

DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT  
for the  
HASTINGS TREE RESEARCH TRACT SALE

USDA Forest Service, Region 2  
Nebraska National Forest/Bessey Ranger District  
Adams County, Nebraska

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## INTRODUCTION

This Decision Notice (DN) documents my decision regarding the proposed Hastings Tree Research Tract Land Sale and the finding of no significant impact. An environmental assessment (EA) has been prepared in compliance with the National Environmental Policy Act for this proposal and discloses the environmental effects. The EA for this exchange is available for public review at the Supervisor's Office of the Nebraska National Forest, Chadron Nebraska and the Bessey Ranger Station located in Halsey, Nebraska. A biological assessment (BA)/biological evaluation (BE) was prepared in compliance with process requirements under the Endangered Species Act and related Forest Service Policy. As required by CERCLA Superfund Act of 1980 (Comprehensive Environmental Response, Compensation, and Liability Act), the parcel has been evaluated for hazardous substances and petroleum products. A wetlands report and floodplains, and a heritage resource report are complete and located in the project file. In accordance with the National Forest Management Act, and the National Environmental Policy Act, the Nebraska National Forest resource specialists considered the affected area, formulated alternatives, and estimated environmental consequences based on the 2001 Nebraska National Forest Land and Resource Management Plan (LRMP) goals and objectives, standards and guidelines, Geographic Area Direction, and Management Area Direction. I referred to and have relied heavily upon these documents in my decision documented here. It should be noted that my authority extends only to the management and disposition of National Forest System. I have reviewed the EA, and related material and I base my decision upon that review.

The Final Environmental Impact Statement (FEIS) for the Nebraska National Forest Land and Resource Management Plan (LRMP) was signed on July 31, 2002 and implemented on August 16, 2002. This Decision Notice and Finding of No Significant Impact will address this land sale in the context of the management area direction found in Chapter 3 of the LRMP.

The EA discusses two alternatives with the preferred alternative being the proposal to sell 144.68 acres of National Forest System land contained in one parcel. The legal description for the tract is found in Exhibit A of this document.

### **Purpose and Need for This Action**

The purpose and need for this proposed action is the Nebraska National Forest's administration of an unmanagable, isolated parcel of National Forest System land physically separated from the administering unit, as well as, the Forest's current backlog of deferred facility maintenance needs. The sale of the Hastings Tracts could provide funding for deferred maintenance for numerous projects on the Nebraska National Forest.

The Forest Service has been given the authority to use the FY05 Pilot Conveyance Authority P.L. 107-63, Sec. 329 (a), as amended, to sell the Hastings Tree Research Tract in order to obtain funding for deferred maintenance on existing buildings and infrastructure. These factors make this land Sale particularly attractive and ripe for decision.

## DECISION

Based on the analysis and evaluation described in the EA, it is my decision to implement the proposed action, Alternative 2. Alternative 2 proposed the sale of 144.68 acres of National Forest System land by competitive sale or direct sale (see Exhibit A of this Document for the legal description). The property will be offered in two configurations, as 4 separate parcels (Exhibit B) and in its existing undivided state (Exhibit A). It will be sold in the configuration which brings the highest total return to the United States. The mineral estate will not be conveyed by the United States. This sale will be completed under authority of and in accordance with FY05 Pilot Conveyance Authority P.L. 107-63, Sec. 329 (a), as amended.

My decision is in accordance with the Final Environmental Impact Statement (FEIS) for the Nebraska National Forest Land and Resource Management Plan 2001 Revision (LRMP), dated July 31, 2002.

## DECISION RATIONALE

My reasons for proceeding with this action and selecting Alternative 2 are as follows:

- Elimination of an unmanageable, isolated Federal parcel and using the proceeds to perform needed maintenance on existing facilities, currently serving the public.
- Reduction of liability associated with an unstaffed parcel.
- Acquisition of this parcel by the Nebraska National Forest from Forest Service Research was solely for use as an asset, to accomplish program goals elsewhere on the Forest.
- The need to survey, locate, post and maintain five (5) boundary corners will be eliminated at an estimated savings of \$20,000 to the United States.
- Future use of the tract will likely be consistent with existing private uses on surrounding parcels.

## ALTERNATIVES CONSIDERED

I have analyzed the Proposed Action in the environmental assessment, along with the No Action alternative. The National Environmental Policy Act regulations require the Forest Service to study the No Action Alternative in detail, and to use it as a baseline for comparing the effects of other alternatives (40 CFR 1502.14(d) Forest Service Handbook 1909.15, 23.1).

The alternatives analyzed in detail in the Environmental Assessment are summarized below.

### **Alternative 1, No Action**

No Federal land would be sold. This parcel would remain under current management of the Nebraska National Forest Land and Resource Management Plan, 2001 Revision. Opportunities would be sought out for disposal through a land exchange under existing legislation.

My rationale for not choosing alternative one is as follows:

- The parcel would still be unstaffed and under the administration of the Bessey Ranger District. However, due to the distance from the Ranger Station, management of this parcel would not be efficient or effective.
- This would not meet the Land Adjustment Plan for the Nebraska National Forest to pursue opportunity to dispose of federal lands not contiguous to larger parcels of National Forest System land

## PUBLIC INVOLVEMENT

The proposal was listed in the Nebraska National Forest Schedule of Proposed Actions starting in July 2006. On June 26, 2006, a briefing paper and presentation to the Adams County Commissioners was made at a regular commissioners meeting. The proposal was provided to the public and other agencies for comment through scoping letters and legal advertisements in local and surrounding community newspapers in September 2006. As part of the public involvement process, the agency sent letters to Regional Tribal Councils and interested Native American Tribes, Congressional Delegations, County and City Council members, adjacent landowners, and interested parties describing the proposal. Comments from three entities were received. The identified issues were included in the development of the Environmental Assessment.

The 30-day comment period on the Environmental Assessment was accomplished through:

- Notice that the EA is available for public comment was published in the Denver Post on June 21, 2007, in the Hastings Tribune, Grand Island Independent, and Lincoln Journal Star on.
- The EA was made available to the public on the Bulletin Board on the Nebraska National Forest web page at [www.fs.fed.us/r2/nebraska](http://www.fs.fed.us/r2/nebraska) for at least the period of 30 days as required by the National Environmental Policy Act.
- Copies of the Environmental Analysis were mailed to eighteen different parties that were interested in reviewing the document.

No comments were received.

## FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the Environmental Assessment, including appendices and supporting documents, it is my conclusion that Alternative 2 is not a major Federal action which would significantly affect the quality of the human environment as defined at 40 CFR 1508.27. Therefore, an environmental impact statement will not be prepared. This finding is based on the following factors:

- *Consideration for context of the property.* The context is local to Nebraska National Forest System land, Adams County, Nebraska with implications for the immediate area only.
- *Consideration of both beneficial and adverse impacts.* Impacts from the selected action are not unique to this project. I conclude that the beneficial and adverse effects of the selected action are not significant to the context of the proposed and cumulative effects.

- *Consideration of the effects on public health and safety.* This sale will not affect public health or safety. The property will be conveyed to private ownership where compliance with local regulation preventing development of new water sources, will ensure public health and safety.
- *Consideration of unique characteristics of the geographic area.* Historic or cultural sites or resources parklands, prime farmland, wild and scenic rivers or ecologically critical areas are not affected. There are no "unique characteristics of the geographic area" as defined at 40 CFR 1508.27(3) 7 located on this parcel
- *Consideration of the degree to which the effects are likely to be highly controversial.* There are no scientific disputes over the likely effects of this project. The effects of this action are not highly controversial. The property will likely be developed for uses similar to surrounding properties.
- *Consideration of the degree to which effects are uncertain or unknown.* This action does not involve unique or unknown risks to the human environment. It is similar to many past actions, which have occurred on the Nebraska National Forest, being National Forest System land. The probable effects and risks are well understood.
- *Consideration of the degree to which this action will set a precedent for future actions with significant effects.* Neither the land sale nor this decision is precedent setting. Similar land sales have occurred in the past, nationally and locally. They are completed by Forest Service and by other public land management agencies with the objective of consolidating public land ownership. I conclude that this action does not establish precedence for future actions, as each project must be evaluated on its individual merits.
- *Consideration of the action in relation to other actions with individually insignificant but cumulatively significant impacts.* This individual action as related to past and future land sale projects, and other projects addressed in the Cumulative Effects section of the EA, will not create cumulatively significant impacts.
- *Consideration of the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural or historic resources.* Cultural resource surveys have been conducted on the Federal lands to be sold. No sites were found that could be listed in or eligible for listing in the National Register of Historic Places. The survey made by the Forest Archaeologist was concurred with by the Nebraska State Historic Preservation Office. I conclude this action will not cause loss or destruction of significant scientific, cultural, or historical resources.
- *Consideration for the degree to which the action may affect threatened or endangered species, or its critical habitat.* This action will not adversely affect endangered or threatened species or their habitat as documented in the Biological Assessment/Biological Evaluation and the EA.
- *Consideration of whether the action violates or threatens to violate federal, state or local laws or requirements imposed for the protection of the environment.* This action does not violate nor threaten to violate any Federal, State, or local laws, regulations or requirements for the protection of the environment.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

*Executive Order 11990 – Protection of Wetlands 42 FR 26961 (signed May 25, 1977), & Executive Order 11988 – Floodplain Management 42 FR 26951, (signed May 25, 1977).* The Forest Service has evaluated the proposed sale in accordance with EO 11988 Floodplains and EO 11990 Wetlands and is in compliance. There are no wetlands or floodplains located on this tract.

*Endangered Species Act of December 28, 1973 (87 Stat. 884) P.L. 93-205, as amended.* The Biological Assessment/Biological Evaluation concluded the land sale would have "no adverse impacts" on threatened, endangered, or R2 sensitive species.

*National Historic Preservation Act of October 15, 1966 (80 Stat. 915) P.L. 89-665, as amended, & Archeological Resources Protection Act of October 31, 1979 (93 Stat. 721) P.L. 96-95, as amended.* Heritage resource inventories have been completed on the parcel and the Nebraska State Historic Preservation Officer has concurred with the Forest Archeologist's finding that no resources are present.

The land sale is in compliance with the *Nebraska National Forest Land and Resource Management Plan 2001 Revision* and will assist in meeting the following Goals and Objectives

- Multiple Benefits to People (pages 1-3 thru 1- 5);
- Effective Public Service (pages 1-8 thru 1-9;)
- Land Ownership (page 1-25 thru 1-26);
- Management Area Direction 3.64 Special Plant and Animal Habitat, (pages 3-26 through 3-27)
- 6.1 Rangeland with Broad Resource Emphasis (pages 3-32 through 3-33).
- This land sale also meets the National and Regional Policies listed in Appendix L Lands (FSM 5400) Landownership Adjustments (pages L-4 thru L-5).

*CERCLA, Comprehensive Environmental Response, Compensation, and Liability Act*  
Field examinations of the federal and non-Federal parcels considered for sale have been completed. No evidence was found that hazardous or potentially hazardous substances have been used, stored, released or disposed on any parcel. However, it is known that a plume of groundwater contamination is likely moving under the property, from offsite sources. Any threat to human health and the environment has been mitigated by County zoning prohibiting development of new water sources.

## IMPLEMENTATION DATE

If no appeal is filed, implementation of this decision may occur on, but not before, the fifth business day following the close of the appeal filing period (36 CFR 215.9(a)). If an appeal is filed, implementation may not occur for 15 days following the date of appeal disposition. In the event of multiple appeals of the same decision, the date of the disposition of the last appeal control the implementation date (36 CFR 215.9(b))

## ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR Sec. 215. To appeal this decision, submit a written appeal to the USDA Forest Service Region 2, Appeals Deciding Officer, P.O. Box 25127 Lakewood, CO 80225-25127 within 45 days of the date of publication of a legal notice in the Denver Post, the newspaper of record. Appeals must be received in that office or be postmarked to that office on or before the 45<sup>th</sup> day of appeal filing period to be considered.

Any notice of appeal must meet the requirements listed in 36 CFR215.14 Appeal Content.

## ADDITIONAL INFORMATION AND CONTACT PERSON

For additional information concerning this decision, contact:

Kevin Heikkila, Realty Specialist, Nebraska National Forest 125 N. Main St., Chadron, NE 69337 (308) 432-0300, kheikkila@fs.fed.us

*for*  


Randall Karstaedt  
Director of Physical Resources  
Rocky Mountain Region, R-2

8/22/07

Date

Exhibit A

Legal description of the Federal land proposed to be conveyed is as follows:

6th Principal Meridian, Adams County Nebraska

Township 7 North, Range 9 West,

Section 15, NE¼, except the North 150 feet thereof, and except a parcel more particularly described as: Commencing at the NW corner of the E1/2 of Section 15; thence east along the north line of Section 15, 648.5 feet to a point; thence in a southwesterly direction to the half-section line of Section 15 at a point 1110 feet south of the NW corner of the E1/2 of Sec. 15; thence north along the center half section line 1110 feet to the point of beginning.

This parcel contains 144.68 acres.



## EXHIBIT B

The Forest Service proposes to sell the 144.68-acre Hastings Tree Research Tract site "as is" or configured to maximize return of funds to the United States. If the parcel is not sold as a single unit, legal access to each parcel will be described on the invitation for bid, and conveyance documents.

Parcel 1: T.7 N., R 9 W., 6<sup>th</sup> P.M., Section 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , except the North 150.00 feet thereof, subject to a 33.00 foot wide easement for ingress and egress along the West line.

Containing 35.45 acres.

Parcel 2: T.7 N., R 9 W., 6<sup>th</sup> P.M., Section 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , except the North 150.00 feet thereof, and except a parcel more particularly described as: commencing at the NW corner of the E1/2 of Sec. 15; thence east along the north line of Sec. 15, 648.5 feet to a point; thence in a southwesterly direction to the half-section line of Sec. 15 at a point 1110 feet south of the NW corner of the E1/2 of Sec. 15; thence north along the center half section line 1110 feet to the point of beginning. Subject to a 33.00 foot wide easement for ingress and egress along the East line.

Containing 29.23 acres.

Parcel 3: T.7 N., R 9 W., 6<sup>th</sup> P.M., Section 15, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , subject to a 33.00 foot wide easement for ingress and egress along the East line.  
Containing 40.00 acres.

Parcel 4: T.7 N., R 9 W., 6<sup>th</sup> P.M., Section 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , subject to a 33.00 foot wide easement for ingress and egress along the West line.  
Containing 40.00 acres.