

**Decision Notice
and
Finding Of No Significant Impact**

**Tannehill/Bishop Land Exchange
AND
Forest Plan Amendment to Allocate Land to Management Areas**

**Sabine Ranger District-Sabine National Forest
National Forests and Grasslands in Texas - U.S. Department of Agriculture
San Augustine and Shelby Counties, Texas
February, 2001**

Decision Notice

An environmental assessment (EA) is available for public review in the Forest Supervisor's Office in Lufkin, Texas and at the Sabine Ranger District Office in Hemphill, Texas. This document was prepared by an interdisciplinary team, and discusses a proposed land exchange and Forest Plan Amendment. This action conveys 247.17 acres of Federal land in San Augustine and Shelby Counties on the Sabine National Forest, for 400.61 acres of non-Federal land in Shelby County, Texas, and amends the 1996 Revised Land and Resource Management Plan for the National Forests and Grasslands in Texas (The Plan) by allocating the non-Federal land to management areas.

These actions are needed to:

- Consolidate National Forest System lands,
- Eliminate isolated parcels of National Forest System lands,
- Reduce forest fragmentation,
- Remove several special use permits from administration,
- Reduce boundary line and corner maintenance needs,
- Eliminate needed right-of-ways to isolated parcels of National Forest and private land,
- Increase future red-cockaded woodpecker (RCW) habitat,
- Increase potential bald eagle habitat,
- Increase lakeshore along Toledo Bend Reservoir,
- Add floodplains along Brittain Creek and an unnamed creek,
- Increase dispersed recreational opportunities, and
- Amend The Plan by allocating these lands into management areas for future management.

Decision

I have decided to make the exchange of the 247.17 acres of Federal land for the 400.61 acres of non-Federal land, and to amend The Plan by allocating the land to management areas. The 247.17 acres of Federal land and the 400.61 acres of non-Federal land meet the standards and guidelines of the Plan as being suitable for exchange.

This decision rescinds the Decision Memo for the Tannehill/Bishop Land Exchange signed May 1, 2000.

The Federal land the Forest Service will trade contains 247.17 acres and includes the following tracts:

- **Tract S-1Ai**, being 163.8 acres, more or less, located approximately 8 miles northeast of the town of San Augustine, Texas, off FM 353 on Forest Development Road 138, in Compartment 59, in the Jonathan Anderson Survey, A-5, Shelby County, Texas;
- **Tract S-1Bd**, being a total of 76.90 acres more or less, located approximately 7 miles northeast of the town of San Augustine, Texas, on FM 353, in Compartment 59, 48.90 acres, more or less, in the M.M. Weaver Survey, A-1184, Shelby County, Texas and 27.90 acres, more or less, found in the John H. Fox Survey, A-664, San Augustine County, Texas; and
- **Tract S-68**, being 6.57 acres, more or less, from Tract S-1Ak, located approximately 11.5 miles northeast of the town of San Augustine, Texas, along FM 2261, in Compartment 54, in the James Rowe Survey, A-585, Shelby County, Texas.

The Tannehill/Bishop offer conveys 400.61 acres of non-Federal land within the proclamation boundaries of the Sabine National Forest and includes the following parcels:

- **Tract S-69**, being 37.74 acres of land located approximately 23 miles southeast of the town of Center, Texas, on Forest Development Road (FDR) 106, in Compartments 50 and 56, in the W. Kerr Survey, Abstract No. 402, Shelby County, Texas;
- **Tract S-69a**, being 49.68 acres of land located approximately 23 miles southeast of the town of Center, Texas, at the end of FDR 148B-1, in Compartment 50, in the Domingo Gonzales Survey, Abstract No. 237, Shelby County, Texas;
- **Tract S-69b**, being 99.74 acres of land located approximately 21 miles southeast of the town of Center, Texas, on FDR 135, in Compartments 43, 49 and 50, in the Domingo Gonzales Survey, Abstract No. 237, Shelby County, Texas;
- **Tract S-69c**, being 181.93 acres of land located approximately 13 miles east of the town of Center, Texas, along FM 417, in Compartment 10, in the James N. Hall Survey, Abstract No. 312, Shelby County, Texas;

- **Tract S-69d**, being 27.58 acres of land located approximately 23 miles southeast of the town of Center, Texas, on FDR 106G, in Compartment 50, in the Wm. Kerr Survey, Abstract No. 402, Shelby County, Texas; and
- **Tract S-69e**, being 3.94 acres of land located approximately 23 miles southeast of the town of Center, Texas, in Compartment 50, in the Wm. Kerr Survey, Abstract No. 402, Shelby County, Texas.

All mineral rights are outstanding or would be reserved.

The exchange will be made on a value for value basis. Appraisal value of the Federal land is \$349,400. The non-Federal land is valued at \$366,500. The Forest Service will make a \$17,100 cash equalization payment.

The Amendment to The Plan allocates the tracts into management areas as follows:

Management Area Allocations

TRACT	TRACT ACREAGE	MA 1 GENERAL FOREST*	MA2 RED-COCKADED WOODPECKER*	MA4 STREAMSIDE MANAGEMENT ZONE*	MA10b SPECIAL USE PERMIT SITES*
S-69	37.74		33.74	4	
S-69a	49.68		43.68	6	
S-69b	99.74		85.74	11	3
S-69c	181.93	136.93		44	1
S-69d	27.58		15.58	12	
S-69e	3.94		2.94	1	
TOTAL	400.61	136.93	181.68	78	4

*Acreages are approximations

I have looked at the initial proposed action and the alternative to the proposed action which have been considered in detail. I have found that the significant issue has been addressed in at least one of the alternatives. An interdisciplinary analysis of the effects that the proposed action and the alternative would have on the environment has been completed.

I have selected Alternative 2 (the Proposed Action) for implementation. My decision is based on the analysis and process described in the environmental assessment (EA), which is to exchange Federal land for non-Federal land and to amend The Plan by allocating the land into management areas. This action is described on pages 1-3 of the EA.

Reasons for the Decision

I have selected the Proposed Action over the other alternative for the following reasons:

The selected alternative meets the purpose and need for the project, while Alternative 1 (the No Action Alternative) does not (EA, pages 3-5).

Conveyance of the Federal tracts will:

- remove two parcels that are isolated from National Forest System lands, and
- remove several special use permits from administration (a church (S-68), 4 powerline right-of-ways (r-o-w) segments, one telephone r-o-w, and 3 segments of farm roads).

Acquisition of the non-Federal tracts will:

- increase future habitat for the red-cockaded woodpecker,
- increase future habitat for the bald eagle,
- increase lakeshore along Toledo Bend,
- add floodplains along Brittain Creek and along an unnamed creek,
- provide increased dispersed recreational opportunities along Toledo Bend Reservoir,
- consolidate the Federal land base,
- reduce forest fragmentation, and
- eliminate needed right-of-way easements to landlocked Federal and non-Federal land (specifically two to three private road special-use permits/easements and one r-o-w acquisition).

The exchange will overall increase management efficiency, including reducing corner maintenance by 29 corners and landline maintenance by approximately 5.05 miles. The exchange will also increase the acreage of National Forest System lands by 153.44 acres.

Allocation of these tracts into management areas will set the standards and guidelines by which these tracts will be managed. By allocating these tracts in this decision, the Sabine National Forest will be able to start management proceedings once the exchange is finalized.

Proposed Action, Purpose and Need

The Proposed Action proposed exchanging 247.17 acres of Federal lands for 400.61 acres of non-Federal lands and amending The Plan by allocating the land into management areas. The land exchange was proposed to help move the site-specific desired condition described in The Plan, thereby contributing to the goals and objectives of The Plan (EA, pages 2-4). Once a land exchange has been finalized, the non-Federal lands that have been acquired are not covered in The Plan for management. An amendment to The Plan is necessary prior to any management activities may take place. Therefore, it was deemed necessary to include the amendment to The Plan in the EA.

Public Involvement and Issue Identification

A letter describing this action was sent to 48 individuals, agencies, and public organizations on October 7, 1998. Public input about this proposal was also solicited via a legal notice in The Light and Champion of Shelby County published 4 consecutive weeks beginning October 16, 1998 and in the San Augustine Tribune published 4 consecutive weeks beginning October 15,

1998. This proposal was listed in the Schedule of Proposed Actions for the National Forests and Grasslands in Texas as project #07-99-001. No responses were received.

Internal scoping involving resource professionals is documented in the EA, page 6. The interdisciplinary team, composed of several Forest Service professionals, identified one significant issue given below and detailed on page 6 of the EA. Other issues were decided to be nonsignificant, and were not considered in further detail.

Use of Conveyed Federal Lands– Will the intended use of the conveyed Federal land conflict with established management objectives and the impacts on soil and water resources.

The team used the significant issue to design alternatives to the proposed action.

Summary of Public Interest Determination

The exchange will consolidate Federal lands for more efficient management, increase future habitat for the red-cockaded woodpecker, provide increased dispersed recreational activities along Toledo Bend Reservoir, consolidate the Federal land base, reduce forest fragmentation, eliminate needed access to landlocked Federal and non-Federal land, and eliminate several existing special use permits. The amendment to the Plan will allow the Sabine National Forest to start management proceedings on the acquired non-Federal lands once the exchange is finalized.

As noted elsewhere, the exchange is in compliance with the standards and guidelines of The Plan. The intended use of the conveyed Federal land will not substantially conflict with the established management objectives on adjacent National Forest land (36 CFR 254.3(b)(2)(ii)). The resource values and the public objectives served by the non-Federal land to be acquired exceed the resource values and the public objectives served by the Federal lands to be conveyed.

There will be a net gain of 153.44 acres of National Forest lands in this exchange.

Alternatives to the Proposed Action

The following alternative was considered in detail. This alternative is fully described, and contrasted with the proposed action on page 6 of the EA, and a description summary in table form is given on page 8 of the EA.

Alternative 1 – This is the no action alternative. The proposed action would not be implemented. This alternative responds to the issue, but does not meet the purpose and need for the project.

Alternative Considered but not in Detail - A third alternative was considered but not in detail: Direct purchase of the non-Federal land. Lack of purchasing funds, and unwilling sellers, made this option infeasible.

The selected alternative, along with the other alternative, was evaluated as to its effects on the environment. Some of the important effects are summarized in a comparison table on page 8 of the EA, and detailed effects are given on pages 9-34.

Findings Under the National Forest Management Act

- ◆ Exchanging land is appropriate to meet the goals and objectives of The Plan. The land exchange was proposed to bring the area closer to the desired future condition for Management Areas 1, 2, 4, and 10b, by consolidating National Forest System lands and removing a church under a Special-Use Permit.
- ◆ The Proposed Action is consistent with The Plan. The actions planned in the Proposed Action are consistent with the management objectives and standards and guidelines for the management areas in which they take place.

Finding of No Significant Impact

During evaluation of environmental effects, all foreseeable actions that may cause direct, indirect, or cumulative effects were analyzed with all alternatives (EA, page 9-34).

Based on the process and analysis shown in the environmental assessment, along with past experience with similar forest management activities, I have determined that implementation of the selected alternative, with the associated mitigation measures, is not a major federal action, either individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed.

This determination was based on the following factors:

1. Both beneficial and adverse effects have been considered and this action will not have a significant effect on the quality of the environment (EA, pages 9-32).
2. The selected alternative will not affect public health or safety (EA, page 32-34).
3. The prescribed actions will not affect any unique characteristics of the geographical area (historic or heritage resources, wetlands, floodplains, wild and scenic rivers, wilderness areas, etc.).
4. The effects of this project on the human environment are not likely to be highly controversial. Scientific opinion with regard to specific environmental effects of this project is relatively undivided. Broad-level public disputes with forest policy are beyond the scope of this decision. Page 6 discusses the public contacts made in the course of the environmental analysis. No comments were received.
5. The selected alternative does involve highly uncertain, unique, or unknown environmental risks.
6. This decision does not set precedent for future action with significant effects or represent a decision in principle about a future consideration.

7. Cumulative effects of the action in the selected alternative and other foreseeable actions have been evaluated throughout the EA (pages 11,12, 14, 15, 17, and 31-32). There will be no significant cumulative effects between this project and other ongoing or planned projects on either national forest or private land. The effects of other foreseeable future actions, as well as past actions and ongoing actions were included in this analysis.
8. No known sites listed or eligible for the National Register of Historic Places will be affected by the proposed activities. If heritage resource sites are discovered during actual operations, activities will be stopped until the sites can be protected or evaluated for significance. Prescribed activities will not cause loss or destruction of significant scientific, cultural, or historic resources.
9. The selected alternative will not affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act. Suzanne Birmingham Walker, Contract Biologist prepared and signed the Sensitive Species Survey Report that was approved by Forest Service District Biologist, Lee E. Carolan, on January 13, 1999, and determined that the actions are not like to affect any endangered or threatened species (Biological Evaluation, Appendix B).
10. The prescribed action does not threaten or lead to violations of federal, state, or local environmental laws, or requirements imposed for the protection of the environment. This will be ensured by carrying out the selected actions in a way that is consistent with the standards and guidelines, management requirements and mitigation measures established in The Plan.

Implementation and Appeal Rights

This decision is not subject to appeal pursuant to 36 CFR 215.8(a)(4). Therefore the project may be implemented immediately, in accordance with statutory requirements.

For information regarding this decision, contact Marcus Beard, District Ranger, or Vicki Rogers, Case Manager, Sabine Ranger District, Sabine National Forest, P.O. Box 227, Hemphill, Texas 75948 or call 409/787-3870.

For additional information concerning the Forest Service appeal process, contact George Weick, 701 North First Street, Lufkin, Texas 75901, 936/639-8572.

Responsible Official:



Ronnie Raum
Forest Supervisor
National Forests and Grasslands in Texas

3/14/01

Date