

Record of Decision

Republic Ranger Station Excess Residence Sale

**USDA Forest Service
Republic Ranger District, Colville National Forest
Ferry County, Washington**

Legal Land Description: A portion of the SW1/4 NW1/4 Section 6, T36N, R33E, WM.

Decision and Reasons for the Decision

Background

The Colville National Forest proposes to sell a 0.72 acre parcel of land with a residential building. The area affected by the proposal is located along the west boundary of the Republic Ranger District administrative compound, east of Jefferson Street and south of Tessie Avenue, within the City of Republic, Ferry County, Washington. This action is needed, because the parcel and building are no longer needed to meet public service or Forest Service mission requirements. The Forest Service Facility Realignment and Enhancement Act of 2005 authorized the Secretary of Agriculture to sell administrative sites that are no longer needed for National Forest System purposes. The *Republic Ranger Station Excess House Sale EIS* (Environmental Impact Statement) documents the analysis of two alternatives to meet this need.

Decision

Based upon my review of The *Republic Ranger Station Excess House Sale EIS*, **I have decided to implement the Proposed Action (Alternative 2) which is to sell the 0.72 acre parcel of land with residential Building #1007**, located along the west boundary of the Republic Ranger District administrative compound, in Republic, Ferry County, Washington. The property legal description is: A portion of the SW1/4 NW1/4 Section 6, T36N, R33E, WM.

The site is located within the city limits of Republic, Washington. The site has one residential building. The mineral estate would not be reserved by the government. Water and sewer¹ are provided by a community system.

The property may be sold directly to an identified purchaser or may be sold under competitive bidding procedures. The method of sale will be determined at a later date. If the property is offered for sale under competitive bidding procedures, an Invitation for Bid will provide specific information, including a minimum bid price, the scheduled starting date for bidding, approximate bid closing date, requirements and instructions for bidding, payment and other closing procedures. An Offer to Sell will be released after all environmental studies and other required analyses are completed and a final decision to sell the property is made.

The property contains a deposit of prehistoric lithic material (archaeological site 45FE542), which has been determined eligible for listing on the NRHP (National Register of Historic Places). This decision recognizes that conveyance of NRHP-eligible properties from federal ownership would constitute an adverse effect because loss of federal ownership of this property

¹ Building #1007's sewer line runs eastward under Forest Service property before connecting to the city sewer system. A condition of the sale would likely require a temporary easement for the sewer line.

would preclude the federal government from its ability to preserve and protect the NRHP-eligible site.

There would be no mitigation required under the Proposed Action if the property is sold to another Federal agency. The prehistoric lithics site would be preserved and protected under the National Historic Preservation Act.

Building #1007 has been recommended by the Forest Service as not eligible to the National Register of Historic Places, and the Washington State Historic Preservation Office has concurred. Because the building is not eligible to the National Register, there would be no mitigation measures required for Building #1007.

If the property is sold to someone other than another Federal agency, mitigations for adverse effects would require the following:

As prescribed by law under the National Historic Preservation Act (implementing regulations at 36 CFR 800) mitigation for adverse effects to historic properties would be achieved through entering a Memorandum of Agreement with the Washington State Historic Preservation Office and the Confederated Tribes of the Colville Reservation. Stipulations in this Memorandum of Agreement would describe the agreed-upon manner in which the Forest Service would mitigate for adverse effect to archaeological site 45FE542. Stipulations for site 45FE542 would include partial data recovery of artifacts from the site, and oral history initiatives. Stipulations for the property would include disclosure to prospective bidders of the property of requirements under Washington RCW 27.53. This described Memorandum of Agreement would meet State Historic Preservation Office mitigation requirements; however excavation within the boundaries of 45FE542 also provides the potential for significant adverse effect.

Mitigations for Lithics Site 45FE542

The Memorandum of Agreement would describe the following actions required by the Washington State Historic Preservation Office and Confederated Tribes of the Colville Reservation to mitigate for adverse effect:

- The Forest Service would conduct a data recovery excavation of site 45FE542. The data recovery will excavate a surface area of approximately 80 square meters, with approximately 40 cubic meters of matrix to be removed;
- Results of the data recovery would be professionally reported on, and copies of the report would be made available to the Washington State Historic Preservation Office and Confederated Tribes of the Colville Reservation;
- Artifacts recovered during data recovery would be curated at an approved curation facility in accordance with 36 CFR 79. Artifacts may be presented to the Confederated Tribes of the Colville Reservation for curation if a separate agreement can be reached between Forest Service and Colville Tribes;
- The site form for site 45FE542 will be updated to reflect that portion of the site destroyed through data recovery;
- The Forest Service would conduct public and/or professional education of both the significance of site 45FE542 within the broader cultural context of the Okanogan Highlands and the scientific results of the data recovery effort. These education opportunities may be in the form of professional presentation at the annual Northwest

Anthropology Conference, and/or presentations to schools or local historical societies and other public entities;

- The Forest Service would compile an ethnographic bibliography for review by Confederated Tribes of the Colville Reservation for the purpose of conducting potential oral history interviews with descendants of Ida S. O'Brien. The Forest Service would then make a reasonable and good faith effort to contact descendants of Ida O'Brien to conduct ethnographic interviews regarding site 45FE542;
- The Forest Service would advise prospective buyers of the existence of the site, and provide each with a copy of Title 27, Chapter 53 of the Revised Code of Washington, thereby informing the buyer of his responsibilities under RCW27.53.

No Action (Alternative 1) and the Proposed Action (Alternative 2) were the only alternatives studied in detail. The Proposed Action (Alternative 2) was selected because it would meet the purpose and need (to remove unneeded buildings from the Colville National Forest facility inventory in order to eliminate the cost of maintaining unneeded administrative facilities), while the No Action alternative would not meet the purpose and need. Selection of the Proposed Action is consistent with the Forest Service Facility Realignment and Enhancement Act of 2005, which authorizes the Secretary of Agriculture to sell administrative sites that are no longer needed for National Forest System purposes.

In selecting the Proposed Action, I considered the adverse effect on historic properties if the property was conveyed out of federal ownership. Under non-federal ownership, the historical characteristics associated with the prehistoric lithics site could be diminished or lost (See EIS pages 16-17). However, this adverse effect would be mitigated as described above. With these mitigation measures, all practical means to avoid or minimize environmental harm from the decision have been adopted.

I also selected the Proposed Action because of economic advantages. When considering potential costs and benefits, the proposed action would have an estimated benefit to the government (in Present Net Value) of approximately \$82,000; taking no action would have a lesser benefit to the government (in Present Net Value), estimated to be approximately \$62,000 (see EIS pages 17-19).

This alternative meets requirements under all applicable laws, regulations and policies (see discussion below).

Other Alternatives Considered

In addition to the selected alternative, I considered only the No Action alternative, which is discussed below. The Forest Service Facility Realignment and Enhancement Act requires that the Forest Service only evaluate the alternative of not conveying the administrative site; therefore No Action was the only other alternative analyzed in detail in the Environmental Impact Statement.

Alternative 1, No Action: Under the No Action alternative, the Forest Service would not dispose of the Republic Ranger Station Excess House and associated property. No sale or transfer of property would be implemented to accomplish project goals. The Forest Service would retain ownership of the property and building.

Alternative 2 is the Proposed Action, which would sell the 0.72 acre parcel of land and building #1007 (see discussion above).

Environmentally Preferable Alternative

Forest Service Handbook 1909.15, 25.21, and 40 CFR 1505.2 require the Forest Service to identify the environmentally preferable alternative in the Record of Decision. For the Republic Ranger Station Excess House Sale, Alternative 1, the No Action alternative, is the environmentally preferable alternative. Under the No Action alternative, the Forest Service would retain ownership of the property and the prehistoric lithics site, thus avoiding the potential adverse effect associated with losing federal control of NRHP-eligible properties (if the property is sold to a party other than another federal agency). See FEIS pages 16-17 for descriptions of the adverse effects under Alternatives 1 and 2.

Public Involvement

As described in *Background* (above), the need for this action arose in 2006 when the Republic District Ranger requested the Colville National Forest Facilities Master Plan be amended to declare building #1007 surplus to the needs of the Colville National Forest.

As part of the public involvement process, the Forest Service took the following actions:

-- On November 30, 2006, and January 18, 2007, the Forest Service contacted the Washington State Archaeologist, State of Washington DAHP (Department of Archaeology and Historic Preservation) with regards to the proposal to dispose of the Republic property, which included a request for concurrence on the eligibility of the prehistoric lithics site for listing on the National Register of Historic Places. The DAHP responded that it concurred (on January 23, 2007) that the prehistoric lithics site is eligible for listing in the National Register of Historic Places.

-- On January 16, 2007, the Forest Service contacted the Washington State Department of Ecology, requesting concurrence with regards to environmental conditions at the old Republic Ranger Station and Building #1007. The Department replied (February 23, 2007) with a "No Further Action" determination, limited to "releases of hazardous substances."

-- Letters inviting consultation were sent to the Confederated Tribes of the Colville Reservation, the Washington State Department of Archaeology and Historic Preservation, and the Advisory Council on Historic Preservation on February 1, 2007. The Colville Tribes and the Washington State Department of Archaeology and Historic Preservation participated in conference calls (April 16, 2007 and October 3, 2007) with the Colville National Forest to discuss mitigation efforts with regards to the prehistoric lithics site. The Advisory Council on Historic Preservation declined to participate (February 21, 2007) in consultation because their regulations do not apply to the undertaking.

-- Consultation on April 16, 2007 was conducted with Rob Whitlam, Washington State Department of Archeology and Historic Preservation Archaeologist; Sean Hess, Colville Tribal Archaeologist; and Steve Kramer, Colville National Forest Heritage program manager. The purpose of the consultation (conference call) was to discuss the proposed draft Memorandum of Agreement. The draft Memorandum of Agreement proposed mitigations for Adverse Effect to both archaeological site 45FE542 and Building #1007. Discussion centered on data recovery efforts for 45FE542. The State Historic Preservation Office and Colville Confederated Tribes approved the Colville National Forest research design for data recovery. The Colville Confederated Tribes also proposed some changes to the draft Memorandum of Agreement. The

Colville Confederated Tribes asked that oral history efforts be made to contact descendants of Ida S. O'Brien, original allotment holder of the property in question. The Colville National Forest agreed to include this clause in the next draft Memorandum of Agreement.

-- Letters inviting consultation were sent to the Kalispel Tribe of Indians, and Spokane Tribe on July 31, 2007. No replies were received.

-- A news release, announcing the beginning of the EIS scoping period, was published in the *Colville Statesman Examiner* and *Republic News-Miner* newspapers on August 1 and August 2, 2007 respectively. No comments attributable to the newspaper articles were received.

-- A NOI (Notice of Intent) was published in the *Federal Register* on August 2, 2007. The NOI asked for public comment on the proposal until August 31, 2007. The following were responses to the NOI:

- Response was received from two individuals opposed to the sale. One stated that she sees no reason for the government to sell this land or building. She contends that the government needs to keep every square inch of land that is off limits to development, because land is not coming back on the market and the American people will never get the wherewithal to buy any land back. The other commenter contends that the house is very useful to Republic Ranger District employees and should not be sold.
- Responses were received from three private parties interested in purchasing the property.
- Region 10 of the U.S. Environmental Protection Agency responded. They recommended that at the EIS address the following issues in relation to the proposed project:
 - The past use of the property. (See discussion on EIS page 2, under **Background**.)
 - The current use and condition of the property. (See discussion on EIS page 2, under **Background**.)
 - The location of the property proposed for sale with respect to the other structures and activities located on the Republic Ranger Station compound (see discussion on EIS page 2, under **Background**), and how private usage could potentially affect or conflict with Forest Service operations (See discussion on EIS page 21, under **Effects or Conflicts with Forest Service Operations**.)
 - The potential for future use or alternative uses of the property by the U.S. Forest Service, including, for example, an on-site museum, visitor outreach/interpretive facility, etc. (See discussion on EIS pages 14-15, under **Potential for Alternate Uses of the Property**.)
 - The potential effect of the precedent that would be set by conducting the sale of the property. (See discussion on EIS page 27, under **Other Required Disclosures**.)
 - The potential feasibility of re-acquiring the property in the future, should there be a need. (See discussion on EIS page 20 under **Re-Acquisition of the Property**.)
 - The potential effects on historic, cultural, and tribal resources, including the adverse impact(s) associated with the loss of the historic structure and excavation of the prehistoric lithic site. (See discussions on EIS pages 16-17, under **Historic Resources, Effects**; and on EIS page 20 under **Social Effects**.)
 - Consultation with affected tribes, the State Historic Preservation Office, and public involvement. (See discussion on EIS pages 4-7 under **Public Involvement**, and on EIS page 29 under **Chapter 4, Consultation and Coordination**.)

- The potential costs to the Forest Service to implement the proposed action, versus the No Action alternative. (See discussion on EIS pages 17-19 under **Economics**.)
 - The potential indirect and cumulative effects of the proposed action. (See discussions throughout **Chapter 3**, EIS pages 16-28.)
- The USDI Bureau of Land Management responded with a letter stating they have no jurisdiction or authority, no special expertise or relevant information, and they do not intend to submit comments on the project.
- A letter was sent to the Ferry County Board of Commissioners on August 6, 2007. No written reply was received at that time; however the Commissioners have spoken with the Republic District Ranger on several occasions regarding the proposal to sell the property, and they submitted a letter on May 8, 2008 requesting the Forest Service sell the property directly to Ferry County without going through the bidding process.
- Consultation in October, 2007 was conducted with Rob Whitlam, Washington State Department of Archeology and Historic Preservation Archaeologist; Sean Hess, Colville Tribal Archaeologist; Stuart Chilvers, Republic District archaeologist; and Steve Kramer, Colville National Forest Heritage program manager. The purpose of the consultation (conference call) was to discuss the data recovery efforts at 45FE542. The State Historic Preservation Office and Colville Confederated Tribes concurred that Colville National Forest's efforts were adequate for mitigation of adverse effects to 45FE542. The Colville Confederated Tribes also discussed further modifications to the draft Memorandum of Agreement, focusing on ethnographic information gathering and the creation of a research bibliography for conducting potential oral histories.
- In October 2007, a Historic Property Inventory Form and accompanying Determination of Eligibility for individual structures (including Building #1007) and for the Republic Ranger District administrative site as an Historic District was received by the Colville National Forest from Rick Fields, Forest Service Pacific Northwest Regional Office Architectural Historian.
- On February 15, 2008, the Forest Service wrote the State Archaeologist, State of Washington DAHP (Department of Archeology and Historic Preservation) requesting review and comment on the National Register of Historic Places Determination of Eligibility for Building #1007 and the Republic Ranger District administrative site as an historic district.
- A "Notice of Proposed Reality Action for a Competitive or Direct Sale" (legal notice) was published in the *Republic News-Miner* newspaper on March 6, 2008. No responses were received.
- Information about the project was posted on the Colville National Forest public website starting on March 6, 2008. No responses attributable to the website have been received.
- On March 25, 2008, the Forest Service wrote the Washington State Historic Preservation Officer, Department of Archeology and Historic Preservation, requesting review and comment on Historic Property Inventory Forms for five structures on the Republic Ranger District compound, and a document called A Historical Archaeological Survey of the Republic Forest Service Compound.
- On April 14, 2008, the Washington State Department of Archeology and Historic Preservation responded with a letter concurring that Building #1007 is not eligible for listing to the National

Register of Historic Places; that only Building #2305 is eligible to the National Register of Historic Places; that Building #2305 would not be adversely affected by the conveyance of Building #1007; that the Republic Ranger Station administrative site is not eligible for listing to the National Register of Historic Places as an Historic District, and that conveyance of Building #1007 would constitute a finding of “No Historic Properties Affected.”

-- The Draft EIS was sent to the United States Environmental Protection Agency, who published a Notice of Availability in the *Federal Register* on June 13, 2008. Legal Notices were published in the *Colville Statesman-Examiner* (the Official Newspaper of Record for Colville National Forest decisions) and *Republic News-Miner* newspapers notifying the public that the Draft EIS was available and inviting public comments. The Draft EIS was also made available to the public and agencies as described in Chapter 4 of the EIS under the heading **Distribution of the Draft Environmental Impact Statement**.

The only comments received on the Draft EIS were as follows:

- An e-mail dated June 10, 2008 was received from Russell Holter, Washington DAHP (Department of Archaeology and Historic Preservation), stating that his department would provide comments pursuant to Section 106 of the National Historic Preservation Act, and requesting the Forest Service define the scope of work, area of potential effect, and survey historic properties affected by the undertaking if the initiation of consultation has not already begun. Colville National Forest Archaeologist Steve Kramer replied via e-mail on June 16, 2008 that the Colville National Forest has fully conducted Section 106 consultation on the project with the DAHP, and included details regarding consultation that had occurred. No further communication from Mr. Holter was received. Mr. Holter’s e-mail is attached to the Final EIS in Appendix B.
- A letter from the United States EPA (Environmental Protection Agency), Region 10. EPA did not express any concerns with the Draft EIS, and assigned a rating of LO (Lack of Objection) to the Draft EIS. EPA’s letter is attached to the Final EIS in Appendix B.

Findings Required by Other Laws and Regulations

- This decision to sell the Republic Ranger Station 0.72 acre parcel and excess house is consistent with the Colville Land and Resource Management Plan because administrative site management is not subject to the plan (See discussion under Purpose and Need, EIS page 3).
- The project is consistent with the NFMA (National Forest Management Act), because: a) the action is consistent with the Colville National Forest Land and Resource Management Plan; b) economic and environmental aspects were considered, including recreation, range, timber, watershed, wildlife, and fish (see EIS pages 17-20, 23-24); and c) provision for the diversity of plant and animal communities was considered (See EIS page 24). The project does not propose to alter vegetation, so NFMA requirements related to alteration of vegetation do not apply.
- The project is consistent with the Endangered Species Act because there would be no effect regarding threatened, endangered, or proposed species, and no effect regarding sensitive fish, plant, or wildlife species (EIS page 24). Consultation with U.S. Fish and Wildlife Service is not required because there would be no effect to listed species.
- The project is consistent with the NHPA (National Historic Preservation Act). The NHPA requires the agency (i.e., the Forest Service) to:

1. *Take into account the effect of the undertaking* (NHPA, Section 106). The effects of the project have been disclosed. See Environmental Consequences, Historic Resources, EIS pages 16-17.
2. *Afford the Advisory Council on Historic Preservation a reasonable opportunity to comment* (NHPA, Section 106). The Advisory Council was sent a consultation invitation letter on February 1, 2007, and a letter inviting review of the Draft Environmental Impact Statement on June 4, 2008.
3. *Evaluate historic properties for eligibility to the National Register of Historic Places* (NHPA, Section 110). In 2007, both the building and the prehistoric lithics site were evaluated for eligibility to the National Register of Historic Places. The lithics site is eligible; the building was found to be not eligible either as an individual property or as part of an historic district.
4. *Assume responsibility for the preservation of historic properties which are owned or controlled by the agency. Properties under the jurisdiction or control of the agency as are listed or eligible for the National Register are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values* (NHPA, Section 110). By entering into a Memorandum of Agreement with the Washington State Historic Preservation Officer (see Mitigation Measures, EIS pages 13-14), the Forest Service will meet its obligation to preserve historic, archaeological, architectural, and cultural values associated with the Republic Ranger Station property.
 - There have been no conflicts identified with local (Ferry County), State, or Federal land use plans, policies, or controls for the area concerned.
 - The Forest Service has taken no action to abate lead-based paint or asbestos-containing building materials. Pursuant to Section 504(d)(3) of the FSFREA (Forest Service Facilities and Realignment Act), no remediation of lead-based paint or asbestos-containing building materials is required. The Forest Service will provide notice of the presence of lead-based paint and asbestos-containing building materials to prospective purchasers. Disclosures with regards to lead-based paint and asbestos-containing building materials are included in the FEIS on pages 21-22.
 - Section 504(d)(4) of the FSFREA (Forest Service Facilities and Realignment Act) requires application of NEPA (National Environmental Policy Act) to conveyance of administrative sites, except that the NEPA analysis is only required to --
 - (A) *analyze the most reasonably foreseeable use of the administrative site, as determined through a market analysis;*

The most reasonably foreseeable use of the site was evaluated through a market analysis. The analysis concluded that the most reasonably foreseeable use is as single family residential housing, with some potential for limited additional residential development (USDA Forest Service, 2007). Documentation was provided in a letter from Julie Van Reenen, Senior Review Appraiser, R6 (USDA Forest Service Pacific Northwest Region), to Forest Supervisor, Colville National Forest, August 14, 2007. The market analysis is discussed on EIS page 12.
 - (B) *determine whether or not to reserve any right, title, or interest in the administrative site under subsection (a)(3);*

The Forest service would not reserve any right, title, or interest in the site. The mineral estate would be disposed of with the surface estate with no reservation (EIS page 11).

(C) evaluate the alternative of not conveying the administrative site, consistent with the NEPA.

The alternative of not conveying the site (i.e., the No Action alternative) was evaluated (see pages 12, 15-16, 18-19, 21).

- The project is consistent with the U.S. Environmental Protection Agency’s All Appropriate Inquiries regulation (40 CFR 312) as required by the 2002 Small Business Liability Relief and Brownfields Revitalization Act, PL 107-118 (Brownfields Amendment) to the CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act). Disclosures with regards to contaminations and hazardous materials are discussed in the FEIS on pages 21-22.

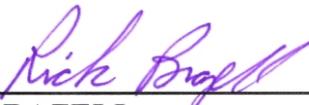
Implementation

Administrative Review or Appeal Opportunities and Implementation Date

This decision is not subject to appeal because no comment or other expression of interest, or only supportive comments, were received during the comment period for the Draft EIS, and this decision does not modify the preferred alternative identified in the Draft EIS (36 CFR 215.12(e)(2)); therefore, implementation may occur immediately after complying with timeframes and publication requirements described in 40 CFR 1506.10(b)(2).

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact James L. Parker, Forest Environmental Coordinator, at Republic Ranger District, 650 East Delaware Ave., Republic, WA 99166 (509) 775-7462.



 RICK BRAZELL

1-05-09

 DATE

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Forest Supervisor
Colville National Forest