

## **DECISION MEMO**

### **New Meadows Housing and Storage Buildings (aka New Meadows Highway 95 Property) Administrative Site Conveyance**

**Payette National Forest  
New Meadows Ranger District  
Adams County, Idaho  
USDA Forest Service**

#### **Proposed Action**

The proposed action is to sell the administrative site identified in the Forest Service Status records as the New Meadows Administrative Site, D9, along with the buildings on site, identified in the Forest Service facilities records as Building INFRA Nos. 1101, 1311, 1355, 1354, 1129, 1370, and 1125, hereinafter called “the Property.” The Property is located off of Highway 95 in the town of New Meadows, Idaho, and contains seven buildings - three houses, a carport, a two-car detached garage, a shop, and a storage building. The Property is served by city sewer and water, commercial power, telephone, and cable TV service. It is accessible by two city streets, a city alley, and a State highway. This Property is administered by the New Meadows Ranger District (RD) on the Payette National Forest (NF).

Adams County identifies the Property by Tax No. RPM0240044010AA.

The property is legally described as follows:

Boise Meridian

T. 19 N., R. 1 E.,  
Sec. 24, Lots 10, 11, 12, 13, 14, 15, 16, 17, and 18, in Block 44, of the Townsite of New Meadows, Idaho, as shown by the official plat on file with the County Recorder of Adams County, Idaho.

Containing 0.96 acre, more or less.

The Property was donated by Pacific and Idaho Northern Railway Company in 1934. The Property was accepted for the purpose of a Ranger Station (New Meadows Ranger District). Forest records indicate that the first structure (Ranger Station) on the site was built in 1936 with various other buildings built through 1971.

The Property was acquired under the Act of June 16, 1933 (National Industrial Recovery Act (NIRA), Ch.90, 48 Stat. 195) and is vested in the United States of America in fee title. The sale of the Property is authorized pursuant to the Forest Service Facility Realignment and Enhancement Act of 2005 (Title V. P.L. 109-54) (FSFREA). This Act provides authority to the

Secretary of Agriculture to convey an administrative site, or an interest in an administrative site, that is under the jurisdiction of the Secretary by sale, lease, exchange, or by a combination of sale and exchange, or by such other means as the Secretary considers appropriate. The size of conveyance of an administrative site or compound of administrative sites disposed of in a single conveyance under this title may not exceed 40 acres.

The property is in a “General Commercial” zone. The City of New Meadows allows existing residential use to continue in this zone but does not allow new residential construction. An owner may reconstruct a residence under a conditional use permit if destruction by fire or natural disaster does not exceed 75 percent of its market value. Moreover, according to zoning regulations, existing residential use cannot be interrupted for more than six months or the use will be disallowed. In the case of the conveyance, the City has stated that the six-month period begins on the date that the sale is closed.

### **Alternative Action**

The alternative action to selling the Property is to retain it as an administrative site on the New Meadows RD. Retaining the property will result in further maintenance costs to the Forest. It will also deny the Forest Service the benefit of receiving the proceeds from the sale.

### **Decision**

It is my decision to sell the Property located on the New Meadows RD. I have determined the Property is no longer needed for long-term employee housing or storage and should be conveyed out of Federal ownership. This Property is identified in the Forest Facility Master Plan (FMP) as no longer needed for administrative purposes. Conveyance would allow the maintenance costs saved to be applied to other existing facilities on the Forest that the FMP has identified as being necessary for administrative purposes. In addition, the proceeds from the sale can be applied toward other priority projects on the Forest such as construction of temporary housing or construction of a new office building complex.

Proceeds from this conveyance shall be available to the Secretary of Agriculture for the acquisition, improvement, maintenance, reconstruction, or construction of a facility or improvement for the National Forest System; the conveyance of other administrative sites under improvement; or for brokerage services associated with this sale.

The site and associated improvements will be sold by a competitive sale process for a price that is not less than market value. A minimum bid deposit in an amount to-be-determined will accompany all bids for the property and the bid deposit of the successful bidder will be applied to the purchase price. All remaining bid deposits will be returned to the rightful bidders.

This action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement pursuant to 36 Code of Federal Regulations 220.6 [d][7] and Forest Service Handbook 1909.15-2008-1, Section 31.12, Category 7, dated July 24, 2008 - "*Sale or exchange of land or interest in land and resources where resulting land uses remain essentially the same.*" The Valuation Services Report, dated April 17, 2008, determined the most reasonably foreseeable future use of the administrative site would remain basically the same - residential-rental property with speculation for future commercial use which is consistent with the current zoning on the site.

Findings of No Extraordinary Circumstances:

An interdisciplinary team of specialists provided review, documentation, and reports on their findings. The summary of the findings of no extraordinary circumstances is as follows:

1. A Biological Evaluation (BE) for sensitive plants was completed on January 28, 2008, by the Forest Botanist; a BE for wildlife was completed on February 22, 2008, by the District Wildlife Biologist; and a BE for fisheries was completed February 25, 2008, by the District Fisheries Biologist. Each evaluation found there was no effect to threatened, endangered, or sensitive species or designated critical habitat.
2. A Floodplains & Wetland Analysis Report was completed by the District Hydrologist on January 24, 2008, and found there was no indication of wetlands or floodplains on the property, resulting in no net loss to the United States. This action is consistent with E.O.s 11988 and 11990. The property is located within the town of New Meadows and is not within a municipal watershed.
3. The property is not within a Congressionally designated area, such as wilderness, wilderness study area, or national recreation area.
4. The property is not within an inventoried roadless area.
5. The property is not within a research natural area.
6. The sale of this property will not affect any American Indian, religious, or cultural sites. On July 1, 2008, the project was presented to the Shoshone-Paiute Tribes at the Wings and Roots Native American Campfire; the tribe had no concerns with the project. Letters describing the project dated July 1 and 7, 2008, respectively, were sent to the Nez Perce Tribe and the Shoshone-Bannock Tribe. No comments or issues were brought forward from the tribes.
7. The Forest Archaeologist completed an historic records review and report on cultural and historic resources for the site in November 2005. The report concluded the conveyance of the structures and land would have no impact to archaeological sites, or historic properties or areas. The State Historical Preservation Office concurred on all reports December 21, 2005.

### Public Interest Determination:

I have determined that the public interest will be well served by the sale of this property. There is 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 administrative site property will achieve better management of Federal lands and resources; and
- Sale of this site is consistent with the Payette NF Land and Resource Management Plan, dated 2003 (Forest Plan), and the FMP (approved in 2004 and amended in 2005).

### **Public Involvement**

Public notification of this proposed conveyance was conducted through the publication of a legal notice in the *Idaho Statesman*, the newspaper of record, on June 26, 2008. A legal notice was also published in the local area papers, *The Star News* and *Adams County Record*. In addition, the appropriate Congressional delegates, members of the Adams County Commission, interested individuals, and adjacent landowners were notified of the proposed sale by letters dated June 25, 2008. Two comments were received in response to the scoping effort. The Idaho Conservation League emphasized that we needed to follow Federal Appraisal Standards and document benefits to various levels of the Forest Service and the public in general. In addition, one individual responded requesting a copy of the Offer to Sell following the environmental studies and after the final decision to sell is made.

### **Findings Required by Other Laws**

1. This land sale is authorized by and in compliance with the Forest Service Facilities Realignment and Enhancement Act of 2005 (FSFREA) of August 3, 2005, and Title V of the FY 2006 Interior and Related Agencies Appropriations Act (P.L. 109-54). Whereas:
  - A Valuation Services Report dated April 17, 2008, was completed for the Property. The Report indicated that the most reasonably foreseeable future use on the Property would remain basically the same - residential-rental property with speculation for future commercial use. This is allowed and consistent with the zoning regulations.
  - Notice of lead-based paint (LBP) or asbestos-containing materials shall be provided in the form of documented inspection reports, completed by certified inspectors. Site inspections were performed on June 25 and 26, 2008. Three LBP Inspection and Risk Assessment Reports were completed by TORF Environmental Management, a certified environmental consultant on July 11, 2008, documented by dwelling address and their associated outbuildings. LBP was found on the property. Under FSFREA, this fact will need to be disclosed but abatement by the Forest Service is not required.

- Asbestos was identified in several areas from past tests; the written documentation from those tests is available upon request. Under FSFREA, the Forest Service must disclose the presence of asbestos, but abatement is not required.
  - The successful bidder will be notified that they will be required to provide written assurance that they will comply with applicable Federal, State, and local laws relating to the management of the LBP or asbestos-containing material.
2. The adjacent and subject properties were inspected for hazardous substances and the Lands Transaction Screening Process (LTSP) forms were completed in June 2008, with District Ranger approval on August 11, 2008. Site inspections performed on June 25 and 26, 2008, included soil sampling. A July 11, 2008, report concluded that no soil-lead hazards were identified above the EPA/HUD levels. On August 29, 2008, an Intermountain Region Environmental Engineer provided a letter to the Director of Lands stating that he had reviewed the LTSP forms and the corresponding documentation associated with the environmental review of the property and confirmed that there are no recognized environmental conditions associated with the property that should prevent the Forest Service from proceeding with the execution of this land transaction.
  3. This action is in compliance with the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA) based on information in the LBP Risk Assessment and the LTSP completed in July and August 2008, respectively. On August 29, 2008, an Intermountain Region Environmental Engineer provided a letter to the Director of Lands stating that the Forest Service satisfied the investigation requirements listed in Section 120(h) of CERCLA, for federal real property disposal, and no further investigation is necessary. The site is considered uncontaminated within the meaning of CERCLA Section 120(h), and no conditions were discovered that would require notices or covenants with respect to release or storage of hazardous substances.
  4. A Water Rights Report dated March 7, 2008, concluded no water rights are located on the property.
  5. A Minerals Potential Report completed by the Forest Geologist on February 22, 2008, concluded there is no potential for the development of locatable, leasable, or salable resources.
  6. The Idaho/Wyoming Zone Land Surveyor completed the Land Description Verification Form for the property on February 22, 2008.
  7. The proposed action is consistent with the Forest Plan for the Payette NF.

Conveyance of the Property was approved in FY 2008 by Congress in the Appropriations Bill.

### **Implementation Date**

Implementation of this decision may take place immediately.

**Administrative Review or Appeal Opportunities**

This decision is not subject to the appeal procedures for NFS projects and activities pursuant to 36 CFR 215.12(f), Decisions Not Subject to Appeal.

**Contact Person**

For further information, please contact Sue Douglas, Idaho/Wyoming Lands Adjustment Team, Council Ranger District, P.O. Box 567, Council, ID 83612; (208) 253-0169.

**Approved By:**

/s/ Jeanne A. Evenden

September 29, 2008

---

**JEANNE A. EVENDEN**  
**Director of Lands**  
**USDA Forest Service**  
**Intermountain Region**  
**324 25<sup>th</sup> Street**  
**Ogden, UT 84401**  
**(801) 625-5150**

---

**DATE**