

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Spring Basin Wilderness Land Exchange

Project No.: 1998-022-00; BPA-012044

Project Manager: Corrie Veenstra – EWL-4

Location: Wheeler County, OR

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.25 Real property transfers for cultural resources protection, habitat preservation, and wildlife management

Description of the Proposed Action: The Bonneville Power Administration (BPA) is proposing to fund the administrative cost of a land exchange between the Confederated Tribes of Warm Springs (CTWS) and the Bureau of Land Management (BLM), approximately 12 miles southwest of Fossil in Wheeler County, Oregon. CWTS would exchange 4,225 acres of the Pine Creek Conservation Area (PCCA) for 4,543 acres of public lands in the Spring Basin Wilderness Area managed by the BLM. The purpose of this land exchange would be to consolidate land management for both entities and reduce habitat fragmentation. Both conservation areas offset habitat losses caused by the John Day Dam on the Columbia River. Funding the proposed land exchange also fulfills Bonneville's commitments to the CTWS under the 2020 Columbia River Fish Accord Extension agreement, while also supporting ongoing efforts to mitigate for effects of the FCRPS on fish and wildlife in the mainstem Columbia River and its tributaries pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) (16 U.S.C. 839 et seq.).

CTWS would hold a conservation easement on the newly exchanged land, which BPA would have third party rights of enforcement to permanently protect, mitigate, and enhance fish and wildlife and their habitat. The CTWS would not change the nature of use of the newly exchanged property.

The property consists of grasslands, shrub-steppe, riparian, and aquatic habitats. The CTWS has developed a land management plan to guide the protection and enhancement of habitat and other property resources. BPA reviewed the management plan for consistency with the conservation easement and the purpose of the acquisition. If BPA proposes to fund any additional activities or land improvements on the property, further environmental review may be conducted.

Findings: In accordance with Section 1021.410(b) of the Department of Energy's (DOE) National Environmental Policy Act (NEPA) Regulations (57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36221-36243, Jul. 9, 1996; 61 FR 64608, Dec. 6, 1996, 76 FR 63764, Nov. 14, 2011), BPA has determined that the proposed action:

- 1) fits within a class of actions listed in Appendix B of 10 CFR 1021, Subpart D (see attached Environmental Checklist);

- 2) does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal; and
- 3) has not been segmented to meet the definition of a categorical exclusion.

Based on these determinations, BPA finds that the proposed action is categorically excluded from further NEPA review.

/s/ Lindsey Arotin
Lindsey Arotin
Environmental Protection Specialist

Concur:

<u>/s/ Sarah T. Biegel</u>	<u>January 6, 2021</u>
Sarah T. Biegel	Date
NEPA Compliance Officer	

Attachment(s): Environmental Checklist

Categorical Exclusion Environmental Checklist

This checklist documents environmental considerations for the proposed project and explains why the project would not have the potential to cause significant impacts on environmentally sensitive resources and would meet other integral elements of the applied categorical exclusion.

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Project Site Description

The Pine Creek Conservation Area (PCCA) and the Spring Basin Wilderness Area (SBWA) are located in the John Day River Basin in Wheeler County, OR. The region is characterized by canyons and ridges with elevations ranging from 1,360 to 2,827 feet. Drainage areas produce riparian and aquatic habitats and vegetation consists of grasses, sagebrush, and juniper. PCCA is owned by the Confederated Tribe of the Warm Springs (CTWS) and is a designated fish, wildlife, and watershed mitigation site. SBWA is maintained by the Bureau of Land Management (BLM) and is a designated wilderness area.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: In reviewing its role in land exchanges/acquisitions under Section 106 of the NHPA, BPA considers its undertaking as no potential to cause effects to historic properties. In this circumstance, the subject parcel is owned by the BLM; therefore, BLM was responsible for compliance with Section 106. The BLM completed consultation with the Oregon SHPO and CTWS, concluding with a determination of no adverse effect. The SHPO concurred with this effects determination September 24, 2014. CTWS was consulted, no response was received within the 30-day period. To the extent that future activities on the property may have the potential to affect historic properties, the CTWS would comply with all applicable laws and regulations. There would be no effect due to the land exchange, which includes the transfer of title and resignation of conservation easements.

2. Geology and Soils

Potential for Significance: No

Explanation: See explanation for #1 above.

3. Plants (including Federal/state special-status species and habitats)

Potential for Significance: No

Explanation: See explanation for #1 above.

4. Wildlife (including Federal/state special-status species and habitats)

Potential for Significance: No

Explanation: See explanation for #1 above.

5. Water Bodies, Floodplains, and Fish (including Federal/state special-status species, ESUs, and habitats)

Potential for Significance: No

Explanation: See explanation for #1 above.

6. Wetlands

Potential for Significance: No

Explanation: See explanation for #1 above.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: See explanation for #1 above.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The land exchange would potentially affect public land use and access. CTWS would monitor visitation and restrict some areas to ensure public safety and, when necessary, to enhance mitigation efforts.

9. Visual Quality

Potential for Significance: No

Explanation: See explanation for #1 above.

10. Air Quality

Potential for Significance: No

Explanation: See explanation for #1 above.

11. Noise

Potential for Significance: No

Explanation: See explanation for #1 above.

12. Human Health and Safety

Potential for Significance: No

Explanation: See explanation for #1 above.

Evaluation of Other Integral Elements

The proposed project would also meet conditions that are integral elements of the categorical exclusion. The project would not:

Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders.

Explanation: N/A

Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.

Explanation: N/A

Disturb hazardous substances, pollutants, contaminants, or CERCLA excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases.

Explanation: N/A

Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.

Explanation: N/A

Landowner Notification, Involvement, or Coordination

Description: When the project began, BLM initiated a 45-day public scoping process requesting input and feedback and a Notice of Exchange Proposal was sent November 7, 2013. Additionally, Advisory Committee meetings are held annually to inform and involve landowners of ongoing activities and potential future projects. Adjacent landowners are contacted directly if a project has potential to affect areas near their boundary lines and an open-line of communication has been established between the Pine Creek Conservation Area Project Leader and surrounding landowners.

Signed: /s/ Lindsey Arotin January 6, 2021
Lindsey Arotin, ECF - 4 Date
Environmental Protection Specialist