

DECISION MEMO FOR CATEGORICAL EXCLUSION
ELMER L. BLACKBURN TRACT DISPOSAL
Federal Property and Administrative Services Act of 1949

USDA Forest Service
White Mountain National Forest
Township of Berlin, County of Coos
State of New Hampshire

Description of Decision

I have decided to dispose of the federally owned land located on the Androscoggin Ranger District. The site is located in the City of Berlin on the corner of Harding Street and Second Avenue.

The Elmer L. Blackburn Tract, U.S. Tract #883, was originally acquired June 25, 1948 by warranty deed from Elmer L. Blackburn and was recorded in page 529 of Book 779, in the Coos County Registry of Deeds on July 19, 1948. This acquisition was made under the Weeks Act authority. Purchase price in 1949 was \$1200.

The Blackburn Tract is an undeveloped, urban, parcel of land without improvements. It is entirely comprised of a 50'x100' corner lot in the City of Berlin. This land was acquired in 1949 as a lot onto which would be constructed a District Ranger residence. Plans changed and the residence was never constructed on this site. The lot has been vacant since.

This land disposal is authorized pursuant to the "Federal Property and Administrative Services Act of 1949" as amended through P.L. 106-580, Dec.29, 2000. The Blackburn Tract is considered "excess property" under said act meaning any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof. The land disposal will be managed by the General Services Administration. They will begin the disposal process immediately with a screening to see if the property could be utilized by any other Federal agency. If the screening results in no interest, they will then screen the property for homeless assistance (if HUD determines this property suitable) in accordance with the McKinney-Vento Act. GSA would also perform a surplus screening of the property for any applicable public benefit uses concurrently with the homeless screening. If after these screenings there is still no interest, GSA will proceed with a public sale. Proceeds from a sale will be returned to the U.S. Treasury.

This authority does not authorize the sale of land on which we practice resource management on which is critical to the agency mission nor does it authorize land sales to support rural schools.

Purpose of Decision

The purpose of this proposal is to dispose of the property and facilities that are no longer needed by the Forest Service through the Federal Property and Administrative Services Act of 1949.

The White Mountain National Forest does not have a future need for the Blackburn Tract. The site is identified in the Forest Facility Master Plan as no longer needed for administrative purposes.

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Scoping and Public Involvement

The New Hampshire congressional delegation has been made aware of this conveyance and has been supportive of previous facility conveyances.

On November 9, 2005 we had a meeting, at the Berlin City Hall with the Berlin City Manager Patrick McQueen to make him aware of the potential disposal of this property. The result of this meeting is the City of Berlin sees no reason for us to not go forward with this conveyance.

A Notice of Realty Action was published in the Manchester Union Leader on August 21, 2006. No comments were received.

REASON FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION:

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2 and there are no extraordinary circumstances related to the proposed action.

Category of Exclusion:

I have determined that the proposed action is categorically excluded from documentation in an Environmental Impact Statement or in an Environmental Assessment. I have made this determination based on the following findings:

1) I find that the proposed action fits under category 7, Section 31.1b, Forest Service Handbook 1909.15, 92-1, September 21, 1992, "Sale or exchange of land or interest in land and resources where resulting land uses remain essentially the same." This action involves an administrative site sale resulting in the disposal of federal lands where the land uses are expected to remain essentially the same. This property is a vacant lot in a residential zone in the City of Berlin. The future use is expected to remain the same with the property being sold to an abutter to increase their lot size. The property does meet zoning regulations to be used as a building lot.

2) I also find that the proposed action does not involve extraordinary circumstances. There are no steep slopes or highly erosive soils on the property, no threatened and endangered species or critical habitats, the property is not within a wilderness or other designated area. The property is not within a floodplain or wetland.

Relationship to extraordinary circumstances:

An interdisciplinary team of specialists including an appraiser, a realty specialist, a biologist, an archaeologist, a qualified Environmental Professional, and a land surveyor provided review, documentation and reports on their findings. The summary of the findings of no extraordinary circumstances is as follows:

- The Forest Archaeologist completed a historic records review and report on cultural and historic resources on August 2, 2006 and determined that this property is not eligible for the National Register of Historic Places and SHPO concurrence was received August 22, 2006. Conveyance of this property may be done without covenants.
- A biological evaluation was completed in December of 2006 and found that there was no habitat present for any threatened, endangered, or sensitive wildlife species and concluded that there were no effects. A Phase 1 Environmental Site Assessment was performed on the subject property in accordance with ASTM, Practice E-1527-05 guidelines and standards and the all appropriate inquiry rule. This assessment was performed by Irene Garvey, a qualified environmental professional as defined in 40 CFR 312.10, representing Abenaki Environmental Services in June of 2006. In Abenaki's opinion, *recognized environmental conditions* do not have the potential to exist on the property.

- The Blackburn Tract is in an area that is serviced by town water and sewer. This decision is not expected to result in significant watershed-related impacts to public water supplies. The nature of the activity should not have subsurface effects to the public water supplies.
- Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “. . . the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.” This decision is not expected to result in significant floodplain-related impacts. The project is not located in or near floodplains. This has been validated by map and site-review.
- Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.” The project is not located in or near wetlands. This has been validated by map and site-review. This decision will not affect wetlands.
- A Minerals Potential Report does not need to be completed as this property is being sold with fee simple title which contains the surface and subsurface estate.
- The Forest Land Surveyor completed the Land Description Reviews in November of 2006.

There were no extraordinary circumstances identified.

I have also determined that the proposed action is consistent with the Forest Land and Resource Management Plan for the White Mountain National Forest.

Public Interest Determination:

I have determined that the public interest will be well served by the transfer or sale of this property. There will be no need for reservations or restrictions in the transfer or conveyance to protect the public interest.

I have considered the following factors in making this determination:

- Disposal of this unneeded administrative site property will achieve better management of Federal lands and resources.
- Sale of the property is consistent with the Forest Resource Management plan and the Facility Master Plan.

Decision:

I have decided to complete this land disposal as proposed to transfer or convey the Blackburn Tract, .11 acres.

Administrative review and appeal:

This decision is not subject to the appeal procedures for National Forest System projects and activities pursuant to 36 CFR 215.8(a)(4), Decisions Not Subject to Appeal.

Implementation: The implementation of this project may begin immediately.

Contact Person: Craig Young, Realty Specialist @ cdyoung@fs.fed.us or at (603)528-8706.

/s/ Thomas G. Wagner
Thomas G. Wagner
Forest Supervisor
White Mountain National Forest

March 14, 2007
Date