

Chapter 1. Purpose of and Need for Action

Introduction

In compliance with the National Environmental Policy Act (NEPA) and other relevant Federal laws and regulations, the Forest Service (FS) has prepared a Draft Environmental Impact Statement (DEIS) on a Proposed Land Exchange between Clearwater Land Exchange-Oregon (Clearwater) and Forest Service, U.S. Department of Agriculture. The proposal is referred to as the Blue Mountain Land Exchange. Clearwater is acting as an independent third party facilitator for assembling numerous small non-Federal parcels into a large cost efficient proposal. Multiple owners of the non-Federal parcels have agreed to consolidate their parcels into a single package for the purpose of completing one exchange transaction. The proposed exchange involves lands within and in the vicinity of the Malheur, Umatilla, and Wallowa-Whitman National Forests. The Federal and non-Federal lands are located in Baker, Grant, Morrow, Umatilla, Union, and Wallowa Counties. This document is organized into four chapters:

- *Chapter 1. Purpose of and Need for Action:* This chapter includes information on the history of the project proposal, the purpose of and need for the project and the agency's proposal for achieving that purpose and need. It explains the overall scope of the DEIS, discloses other pertinent information and describes the decisions to be made by the Responsible Official.
- *Chapter 2. Alternatives, including the Proposed Action:* This chapter describes the scoping and public involvement process, identifies the significant project issues and provides a more detailed description of the agency's proposed exchange and alternatives to the proposed exchange. These alternatives were developed based on significant issues raised by the public and other agencies. Finally, this section provides a comparison summary of the environmental effects for all alternatives considered in detail.
- *Chapter 3. Affected Environment and Environmental Consequences:* This chapter describes the existing physical, biological, economic, and social environment potentially affected by the proposed exchange and the alternatives to the proposed exchange described in Chapter 2. It also discloses the anticipated environmental consequences of implementing each alternative described in Chapter 2. Direct, indirect, and cumulative effects are disclosed, and the effectiveness of mitigation is assessed. Unavoidable adverse impacts are identified, including irreversible and irretrievable commitments of resources.
- *Chapter 4. List of Preparers/Literature Citations:* This chapter contains a listing of the individuals responsible for preparing the DEIS. It also contains a listing of persons and organizations to which this DEIS has been sent, and literature citations.
- *Glossary:* The glossary defines terms used in the DEIS which may be unfamiliar to readers. Acronyms and abbreviations are defined prior to their first usage.
- *Appendices:* The appendices provide additional detailed information to support the analyses presented in this DEIS.
- *Index:* The index provides page numbers by document topic.

Parcel numbering system is as follows:

- FW parcels are Federal parcels on the Wallowa-Whitman NF potentially to be conveyed to private ownership.
- PW parcels are private parcels that would possibly become part of the Wallowa-Whitman NF.
- FU parcels are Federal parcels on the Umatilla National Forest potentially to be conveyed to private ownership.
- PU parcels are private parcels that would possibly become part of the Umatilla NF.
- FM parcels are Federal parcels on the Malheur NF potentially to be conveyed to private ownership.
- PM parcels are private parcels that would possibly become part of the Malheur NF.

Additional documentation, including, the development of this DEIS, background information such as public scoping, specialist reports, anticipated management plans, documentation of meetings and gathered resource information on the project analysis area may be found in the Project Record (PR) located at the Wallowa-Whitman National Forest Supervisor's Office in Baker City, Oregon.

Background

Prior to the Agreement to Initiate (ATI) the proposed Blue Mountain Land Exchange, the FS had completed two exchanges with Clearwater in the early 1990's. The successful completion of these land exchanges prompted numerous private parties to approach Clearwater about additional land adjustment opportunities. Clearwater had proposed the previous exchanges, which were designed in consultation with the FS to meet landownership adjustment goals and objectives identified in the Land and Resource Management Plans (Forest Plans) for the Malheur, Umatilla, and Wallowa-Whitman National Forests. In response to a third Clearwater proposal, the FS entered into an ATI for another land exchange in October 1998. This agreement identified a large pool of both Federal (BLM and FS) and non-Federal lands to be considered for exchange.

The 1998 ATI included approximately 29,100 acres of non-Federal and approximately 19,000 acres of Federal lands (BLM and FS). Of these acres, 4,460 acres of Federal land and 7,861 acres of non-Federal land were identified as priority for exchange to facilitate the closure of the BLM NOELE exchange. On August 8, 2000, President Clinton signed into law the Oregon Land Exchange Act of 2000 (P.L. 106-257). This Act authorized the exchange of the priority lands in the Triangle Land Exchange between the Forest Service and Clearwater, the third party facilitator.

The Triangle Land Exchange Final Environmental Impact Statement (FEIS) analyzed seven alternatives and discussed the environmental effects of each alternative. Alternative 2 was the preferred and legislated Alternative. Following completion of the Triangle exchange, efforts were focused on evaluation and analysis of the remaining lands included in the 1998 ATI, but not included in the Triangle Exchange. Additional landownership adjustments opportunities surfaced between October 1998 and May 2002, and additional lands were added to the proposal via an Amendment to the ATI in May 2002. The 2002 amendment identifies the 21,000 acres of Federal lands and 37,000 acres of non-Federal lands to be analyzed in the Blue Mountain Land Exchange proposal.

Purpose and Need for Action

Purpose – The purpose of this Proposed Land Exchange is to provide for more efficient cost effective management of National Forest System lands through consolidation of existing Federal ownership and contribute to the economic stability of privately owned farm, ranch, and timberlands.

Need - Currently there are isolated Federal parcels surrounded by private, State or other Federal jurisdictions as well as isolated non-Federal (privately owned) parcels surrounded by National Forest System lands. Isolated land parcels are difficult and more expensive to access and manage. There is a need to consolidate ownership to improve access, reduce management costs, and provide improved opportunities to meet FS and private management objectives for these lands.

Some isolated private parcels are surrounded by or substantially adjacent to congressionally designated wilderness, wild and scenic rivers, national recreation area or other locations with special or unique resource characteristics. Effective conservation and management of natural resources can be realized by increasing the contiguous land base where consistent objectives may be applied by increasing ownership of important resources or settings. By working cooperatively with private landowners, there is an opportunity and need to provide for improved management of congressionally designated areas as well as other areas, such as wetlands, floodplains and riparian areas that could provide habitat for threatened and endangered species.

Proposed Land Exchange

The FS and Clearwater Land Exchange-Oregon, a partnership in Orofino, Idaho, propose to exchange fee title to approximately 18,172 acres of Federal land and 31,741 acres of non-Federal land in scattered parcels throughout the Blue Mountains Province of Northeast Oregon.

Affected FS management units include:

- Malheur National Forest: Blue Mountain and Prairie City Ranger Districts
- Umatilla National Forest: Heppner, North Fork John Day, Pomeroy, and Walla Walla Ranger Districts
- Wallowa-Whitman National Forest: Eagle Cap, La Grande, Baker, Pine, Unity, and Wallowa Valley Ranger Districts and the Hells Canyon National Recreation Area

Watersheds identified in the exchange are: Imnaha River, Big Sheep Creek, Joseph Creek, Lostine River, Wallowa River, Middle Grande Ronde River, Upper Grande Ronde River, Willow Creek, Umatilla River, North Fork John Day River, Middlefork John Day River, Upper John Day River, Lower John Day River, and the Snake River.

All parcels proposed for exchange (Federal and non-Federal) are within the geographic area of ceded lands and/or area of interest of the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation, Nez Perce Tribe, or the Burns Paiute Tribe. Affected acres by county are shown in Table 1 below.

Table 1. Affected Acres by County

County	FS Acres to Convey	Private Acres to Acquire
Baker County	42	311
Grant County	6,065	9,559
Morrow County	390	159
Umatilla County	6,677	7,768
Union County	388	309
Wallowa County	4,610	13,635
Totals	18,172	31,741

The Proposed Exchange Alternative would authorize the transfer of land ownership and management authority between the parties. The FS would manage the acquired parcels in accordance with the appropriate Forest Plans, as amended.

Rights previously conveyed or permitted by the United States on NF (National Forest) parcels would be protected. For example, Oregon Trail Electric Cooperative, Inc. has a special use permit for a powerline across parcel FM12. The deed transferring title to this property would be conveyed subject to this continued use. These rights include easements, reservations, special use authorizations, term grazing permits, existing allotments, and water rights.

The legal description and acreage of each parcel are found in Appendix A, and maps are displayed in Appendix B. Existing management area (MA) acre allocation of all parcels proposed for conveyance and proposed MA acre allocation of all parcels proposed for acquisition are displayed in Table 2.

Table 2. Alternative 1- MA Acre Allocation for All Parcels to Convey and Acquire

MA	Management Area Descriptions	FS Acres to Convey	Private Acres to Acquire	Acres Net Change
Malheur National Forest				
1-2	General Forest & Rangeland	463	1775	1312
3A	Non-Anadromous Riparian Area	4	0	-4
3B	Anadromous Riparian Area	0	0	0
4A	Big-Game Winter Range	3408	3874	466
10	Semi-Primitive Non-Motorized Recreation Areas	0	185	185
13	Old Growth	385	0	-385
14F	Visual Corridors Foreground	668	0	-668
14M	Visual Corridors Middle ground	79	224	145
RHCA	Riparian Habitat Conservation Area	758	89	-669
Totals		5765	6147	382

Table 2. Alternative 1- MA Acre Allocation for All Parcels to Convey and Acquire (continued)

MA	Management Area Descriptions	FS Acres to Convey	Private Acres to Acquire	Acres Net Change
A1	Dispersed Recreation (Non-Motorized)	42	0	-42
Umatilla National Forest				
A3	Viewshed 1	0	583	583
A4	Viewshed 2	41	80	39
A7	Wild & Scenic Rivers	0	251	251
B1	Wilderness	0	42	42
C1	Dedicated Old Growth Forest Habitat	75	200	125
C3	Big Game Winter Range	2488	1104	-1384
C4	Wildlife Habitat	1605	3718	2113
C5	Riparian (Fish & Wildlife Habitat)	97	437	340
C7	Water Quality (Anadromous Fish)	0	1328	1328
C8	Grass-Tree Mosaic (GTM)	2558	2016	-542
E1	Timber & Forage	0	2193	2193
E2	Timber & Big Game	461	454	-7
Totals		7367	12406	5039
Wallowa-Whitman National Forest				
1	Timber Production Emphasis	439	1666	1227
1W	Timber Production/Winter Range	219	253	34
3	Wildlife/Timber Winter Range	3524	2492	-1032
4	Wilderness	0	205	205
6	Backcountry	118	885	767
7	Wild & Scenic Rivers	51	2624	2573
9	HCNRA Dispersed Recreation/Native Vegetation	0	365	365
10	HCNRA Forage Emphasis	656	4330	3674
11	HCNRA Dispersed Recreation/Timber Emphasis	0	309	309
15	Old growth Preserve	33	0	-33
18	Anadromous Fish Emphasis	0	59	59
Totals		5040	13188	8148

Dedicated old growth has been proposed for conveyance to Clearwater. In the event this occurs, other timbered stands or existing old growth would be assigned for replacement and the appropriate Forest Plans would be amended as required.

Selection Criteria for Lands to Convey and Acquire

Because of the pattern of land ownership within and around the National Forests in the Blue Mountain Province of Northeast Oregon, there is a need for ownership adjustment to improve National Forest administration and to improve the effectiveness of private land management. The

Wallowa-Whitman, Umatilla, and Malheur Forest Plans, as amended, each provide management direction for consolidation of ownership. These plans identify land exchange as the primary tool for land adjustment. NFS lands and certain lands in other ownerships within and surrounding each Forest have been classified and prioritized for acquisition or conveyance. The intent of this management direction is to eventually achieve the best land ownership pattern for Forest Plan implementation. All lands so classified have been placed in one of five groups defined in Landownership Plans located in each of the Forest Plan appendices. This direction combined with the facilitator identifying opportunities for desirable acquisition provided the basis for identifying the NF parcels to convey and acquire in the Proposed Exchange Alternative.

The interdisciplinary team and district rangers have developed a draft parcel prioritization list of lands to acquire. Parcels are prioritized for acquisition on the basis of how well they addressed significant issues and to what degree each parcel contributed towards achieving the purpose and need. Those parcels located within congressionally designated areas and/or providing habitat for threatened and endangered plant, animal and fish species were listed as the highest priority for acquisition. Priority listings, along with public comments received during the DEIS scoping, will be used to identify the Preferred Alternative to evaluate in detail and eventually would be used to assist in equalizing Federal and non-Federal land values.

Scope of the Draft EIS

The physical bounds of this environmental analysis are the parcels identified for exchange under the Proposed Exchange Alternative (Appendix B). Based on specific resources, however, the bounds of analysis may include larger areas that could potentially be affected by foreseeable future management actions (i.e. watersheds).

The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act of 1969 (NEPA) requires that the Federal Agencies consider the three following types of actions to determine the scope of an EIS (40 CFR 1508.25):

1. *Connected Actions* are those actions that are closely related. Actions are connected if they automatically trigger other actions that may require NEPA analysis; if they cannot or will not proceed unless other actions are taken previously or simultaneously; and if they are interdependent parts of a larger action and depend on the larger action for justification.
2. *Cumulative Actions* are those actions that contribute to a cumulative effect. Cumulative effects are effects on the environment that result when the incremental effect of the proposal is added to other past, present, and reasonably foreseeable future actions.
3. *Similar Actions* include other management activities with similarities such a common timing or geography that provide a basis for evaluating environmental sequences with the proposed exchange. No other similar actions such as other pending land exchanges were identified.

Land Exchange Authority and Process

Clearwater Land Exchange-Oregon (Clearwater) and FS, U.S. Department of Agriculture, acting through their authorized representatives, are jointly proposing to exchange lands under the authority of:

- The General Exchange Act of March 20, 1922, as amended
- The Federal Land Policy Management Act of October 21, 1976, as amended

- The Federal Land Exchange Facilitation Act of August 20, 1988
- The Weeks Law Act of March 1, 1911, as amended

Private parcels proposed for acquisition has been assigned various MAs which are identified in Table 2. Land exchange regulations (36 CFR 254.3(f) state: “Lands acquired by exchange that are located within areas having an administrative designation established through the land management planning process shall automatically become part of the area within which they are located without further action by the FS, and shall be managed in accordance with the laws, rules, and regulations and land and resource management plan applicable to such area.”

The land exchange process includes some procedures that are open for public review and others that are confidential. See Appendix C for a brief summary on the land exchange process.

Relationship to the Forest Plans

This document is tiered to:

- Record of Decision. Land and Resource Management Plan, as amended and FEIS, Malheur National Forest – May 25, 1990
- Record of Decision, Land and Resource Management Plan, as amended and FEIS, Umatilla National Forest – June 11, 1990
- Record of Decision, Land and Resource Management Plan, as amended and FEIS, Wallowa-Whitman National Forest – April 23, 1990
- The Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California, PACFISH – February 24, 1995
- The Inland Native Fish Strategy, INFISH – July 28, 1995
- Interim Management Direction Establishing Riparian Ecosystem and Wildlife Standards for Timber Sales. Regional Forester’s Amendment #2 – June 5, 1995.
- Hells Canyon Comprehensive Management Plan
- Wild and Scenic Rivers Management Plans for affected rivers

The above are incorporated by reference at the appropriate places throughout this DEIS.

The parcels identified for acquisition in the Proposed Exchange Alternative are suitable and desirable 36 CFR 245.4(b)(1) for inclusion in the National Forest System (NFS). Consolidation of acquired lands with existing NFS lands would enhance the FS’s ability to implement ecosystem management.

In accordance with Land Ownership Adjustment direction (36 CFR 254.3(b):

The resource intrinsic values and the public objectives served by the non-Federal parcels and interests to be acquired are equal or exceed the resource intrinsic values of the public objectives served by the Federal parcels to be conveyed.

The intended use of the conveyed Federal parcels will not substantially conflict with established management objectives on adjacent Federal lands, including Indian Trust lands.

Purpose of Document

Because the Proposed Exchange Alternative amounts to “a major Federal action significantly affecting the quality of the human environment” under the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190, 1970), the FS is required to prepare an EIS to analyze and to disclose to the public the potential environmental and social and economic consequences of completing the Proposed Land Exchange. This DEIS has been prepared utilizing the Council of Environmental Quality (CEQ) regulations (40 CFR part 1500 – 1508) for implementing NEPA.

This DEIS will be distributed to the public for a 45-day comment period. Concerns and comments will be considered and responded to in the Final Environmental Impact Statement (FEIS).

Decisions to Be Made

The Responsible Official’s decision to implement an alternative will be documented in a Record of Decision (ROD). Specifically, he would decide on one or more of the following decisions:

- Whether or not to exchange NFS parcels for private parcels of equal value.
- To implement one of the action alternatives evaluated in detail or a combination of those action alternatives.
- To protect affected existing land uses and authorizations on parcels within the decision area, and if so how.
- To identify specific proposed mitigation measures, if any, necessary to implement the Forest Plans and achieve Forest Plan management direction for specific resources.
- To amend the Forest Plans, if necessary, based upon an analysis of the objectives, standards, and other management direction in the three Forest Plans involved.
- To refine a preferred equal value alternative in light of the analysis.