

DECISION MEMO FOR CATEGORICAL EXCLUSION
VOLPE TRACT CONVEYANCE
Forest Service Facility Realignment and Enhancement Act
USDA Forest Service
White Mountain National Forest
Grafton County, New Hampshire

DECISION

Description of Decision

I have decided to sell the federally owned structures and land located at the Pemigewasset Ranger District. The site is located in the Town of Plymouth. The address for site is 27 Langdon Street and said land and improvements are all of U.S. Tract #874.

This land sale is authorized pursuant to the Forest Service Facility Realignment and Enhancement Act of 2005. The Forest Service Facility Realignment and Enhancement Act provides that an unlimited number of administrative sites , and up to 10 isolated, undeveloped parcels per year acquired for administrative purposes, that are no longer needed by the Forest Service for administrative purposes, may be conveyed through sale or exchange. Proceeds from sales or exchange are retained and may be used for the acquisition, improvement, maintenance, reconstruction, or construction of a facility or improvement for the National Forest System, and for costs associated with conveyances under this act. The authority to initiate conveyances under this act expires on September 30, 2008.

The Volpe Tract was originally acquired June 25, 1948 by warranty deed from Margaret Volpe and was recorded in page 529 of Book 779, in the Grafton County Registry of Deeds on July 19, 1948. This acquisition was made under the Weeks Act authority. In 1959 a 1458 square foot, 3 bedroom, 1 bath one story ranch style house and a single car garage were built to be used as a District Ranger residence.

Purpose of Decision

The purpose of this proposal is to sell the property and facilities that are no longer needed by the Forest Service through the Forest Service Facility Realignment and Enhancement Act.

The White Mountain National Forest does not have a future need for the Volpe Tract. The site is identified in the Forest Facility Master Plan as no longer needed for administrative purposes. Use of the proceeds of the sale shall be available to the Secretary of Agriculture for the construction or deferred maintenance of administrative facilities.

This land and improvements will be sold by a competitive bid process for a price that is not less than market value. The Competitive sale method was chosen to provide the greatest exposure to interested parties and to maximize returns to the United States.

Scoping and Public Involvement

Senator Judd Gregg (R-NH) has been notified of this conveyance and has been supportive of previous facility conveyances.

On November 9, 2005 we had a meeting, at the Plymouth Town offices with the Town of Plymouth Town Administrator Elizabeth Corrow. The result of this meeting is the Town of Plymouth 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 was used exclusively for residential use and the future use is expected to remain the same based on the valuation consultation and market analysis performed by agency appraisers
- 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. A lead based paint and asbestos containing material survey was performed by Geo-Insight Inc., on October 4th 2006. This survey revealed the presence of lead based paint on the exterior and interior as well as non-friable asbestos in the floor tiles. In all cases, the Forest Service Facility Realignment and Enhancement Act exempts the Forest Service from any abatement or mitigation requirements. The Act did not waive CERCLA Section 120(h) requirements, including the "environmental due diligence" requirement (40 CFR 373) for selling or transferring federal real property. CERCLA Section 120(h) requires that each contract for the sale or other transfer of real property owned by the United States on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, contain a notice of the type and quantity of such hazardous substances and the time at which such storage, release, or disposal took place, to the extent that such information is available based on a complete search of agency files. CERCLA Section 120(h) also provides certain notice and deed covenant requirements. A clause outlining the United States and purchaser's responsibilities will be included in the invitation for bid, purchase and sale agreement, deed, lease, or other documentation associated with the transfer to be signed by the person or representative of the entity acquiring the site.

The FSFREA requires the Forest Service to obtain written assurance from the person or entity acquiring the administrative site that the person or entity will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint and asbestos-containing building materials.

- The Volpe Tract 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.
- In developing the minimum bid determination Regional Appraiser, Jon T. Freeman, has considered an appraisal report prepared per his instructions by Sandra Peterson and Kenneth Daw, RPRA, MAI. Jon T. Freeman also has general knowledge of the Plymouth market area. Mr Freeman has not reviewed the Peterson/Daw appraisal report in the context of the *Uniform Standards of Professional Appraisal Practice* (USPAP). He has prepared a work file and will maintain that file in compliance with the Ethics Rule of USPAP. Regional Appraiser, Jon T. Freeman has determined a minimum bid price of \$165,000. This minimum bid is valid through December 11, 2007. A final bid price that meets or exceeds the minimum bid price represents at least market value so long as the estate to be conveyed is the same estate that Mr. Freeman has analyzed and the Purchase and Sale Agreement (or

similar document) is signed by the purchaser within the designated timeframe.

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 sale of this property. There will be no need for reservations or restrictions in the 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 sale as proposed to convey the Volpe Tract, .18 acres, and to have the proceeds of the sale be available to the Secretary as outlined in Forest Service Facility Realignment and Enhancement Act of 2005.

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

February 27, 2007

Thomas G. Wagner
Forest Supervisor
White Mountain National Forest

Date