

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: August 27, 2003

REPLY TO
ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Wildlife Mitigation Program EIS (DOE/EIS-0246/SA-35)

TO: Joe Deherrera
Fish and Wildlife Project Manager

Proposed Action: Malheur Wildlife Mitigation Project- Denny Jones Ranch

Project No: 200002700

Wildlife Management Techniques or Actions Addressed Under This Supplement Analysis (See App. A of the Wildlife Mitigation Program EIS): 2.0 Plant Propagation Techniques; 4.0 Water Development and Management; 5.0 Water Distribution Techniques; 6.0 Fire Management Techniques (prompt fire suppression and fuels management, natural fire management), 7.0 Vegetation Management (herbicide, hand pulling, prescribed burns, water level manipulation); 8.2 Control of Predators and Nuisance Animals; 9.0 Multiple-Use Techniques (integration of wildlife habitat and crop production, provision of education and recreation opportunities, grazing, forest management); 10.1 Transportation/access Techniques and 10.3 Road Maintenance

Location: Seven miles east of Juntura, Oregon, Malheur County

Proposed by: Bonneville Power Administration (BPA) and Burns Paiute Tribe.

Description of the Proposed Action: This review is to ensure that project activities continue to be consistent with the Wildlife Mitigation Program EIS and that there continues to be no effects on endangered species or cultural resources. A Supplement Analysis was completed for the original acquisition of the property and initial project activities. This project would allow the Burns-Paiute Tribe to continue manage 6,500 acres of richly diverse property on the Malheur River while developing a Wildlife Mitigation Plan. A subsequent NEPA process will be conducted for the Wildlife Mitigation Plan.

This site holds deed to ~7 miles of the Malheur River, ~350 acres of senior water rights and a 36,000 acre lease from the Bureau of Land Management (BLM) and 4,500 acres of state land. The project will benefit a diverse population of fish, wildlife and vegetation species. Objectives would include: restoring and enhancing critical habitat to fish and wildlife, maintaining BLM allotments, enhancing historical home range and wintering habitat for resident and migratory species, weed control and improving water quality. The Tribe also has great interests in preserving cultural sites and re-establishing cultural use of the site, which was once part of the Mahueur Reservation.

Analysis: The compliance checklist for this project was originally completed by the Burns Paiute Tribe in 2000, and meets the standards and guidelines for the Wildlife Mitigation Program Environmental Impact Statement (EIS) and Record of Decision (ROD).

Pursuant to its obligations under the Endangered Species Act, BPA has made a determination of whether its proposed project will have any effects on any listed species under the jurisdiction of the United States

Fish and Wildlife Service (USFWS). A species list was obtained from USFWS on April 25, 2003, identifying bald eagles as potentially occurring in the project area. A site assessment was conducted on July 15, 2003 to determine if bald eagles were present and the potential effects of project activities. A “No Effect” determination was made for all ESA-listed species. There were no listed species under the jurisdiction of NOAA Fisheries present in the project area. As management activities proceed in the future, BPA will annually re-assess potential effects of planned activities on listed species.

The Burns-Paiute Tribe conducted a literature search for historic and archaeological sites on the property on December 3, 1999. No known sites were identified. Further site-specific surveys will be conducted for individual ground disturbing activities. The results of these surveys will be sent to the Oregon State Historic Preservation Office and BPA. BPA will annually summarize and submit a report to the State Historic Preservation Office.

On November 26, 1999, Fred Walasavage of BPA completed a Phase I Site Assessment and concluded that the site did not reveal any environmental factors that would pose a significant liability for remedial action or cleanup under the Comprehensive Recovery, Compensation and Liability Act.

A public meeting was held when the property was initially acquired where the property acquisition and proposed activities were discussed. Subsequent public involvement will be scheduled for the completion and implementation of the forthcoming Wildlife Mitigation Plan.

Findings: The project is generally consistent with the Northwest Power Planning Council’s Fish and Wildlife Program, as well as BPA’s Wildlife Mitigation Program EIS (DOE/EIS-0246) and ROD. This Supplement Analysis finds that: 1) implementing the proposed action will not result in any substantial changes to the Wildlife Mitigation Program that are relevant to environmental concerns; and 2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the Wildlife Mitigation Program or its impacts. Therefore, no further NEPA documentation is required.

/s/ Michael S. Mayer
Michael S. Mayer
Fish and Wildlife Biologist

CONCUR:

/s/ Thomas C. McKinney
Thomas C. McKinney
NEPA Compliance Officer

DATE: 8/27/2003

Attachments:

Endangered Species Act- Effects Determination for the Malheur Wildlife Mitigation Project- Denny Jones Ranch

cc: (w/ attachments)
Mr. Jess Wenick- Burns Paiute Fish and Wildlife Department
L. Grimm- LC-7