for wildlife*

**Wildlife**

There are no unique features benefiting wildlife on the federal parcel. A small wetland contains sphagnum moss, vegetation which is common to acidic wetlands, and is considered suitable habitat for the four-toed salamander, a Forest Species of Concern. The former mine openings have been backfilled and now appear as small depressions in the landscape. None are suitable bat habitat.

*Forest Service must assure viable populations*

**Management Indicator Species**

Direction for Management Indicator Species (MIS) is located in 36 CFR 219.19 and establishes the basis for managing and maintaining viable populations of existing native and desired non-native vertebrate species. Analysis of project level effects is used to determine if an activity contributes to meeting forest-wide objectives to provide for well-distributed, viable populations.

In the proposed land exchange, the type of habitat proposed for acquisition is virtually the same as that being exchanged, except for the addition of the wetland to the federal land base. Habitat requirements for MIS species are shown in the table below.

<b>Species</b>	<b>Habitat Component</b>
Cerulean warbler	Close-Canopied, Mature/Over-Mature Hardwoods
Pileated woodpecker	Mature Hardwoods
White-eyed vireo	Late Succession
Common yellowthroat	Middle Succession
Field sparrow	Early Succession
Pine warbler	Conifers
Ruffed grouse	Early Hardwoods
Eastern bluebird	Park Like
Wood duck	Beaver Ponds, Oxbows
Virginia rail	Marsh
Western chorus frog	Fishless Ponds In Fields
Wood frog	Vernal Ponds in Hardwoods
Bluegill	Artificial Impoundments
S Redbelly Dace	Small/Intermittent Streams
Redfin Shiner	Medium Streams with Sand/Gravel Pools
Blackside Darter	Medium Streams with Silt Pools
Rainbow Darter	Medium Streams with Riffles
Golden Redhorse	Large Streams with Pools
Sand Shiner	Large Streams with Sand Pools
Banded Darter	Large Streams with Riffles

*One intermittent tributary*

**Hydrology**

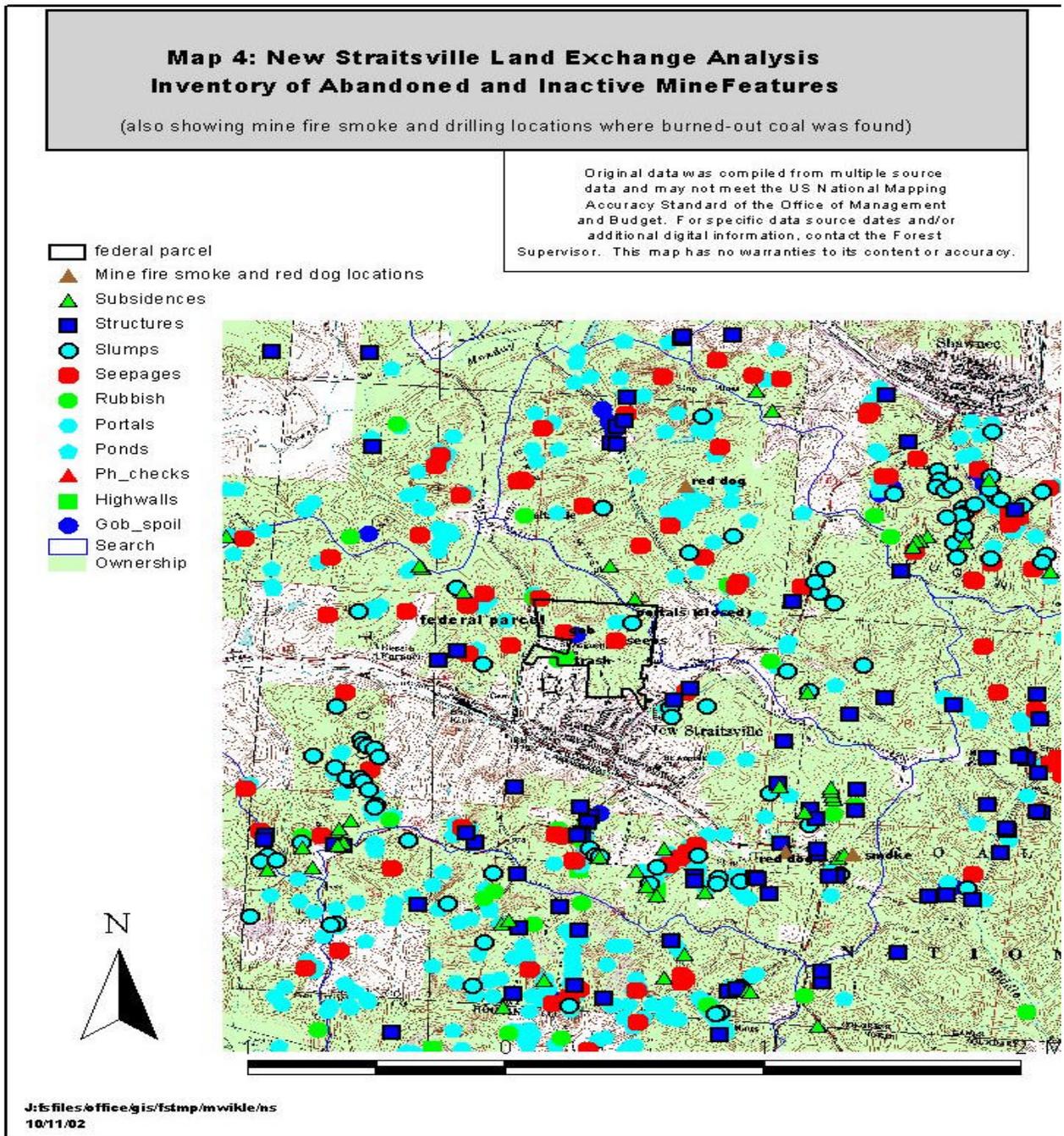
The federal parcel has one 1<sup>st</sup> order unnamed intermittent tributary to Monday Creek. Drainage area is approximately 0.16 square miles and the channel

appears to be in good condition.

### Soils

Most soil types consist of well-drained silt loams. Slopes range from 8-70%. Building sites and septic absorption systems are well to moderately-suited for slopes less than 15%. Steeper slopes are well suited to woodland wildlife and moderately suited to trees (Perry County Soil Survey, 1984).

### Map 4. Mining Features



***Underground mining and mine fires have occurred in the area***

**Mineral History**

Approximately 60-70% of the federal parcel has been strip-mined or underground mined prior to federal ownership. The WNF Abandoned and Inactive Mine inventory (see Map 4) showed four mining features associated with this parcel.

- 1) one gob pile with no discharge
- 2) small sediment pond with no discharge (pH = 5.6 and 3)
- 3) one dry portal and
- 4) two small mine seeps with no measurable discharge (pH = 5.35).

No subsidences were identified. Mine fires have been noted in this general area since the 1880s (Winnenberg 1995). Based on anecdotal and historical evidence, the probability of a burned-out coal seam beneath this parcel is fairly high. Small holes in the surface were noted in the white pine plantations. Drilling would need to occur to verify the presence of voids beneath the surface. Small surface slumps are common in all directions from New Straitsville. Map 4 shows the location of all mining features known in this area, including the most recent incidence of smoke from the coal seam. Mining companies have drilled the coal seam in the area and found burned out coal, locally known as red dog. These are also noted on the map.

All minerals under the federal tract are currently owned by the successors of Greendale Minerals Corp. Mineral ownership and reservations under the private parcels are described in detail in Chapter 1: Legal Description of Private Parcels.

**Recreation**

There are no designated trails or other recreation sites within the federal tract. Tracts 2 and 3 are within the Management Areas designated for off-road vehicle use on designated trails.

**Past, Present and Future Activities in or near the Project Area**

*The Village is growing*

The Village has encouraged the development of apartments and single-family houses in or near the Village. Two developments have occurred on land along State Route 93 in the past 10 years, both on previously cleared tracts. Additional private development may occur independent of national forest activities, but subject to state and local regulations.

*Some harvest activity*

Pine thinning has occurred on the federal parcel in the past and is proposed to occur on other pine stands in the New Straitsville area in the future.

*Watershed restoration activities*

The Monday Creek Restoration Partnership continues to implement projects to reduce acidity in Monday Creek. Several projects are planned or completed in cooperation with the Forest Service or adjacent to Forest Service land in the headwaters area above Tract #1 of the private land. The federal parcel has been either deep mined or strip-mined in the past.

*Natural gas pipeline*

Columbia Gas operates a cross-country pipeline, which crosses the National Forest ownership south of New Straitsville. Private Tract #2 is adjacent to this pipeline corridor. There has been long-term illegal off-road vehicle use on this ridge. The pipeline was re-habilitated and fencing installed to discourage off-road vehicle use in 1997.

*Federal highway re-location*

The US Highway 33 by-pass around Nelsonville is still in the analysis stage. Tract #3 lies between two proposed alternative routes east of Dorr Run Road. It is not anticipated that Tract #2 would be lost to highway construction.

*What happens if we don't exchange the land****Effects of Alternative A – No Action***

The current status will not change for any resources except vegetation. Both the pine and hardwood stands will continue to mature. The density of understory vegetation will decrease as the canopy matures and less light is available. No wetlands will be lost, though one will be gained through acquisition of the Coal Township tract. No recreation sites will be lost, and no habitat for any species would change ownership. The opportunity for the Village to develop residential land within the limits of New Straitsville will be lost.

***Effects of Alternative B – Approve Land Exchange****Small loss of acreage in the timber base***Vegetation**

The exchange as proposed in Alternative B would result in the loss of 102 acres of land presently in the timber base and three acres presently in a ball field in exchange for 95 acres within the Forest purchase boundary but not presently in the land base. No future timber value was calculated for this acreage.

*Federally Threatened or Endangered Species****Threatened and Endangered Species***

Surveys have not located the **small whorled pogonia** anywhere on the Athens Ranger District. This species prefers a relatively sparse understory and herb layer, which is lacking throughout most of the tract due to the high density of NNIS and/or sapling regeneration after heavy pine thinning. Therefore, exchange of the federal parcel would not likely adversely affect this species.

There are several user-developed off-road vehicle trails running throughout the federal parcel that would make suitable habitat for **running buffalo clover**, in addition to the intermittent stream banks and cemetery edges. No individuals were found during a survey in June of 2002. The likelihood of finding this rare clover in the remainder of the parcel, or of it establishing in the area in the future, is low, since the species seems to prefer more calcareous substrates like those found on the Ironton District and not the sandstone substrates found in the New Straitsville area.

Therefore, the exchange of the federal parcel, which would likely lead to both residential and commercial development in the area, would not likely adversely affect this species.

***RFSS plants******Regional Forester Sensitive Species***

Exchange of the federal parcel would not likely impact the Regionally Sensitive butternut or rock skullcap, and would have no impact on Philadelphia panic-grass, yellow-fringed orchid, or summer grape.

***Forest would acquire a wetland*****Wildlife**

The acquisition of the 14-acre wetland, known locally as Tansky's Marsh would make it one of the largest wetlands on the WNF. The wetland was identified in 1998 by the District wildlife Biologist as an important area for acquisition.

Tract #2 is located in Green Township adjacent to the Paine's Crossing Special Area. The property is wooded with mixed oaks, red maple, yellow poplar, beech and other hardwoods. Tract #3 in Starr Township is located approximately one mile from the site where four lactating Indiana bats were caught in 1997 and is also near a small group of roost trees in the beaver impoundment at the county landfill.

Each of the proposed tracts for acquisition offers more wildlife habitat value than the tract proposed for exchange.

***Tracts have similar habitat used by many species******Management Indicator Species***

In early 2002 the total acreage of the Wayne National Forest land base was approximately 233,070 acres. Only 10 acres of land would be lost from the land base due to the acquisition of the 95 acres in exchange for 105 acres of federal land – a loss of .004%. The total loss of habitat is negligible when looking at the area on a landscape level and would not cause a loss of important habitat to any Management Indicator Species. The type of habitat proposed for exchange is virtually the same as the parcels to be acquired, except for the potential acquisition of the 14-acre wetland in Tract #1. Wetlands are not numerous in southeastern Ohio; their loss is the second leading cause of wildlife endangerment in Ohio. The addition of this shallow marsh would be of great benefit to the wildlife in the area due to the protective measures that federal ownership would provide.

***The acquisition of a wetland*****Hydrology**

The exchange would contribute 14 acres of fresh water wetland and an additional .75 miles of quality riparian habitat to the forest land base. Both of these habitat types are under-represented on the Wayne National Forest.

***Underground mining has occurred on one of the exchange tracts*****Minerals**

The minerals under the federal parcel were reserved by Greendale Minerals Company when the Forest Surface purchased the surface. The Forest Service would acquire all minerals under Tract #1 and a partial interest in minerals under private Tracts #2 and 3. Overall, the government's ownership of minerals across its entire surface ownership would increase.

## Recreation

There are no developed recreation sites impacted by the proposed exchange.

## Economic and Social Impacts

There are presently no revenues to the US Treasury from permits issued on the federal tract proposed for exchange. Perry County presently receives a Payment in Lieu of Taxes for the 105 acres of federal land. If the exchange is completed and development occurs on the 20 acres as planned by Good Builders Inc., tax revenues from the developed land to the county should increase. Local governments would have some increased costs to provide services to the new development.

## Cumulative Effects

Specialists identified no direct or indirect effects associated with the proposed exchange, so no cumulative effects are anticipated.

*Forest Service should assist communities as they expand*

### ***Forest Service Manual Direction***

The Forest Service 5400 Manual on Landownership states that it is Forest Service policy to complete land-for-land exchanges to consolidate National Forest System and non-Federal land patterns, to permit needed urban or industrial expansion, or to make other adjustments in landownership clearly in the public interest and consistent with land management planning objectives. Alternative B would satisfy this direction.

### ***Forest Plan Implementation***

*Exchange meets Plan criteria*

### **Exchange Criteria**

The proposed exchange complies with the Wayne National Forest Land Management Plan (the Plan) as listed in Appendix A of the Plan. The exchange meets the criteria for land acquisition with respect to

- *Ecology* – to provide important or scarce habitat for wildlife species (wetland)
- *Consolidation* – to improve the land ownership pattern to make management more efficient and provide better opportunities for all National Forest activities.

*Positive effects to Management Indicator Species*

### **Management Indicator Species**

A table describing the impact to Management Indicator Species can be found in Appendix A. In summary there is a positive effect from approving the exchange due to the lack of wetland habitat in Ohio and the opportunity to acquire Tansky's Marsh. Bluegill, western chorus frog, Virginia rail, and wood duck will gain habitat at the wetland site. The woodland habitat in the federal parcel is marginal for field sparrows, ruffed grouse. There is an insignificant loss of pine habitat in the federal parcel and the loss of the 3-acre ball field as eastern bluebird habitat. Habitat is not present for any fish species on the federal parcel.

***Minimal loss of habitat to  
Regional Forester Sensitive  
Species***

### **Regional Forester Sensitive Species**

The **black bear, bobcat, and cerulean warbler** potentially have habitat on the federal parcel. The total loss of habitat (.004% of the current FS land base) is negligible when looking at the area on a landscape level and would not cause a significant hardship to any regional sensitive species.

The 95 acres of habitat that would be gained during the exchange is composed mainly of hardwood forest and wetland. No cumulative effect from the loss is expected as new land is continuously added to the WNF land base on a regular basis. The proposed exchange will have no effect on any regional sensitive species.

### **Compliance with Federal Laws and Regulations**

#### **Code of Federal Regulations**

The Code of Federal Regulations (36 CFR Part 254.3(b)(2)(i) requires the Agency to consider the public interest when proposing a land exchange. The authorized Federal officer, Forest Supervisor, has given full consideration (as proposed in Alternative B) to the opportunity to achieve better management of Federal lands and resources, to meet the needs of State and local residents and their economies and to secure important objectives, not limited to consolidation of lands and/or interests in lands, expansion of communities, and fulfillment of public needs (US Congress 1996).

#### **Executive Orders 11988 and 11990**

The Forest Service has evaluated the proposed exchange in accordance with EO 11988 Floodplains and EO 11990 Wetlands. Conveyance of the Federal lands would not increase flood hazards to the downstream non-Federal estate. A net increase of approximately 14 acres of wetlands in the Federal ownership would occur.

#### **Executive Order 13186 – Migratory Birds**

The Forest Service has evaluated the exchange for its effects upon migratory birds, as detailed in EO 13186 and is in compliance.

#### **CERCLA**

A field review during the appraisal process and a field examination of this tract and surrounding land for the Abandoned and Inactive Mine Inventory detected no evidence of hazardous substances on the federal tract. Prior to the exchange being executed, a Land Transaction Screening Process for hazardous substances will be completed per the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

#### **Endangered Species Act**

A biological evaluation was prepared to identify the likely effects of the proposed action and alternatives to Federal listed and Regional Sensitive Wildlife species. The evaluation also ensures compliance with Reasonable

***Actions must comply with  
2001 Biological Opinion***

and Prudent Measures and associated Terms and Conditions of the 2001 Biological Opinion (USFWS 2001).

***Private land is more suitable habitat than federal parcel***

Approximately 81 acres of the 105-acre federal parcel is currently considered suitable foraging and roosting habitat for the **Indiana bat**, though the USFWS determined that the federal parcel exhibited only marginal habitat for the Indiana bat. The 95 acres of private land to be gained in the exchange contain more suitable woodland and wetland habitat for the bat (USFWS 2002).

Only 10 acres of land will be lost from the land base due to the acquisition of the 95 acres in exchange for 105 acres of FS land – a loss of .004% of the current FS land base. This loss would not cause a significant hardship to the species as this area is not considered critical habitat according to the Endangered species Act. The proposed exchange is not likely to adversely affect this species.

***Private land is closer to ABB re-introduction sites***

The federal parcel proposed for exchange is approximately 16 air miles north of the various re-introduction sites for the **American Burying Beetle (ABB)**. The acquisition of tract #3 of the private land would place 39 more acres of federal land within 10 miles of the sites. Carrion availability, habitat loss and inter-species competition may be the most important factors limiting the areas in which this species can prosper (USFWS 1991). Exchange of the federal parcel will have no effect to this species.

The exchange will have no effect on the **bald eagle**, or the **Pink mucket pearly mussel**, due to the lack of suitable habitat on the federal or private parcels.

***No significant sites found on federal parcel.***

**National Historic Preservation Act**

The entire tract was surveyed for heritage resources in 1992, and no significant sites were identified within the federal parcel proposed for exchange. Alternative B should not affect any historic properties and no further Section 106 coordination is necessary, per the Forest Archaeologist (Cramer 2002).

**Other federal laws**

There are no wilderness or wilderness study areas, research natural areas, floodplains, prime farmlands, steep slopes, or highly erosive soils included in or impacted by this exchange. There are no Forest Service roads gained or lost in this proposal. There are no caves, water rights or grazing permits impacted by the proposed action. There would be no disproportionate impact to consumers, civil rights, minority groups or women (Executive Order 12898) as a result of this exchange.

***Chapter 4: Consultation and List of Preparers***

---

**Agencies Consulted in Preparation of this Document**

The US Fish and Wildlife Service was consulted on the impact to federal

threatened and endangered species. No consultation was required with the State Historic Preservation Office because no significant sites were found during a survey of the federal tract.

### **List of Preparers**

The following individuals assisted in preparation of this document.

Lynda Andrews, District Wildlife Biologist  
Ann Cramer, Forest Archaeologist  
Charles Klee, District Silviculturist  
Erin Larson, Forest Botanist  
Sean Lowery, GIS Specialist  
Regina Martin, Realty Specialist  
Ahmed Mohsen, Minerals and Special uses Program Manager  
Max Norris, Minerals Forester  
Pamela Stachler, Forest Hydrologist  
Marsha Wikle, ID Team Leader

### **Chapter 5: References**

Andrews, L. Memo – Tracts of land with high wildlife and T&E value. August 24, 1998.

Cramer, A. 2002. Memo on archaeological clearance. (PF 15-3)

Winnenberg, J. 1995. Our Journey Continues: The History of New Straitsville, Ohio Volume One: 1870-1925. Logan, Ohio.

U.S. Congress. 1996. Code of Federal Regulations: Parks, Forests, and Public Property.

(USFWS) US Fish and Wildlife Service. 1991. American Burying Beetle (Nicrophorus americanus) Recovery Plan. Newton Corner, MA.

(USFWS) US Fish and Wildlife Service. 2001. Biological Opinion on the Land and Resource Management Plan for the Wayne National Forest, Ohio. Reynoldsburg, Ohio. 52pp.

## Appendix A Effects on Management Indicator Species

The following table shows the effects that this land exchange will have on Management Indicator Species based on the amount of land to be exchanged, the habitat types associated with the exchange and the population trend of the species (if known) for Southeastern Ohio.

<b>Species</b>	<b>Alternative A (no exchange)</b>	<b>Alternative B (with exchange)</b>	<b>Comments</b>
Cerulean Warbler	No effect	No effect	No significant loss of mature hardwood forest would occur with the exchange.
Pileated Woodpecker	No effect	No effect	Same as above
White-eyed Vireo	No effect	No effect	No significant loss of habitat. This bird was heard calling at Tansky's Marsh during site visits.
Common Yellowthroat	No effect	No effect	Habitat present at all sites
Field Sparrow	No effect	No effect	Habitat is very marginal at all sites.
Pine Warbler	No effect	No effect	A slight loss of pine habitat would occur, however, it would be an insignificant amount.
Ruffed Grouse	No effect	No effect	Habitat marginal at all sites
Eastern Bluebird	No effect	No effect	Small park-like habitat patch (approximately two acres) found on area to be exchanged.
Wood Duck	No effect	Positive effect	Tansky's Marsh is a wood duck capture site for banding purposes by the Ohio Div. Of Wildlife. No wood duck habitat is present on land exchanged by the Forest Service.
Virginia rail	No effect	Positive effect	Habitat is present at Tansky's Marsh.
Western chorus frog	No effect	Positive effect	Breeding habitat is present at Tansky's Marsh
Wood frog	No effect	No effect	Habitat present on most tracts.
Bluegill	No effect	Positive effect	Habitat only present at Tansky's Marsh
Southern Redbelly Dace	No effect	No effect	Habitat not present
Redfin Shiner	No effect	No effect	Same as above
Blackside Dace	No effect	No effect	Same as above
Rainbow Darter	No effect	No effect	Same as above
Golden Redhorse	No effect	No effect	Same as above
Sand Shiner	No effect	No effect	Same as above
Banded Darter	No effect	No effect	Same as above