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May 2005



# Blue Mountain Land Exchange – Oregon

## Draft Environmental Impact Statement

Malheur, Umatilla, and Wallowa-Whitman National Forests



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# Environmental Impact Statement for the Blue Mountain Land Exchange – Oregon

Malheur, Umatilla, and Wallowa-Whitman National Forests  
Oregon

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**Abstract:** This Draft Environmental Impact Statement (DEIS) analyzes a Proposed Assembled Land Exchange between Clearwater Land Exchange-Oregon, facilitator, and the Forest Service, US Department of Agriculture, involving lands within the Malheur, Umatilla, and Wallowa-Whitman National Forests of Region 6. The affected counties include Baker, Grant, Morrow, Umatilla, Union and Wallowa. All forests are acquiring and conveying land parcels. The purpose of the Proposed Land Exchange is to provide for more efficient cost effective management of National Forest System lands through consolidation of existing Federal lands and to acquire and protect habitat for Threatened and Endangered species and lands within Congressionally Designated Areas. The identified significant issues include: 1) exercise of American Indian treaty rights and cultural uses, 2) water quality, 3) fisheries, 4) old growth associated species, and 5) social and economic environment. This DEIS analyzes the Proposed Land Exchange Alternative, along with No Action, Purchase and Deed Restriction Alternatives. Cause-effect relationships are disclosed so the reader can easily track the effects of each alternative and how these effects relate to the significant issues.

Reviewers should provide the FS with their comments during the review period of the draft environmental impact statement. This will enable the FS to analyze and respond to the comments at one time and to use information acquired in the preparation of the final environmental impact statement, thus avoiding undue delay in the decision making process. Reviewers have an obligation to structure their participation in the National Environmental Policy Act process so that it is meaningful and alerts the agency to the reviewers' position and contentions. Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. City of Angoon v. Hodel (9<sup>th</sup> Circuit, 1986) and Wisconsin Heritages, Inc. v. Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Comments on the draft environmental impact statement should be specific and should address the adequacy of the statement and the merits of the alternatives discussed (40 CFR 1503.3).

**Send Comments to:** Jean A. Lavell  
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**Date Comments Must Be Received:** 45 days from date of publication

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# Summary

## Introduction

In compliance with the National Environmental Policy Act (NEPA) and other relevant Federal laws and regulations, the Wallowa-Whitman, Umatilla, and Malheur National Forests have prepared a Draft Environmental Impact Statement (DEIS) on a Proposed Land Exchange between Clearwater Land Exchange-Oregon (Clearwater) and the Forest Service (FS), USDA.

Clearwater is acting as an independent third party facilitator for assembling numerous non-Federal parcels into a large cost efficient proposal referred to as the Blue Mountain Land Exchange.

The area affected is Federal and non-Federal lands located in Baker, Grant, Morrow, Umatilla, Union, and Wallowa counties of Oregon (refer to Figures S-1 and S-2). All proposed exchange parcels (Federal and non-Federal) are within the geographic area of ceded lands and/or area of interest of the Confederated Tribes of the Umatilla Reservation, Confederated Tribes of the Warm Springs Reservation, Confederated Tribes of the Nez Perce, or the Burns Paiute Tribes.

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

## Background

The Forest Service entered into an Agreement to Initiate a land exchange with Clearwater Land Exchange, Oregon, Inc., a third party facilitator, in October 1998. This agreement proposed consideration of an exchange of approximately 29,100 acres of non-Federal lands and 19,000 acres of public lands (BLM and FS). Approximately 12,500 acres of these lands were identified as critical to the completion of a collateral BLM exchange and were included in the Triangle Land Exchange, which was legislated and completed in December of 2000. Following completion of this project, efforts were focused on evaluating the remaining lands included in the 1998 agreement but not included in the Triangle exchange. Additional landownership adjustment 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 this exchange proposal.

A Notice of Intent (NOI) was published in the Federal Register on August 2, 2002. During that same month, written notices describing the proposed exchange were sent to holders of grazing permits and special use authorizations. Letters were sent to state agencies, congressional delegations and county commissioners. A notice of the proposed Blue Mountain Land Exchange was published in newspapers of general circulation in counties where Federal and non-Federal exchange parcels were located and a web site was created to provide additional information and allow for public comments. Scoping meetings, mass mailings, field trips and government-to-government consultation with American Indian tribes occurred.

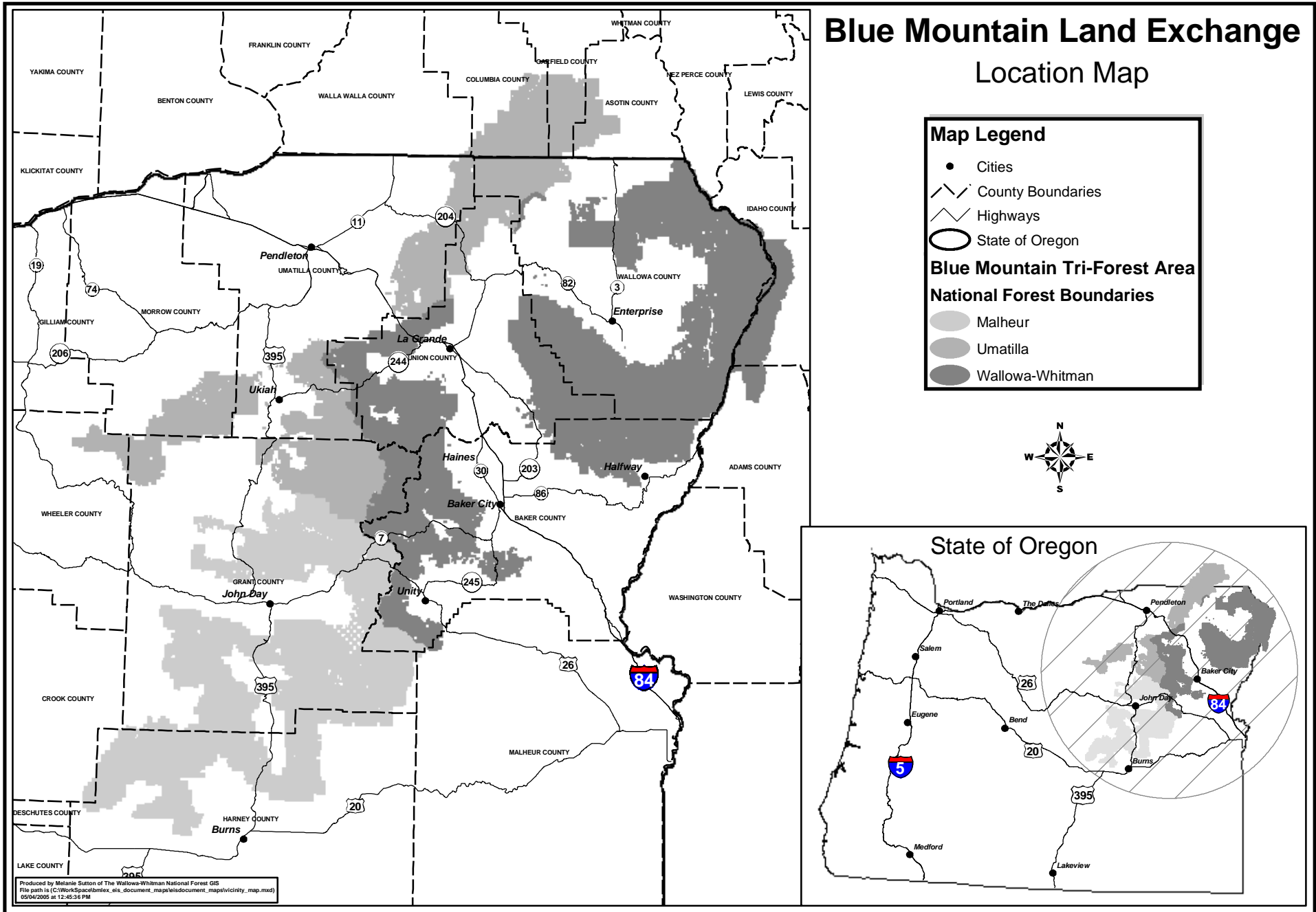
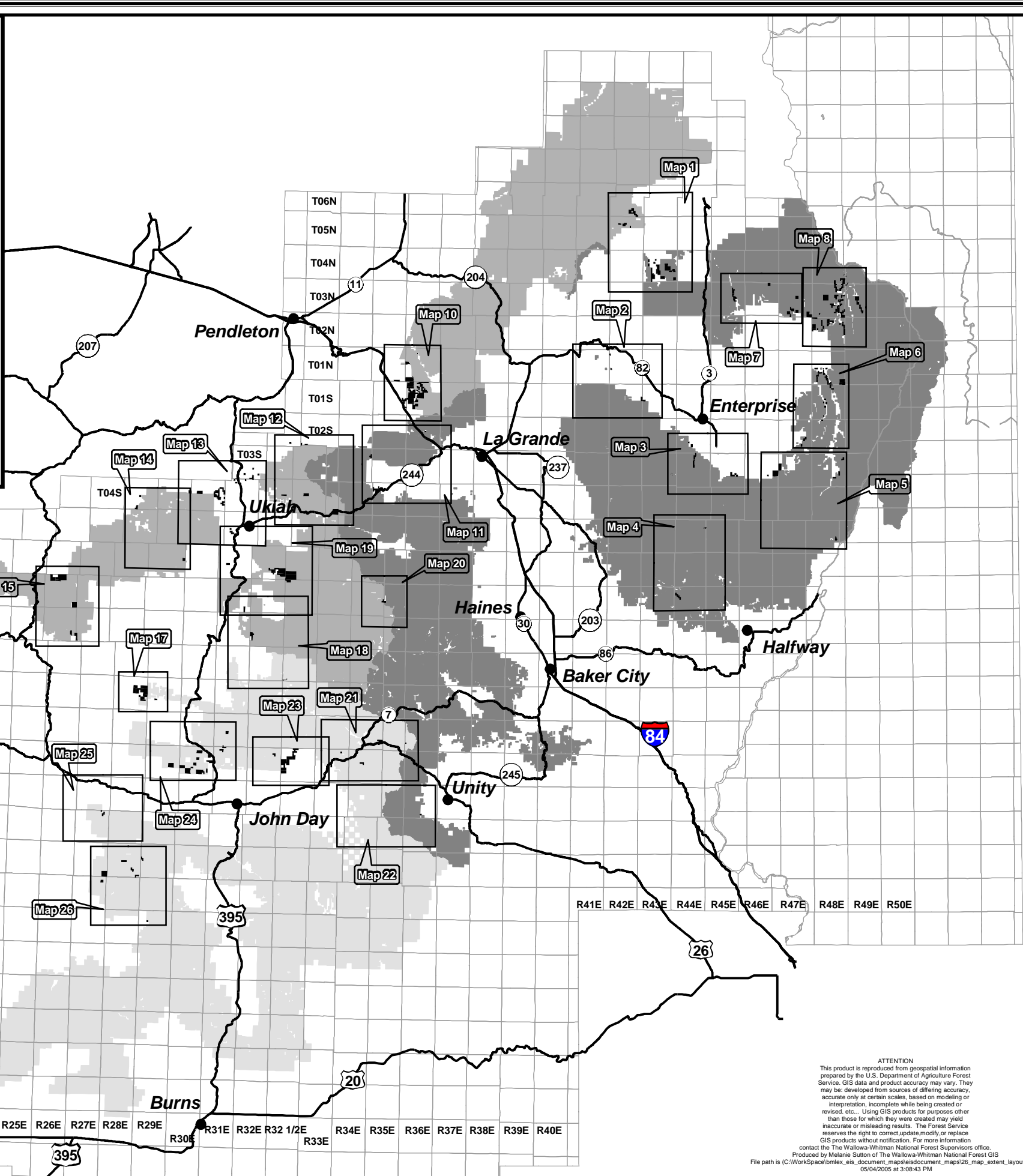
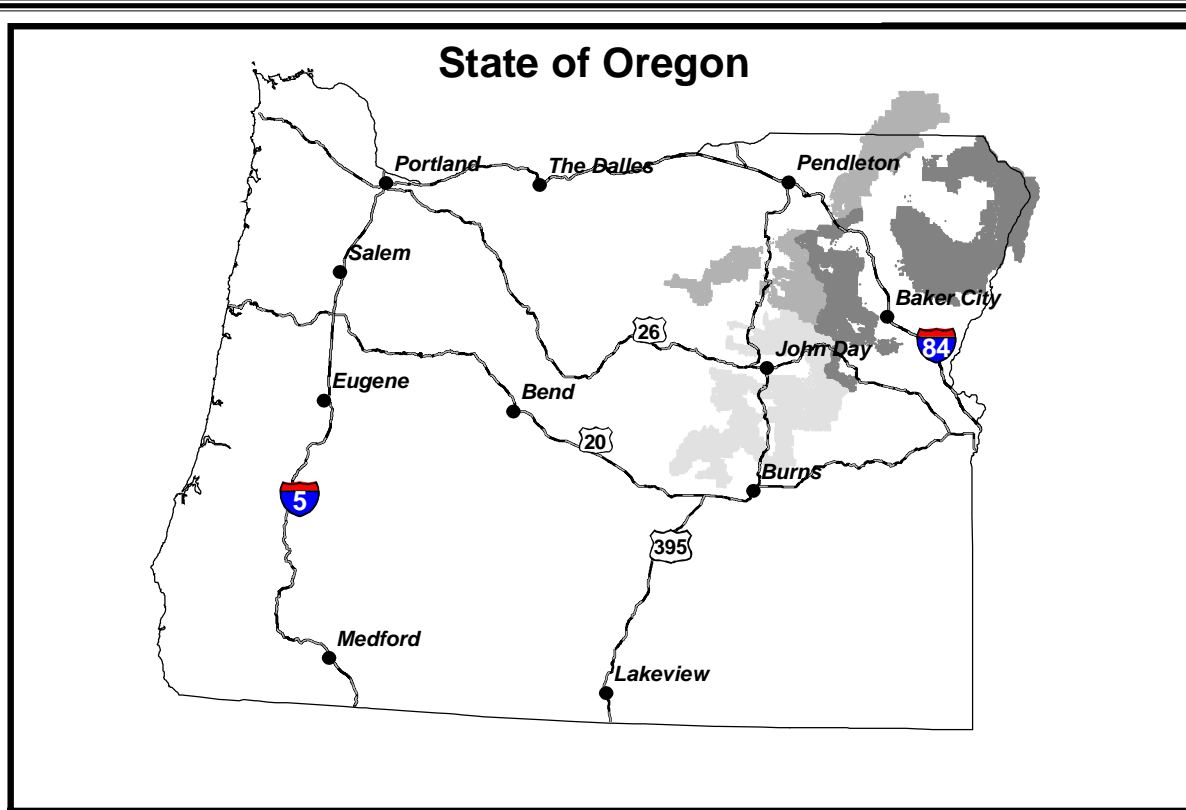


Figure S-1



### Blue Mountain Land Exchange Map Locator

- Cities
- ⚡ Highways
- ▬ Parcels
- National Forest Boundaries**
- Malheur
- Umatilla
- Wallowa-Whitman



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Figure S-2

## Summary

### **Issues**

Based upon ID team recommendations related to scoping comments and consultation with Indian Tribes, the Responsible Official identified five significant issues. They include: 1) exercise of American Indian treaty rights and cultural uses, 2) water quality, 3) fisheries, 4) old growth associated species, and 5) social and economic environment. These significant issues were used to develop the alternatives to the Proposed Land Exchange, as well as to evaluate and compare all alternatives.

### **Alternatives Evaluated in Detail**

In developing the Proposed Land Exchange, the ID team and lands staff considered the history of land acquisition and land exchanges on the three National Forests along with land ownership adjustment direction in each of the Forest's Land and Resource Management Plans. Then the lands staff in cooperation with Clearwater evaluated all opportunities to achieve the identified exchange purpose and need statements. After a conceptual land exchange was developed, the lands staff utilized the existing information on each parcel to determine if the conceptual exchange would comply with each Forest Plan's management direction. Also, Clearwater conferred with private owners to confirm that they could achieve their objectives and were willing to participate in the Proposed Land Exchange. Subsequent to the development of the Proposed Land Exchange (Alternative 1), some parcels that had been listed in the NOI were dropped for mitigation of issues, because private owners decided to not participate or because parcels did not achieve the purpose and need statements.

### **Alternative 1: Proposed 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.

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.

This 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.

Dedicated old growth would be 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.

### **Alternative 2: No Action**

The Proposed Land Exchange between the FS and Clearwater would not occur. The current landownership pattern within the analysis area would remain the same.

### **Alternative 3: Purchase**

This alternative responds to considering a range of alternatives as required by FS direction and previous case law. Several individuals, including the Confederated Tribes of the Umatilla Indian Reservation requested that purchase of non-Federal parcels be evaluated in detail.



Assuming Land and Water Conservation Fund dollars are secured and based upon 2004 value estimation, the interdisciplinary team determined that approximately 4,249 acres could be purchased.

Federal parcels would not be conveyed under this alternative. Alternative 3 would not authorize site-specific management activities. The FS would manage purchased non-Federal parcels and the Federal parcels not being conveyed in Alternative 1 in accordance with the appropriate existing Forest Plans, as amended.

#### **Alternative 4: Deed Restriction**

This alternative responds to considering a range of alternatives as required by FS direction and previous case law. Several respondents requested that a Deed Restriction Alternative be evaluated in detail. Deed restrictions on conveyed parcels were developed in response to four significant issues. They are: 1) the exercise of American Indian treaty rights and cultural uses, 2) water quality, 3) fisheries and, 4) old growth associated species.

The Deed Restriction Alternative acknowledges that the deed covenants would decrease the fair market value of approximately 18,172 acres of the Federal parcels to be conveyed as identified in Alternative 1, by approximately fifty percent. It was estimated that the FS would acquire approximately 17,119 acres of non-Federal parcels identified in Alternative 1.

This alternative would authorize the transfer of land ownership and management authority between the parties. It would not authorize site-specific management activities by either party. The FS would manage the acquired parcels in accordance with the appropriate Forest Plans, as amended. In addition, on conveyed parcels the FS would monitor and manage for deed restriction compliance in perpetuity.

Dedicated old growth would be 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.

### **Conclusions Reached by Alternative**

First, the alternatives are evaluated on their response to the purpose and need statements and Forest Plan compliance. Second, the significant issues that evolved through scoping are used to compare alternatives through defined measurement indicators. The conclusions summarized below by alternative are brief and do not include all conclusions reached in the DEIS. Detailed information concerning comparison of alternatives can be found in Chapters 2 and 3 of this DEIS.

#### **Alternative 1: Proposed Exchange**

##### **Purpose and Need and Forest Plan Compliance**

This alternative was designed to be responsive to the purpose and need statements. Alternative 1 would provide for more cost efficient management of NFS lands. It would consolidate the Federal land base and provide for more effective conservation and management of natural resources. Alternative 1 attempts to achieve goals of the private entities to assure willing exchange participants.

Alternative 1 was designed to follow all three Forest's landownership adjustment direction. The primary direction for land adjustment is consolidation of Federal lands. Forest Plans would be

## Summary

amended for mitigation of dedicated old growth. Alternative 1 would assist in moving towards the desired future condition described in the Forest Plans.

### **Significant Issue Conclusions – Alternative 1**

- The trend of past land exchanges where upland habitat is conveyed in exchange for acquisition of stream habitat continues.
- The location of open and unclaimed lands would change and the amount of accessible open and unclaimed lands would increase, some of it still with arduous walks. Access for traditional uses and the exercising of treaty rights would not be adversely impacted.
- Affects to water quality, riparian condition, and water yield would be localized, and generally too small to be measured except erosion and sedimentation in some subwatersheds would likely increase for one to two years following harvest and associated activities.
- Alternative 1 would have the greatest potential of all alternatives for improvements of steelhead, Chinook salmon and bull trout habitat.
- The loss of old growth habitat at the Blue Mountain scale is not likely to affect the viability of old growth associated species or jeopardize the continued existence of these species.
- The projected increase in average annual harvest would not be expected to substantially alter current trends in local timber harvest or existing forest-related employment levels.
- The net reduction in private lands subject to property taxes would result in a small decrease in local property tax revenues to counties that would be partially offset by an increase in Payments in-Lieu of Taxes (PILT).
- Alternative 1 would result in a one-time administrative savings larger than the other action alternatives but an increase in annual maintenance costs would occur.
- The net effect on road access to the National Forests would be minimal in the short-term with some disruption to visitors; long-term there is an increase in legally secured roaded access.
- This alternative would realize a net acre increase in the developed end of the recreation opportunity spectrum (ROS) scale but would also make available recreation opportunity at the more primitive end of the scale. An additional acre increase would occur within Wild and Scenic River Corridors and Roadless Areas (within and adjacent to) than the other action alternatives. Increases in Wilderness and Hells Canyon National Recreation Area (HCNRA) acres would be equal to Alternative 4.

### **Alternative 2: No Action**

#### **Purpose and Need and Forest Plan Compliance**

Alternative 2 would not be responsive to the purpose and need statements.

The No Action Alternative would not add to landownership adjustments that have occurred from previous land exchanges, therefore landownership adjustment direction in the Forest Plans would not be implemented. Natural resources and specially designated areas would continue to be managed as they have in the past.

## Significant Issue Conclusions – Alternative 2

- The location and acres of open and unclaimed lands would not change resulting in no changes to access for traditional uses. Fisheries habitat would continue to be impacted by private ownership and related uses.
- Merchantable stands that would not be acquired in Alternative 1 would be logged. Affects to water quality, riparian condition, and water yield would be localized, and generally too small to be measured except erosion and sedimentation in some subwatersheds would likely increase for one to two years following harvest and associated activities. Federal lands not conveyed would not be logged.
- No fish habitat would be acquired. Opportunities to acquire and substantially restore habitat would be foregone.
- The current status of old growth and LOS would not change on NFS lands.
- Current trends in local timber harvest or existing forest-related employment levels would not change.
- Property tax revenues to counties would not change.
- There would be no one time administrative savings and no change in annual administrative costs.
- Access to Federal and non-Federal lands would remain the same. Public access to fishing on the Imnaha River would continue to be limited and some FS trails would have no public right-of-way. The current mix of ROS classes would not immediately change and specially designated areas would not acquire additional acres.

## Alternative 3: Purchase

### Purpose and Need and Forest Plan Compliance

Since this alternative would only purchase approximately 13% of the lands that would be acquired in Alternative 1, this alternative achieves very few of the purpose and need statements. The logistical problems associated with the Purchase Alternative further reduce the probability of achieving purpose and need statements. This alternative would not achieve the vast majority of the private landowners desired management goals and objectives. Clearwater would not participate in the implementation of Alternative 3.

The Purchase Alternative would move towards compliance with the three Forest Plans landownership adjustment direction by purchasing priority parcels that further the conservation of threatened and endangered species and/or enhance wilderness, Wild and Scenic River, and National Recreation Area values. Alternative 3 would assist in moving towards the desired future condition described in the Forest Plans but only slightly because of the limited number of acres that likely would be purchased within the 10 year analysis period

### Significant Issue Conclusions – Alternative 3

- The purchase of parcels would not adversely impact access for traditional uses and the exercising of treaty rights but considerably fewer acres of high quality fishery habitat would become NFS lands when compared with Alternative 1.
- Alternative 3 would have less increase in open and unclaimed lands than the other action alternatives.
- Alternative 3 effects to water quality are very similar to effects of Alternative 2.
- Alternative 3 ranks below alternatives 1 and 4 when considering benefits to steelhead, Chinook salmon and bull trout. The majority of the acres purchased (non-

## Summary

forested parcels) would be in the Imnaha drainage, resulting in added protection of riparian habitat in high priority fisheries.

- Alternative 3 effects to old growth associated species would be similar to effects of Alternative 2.
- Change in projected harvest volume is not expected to affect current trends in local timber harvest or existing forest-related employment levels.
- A small decrease in local property tax revenues would occur.
- A small one-time administrative savings would occur and the increase in annual maintenance costs would be 33% of Alternative 1's cost. Land and Water Conservation Funds (LWCF) would be needed to purchase non-Federal parcels.
- Overall, access would not increase comparable to Alternative 1 because fewer net acres would be become NFS land and some of the conveyed acres in Alternative 1 do not currently have public access. Alternative 3 would provide the least possible disruption to visitors and recreationists. This alternative would realize a net increase in the developed end of the ROS scale but contributes significantly less recreation opportunity at both ends of the scale than Alternative 1.

## **Alternative 4: Deed Restriction**

### **Purpose and Need and Forest Plan Compliance**

This Alternative achieves more of the purpose and need statements than Alternative 3 but somewhat less than Alternative 1. Alternative 4 acquires 46% less acres than Alternative 1. The logistical problems associated with the Deed Restriction Alternative further reduce the probability of achieving purpose and need statements. This alternative would not achieve the vast majority of the private landowners desired management goals and objectives. Management efficiency would be improved somewhat but off set by substantial FS costs incurred in monitoring and managing deed restriction compliance. Clearwater would not participate in the implementation of Alternative 4.

Alternative 4 would move towards compliance with the three Forest Plans landownership adjustment direction by acquiring priority parcels that further the conservation of threatened and endangered species and/or enhance wilderness, Wild and Scenic River, roadless area, and National Recreation Area values. Forest Plans would be amended for mitigation of dedicated old growth. Alternative 4 would assist in moving towards the desired future condition described in the Forest Plans more than Alternative 3 but less than Alternative 1.

### **Significant Issue Conclusions – Alternative 4**

- A net decrease of approximately 1,053 NFS acres would occur. The trend of past land exchanges where upland habitat is conveyed in exchange for acquisition of stream habitat would continue. Alternative 4 would have the highest net increase in open and unclaimed lands of all action alternatives because of retained rights on conveyed lands through deeded covenants. Access for traditional uses and the exercising of treaty rights would not be adversely impacted.
- Although more acres would be harvested in Alternative 4 than in any other alternative, the effects to water quality and riparian condition would be less than Alternative 1 due to deed restrictions, and about the same as Alternative 2. Affects to water quality, riparian condition, and water yield would be localized, and generally too small to be measured.

- Alternative 4 is a close second to Alternative 1 when considering benefits to steelhead and Chinook salmon because Alternative 4 would have less protective management for upslope activities on parcels not conveyed. Alternative 4 is equal to Alternative 1 when considering benefits to bull trout.
- Alternative 4 effects would be similar to Alternative 1 when considered in the context of species viability for old growth associated species.
- The projected increase in average annual harvest would not be expected to substantially alter current trends in local timber harvest or existing forest-related employment levels.
- The overall net increase in private lands subject to property taxes would result in an overall net reduction in property tax revenue to counties because of the tax classifications assigned to the exchange parcels.
- Alternative 4 would result in a one-time administrative savings less than Alternative 1, but the increase in annual administrative costs would be larger than Alternative 1. Annual administrative costs include the overseeing and monitoring of deed restrictions.
- The net effect on road access to the National Forests would be an increase but not as much as Alternative 1. Alternative 4 would result in the most disruption to visitors. This alternative would realize a net acre increase at the primitive end of the ROS scale but would result in a loss of acres at the developed end of the ROS scale. Acre increases in Wild and Scenic River Corridors and Roadless Areas (within and adjacent to) would be less than Alternative 1. Increases in Wilderness and Hells Canyon National Recreation Area (HCNRA) acres would be equal to Alternative 1.

## Decisions to be Made

The Responsible Official would decide:

- 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.

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