

memorandum

DATE: June 5, 2012

REPLY TO
ATTN OF: KEC-4

SUBJECT: Environmental Clearance Memorandum

TO: Jason Karnezis
Project Manager – KEWL-4

Proposed Action: Spring Basin Wilderness Land Exchange

Fish and Wildlife Project No.: 1998-022-00

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

Location: Fossil, Wheeler County, OR (see attached Exhibits A and B for legal land descriptions)

Proposed by: Bonneville Power Administration (BPA)

Description of the Proposed Action: In June 2008 Oregon Senator Wyden introduced legislation to Congress to designate the “Oregon Spring Basin Wilderness (Spring Basin).” In 2008, Spring Basin, including the land exchange, was packaged as one title within a federal public lands bill. The landmark conservation measure was passed by Congress and signed by the President on March 30, 2009, carrying with it Spring Basin. The legislation authorizes an equal value land exchange of approximately 8970 acres between the Bureau of Land Management (BLM) and Confederated Tribes of Warm Springs (CTWS).

Since BPA holds a conservation easement on CTWS land on the Pine Creek Conservation Area that is part of this exchange, BPA has agreed to release its conservation easement of approximately 4543 acres, in exchange for a conservation easement on approximately 4427 BLM acres to be transferred to the CTWS and become part of the Pine Creek Conservation Area.

The CTWS hold fee title to the exchanged property and exercise full control over it, managing it as part of the Pine Creek Conservation Area for fish and wildlife habitat under a conservation easement held by the United States by and through BPA. The CTWS will not change the nature of use made of the exchanged property and will manage it following the management plan approved by BPA for the Pine Creek Conservation Area. Future actions that BPA funds on the exchanged property that may affect the environment will undergo further environmental compliance prior to implementation.

Findings: BPA has determined that the proposed action complies with Section 1021.410 and Appendix B of Subpart D 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,

July 9, 1996; 61 FR 64608, Dec. 6, 1996, 76 FR 63764, Nov. 14, 2011). The proposed action does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal. The proposal is not connected [40 C.F.R. 1508.25(a)(1)] to other actions with potentially significant impacts, has not been segmented to meet the definition of a categorical exclusion, is not related to other proposed actions with cumulatively significant impacts [40 C.F.R. 1508.25(a)(2)], and is not precluded by 40 C.F.R. 1506.1 or 10 C.F.R. 1021.211. Moreover, the proposed action would not (i) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, (ii) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities, (iii) disturb hazardous substances, pollutants, contaminants, or Comprehensive Environmental Response, Compensation and Liability Act-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled or unpermitted releases, (iv) have the potential to cause significant impacts on environmentally sensitive resources, or (v) 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.

This proposed action meets the requirements for the Categorical Exclusion referenced above. We therefore determine that the proposed action may be categorically excluded from further NEPA review and documentation.

/s/ Dawn R. Boorse

Dawn R. Boorse

Environmental Project Manager

Concur:

/s/ Katherine S. Pierce

Katherine S. Pierce

NEPA Compliance Officer

DATE: June 5, 2012

Attachments:

Exhibit A - **LEGAL LAND DESCRIPTIONS OF BLM LANDS**

Exhibit B - **LEGAL LAND DESCRIPTIONS OF CTWS LANDS**

Environmental Checklist for Categorical Exclusions

EXHIBIT A
LEGAL LAND DESCRIPTIONS OF BLM LANDS

T. 7 S., R. 20 E., W.M.

Section 19, Lot 2, SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ SW ¹ / ₄ ;	126.89 acres
Section 20, SE ¹ / ₄ SW ¹ / ₄ ;	40.00 acres
Section 29, NW ¹ / ₄ NW ¹ / ₄ ;	40.00 acres
Section 32, SW ¹ / ₄ NE ¹ / ₄ , N ¹ / ₂ SE ¹ / ₄ , SW ¹ / ₄ SE ¹ / ₄ ;	160.00 acres
Section 33, S ¹ / ₂ SE ¹ / ₄ ;	80.00 acres

T. 7 S., R. 21 E., W.M.

Section 19, SE ¹ / ₄ SW ¹ / ₄ ;	40.00 acres
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T. 8 S., R. 19 E., W.M.

Section 1, SE ¹ / ₄ SE ¹ / ₄ ;	40.00 acres
Section 3, Lots 2 and 3, SE ¹ / ₄ NW ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ , NE ¹ / ₄ SW ¹ / ₄ , (excluding those lands below the ordinary high water line of the John Day River), NW ¹ / ₄ SE ¹ / ₄ ;	223.27 acres

T. 8 S., R. 20 E., W.M.

Section 6, Lot 7, E ¹ / ₂ SW ¹ / ₂ ;	120.37 acres
Section 11, SE ¹ / ₄ NE ¹ / ₄ ;	40.00 acres
Section 12, Lot 2, Lot 3, NE ¹ / ₄ SE ¹ / ₄ ;	111.28 acres
Section 15, Lot 1, Lot 2, Lot 4, SE ¹ / ₄ NW ¹ / ₄ , E ¹ / ₂ SW ¹ / ₄ , SW ¹ / ₄ SE ¹ / ₄ ;	264.69 acres
Section 21, NE ¹ / ₄ SE ¹ / ₄ ;	40.00 acres
Section 22, Lot 3, E ¹ / ₂ NW ¹ / ₄ , NE ¹ / ₄ SW ¹ / ₄ ;	154.37 acres
Section 35, Lot 2, Lot 3, NE ¹ / ₄ SW ¹ / ₄ ;	111.54 acres

T. 9 S., R. 19 E., W.M.

Section 12, S ¹ / ₂ SE ¹ / ₄ , (that portion lying southerly of the ordinary high water line of the John Day River);	57.90 acres
Section 24, SE ¹ / ₄ NE ¹ / ₄ , NE ¹ / ₄ SE ¹ / ₄ , (that portion lying easterly of the ordinary high water line of the John Day River));	57.00 acres

T. 9 S., R. 20 E., W.M.

Section 1, Lot 1, Lot 2, Lot 3, Lot 4;	50.94 acres
Section 2, Lot 4;	11.90 acres
Section 3, SE ¹ / ₄ NE ¹ / ₄ ;	40.00 acres
Section 8, All;	640.00 acres
Section 9, All;	640.00 acres
Section 15, N ¹ / ₂ SW ¹ / ₄ ;	80.00 acres
Section 18, NE ¹ / ₄ , E ¹ / ₂ W ¹ / ₂ , SE ¹ / ₄ , Lots 1, 2, 3 and 4;	617.06 acres
Section 20, All;	640.00 acres

Total BLM Acres: 4,427.21

EXHIBIT B
LEGAL LAND DESCRIPTIONS OF CTWS LANDS

T. 8 S., R. 19 E., W.M.

Section 2, lot 7;32.23 acres
 Section 11, NE¹/₄, E¹/₂NW¹/₄, Lot 1, Lot 2;302.49 acres
 Section 12, N¹/₂NE¹/₄, NW¹/₄;240.00 acres
 Section 23, NE¹/₄NE¹/₄;40.00 acres

T. 8 S., R. 20 E., W.M.

Section 7, W¹/₂NE¹/₄, SE¹/₄SE¹/₄;.....120.00 acres
 Section 8, Lot 4, SE¹/₄SW¹/₄, E¹/₂SE¹/₄, (that portion lying 30 feet southerly and perpendicular to the centerline of the road);115.98 acres
 Section 9, Lot 4, SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, (that portion lying 30 feet southerly, westerly and perpendicular to the centerline of the road; 63.72 acres
 Section 16, W¹/₂NE¹/₄, (that portion lying 30 feet westerly and perpendicular to the GPS line described by metes and bounds), SE¹/₄ (that portion lying 30 feet westerly and perpendicular to the centerline of the road in Rhodes Canyon and westerly and perpendicular to the GPS line described by metes and bounds), E¹/₂W¹/₂, Lots 1, 2, 3 and 4;.....432.87 acres
 Section 17, E¹/₂, E¹/₂W¹/₂, Lot 1, Lot 2, Lot 3, Lot 4;631.62 acres
 Section 18, E¹/₂W¹/₂, E¹/₂SE¹/₄, SW¹/₄SE¹/₄;280.00 acres
 Section 19, N¹/₂NE¹/₄, SE¹/₄NE¹/₄;120.00 acres
 Section 20, W¹/₂NE¹/₄, E¹/₂NW¹/₄, Lot 1, Lot 2;235.83 acres
 Section 21, NE¹/₄, NE¹/₄SW¹/₄, E¹/₂NW¹/₄, (that portion lying 30 feet westerly and perpendicular of the centerline of the road in Rhodes Canyon);143.59 acres

T.9 S., R. 20 E., W.M

Section 7, S¹/₂NE¹/₄, E¹/₂W¹/₂, (that portion easterly of the ordinary high water line of the John Day River), SE¹/₄;385.00 acres
 Section 28, All;640.00 acres
 Section 29, All;640.00 acres
 Section 30, SW¹/₄, (that portion easterly of the ordinary high water line of the John Day River);70.07 acres
 Section 31, NE¹/₄, (that portion northerly of the ordinary high water line of the John Day River);34.77 acres

T.9 S., R. 19 E., W.M

Section 25, NE¹/₄NE¹/₄, (that portion easterly of the ordinary high water line of the John Day River);14.65 acres

Total CTWS Acres: 4,542.82

Environmental Checklist for Categorical Exclusions

Name of Proposed Project: Spring Basin Wilderness Land Exchange

Work Order #: 1998-022-00

This project does not have the potential to cause significant impacts on the following environmentally sensitive resources. See 10 CFR 1021, Subpart D, Appendix B for complete descriptions of the resources. This checklist is to be used as a summary – further discussion may be included in the Categorical Exclusion Memorandum.

<u>Environmental Resources</u>	<u>No Potential for Significance</u>	<u>No Potential, with Conditions (describe)</u>
1. Historic Properties and Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. T & E Species, or their habitat(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Floodplains or wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Areas of special designation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Health & safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Prime or unique farmlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Special sources of water	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>

List supporting documentation attached (if needed):

Signed: /s/ Dawn R. Boorse

Date: June 5, 2012