

Categorical Exclusion Determination

Bonneville Power Administration

Department of Energy



Proposed Action: Rainwater Wildlife Area Conservation Easement

Project No.: 2000-026-00

Project Manager: Dorie Welch – 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: BPA proposes to fund a conservation easement on property referred to as the Rainwater Wildlife Area. The conservation easement consists of four acquisitions comprising approximately 11,000 acres of riparian and upland habitat adjacent to the South Fork Touchet River. These acquisitions were funded by BPA for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to preserve and restore habitat for wildlife and anadromous fish species.

In 1998, BPA provided funding to the CTUIR to acquire fee title ownership of the first parcel (Miller Shingle Company), in Columbia County, Washington. In 2010, funding was provided for the acquisition of three additional properties (Gallatin, Colter Ridge, and Savage) adjacent to the then existing Rainwater Wildlife Area.

The Confederated Tribes of the Umatilla Indian Reservation have developed a management plan to guide the protection and enhancement of habitat on the property. BPA has reviewed the plan for consistency with the mitigation and conservation purposes of the acquisition. If BPA proposes to fund any activities on the property, additional environmental review would 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, July 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/ Dawn Boorse

Dawn Boorse

Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel

Date: May 5, 2016

Sarah T. Biegel

NEPA Compliance Officer

Attachment: 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.

Proposed Action: Rainwater Wildlife Area Conservation Easement

Project Site Description

The 11,000-acre Rainwater Wildlife Area was established in September 1998 by the CTUIR to protect, enhance, and mitigate wildlife impacted by development of the John Day and McNary hydroelectric dams. The project is located in the upper South Fork Touchet River drainage in the Walla Walla River Subbasin approximately 8 miles south of Dayton, Washington adjacent to the Umatilla National Forest. The area was selected by the CTUIR and BPA as a regional mitigation project because of its large size, location in the upper headwaters of the Touchet River watershed, and ability of the area to provide anadromous fish, resident fish, and wildlife benefits in a watershed context.

The Wildlife Area is located in southeastern Washington in Township 7 North, Range 39 East, all or portions of Sections 4, 5, 6, 7, 8, and 9; and Township 8 North, Range 39 East, all or portions of Sections 5, 8, 9, 17, 19, 20, 21, 27, 28, 29, 31, 32, 33, and 34, Willamette Meridian, Latitude 46.12.30, Longitude 117.57.30.

The project area includes approximately 7,000 acres of upland and riparian coniferous forest, 1,500 acres of native and native-like grasslands, and 180 acres of deciduous riparian habitat. The Wildlife Area also provides 10 miles of headwater spawning and rearing habitat for Threatened summer steelhead and bull trout, and resident trout.

Evaluation of Potential Impacts to Environmental Resources

Environmental Resource Impacts	No Potential for Significance	No Potential for Significance, with Conditions
1. Historic and Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> No ground disturbance proposed—conservation easement only.</p> <p>NHPA Section 106 consultation with the WA Department of Archaeology and Historic Preservation (DAHP)/State Historic Preservation Office was conducted November 6, 2009. BPA determined that the proposed undertaking had no potential to cause effects to historic properties. On November 10, 2010, WA DAHP/SHPO concurred with that determination (Log No.: 111009-14-BPA).</p> <p>The conservation easement itself has no potential to impact cultural resources. If any funding is provided by BPA for restoration work, then BPA will comply with NHPA Section 106 at the time of funding.</p>		
2. Geology and Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> No soil disturbance proposed—conservation easement only.</p>		
3. Plants (including federal/state special-status species)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> No plant disturbance proposed—conservation easement only.</p>		

4. **Wildlife** (including federal/state special-status species and habitats)

Explanation: No disturbance to wildlife—conservation easement only.

5. **Water Bodies, Floodplains, and Fish** (including federal/state special-status species and ESUs)

Explanation: No disturbance—conservation easement only.

6. **Wetlands**

Explanation: No disturbance to wetlands—conservation easement only.

7. **Groundwater and Aquifers**

Explanation: No change to groundwater or aquifer—conservation easement only.

8. **Land Use and Specially Designated Areas**

Explanation: No change to land use—conservation easement only.

9. **Visual Quality**

Explanation: No change to visual quality—conservation easement only.

10. **Air Quality**

Explanation: No change to air quality—conservation easement only.

11. **Noise**

Explanation: No change to noise levels—conservation easement only.

12. **Human Health and Safety**

Explanation: No change to human health and safety—conservation easement only.

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, if necessary:

- Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.

Explanation, if necessary:

- 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, if necessary:

- 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, if necessary:

Landowner Notification, Involvement, or Coordination

Notification letters were mailed to adjacent landowners November 13, 2009. Advertisements were published in area newspapers November 18, 19, and 20, 2009. Following the mailing, BPA project managers received phone calls from residents who had not received letters and should have. Project managers investigated and found that the mailing list provided by the Tribe was incomplete. Project managers traveled to the Columbia County clerk's office to collect addresses and also spoke with the county assessor who expressed concern about the properties being removed from the tax base and the resulting financial impact to the county.

Based on this concern, BPA project managers decided to have a public meeting. BPA project managers asked the Tribe to be present and to make a presentation on their work in the area. The purpose of the meeting was also to introduce the Tribe's new project manager and to accept comments on the future update to the existing Rainwater Wildlife Area management plan that would address the new properties. Letters announcing this meeting were mailed to adjacent landowners and County officials March 19, 2010. An advertisement announcing the public meeting was published in the Walla Walla Union Bulletin March 29, 2010.

The meeting was held April 12, 2010, in Dayton, Washington. Twenty-nine people attended, including County Commissioner Dwight Robanksi and a staffer from Congresswoman McMorris Rodgers' office.

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

Signed: /s/ Dawn Boorse

Date: May 5, 2016

Dawn Boorse, ECF-4

Environmental Protection Specialist