

***DRAFT* Decision Notice and Finding of No Significant Impact**

Lone Mountain Administrative Site Land Sale Project

USDA Forest Service
Coeur d'Alene River Ranger District
Idaho Panhandle National Forests
Kootenai County, Idaho

Introduction

In September of 2013, the Idaho Panhandle National Forests (IPNF) responded to a Forest Service Washington Office request through the Region to identify administrative sites available for conveyance under the authority of the Forest Service Facility Realignment and Enhancement Act of 2005 (Pub. L. 109–54, 16 U.S.C. § 580d), as amended (FSFREA). FSFREA provides that an unlimited number of administrative sites and up to ten isolated, undeveloped parcels per year acquired or used for administrative purposes may be conveyed through sale. Proceeds from sales are retained and may be used for the maintenance, construction and rehabilitation of facilities and acquisition of lands for the National Forest System.

Following a Forest-wide administrative site review, 136.25 acres of the 320-acre Lone Mountain Seed Orchard were identified as not needed to manage and operate the existing seed orchard or future operations. The Lone Mountain Seed Orchard is on an isolated tract of National Forest System (NFS) land near Athol, Idaho in Kootenai County, approximately two miles southeast of Spirit Lake, Idaho and 20 miles north of the City of Coeur d'Alene, Idaho. The sale acreage is in the eastern portion of the Lone Mountain Seed Orchard, NE ¼ of section 27, T. 53 N., R. 4 W., Boise Meridian.

Mary Farnsworth, Idaho Panhandle Forest Supervisor at the time, determined the parcel would be available and considered for conveyance under the authority of the FSFREA, and her determination was incorporated into the FY2015 FSFREA Conveyance Project Verification List for the Northern Region.

An environmental assessment (EA) has been prepared to document the necessary environmental review conducted and present the findings to determine whether or not to offer the identified excess administrative site land for conveyance under the authority of the FSFREA, fulfilling Agency policy and direction to comply with applicable law, including the FSFREA and 1969 National Environmental Policy Act (NEPA), and other relevant Federal and State laws and regulations.

Decision and Reasons for the Decision

Based upon my review of the environmental assessment and supporting project record, I have decided to implement the proposed action as described in the Lone Mountain Administrative Site Land Sale EA. The 136-acre sale parcel will be subdivided into six lots of 10 to 35 acres each, and the lots will be made available for sale under a competitive bid process through the General Services Administration (GSA), in accordance with the Master Service-Wide Memorandum of Understanding (MOU) between the Forest Service and the GSA. Additional information about the land sale is provided in the EA, Section 6.1 – Description of the Proposed Action.

Sale of the excess acreage is expected to benefit the Forest Service, surrounding communities and public, because the action will:

- Accomplish realignment of Agency facilities to efficiently address current and future management needs.
- Provide an opportunity for local Agency managers to liquidate obsolete or underutilized assets and reinvest in the appropriate assets, in the appropriate place, to effectively support the Forest Service mission.
- Support local communities by providing a source of additional local tax revenue and opportunities for redevelopment of privately owned land to align with community plans and economic development strategies.
- Support construction of the IPNF Supervisors Office as part of the Interagency Natural Resource Center at Coeur d’Alene Nursery and reduce Agency leasing costs.

The Forest Service has successfully utilized the FSFREA authority in other locations to eliminate maintenance needs, increase revenues, and reduce the number of facilities. The most likely future use of the property, under implementation of the proposed action, will be as private property, zoned “rural” by Kootenai County subdivision regulations. In the context of economic development, receipts to the county from property taxes and permit fees will have a positive socioeconomic impact to the local community from the six lots entering the private development market.

The land sale is expected to have a positive economic effect to the U.S. Government by replacing or supplementing federal funds currently used for the improvement, maintenance, reconstruction, or construction of facilities on NFS lands. The funds generated by the sale can be used for the construction of a new IPNF administrative office building on an existing NFS-managed administrative site at the Coeur d’Alene Nursery, reducing the amount of annual budget spent on leasing office space.

The FSREA provides a positive solution to enable the disposal of lands and administrative sites that are no longer needed for management of the National Forest System. It also provides opportunities to meet community needs and to generate revenues that are critically needed to help maintain or construct other administrative buildings.

All activities and effects are consistent with the 2015 Forest Plan and other applicable laws and regulations as described in the Lone Mountain Administrative Site Land Sale EA.

Other Alternatives Considered

No unresolved conflicts were discovered or presented to the project team concerning alternative uses of available resources, per NEPA section 102(2)(E). Therefore, no additional action alternatives were identified.

As required by the FSREA (Sec. 504 (d)(4)), the Forest Service analyzed a no-action alternative to evaluate the effects of not conveying the administrative site. Under the no-action alternative, the 136-acre administrative site parcel would be retained and the land would continue to be managed as an administrative site consistent with the Forest Plan. The no-action alternative was not selected because without sale of the excess land at the administrative site pursuant to FSFREA authority, funds would not be generated to contribute to the construction of a new IPNF administrative office building at an existing NFS-managed administrative site (the Coeur d’Alene Nursery), and therefore no reduction in the amount of annual budget spent on leasing office space.

Public Involvement and Scoping

Public notification and scoping, including publication of a Public Notice of Proposed Realty Action (NOPRA), was accomplished pursuant to 36 CFR 218.25 and 36 CFR 220.4.

Four responses were received and considered. Comments primarily expressed concern regarding the land sale process, potential effects of development on the property, and effects to wildlife that may use the parcel.

I have assured that the land sale is appropriate and fully meets the requirements of the Clarke-McNary Act of 1924, under which the property was acquired, and is consistent with the Idaho National Forests Land Management Plan (2015), facilities strategy, and applicable executive orders requiring efficient and sustainable management of Federal government land and resources. As designed, the sale meets provisions of the FSFREA for the Forest Service to sell administrative site land.

The parcel is completely surrounded by private lands, and is located over four miles from the nearest other tract of NFS lands and approximately seven miles to contiguous NFS lands within the forest boundary. The north, east, and south borders of the project parcel are subdivided, privately-owned land containing residences, rural agriculture and forest land. The most likely use of the property will be similar to the surrounding properties, zoned Rural by Kootenai County subdivision regulations, suitable for rural residential uses and agricultural pursuits, including farming and forestry, with required minimum lot size of not less than five acres (the lots will range in size from 10 to 35 acres).

The area does not provide habitat for any threatened or endangered or proposed species, and provides no more than low quality habitat for any sensitive wildlife species due to its' isolation, timber types, lack of water or other habitat needs. Elk/deer could occur in the vicinity of the parcel; however, the likelihood is low due to the distance to contiguous forested stands, as well as its location within an area of current residential development.

Finding of No Significant Impact

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of a site-specific action such as this project, significance usually depends on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27).

This draft decision and the project EA are tiered to the Forest Plan Record of Decision and incorporate by reference the Forest Plan and associated Final Environmental Impact Statement, which analyzed and disclosed effects of potential Forest management at a larger scale.

Context

The context of this decision is limited to the land in and adjacent to the project area. The project's small scale limits its effects. The land sale parcel involves 136 acres of approximately 722,000 acres of NFS lands managed by the Coeur d'Alene River Ranger District and about 2.5 million acres managed by the IPNF.

This draft decision, and the environmental assessment and the effects analysis on which it is based, applies only to the local area. After a thorough review of the effects analysis, I find that this project does not establish a local, regional, or national precedent, nor does it have any substantial applicability beyond the bounds of the IPNF.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.

The analysis in the EA indicates that the small area involved, the isolation of the parcel from other NFS lands, and its land form features minimize impacts to all resources. The possible negative effects are minor and are not directly, indirectly, or cumulatively significant.

2) The degree to which the proposed action affects public health or safety.

The Lone Mountain sale parcel has never been identified as conforming to characteristics which would be present to identify it as suitable for designation as a developed recreation site. This is due to the relatively small size of the parcel, surrounded by privately-owned land and isolated with respect to adjacent NFS lands.

The public, especially land owners, do access the area for berry collecting, dog walking, and horseback riding, leaving little sign of the use. The two low-standard roads that provide administrative access within the parcel (Forest Road #6005 along the southern property boundary and Forest Road #6005B within the parcel) are not open to public motorized use under the District Travel Management Plan, however there is evidence that some unauthorized motorized use is occurring on these routes, with social gathering and bonfires.

Because the sale of public land will result in management of the parcel being subdivided into six lots to be transferred to private ownership, it is anticipated that it can have a potentially positive result in regards to public safety in the area, as it is assumed that the unauthorized motorized access (and associated bonfires, etc.) in the parcel would cease. Activities occurring on private land will be subject to current and future community regulations defined within the Kootenai County Code.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

No prime farmlands, parklands, wild and scenic rivers, wilderness, or ecologically critical areas overlap the sale parcel area.

The IPNF Heritage Specialist conducted a project Determination of Eligibility report in November 2015. Based upon the National Register Eligibility criteria (per 36 CFR 60.4), the Forest Cultural Resource Specialist has determined that the listed project has little likelihood to adversely affect cultural properties. As a result, a No Inventory Decision was made in consultation with the State Historic Preservation office, thereby determining this project, as designed, will have no adverse effect on heritage and cultural resources, and there is no need for additional consideration of potential cultural properties or archaeological sites.

The sale parcel is located on land which is flat with no defined drainage pattern or riparian areas and there are no floodplains, streams, or wetlands located in the project area.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are not likely to be highly controversial. While some who commented do not support the project, in the context of the National Environmental Policy Act (NEPA), controversy refers to a substantial dispute in the scientific community regarding the effects of an action, not social opposition or controversy of a political nature.

The land sale is consistent with the objectives of the Forest Service landownership adjustment program, to provide for the efficient conveyance of administrative facilities identified for the decommissioning or otherwise specified for disposal in legislation, and to maximize the marketability of the property.

Additionally, the land sale is consistent with the Idaho Panhandle Forests Plan, facilities strategy, and applicable executive orders requiring efficient and sustainable management of Federal government land and resources.

Based on these factors, I have concluded that the effects of this project do not represent a controversial impact upon the quality of the human environment.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There were no highly uncertain, unique or unknown risks identified in the EA. There are no unique or unusual characteristics of the area which have not previously been encountered or which constitute highly uncertain or unknown risks to the human environment.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The action is not likely to establish a precedent for future actions with significant effects because this action is not unusual in and of itself, nor does it lead to any further actions that are unique. The parcel meets the requirements for land sale under the FSFREA; the administrative site is completely surrounded by private lands, and is located over four miles from the nearest other tract of NFS lands and approximately seven miles to contiguous NFS lands within the forest boundary. Any future land sales would be subject to NEPA requirements and require a new NEPA decision.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The land sale is not related to any other action. The land sale parcel is isolated from other NFS lands, and there are no other parcels in the Coeur d'Alene River Ranger District being conveyed for land sale.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, and will not cause loss or destruction of significant scientific, cultural, or historical resources. The sale parcel is unoccupied and contains no development or improvements other than two track roads accessing the land. The IPNF Heritage Specialist conducted a project Determination of Eligibility report in November 2015.

Based upon the National Register Eligibility criteria (per 36 CFR 60.4), the Forest Cultural Resource Specialist has determined that the listed project has little likelihood to adversely affect cultural properties. As a result, a No Inventory Decision was made in consultation with the State Historic Preservation office, thereby determining this project will have no adverse effect on heritage and cultural resources, and there is no need for additional consideration of potential cultural properties or archaeological sites.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.

The land sale will not adversely affect the viability of any threatened, endangered or candidate species that may occur in the area, because no threatened or endangered botanical, wildlife or fish species, or associated critical habitat occur in the project area. Biological assessments have been completed and concluded there will be no effect to ESA species and their habitat.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

My decision will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the environmental assessment and discussed in this decision.

The land sale is consistent with the Forest Plan and other laws, regulations, and policies as described in this decision notice and in the EA.

Conclusion

After considering the environmental effects described in the EA and specialist reports, I have determined that the land sale will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Findings Required by Other Laws and Regulations

National Forest Management Act (NFMA)

This decision to subdivide the parcel and offer for sale six lots to be transferred into private ownership is consistent with the objectives of the Forest Service landownership adjustment program, to provide for the efficient conveyance of administrative facilities identified for the decommissioning or otherwise specified for disposal in legislation, and to maximize the marketability of the property. Additionally, the land sale is consistent with the Idaho Panhandle Forest Plan, facilities strategy, and applicable executive orders requiring efficient and sustainable management of Federal government land and resources.

Other NFMA requirements apply to timber production and vegetation management on NFS lands, and are therefore not relevant to this decision.

Executive Order 12898 (Environmental Justice)

As stated in Executive Order 12898, it is required that all federal actions consider the potential of disproportionate effects on minority and low-income populations in the local region. The Council on Environmental Quality (CEQ) (1997) states “minority populations should be identified where either: (a) the minority population of the affected area exceeds 50% or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.”

The sale parcel is located in Kootenai County, Idaho. Data for the five counties in the area of the IPNF shows that the total share of all minority populations represented less than 10% of the population within Kootenai County, the combined county affected area, and the state ([census.gov](https://www.census.gov)). Thus, the U.S. Census data suggest minority populations within the analysis area do not meet the CEQ's Environmental Justice criterion.

Based on the composition of the affected communities and the cultural economic factors, this project will have no adverse effects to human health and environmental effects of minority, low-income, or any other segments of the population.

Executive Order 13112 (Invasive Species)

Sale of the parcel to private land owners will release the land from Forest Service management under the Forest Plan and Coeur d'Alene Noxious Weeds EIS and Record of Decision (USDA Forest Service 2000). Private landowners in Kootenai County will be expected to adhere to environmental protections that require them to manage weeds on the property in accordance with Kootenai County, Idaho policies and resolutions (Kootenai County 2017).

Public Interest Determination

Based upon the above rationale and the full analysis provided in the Lone Mountain Land Sale EA and administrative record, under the authority provided in the Forest Service Facility Realignment and Enhancement Act of 2005 (Pub. L. 109–54, 16 U.S.C. § 580d), as amended (FSFREA), it is my determination that the sale of six lots totaling 136.25 acres of isolated, undeveloped land used for administrative purposes (at not less than market value, with proceeds from sales retained for construction of a new IPNF Forest Supervisor's Office) serves the public interest. The conveyance does not conflict with the IPNF Land Management Plan, is consistent with the current IPNF Facility Master Plan (FMP), and conforms to Forest Service Special Act Sales program objectives, listed in FSH 5509.11, Ch. 20, to:

- Provide for the efficient conveyance of administrative facilities identified for decommissioning or otherwise specified for disposal in legislation.
- Maximize the marketability of the property.
- Obtain market value for all properties conveyed under Special Act Sales authorities as determined by appraisal (FSM 5410) or competitive public sale, unless otherwise precluded by law.
- Provide a source of revenue for the maintenance, construction and rehabilitation of facilities, acquisition of lands, and other purposes authorized by law.

Provisions in the legal authority for the Forest Service to sell administrative site land under authority of the FSFREA is subject to specific requirements, including land for sale be offered at not less than market value, and lots offered for sale must not exceed the maximum size allowed. Section 503(c) of this act states:

“Size of Conveyance – An administrative site or compound of administrative sites disposed of in a single conveyance under this title may not exceed 40 acres.”

Therefore, this section of the law limits the forest to convey the surplus land in multiple conveyances of 40 acres or less in size. As described in the EA (Table 1), the parcel will be subdivided into six lots, ranging from 10 to 35 acres in size.

Administrative Review and Implementation

This project is subject to a pre-decisional administrative review process (referred to as the “objection” process) pursuant to 36 CFR 218, Subparts A and B. Individuals or non-federal organizations who submitted timely, specific written comments during scoping or any designated opportunity for public comment in accordance with §218.5(a) have standing to file an objection prior to the deciding official making a final decision on this project. Issues raised in objections must be based on previously submitted timely, specific written comments (as defined by 36 CFR 218.2) regarding the project unless based on new information arising after the designated comment opportunities.

A notice of objection must be submitted in writing and meet objection content requirements at 36 CFR 218.8(d). Incorporation of documents by reference is permitted only as provided in §218.8(b). All objections are available for public inspection during and after the objection process.

At a minimum, the objection must include:

- The objector’s name and address, with a telephone number or email address, if available;
- A signature or other verification of authorship upon request (a scanned signature for email may be filed with the objection);
- When multiple names are listed on an objection, identification of the lead objector as defined in 36 CFR 218.2 (verification of the identity of the lead objector shall be provided upon request);
- The name of the project being objected to, the name and title of the responsible official, and the name of the national forest on which the project will be implemented;
- A description of those aspects of the project addressed by the objection, including specific issues related to the project and, if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; and supporting reasons for the reviewing officer to consider;
- A statement that demonstrates the connection between prior specific written comments on the particular project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity for formal comment.

Incomplete responses to these requirements make review of an objection difficult and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 218.10.

Objections must be submitted to the reviewing officer within 45 calendar days following publication of the legal notice of the objection period in the *Coeur d’Alene Press*, which is the newspaper of record. It is the responsibility of objectors to ensure their objections are received in a timely manner (36 CFR 218.9(a)). The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Objectors should not rely upon time requirements provided by any other source.

The following address should be used for objections:

Objection Reviewing Officer
USDA Forest Service, Northern Region
26 Fort Missoula Road
Missoula, MT 59804

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays.

Electronic objections must be submitted in an email to appeals-northern-regional-office@fs.fed.us. Please include “Lone Mountain Land Sale Project” in the subject line. Electronic objections must be submitted in MS Word (.doc or .docx) or rich text format (.rtf), or other format that can be read with optical character recognition software.

The telephone number for faxed objections is (406) 329-3411.

When objections are filed, approval of project activities will not occur until the pre-decisional review process is complete and a final decision notice issued. A decision will not be signed until the reviewing officer has responded in writing to all pending objections, and all concerns and instructions identified by the reviewing officer in the objection response have been addressed.

If no objections are filed within the 45-day time period, implementation of the decision may occur on, but not before, the fifth business day following the end of the objection filing period, depending upon the availability of funding.

Contact Information and Responsible Official

I am the responsible official for this decision. For further information concerning the Lone Mountain Land Sale Project, please contact Acting District Ranger Kevin Knesek during normal business hours at the Coeur d’Alene River Ranger District (208-664-2318 or kevin.s.knesek@usda.gov).

Approved by:

DRAFT – NO SIGNATURE REQUIRED

December 2019

JEANNE M. HIGGINS
Forest Supervisor
Idaho Panhandle National Forests

Date

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer and lender.