

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Touchet Orchards Conservation Easement Acquisition (update to previous Categorical Exclusion issued on February 5, 2021)

Project No.: 2008-207-00; 011336

Project Manager: Virginia Preiss – EWM-4

Location: Columbia County, WA

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: Bonneville Power Administration (BPA) is proposing to fund the Blue Mountain Land Trust through the Confederated Tribes of the Umatilla Indian Reservation to purchase a conservation and access easement on the Touchet Orchards property, which is an about 13.9-acre parcel of land located approximately two miles southeast from Dayton in Columbia County, WA. As part of the transaction, BPA is also proposing to fund the permanent transfer of about 13.3 acres of an irrigation surface water right to the Washington State Department of Ecology, Trust Water Rights Program, to augment instream flows for the benefit of fish and wildlife and their habitat. The Blue Mountain Land Trust would hold a conservation easement on which BPA would have third party rights of enforcement to permanently protect, mitigate, and enhance fish and wildlife and their habitat. This conservation easement would also assist in implementation of a proposed restoration project that would increase floodplain connectivity and allow for increased lateral channel migration on the North Touchet River, which supports resident and anadromous fish (e.g. Mid-Columbia River summer steelhead, Mid-Columbia River spring Chinook salmon, and bull trout). This categorical exclusion is an update to the February 5, 2021 version to update the proposed actions that BPA is funding.

These actions would support conservation of ESA-listed species considered in the 2020 ESA consultations with the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operations and maintenance of the Columbia River System and Bonneville's commitments to the Confederated Tribes of the Umatilla Indian Reservation under the 2020 Columbia River Fish Accord Extension agreement, while also supporting ongoing efforts to mitigate for effects of the Federal Columbia River Power System 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.).

The property consists of irrigated pasture, floodplain and riparian habitat. The Blue Mountain Land Trust has developed a land management plan to guide the protection and enhancement of habitat and other resources on the property. The management plan has been reviewed by BPA for consistency with the conservation easement and the purpose of the acquisition. If BPA proposes to fund any additional activities 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/ Shawn Skinner

Shawn Skinner
Environmental Protection Specialist

Concur:

Katey C. Grange
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 property is located in southeast Washington within the Walla Walla Subbasin of the Columbia River Basin. The majority of the area is floodplain and riparian habitat that is dominated by native vegetation, with some invasive species present. The property also includes several acres of irrigated pasture with fences, an irrigation system, and livestock water systems. An additional 2.5 acres separated from the river by an earthen levee includes conifers that have been planted, native riparian vegetation, and pasture grasses.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: There would be no effect due to the conservation easement acquisition. To the extent that future activities on the property may have an effect, it is expected that the Confederated Tribes of the Umatilla Indian Reservation would comply with all applicable laws and regulations.

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 regarding the effect of the conservation easement acquisition. The Washington State Department of Ecology's Trust Water Rights Program would permanently transfer the 13.3 acres of irrigation surface water instream. BPA separately funded the Confederated Tribes of the Umatilla Indian Reservation to restore

anadromous and resident fish habitat on the property (e.g., steelhead, spring Chinook salmon and bull trout) which this conservation easement and water transfer would help to protect.

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: See explanation for #1 above.

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: Notification letters will be sent to adjacent landowners and other interested parties at a minimum of 15 days before the closing date of the sale. Advertisements would also be posted in local newspapers and information would be posted on BPA's public website prior to closing.

Based on the foregoing, this proposed project does not have the potential to cause significant impacts to any environmentally sensitive resource.

Signed: /s/ Shawn Skinner

Shawn Skinner, ECF-4
Environmental Protection Specialist

September 6, 2023

Date