



United States Department of the Interior



FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
NWRs/PVST

Memorandum

MAY - 5 2010

To: Regional Director, Region 1
Portland, Oregon

From: Regional Chief, National Wildlife Refuge System
Region 1, Portland, Oregon

Acting

James W. Cameron

Subject: Approval of Decision Document for the Land Exchange – Pierce Addition at the McNary National Wildlife Refuge

The U.S. Fish and Wildlife Service (Service), in response to a proposed land exchange by the Washington State Department of Transportation (WS DOT), proposes to dispose of 13.17 acres (11.5 acres of Field 3a and 1.7 acres of Field 9), McNary Headquarters Unit, McNary National Wildlife Refuge (Refuge), Walla Walla County, Washington, to the WS DOT for a highway interchange project. The State has proposed to construct the interchange project to reduce the risk of traffic collisions, lesson traffic congestion, and enhance the economic growth of the area. The Service would acquire from WS DOT the 55.73-acre Pierce property adjacent to the Wallula Unit, expanding the approved Refuge boundary with a net total of 41.83 acres.

The Service determined that expanding the Refuge boundary with the Pierce Addition would result in a net benefit to wildlife, given the superior quality of habitat and the large acreage of the Pierce property as compared to the values associated with Field 3a and Field 9. Acquisition of the Pierce property would allow the Service to restore and enhance riparian forest habitat in a large contiguous parcel with the adjoining Wallula Management Unit. Quality riparian habitat is more rare and valuable as a wildlife resource in the local and regional landscape than the comparatively common irrigated upland of Field 3a and Field 9.

The Service has prepared a Land Protection Plan/Environmental Assessment (LPP/EA) and Finding of No Significant Impact (FONSI) identifying the purpose and need for the proposed land exchange and an analysis of the potential consequences of a range of alternatives.

The LPP/EA and FONSI are attached for your review and approval. Your signature is required for the FONSI. If you have any questions, please contact Charles Houghten, Chief, Division of Planning, Visitor Services, and Transportation, at phone number (503) 231-6207.

Attachments

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U.S. Department of Interior
FISH AND WILDLIFE SERVICE
Region 1, Portland, Oregon

FINDING OF NO SIGNIFICANT IMPACT

Proposed Land Exchange
Field 3a and Field 9 (McNary Headquarters Unit) in Exchange
for the Pierce Property (adjacent to the Wallula Unit)
Walla Walla County, Washington

McNary National Wildlife Refuge
Benton, Franklin, Walla Walla, Counties, Washington, and Umatilla County, Oregon

The U.S. Fish and Wildlife Service (Service) has completed the *McNary National Wildlife Refuge Proposed Land Exchange – Pierce Addition: Land Protection Plan/Environmental Assessment, Walla Walla County, Washington* (LPP/EA) for the proposed land exchange with the Washington State Department of Transportation (WS DOT) at McNary National Wildlife Refuge (Refuge), Walla Walla County, Washington. Under the proposed action, the Service would dispose of the 13.17 acres (11.5 acres of Field 3a and 1.7 acres of Field 9) of the Refuge's McNary Headquarters Unit that WS DOT has requested for a highway interchange project. The State is proposing to construct the interchange project to reduce the risk of traffic collisions, lessen traffic congestion, and enhance the economic growth of the area. In exchange for the 13.17 acres of Refuge property, the Service would acquire from WS DOT the 55.73-acre Pierce property adjacent to the Wallula Unit, 17 miles southeast of the city of Burbank. The proposed land exchange would entail expanding the approved Refuge boundary with a net total of 41.83 acres.

The LPP/EA describes the purpose and need for the proposed action, the affected environment, and the anticipated effects of two alternatives: Alternative A: No Action; and the proposed action, Alternative B: Land Exchange – Pierce Addition.

Under the No Action Alternative, the Service would not exchange 13.17 acres of Refuge land for the 55.73-acre Pierce property, expanding the approved Refuge boundary by a net total of 41.83 acres. Additionally, under the No Action Alternative, the Service would not allow the interchange construction project to occur on Refuge land, and no new acreage would be added to the Refuge.

The Service selected Alternative B: Land Exchange – Pierce Addition in which the Service would expand the approved Refuge boundary with the 55.73-acre Pierce Addition. The Service determined that under the proposed land exchange, trading the 13.17 acres of Refuge land for the Pierce Addition would result in a net benefit to wildlife given the superior quality of habitat and large acreage of the Pierce property as compared to the wildlife values associated with Field 3a and Field 9 parcels. Acquisition of the Pierce property would allow the Service to restore and

enhance riparian forest habitat in a large contiguous parcel with the adjoining Wallula Management Unit. Quality riparian habitat is rarer and more valuable as a wildlife resource in the local and regional landscape than the comparatively common irrigated upland of Field 3a and Field 9. The Service would conduct the land exchange as an equal value exchange.

Once the Pierce property becomes part of the Refuge, the Service anticipates managing the land for the conservation, restoration, and enhancement of riparian and other wildlife habitat and maintain irrigated cropland for wildlife forage. Since the Pierce property is currently being managed as cropland, Service management of the property as part of the Refuge would not constitute a significant change in land use.

As described in the LPP/EA, the Service has determined that no significant impacts are likely to result from the proposed action of implementing Alternative B for the following reasons.

- The land exchange would provide the greatest opportunity for the Service to contribute to the goals of the National Wildlife Refuge System by strengthening the Service's ability to provide wildlife conservation and protection of the water quality.
- The land exchange would result in additional protection for wetlands.
- The land exchange would not negatively affect threatened or endangered species.
- No significant effects to cultural resources are expected to occur. The Service would evaluate Refuge activities with the potential to affect archaeological or cultural resources on the Pierce property and adopt protection measures to ensure that archaeological and cultural resources are not adversely affected.
- The land exchange would likely provide for additional wildlife-dependent recreation opportunities.
- No significant effects to the demographic, economic, and social setting are expected. The Service anticipates managing the Pierce property for wildlife and this habitat management would have low impact.

As described in the LPP/EA, the proposed land exchange with WS DOT, expanding the approved Refuge boundary by 41.83 acres, would have a long-term cumulative benefit for Refuge habitat protection and management. However, as a small Refuge expansion, the benefits of this proposed Refuge land transfer and expansion would not represent a significant impact.

Based on my review and evaluation of the information contained in the supporting references, I have determined that the exchange of 13.17 acres (11.5 acres of Field 3a and 1.7 acres of Field 9) of the McNary Headquarters Unit of the Refuge, Walla Walla County, Washington, for the 55.73-acre Pierce property adjacent to the Wallula Unit of the Refuge, expanding the approved Refuge boundary by a total of 41.83 acres does not constitute a major Federal action that would

significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement is not required.

This Finding of No Significant Impact (FONSI) and the supporting documents will be available to the public for 30 days from the signature date. Copies have been provided to all parties listed in Appendix B. During this 30-day period, the FONSI will not be final. At the conclusion of the 30-day period, an alternative will be selected for implementation. The LPP/EA and other supporting documents are available for public inspection upon request by contacting the U.S. Fish and Wildlife Service, Division of Planning, Visitor Services, and Transportation, 911 NE 11th Avenue, Portland, Oregon, 97232, and are posted on the Internet at <http://www.fws.gov/pacific/planning>.

Supporting Reference

U.S. Fish and Wildlife Service. April 2010. McNary National Wildlife Refuge Proposed Land Exchange – Pierce Addition: Land Protection Plan/Environmental Assessment, Walla Walla County, Washington.

Cynthia A. Bohrer
Regional Director, Region 1
Portland, Oregon

5/6/10
Date

McNARY
NATIONAL WILDLIFE REFUGE

Benton, Franklin, and Walla Walla Counties, Washington, and Umatilla County, Oregon

Land Exchange – Pierce Addition

Walla Walla County, Washington

*Land Protection Plan/
Environmental Assessment*

Prepared by:

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April 2010

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LAND PROTECTION PLAN/ ENVIRONMENTAL ASSESSMENT

Proposed Land Exchange Field 3a and Field 9 (McNary Headquarters Unit) in Exchange for the Pierce Property (adjacent to the Wallula Unit) Walla Walla County, Washington

McNary National Wildlife Refuge
Benton, Franklin, and Walla Walla Counties, Washington, and Umatilla County, Oregon

CHAPTER 1. PROPOSED ACTION

1.1 Introduction

The U.S. Fish and Wildlife Service (Service) is the primary Federal agency responsible for conserving and enhancing the nation's fish, wildlife, and plant populations and their habitats. Although the Service shares this responsibility with other Federal, state, tribal, local, and private entities, the Service has specific trust responsibilities for migratory birds, federally-listed threatened and endangered species, and certain anadromous fish and marine mammals. Service efforts over the last 100 years to protect wildlife and their habitat have resulted in a network of protected areas that form the National Wildlife Refuge System. This network of protected areas is the largest and most diverse in the world. Refuge System lands provide essential habitat for numerous wildlife species, wildlife-dependent recreational opportunities for the public, and a variety of benefits to local communities.

1.2 Mission of the National Wildlife Refuge System

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

1.3 Purpose and Goals of the McNary National Wildlife Refuge

The McNary National Wildlife Refuge (Refuge) was established in 1955 under the Fish and Wildlife Coordination Act (Coordination Act) of 1934, as amended (16 U.S.C. 661-667e). The Coordination Act authorizes land be made available to the Secretary of the Interior for wildlife protection purposes as mitigation for water development projects. Under the Coordination Act, wildlife and wildlife resources are defined as "birds, fish, mammals and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent." In 1946, the 79th U.S. Congress authorized the construction of the McNary Dam at Columbia River Mile 292 primarily for navigation, power development, and irrigation, and included the "conservation of wildlife" as part of the McNary Dam project purposes.

The McNary Dam flooded 39,000 acres of river bottomlands along 61 miles upstream of the Dam. In 1953, as part of carrying out responsibilities under the Coordination Act, the Secretary of the Army, Secretary of the Interior, and the Directors of the Fish and Game Departments for the States of Oregon and Washington signed a General Plan to set aside lands for conserving wildlife. Among the areas set aside was the McNary National Wildlife Refuge as well as several State wildlife areas.

In 1955, when the McNary National Wildlife Refuge was established, the U.S. Corps of Engineers (COE) transferred administrative control of 2,849 acres, including the McNary Headquarters Unit, to the Service (Federal Register, May 1956). Additional lands were purchased in subsequent years under the Migratory Bird Conservation Act (16 U.S.C. 715d), the Refuge Recreation Act (16 U.S.C. 460k-1, k-2), and the Coordination Act. In 1999, the original Refuge acreage was transferred from the COE to the Service under the Water Resources Development Act (16 U.S.C. 668dd). In 2000, the Service and the COE signed a cooperative agreement giving the Service management authority over an additional 14,739 acres which includes the Burbank Sloughs, Peninsula, Two Rivers, Wallula, Juniper Canyon, and Stateline Units of the Refuge.

The purposes of the McNary National Wildlife Refuge are:

- “for the conservation, maintenance, and management of wildlife, resources thereof, and habitat thereon”. . . (Coordination Act, pertaining to all Refuge units).
- “for development, conservation and management of wildlife resources. . . “(1953 General Plan, pertaining to all Refuge units).
- “particular value in carrying out the National Migratory Bird Management Program” (1953 General Plan, pertaining to the McNary Headquarters Unit, Strawberry Island Unit, and Hanford Islands Unit).
- “conservation of wildlife” (as part of “Dam Project Purposes” by the 79th Congress in Public law, Number 14, pertaining to all Refuge units).

Small tracts of land, added to the Refuge under the Migratory Bird Conservation Act, Refuge Recreation Act, and leased through the Washington State Department of Natural Resources, have additional Refuge purposes.

In 2009, the Service developed a Comprehensive Conservation Plan and Environmental Assessment (CCP/EA) for long-term management of both the McNary National Wildlife Refuge and the nearby Umatilla National Wildlife Refuge. This document, the *2009 McNary and*

Umatilla National Wildlife Refuges Comprehensive Conservation Plan and Environmental Assessment, outlines goals for the two Refuges. For the McNary National Wildlife Refuge, the goals in the CCP/EA are to:

- Manage high quality food and sanctuary to support large concentrations of migratory waterfowl.
- Provide secure and productive foraging and nesting habitats for a diversity of shorebirds.
- Contribute to the recovery of endangered, threatened, and sensitive species by protecting, maintaining, or increasing suitable habitats.
- Provide a diversity of high quality wetland habitats for the benefit of migratory birds and other wetland plants and animals.
- Provide high quality riparian habitats for the benefit of nesting and migrating birds, fish, riparian plants, and other riparian wildlife.
- Protect the integrity of the biological resources of the river islands.
- Conserve and restore the plants, animals and shrub-steppe community representative of historic Columbia Basin habitats.
- Protect and maintain the ecological integrity of talus, outcropping, and cliff habitats for natural levels of species diversity.
- Visitors and local residents to enjoy, value, learn about, and support the Refuges.
- Hunters appreciate and experience a variety of quality hunting opportunities.
- Anglers experience abundant opportunities to catch fish while appreciating the Refuges.
- Students and teachers to understand and value the Refuge System, and the ecology and management of McNary and Umatilla National Wildlife Refuges.
- Manage cultural resources for their educational, scientific, and cultural benefits for the benefit of present and future generations of Refuge users and communities.

The 1953 General Plan provides specific direction for the McNary Headquarters Unit and Strawberry Island Unit, as follows:

- The slough will provide area for waterfowl nesting, resting and feeding.

- Extensive stands of aquatic vegetation will develop in the shallow areas.
- Food and cover crops can be grown on adjacent tillable lands.
- Inland sections can be isolated, providing water surface control for fish production and enhancing waterfowl habitat.
- Fishing may be permitted consistent with sound waterfowl management practices and in accordance with state laws and regulations.

The Wallula Unit of the Refuge, identified in the 1953 General Plan as “Area Number 3 - Walla Walla River Wildlife Area,” was noted for having extensive areas of shallow water that is well suited for waterfowl habitat development. Specific statements in the 1953 General Plan pertaining to the Wallula Unit are outlined below:

- Some present river bottom agricultural lands will be infrequently flooded and area well-suited for the production of cereal and cover crops. These will enhance the area for waterfowl production and stimulate production of upland game birds.
- Public shooting may be desirable on all or part of the area.
- A substantial fish population may be developed in the waters of the area, thus providing excellent angling opportunities. The area is also a migratory route for anadromous fish.
- Particular value as a wildlife demonstration and educational area.

1.4 Purpose and Need for Action

In response to a request by the Washington State Department of Transportation (WS DOT), the Service proposes a land exchange with the WS DOT. The WS DOT is proposing to construct a roadway interchange at the intersection of U.S. Highway 12 (U.S.12) and State Route 124 (S.R. 124). After examining a number of realignment and construction alternatives, WS DOT identified 13.17 acres of Refuge property, comprised of portions of Field 3a and Field 9 of the McNary Headquarters Unit, as part of the preferred site for constructing the proposed interchange (See maps.) The WS DOT is proposing the interchange to reduce the risk of traffic collisions, lesson traffic congestion, and enhance the economic growth of the area (WS DOT SEPA Determination, 2008).

The WS DOT proposal involves relocating traffic from the current S.R. 12 and Humorist Road intersection to the intersection of U.S. Highway 12 and S.R. 124 where construction would occur on Field 3a and Field 9 of the Refuge. Since construction of an interchange would be incompatible with the Refuge purposes and the mission of the National Wildlife Refuge System,

WS DOT has proposed a land exchange with the Service. In 2007, the WS DOT and the Service signed a Memorandum of Understanding agreeing to explore a land exchange that would compensate for the loss of habitat on Field 3a and Field 9 and for the anticipated negative impacts of the interchange to the remaining Refuge (see Appendix A).

Since the signing of the MOU, the WS DOT has collaborated with the Service to find suitable exchange property for the interchange project. In searching for suitable exchange property, the WS DOT identified the 55.73-acre Pierce property adjacent to the Wallula Unit of the Refuge, along U.S. 12 approximately 17 miles southeast of the city of Burbank, Walla Walla County, Washington. The Service, through this Land Protection Plan/Environmental Assessment (LPP/EA), evaluates the environmental effects of the WS DOT's proposed land exchange, including whether expanding the approved boundary of the Refuge to include the proposed Pierce Addition would adequately compensate for any negative impacts to the Refuge of the proposed WS DOT interchange project.

1.5 Acquisition Authorities

Fish and Wildlife Coordination Act of 1934, as amended (16 U.S.C. 661-667e), Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a-742), and the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-668ee).

1.6 Proposed Action

The Service proposes to transfer to the WS DOT 13.17 acres (11.5 acres of Field 3a and 1.7 acres of Field 9), McNary Headquarters Unit, of the Refuge in exchange for acquiring from WS DOT the 55.73-acre Pierce Addition, expanding the approved Refuge boundary with a net total of 41.83 acres (see *Overview Map and Sheets 1 and 2*).

1.7 Scope of the Environmental Assessment

This Land Protection Plan/Environmental Assessment (LPP/EA) describes the purpose and need for the proposed land exchange and expansion of the approved Refuge boundary. The LPP/EA also analyzes the environmental consequences of a range of alternatives. The document was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.).

While the LPP/EA does not cover the details of future management of the expansion area, conceptual management actions are described to indicate the Service's potential management direction, consistent with the *2009 McNary and Umatilla National Wildlife Refuges Comprehensive Conservation Plan and Environmental Assessment*.

Under the Washington State Environmental Policy Act (SEPA), the WS DOT has made a Determination of Non-significance for the proposed interchange construction project and the associated land exchange proposed with the Service (WS DOT SEPA Determination, 2008). This decision by the WS DOT was made after review of a completed environmental checklist and supplemental information on file with the WS DOT and available to the public upon request:

Washington State Department of Transportation, South Central Region, P.O. Box 12560, Yakima, WA 98909-2560, Attention: Nick Campanelli, SCR Environmental Office (509) 577-1692, ext.1. The Service has incorporated both WS DOT SEPA documents by reference.

1.8 Decisions to be Made

Based on the analysis documented in this LPP/EA, the Regional Director, Pacific Region, for the Service will determine which alternative to adopt and whether the selected alternative would have significant impacts on the quality of the human environment.

CHAPTER 2. PROPOSED ALTERNATIVES

2.1 Alternatives Considered

In response to the WS DOT proposed land exchange with the Service, the Service considered two alternatives in detail; the two alternatives are Alternative A: No Action and Alternative B: Land Exchange – Pierce Addition.

2.1.1 Alternative A: No Action

Under Alternative A, the No Action Alternative, the Service would not transfer to WS DOT the 13.17 acres (11.5 acres of Field 3a and 1.7 acres of Field 9) of the McNary Headquarters Unit, nor would the Service acquire from WS DOT, as an addition to the Refuge, the 55.73-acre Pierce property which would involve expanding the approved Refuge boundary by a net total of 41.83 acres. Under the No Action Alternative, the Service would not allow the interchange construction project to occur on Refuge land. Thus, U.S. 12 and SR 124 would not be re-configured and expanded on the Refuge and no new acreage would be added to the Refuge. The Service's Alternative A, No Action Alternative, corresponds with the "No Build" Alternative in WS DOT State Environmental Policy Act (SEPA) documents.

2.1.2 Alternative B: Land Exchange – Pierce Addition

Under Alternative B: Land Exchange – Pierce Addition, the Service would transfer to the WS DOT the 13.17 acres (11.5 acres of Field 3a and 1.7 acres of Field 9), McNary Headquarters Unit, of the Refuge in exchange for acquiring from the WS DOT the 55.73-acre Pierce Addition, expanding the approved Refuge boundary with a net total of 41.83 acres. The 55.73-acre Pierce property is adjacent to the east boundary of the Refuge Wallula Unit and approximately 17 miles southeast of the city of Burbank, Walla Walla County, Washington, along U.S. 12 near milepost 312. The legal description is T7N R32E NE ¼ S20 and NW1/4 SW1/4 S21 (see *Overview Map and Sheets 1 and 2*). The landowner of the Pierce property, Larry L. Pierce, is a willing seller.

The Pierce property would be transferred to the Service at no cost to the Service as part of the land exchange. Service acquisition of the Pierce property from WS DOT would include 3-acre feet of water rights and legal access to the east end of the Pierce property (see map of the Pierce Addition, *Sheet 2*).

The net land value to the Service would be an equal value exchange or better. Revenue Sharing payments would be three quarters of one percent of any net increase in the Refuge land value. Estimated initial development cost are \$12,200 for fencing and signage and \$10,000 for rehabbing the portions of the former farm pivot circle, a total of \$22,200 (there would be no cost change as a result of disposing Field 3a and Field 9 other than the rehabbing). The estimated cost to restore the entire area to fully functioning riparian forest is \$1,000,000. The annual operation and maintenance costs are estimated at \$20,000.

Once the Pierce property would become part of the Refuge, the Service would evaluate the lands for the conservation, restoration, and enhancement of riparian and wildlife habitat.

Wildlife research is a compatible use of the Refuge and, under a special use permit, the Service anticipates allowing the Confederated Tribes of the Umatilla Indian Reservation to continue to use a cable on the Pierce property in trapping, counting, and tagging fish for the recovery of Chinook salmon.

Among a range of potential alternatives, the Service may consider an open bid for a special use permit or land management agreement for cooperative farming on the Pierce property to meet Refuge habitat objectives. Typically under such an agreement, the Refuge would receive approximately 25 percent of the crop in exchange for agricultural use of the land.

CHAPTER 3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 Setting of the Proposed Land Exchange

Physical Setting

The project area for the proposed land exchange lies within the semi-arid shrub-steppe Columbia Basin Plateau in the unincorporated community of Burbank, western Walla Walla County, southeastern Washington. Situated at the confluence of the Columbia and Snake Rivers, portions of the project are located within the 100-year and 500-year floodplain, and adjacent to backwater pools created by the McNary Dam Project.

The majority of Walla Walla County, approximately 741,000 acres, is in agricultural use, including cropland and rangeland. The Burbank community covers approximately 18 square miles, bisected by the Refuge and U.S. 12. State Route 124 is bordered by Hood Park on the north and by the Refuge on the south.

3.1.1 Description of Wildlife and Habitat

The Service evaluated the effects to wildlife of the proposed land exchange. The following is an overall description of the wildlife and habitat on the Refuge and, in more detail, the two properties under consideration, the portions of Field 3a and Field 9 being considered for disposal and transfer out of the Refuge System and the 55.73-acre Pierce property being considered for inclusion in the Refuge System.

McNary National Wildlife Refuge

The McNary National Wildlife Refuge supports large concentrations of Canada geese, mallards, and other waterfowl. Up to half of the Pacific Flyway mallards overwinter in this portion of the Columbia River Basin.

Refuge lands encompass over 15,000 acres of backwater sloughs, shrub-steppe uplands, irrigated farmlands, river islands, delta mudflats, and riparian areas. These habitats are particularly important to Canada geese, mallards, and wigeons as well as shorebirds and wading birds. Other waterfowl species that use the Refuge are green-winged teal, shovelers, canvasbacks, ring-necked ducks, and lesser scaups. Rare and endangered birds, including bald eagles and peregrine falcons, are found here, and thousands of colonial nesting water birds use Refuge river islands for safe nesting.

Seasonally flooded wetlands provide resting and feeding areas for a variety of birds and are especially valuable to waterfowl during fall migration. Since the Columbia River no longer meanders and floods naturally due to the dam, the Refuge manipulates wetland water levels to encourage native food supplies and promote the diversity of wetland plant growth that provides food and shelter for a diversity of wildlife. Some wetlands are burned and disked to remove undesirable plant growth and create open areas. Shoreline burning and mowing creates open beach areas waterfowl use for courting, feeding, resting, and raising their young.

Management practices in riparian areas include planting native willow and cottonwoods, which provide essential nesting habitat for migratory songbirds like yellow warbler and willow flycatchers. Refuge riparian habitat supplies food, water, nesting sites, and shelter for a wide variety of wildlife.

The Refuge also improves uplands, with prescribed burning, removal of exotic weed species, and planting of native grasses. Common upland plants include sagebrush, rabbitbrush, and bunchgrasses. Upland areas provide forage for deer and nesting sites for pheasants, ducks, California quail, and burrowing owls.

Approximately 700 acres of Refuge land is irrigated croplands, providing food and cover for wildlife. Local farmers grow corn, wheat, alfalfa, and other crops on the Refuge under a cooperative agreement whereby the Service's share of the crop is left in the field for wildlife. These crops provide a valuable source of high energy food for waterfowl, especially in late winter when other food sources may be exhausted or covered by snow.

Field 3a McNary Headquarters Unit (11.5 acres proposed for transfer to WS DOT)

Under Alternative B, 11.5 acres of Field 3a, McNary Headquarters Unit of the Refuge, adjacent to the intersection of U.S.12 and S.R.124, would be transferred to the WS DOT. The area is actively managed cropland with center-pivot irrigation. Current wildlife value for this parcel is derived from the percentage of the crop share that is left under cooperative farming for wildlife use and the additional waste grain/corn/forage found in the remainder of the cropped area. Field 3a is primarily used by wintering waterfowl and mule and white-tail deer. Prior to conversion to agricultural use, the area was desert shrub/steppe.

Field 9 McNary Headquarters Unit (1.7 acres proposed for transfer to WS DOT)

Under Alternative B, 1.7 acres of Field 9, McNary Headquarters Unit, adjacent to the intersection of Humorist Road and South Lake Road, would be transferred, as part of the proposed land exchange, to the WS DOT. The habitat in this area is primarily non-native bunch grasses. The immediately adjacent traffic on Humorist and Lake Roads reduce the quality of this habitat. California quail and ring-necked pheasant prefer the high density cover of this property and are the primary users.

Pierce Property (55.73 acres proposed for Service acquisition)

Under Alternative B, the Service would expand the approved Refuge boundary with a total of 41.83 acres and transfer 13.17 acres to the WS DOT in exchange for acquiring from the WS DOT the 55.73-acre Pierce Addition.

The WS DOT provided the Service with a thorough description of the wildlife and habitat associated with the Pierce property (Hammond 2008). The proposed Pierce Addition is located entirely in the lower Walla Walla River floodplain, and approximately 53 of the 55 acres lie within the Snake River 100-year floodplain. The Pierce property has 0 to 3 percent slopes, excluding the Walla Walla River riparian corridor which is relatively deeply incised with steep banks. The Walla Walla River, after running along the southern boundary of the site, continues west approximately four miles before converging with the Columbia River.

Approximately 5 inches of rainfall occurs in this area annually and is the primary source for stormwater runoff. Runoff infiltrates and naturally disperses through the well drained, very fine sandy loam soils (umapine with leached surface and esquatzel). The possibility that the runoff would reach any waters of the State is unlikely due to the type of soil and relatively low precipitation. The Pierce property is classified by the State as either Farmland of Statewide Importance or Prime Farmland if irrigated. No unstable soils exist in the immediate vicinity (WS DOT SEPA Determination, 2008).

Adjacent to the Refuge, the Pierce property is surrounded to the north by orchards and a small amount of shrub-steppe habitat, and on the south, east, and west by the Walla Walla River riparian corridor. The site includes approximately 4,400 feet of the north bank of the Walla Walla River.

Most of the Pierce property is currently irrigated cropland, excluding the river riparian corridor. The Walla Walla River in the location is relatively deeply incised, with a narrow band of riparian vegetation including Russian olive, black cottonwood, willow species, reed canarygrass, and indigo bush. No wetlands are known to occur on the site except the riverine wetlands associated with the Walla Walla River.

The Pierce property has important wildlife habitat including cover, food, and water for breeding passerines. The site provides nesting and denning habitat for migratory birds and other wildlife. Rocky Mountain mule deer and white-tailed deer use the riparian forest along the Walla Walla River during the summer and in upland shrub-steppe/grassland during the inter. Mule deer are more common in the winter when they migrate to the area from higher elevations of the Blue Mountains and use the riparian habitat for thermal cover. Elk are uncommon but known to occur on the farm just north of the Pierce property, and they likely use the riparian forests.

Many species of ducks, geese, and shorebirds inhabit the riparian zone of the Walla Walla River. Great blue herons are commonly observed hunting for mice, moles, and other small mammals in adjacent crop fields, and roosting near the River. Numerous raptors, including the red-tailed hawk, Swainson's hawk, ferruginous hawk, rough-legged hawk, American kestrel, great horned owl, and barn owl either breed in the area and/or forage on a variety of small mammals, reptiles, birds, and insects. Upland game species such as California quail, gray partridge, and ring-necked pheasant have been observed in the area, and likely feed and breed in the agricultural fields and riparian habitats along the River.

The area is home to many types of small mammals including Columbian ground squirrel, northern pocket gopher, western harvest mouse, great basin pocket mouse, Ord's kangaroo rat, bushy-tailed woodrat, beaver, muskrat, raccoon, striped skunk, eastern cottontail, black-tailed jackrabbit, badger, and a wide variety of bats. These small mammals use the irrigated crop fields and adjacent shrub-steppe habitat. Carnivores that are known to occur in the area include coyote, bobcat, weasel, badger, and river otter. Aquatic mammals, such as beaver and muskrat, commonly use the Pierce property irrigated crop fields and adjacent shrub-steppe habitat. Bats have been observed in the lower Walla Walla riparian habitat. The north bank of the Walla Walla River is especially valuable for fish habitat. The Confederated Tribes of the Umatilla Indian Reservation have installed and operated a Merwin trap at river mile (RM) 3.7 in the vicinity of the Madame Dorion Bridge and currently monitor a rotary fish trap at RM 9.0, just upstream from the Pierce property. Based on the trap data, at least 24 species of fish live in the lower Walla Walla River, of which 11 are native and 13 are non-native. The species documented include salmonids (steelhead, rainbow, Chinook, coho), chiselmouth, northern pike minnow, carp, crappie, perch, suckers, small mouth bass, sculpin species, and channel catfish.

3.1.2 Effects on Wildlife and Habitat

The Service evaluated the effects of the proposed land exchange to Refuge wildlife and habitat. Specifically, the Service assessed the degree to which wildlife would be affected by the loss of habitat on Field 3a and Field 9 and to what extent the proposed WS DOT interchange project would diminish the functional value of the remaining Refuge, including how the Refuge would be affected by increased vehicle traffic near the Refuge.

The Service determined that the attractiveness to waterfowl of Field 3a and Field 9 as a resting and foraging area would be reduced as a result of the proposed WS DOT interchange project. Waterfowl depend on Field 3a and Field 9 cropland for providing abundant high energy foods to meet migratory and wintering energy needs. In response, the WS DOT has agreed to move the Service's pivot infrastructure to an area on the Refuge that would allow the current above-ground infrastructure to operate in a manner similar to current conditions. This way, the production of high energy foods for waterfowl could continue, though the use of the area as a resting area would still be reduced.

In weighing the relevant factors and the anticipated negative impacts of the proposed WS DOT interchange to Refuge wildlife and habitat, the Service determined that expanding the Refuge boundary with the Pierce Addition would result in a net benefit to wildlife given the superior quality of habitat and large acreage of the Pierce property as compared to the wildlife values associated with Field 3a and Field 9 parcels. Acquisition of the Pierce property would allow the Service to restore and enhance riparian forest habitat in a large contiguous parcel with the adjoining Wallula Management Unit. Quality riparian habitat is rarer and more valuable as a wildlife resource in the regional landscape than the comparatively common irrigated upland of Field 3a and Field 9. Although the proposed land exchange would be a net gain for wildlife, the benefit to wildlife would not constitute a benefit that would be significant.

The Service would manage the proposed Pierce Addition for the conservation, restoration, and enhancement of riparian and wildlife habitat, under the approved Refuge CCP. The Service anticipates allowing the Confederated Tribes of the Umatilla Indian Reservation to continue to

use a cable on the Pierce property in trapping, counting, and tagging fish on the Walla Walla River for the recovery of Chinook salmon., a continuation of an existing use, and therefore having no effect.

If the Service were to pursue an open bid for cooperative farming on the proposed Pierce Addition, this use would constitute a continuation of the existing land use, and therefore, have no effect. If the Service would decide not to pursue cooperative farming on the proposed Pierce

Addition and to conserve and restore the native habitat, this change in land use would be beneficial but not significant to fish and wildlife and consistent with the Refuge CCP.

3.2 Archaeological and Cultural Resources

This section addresses the cultural and historic resources associated with the proposed land exchange, the disposal of Field 3a and Field 9 and the addition of the Pierce property to the Refuge.

3.2.1 Description of Archaeological and Cultural Resources

The WS DOT conducted a cultural resources investigation of their proposed interchange project, including Field 3a and Field 9 proposed for trade out of the Refuge System. No cultural or historic findings of significance were identified on Field 3a or Field 9 (WS DOT 2010).

The WS DOT also conducted a cultural resources investigation on the Pierce property (Weaver 2008). In the cultural resources investigation, the WS DOT archaeologist found two rail lines that cross the Pierce property, the operating Union Pacific line and an abandoned grade. The 2008 report states that the ballast typical of a rail grade has been removed from the abandoned line which greatly diminishes its integrity. The report further states that neither right-of-way includes bridges, trestles, or other engineered features; both lack sufficient engineering distinction to be considered eligible for the National Registry of Historic Places, and there are no standing structures within the project area.

3.2.2 Effects on Archaeological and Cultural Resources

The Service determined, and the Washington State Department of Archaeology and Historic Preservation (DAHP) agreed, that there were "No Historic Properties Affected" on the parcels of Federal land selected for disposal (DAHP letter 2010, Appendix B).

The Service would comply with Federal cultural and historic resource laws and policy, and may utilize an existing Programmatic Agreement with the DAHP for conducting management activities such as placing fencing and signage. The Service would protect any archaeological and cultural resources that may be inadvertently discovered during management of the Pierce property.

3.3 Wildlife-Dependent Recreation

In this section, the Service discusses wildlife-dependent recreation on the Refuge lands to be exchanged, Field 3a and Field 9, and on the proposed Refuge Addition, the Pierce property.

3.3.1 Description of Wildlife-Dependent Recreation

Field 3a and Field 9 offer low quality recreational opportunities because of their proximity to busy roads; and no wildlife-dependent recreation occurs on these Refuge lands.

3.3.2 Effects on Wildlife-Dependent Recreation

Excising Field 3a and Field 9 from the Refuge System would have no effect on wildlife-dependent recreation since no wildlife-dependent uses occur on these lands and the potential for instituting wildlife-dependent uses on these lands is low.

The acquisition of the relatively remote, ecologically important, and larger sized Pierce property would offer greater opportunity for wildlife-dependent recreation. At this time, under private ownership, no wildlife-dependent uses occur on the Pierce property.

The proposed Pierce Addition would be evaluated by the Service for wildlife-dependent recreational opportunities before the Addition would be opened to the public. Following acquisition of the property, the Service would consider facilitating wildlife observation and photography, environmental education and interpretation, and hunting and fishing on the proposed Pierce Addition. In addition, the wildlife-dependent recreational uses managed on the adjacent Wallula Management Unit would be considered.

On the Wallula Management Unit, wildlife observation and photography are allowed throughout the Unit. Horseback riding is permitted on designated trails. Fishing and several different hunts are permitted as well. Waterfowl, dove, and turkey hunting is allowed on legal hunt days in accordance with Washington State regulations. Deer hunting is also allowed in accordance with State regulations, with the restriction that only shotguns are permitted during the modern firearms season. Hunting is not permitted around Sanctuary Pond. All vehicles are restricted to designated routes of travel and parking areas.

Under a separate NEPA analysis, the Service would consider whether to facilitate any of the wildlife-dependent recreational activities administered on the Wallula Management Unit on the proposed Addition as well. The Service does not expect that extending any of the wildlife-dependent uses on the Wallula Management Unit to the Pierce property would represent a significant impact. Factors that would weigh into the evaluation would include compatibility with Refuge purposes, safety, and the quality of the recreational experience. Even as a buffer and adjacent open space, wildlife-dependent recreation on the adjoining Wallula Management Unit would be slightly enhanced by Service acquisition of the Pierce property.

3.4 Social and Economic Environment

The following is a description of the social and economic environment of the proposed land exchange, including the Refuge and the two properties under consideration for the exchange.

3.4.1 Description of the Social and Economic Environment

Existing land uses within the Project area are primarily undeveloped, agricultural, and recreational.

Field 3a and Field 9 are in the vicinity of residential and commercial uses of the City of Burbank. Development in the area is occurring and will likely increase in the future, increasing the negative impacts of encroachment on this Refuge habitat.

The Pierce property is set in a more rural landscape, encompassing irrigated cropland and river riparian habitat entirely within the lower Walla Walla River floodplain. Adjacent to the east boundary of the Refuge Wallula Unit, the Pierce property is bounded to the north by orchards and a small amount of shrub-steppe habitat.

The Burbank urban growth area contains a mixture of single-family residential, commercial, industrial, and public reserve uses. Much of the land in the immediate vicinity of the Refuge is also agricultural or rangeland. However, residential and commercial uses in the town of Burbank, Washington, are near the McNary Headquarters Unit and will likely increase in the future. The U.S. 12 corridor is adjacent to and in some areas bisects Refuge units. Non-Refuge lands along U.S. 12 are zoned heavy industrial by Walla Walla County (David Evans and Associates, Inc. 2008).

3.4.2 Effects on Social and Economic Environment

In general, implementation of Alternative B: Land Exchange – Pierce Addition would have a minimally beneficial effect on the local economy due to a possible slight increase in Refuge visitation and associated spending in local businesses such as restaurants.

Under Alternative B, if WS DOT moves the existing pivot the Refuge cooperative farmers would be able to utilize the McNary Headquarters Unit at similar levels to pre-exchange conditions. No impact to the cooperative farmers or the social or economic environment is anticipated. Traffic flow is likely to decrease between S.R. 12 and Humorist Road as a result of the WS DOT proposed interchange project; whereas, traffic is likely to increase on Lake Road at the proposed interchange location as traffic gains access to S.R. 12. The increase in traffic may further reduce the safety of pedestrian travel along Lake Road, which is already of concern, especially along the narrow section of the road that bisects McNary Slough. Pedestrian travel includes children traveling to and from school and visitors to the Refuge. Based on existing and growing safety concerns at this location, the Service has submitted a request for Federal transportation funds to construct a walkway for the public adjoining Lake Road.

3.5 Cumulative Impacts

The proposed action, Alternative B: Land Exchange – Pierce Addition, would expand the Refuge by 41.83 acres and allow the Service to provide additional protection for wildlife and the watershed and foster community stewardship. The tangible effects would generally be restricted to the project area.

In the context of continuing population growth, development and associated habitat degradation, expansion of the Refuge in an area that is currently undeveloped does not represent a significant cumulative impact on the human environment.

3.6 Comparison of the Alternatives and Rationale for the Preferred Alternative

Under the No Action Alternative, the Service would not act on the WS DOT proposal for a land exchange to support the proposed WS DOT interchange project to reduce the risk of traffic collisions, lessen traffic congestion, and enhance the economic growth of the area, nor would it provide the Service more acreage of superior habitat value.

Under Alternative B: Land Exchange – Pierce Addition, the Service would respond to the WS DOT proposal for a land exchange, allowing WS DOT to proceed with their interchange project to reduce the risk of traffic collisions, lessen traffic congestion, and enhance the economic growth of the area, and allow the Service to acquire from WS DOT acreage of superior wildlife habitat value.

Alternative B: Land Exchange – Pierce Addition, expanding the Refuge with a net total of 41.83 acres of wildlife habitat has also been identified as the Preferred Alternative because implementing it would provide the greatest opportunity to:

- Contribute to the goals of the National Wildlife Refuge System by strengthening the Service's ability to provide wildlife conservation.
- Contribute to protecting water quality on the Refuge.
- Potentially provide greater opportunities for wildlife-dependent recreation.

CHAPTER 4. COORDINATION, CONSULTATION, AND COMPLIANCE

4.1 Agency Coordination and Public Involvement

WS DOT has discussed the proposed land exchange, Alternative B: Land Exchange – Pierce Addition with potentially affected landowners; neighbors; conservation organizations; Federal, tribal, State, County, and city governments; local organizations and interested groups; and individuals.

As part of the public notice and review process, the *2010 McNary National Wildlife Refuge Proposed Land Exchange – Pierce Addition, Land Protection Plan/Environmental Assessment* will be available for a 30-day review and comment period from the date of public release and before the Service would take any action. At the conclusion of the 30-day period, an alternative will be selected for implementation.

4.2 Environmental Review and Coordination

In conducting the proposed land exchange, including the proposed land disposal and expansion of the approved Refuge boundary with the Pierce Addition, the Service would comply with Federal laws, regulations, and executive orders. The following section describes how expanding

the Refuge is in compliance with the National Environmental Policy Act; Endangered Species Act; National Historic Preservation Act; Comprehensive Environmental Response, Compensation, and Liability; and other relevant Federal executive orders.

4.2.1 National Environmental Policy Act

As a Federal agency, the Service must comply with provisions of the 1969 National Environmental Policy Act, as amended (42 U.S.C. 4321-4347). An environmental analysis is required under NEPA to evaluate reasonable alternatives to meet a specified purpose and need for action. An environmental assessment serves as the basis for determining whether implementation of the proposed action would constitute a major Federal action significantly affecting the quality of the human environment. The planning process for developing the environmental assessment facilitates the involvement of government agencies and the public.

In this LPP/EA, the Service evaluated two alternatives to meet the Service's purpose and need for a land exchange, Alternative A: No Action and the proposed action, Alternative B: Land Exchange and Pierce Addition. Alternative B would involve disposing/exchanging 13.17 acres of Refuge land for the 55.73-acre Pierce property, expanding the approved Refuge boundary with a total of 41.83 acres. Based on the analysis in this LPP/EA, the Service determined that implementation of the proposed action would not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, the Service has prepared a Finding of No Significant Impact, under NEPA, for the implementation of Alternative B: Land Exchange – Pierce Addition, the proposed action.

4.2.2 Endangered Species Act

There are no federally-listed threatened or endangered species inhabiting the 13.17 acres of Refuge land proposed for disposal and transfer to the WS DOT for construction of the proposed highway interchange nor on the proposed 55.73-acre Pierce Addition to the Refuge. The federally-listed threatened bull trout and mid-Columbia River steelhead, however, use the Walla Walla River for passage, adjacent to the Pierce property.

Neither the land exchange nor the proposed expansion of the approved Refuge boundary of a net total of 41.83 acres represents a Federal action which would affect species listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544). As an adjacent landowner along the Walla Walla River, the Refuge would avoid taking any action that would interfere with the fish passage in the Walla Walla River. Additionally, the Service would consult under Section 7 of the Endangered Species Act for any Refuge management actions in the future which may have the potential to affect listed species.

4.2.3 National Historic Preservation Act

The Service would follow established procedures for protecting archaeological and cultural resources if the Refuge is expanded with the proposed Pierce Addition and the Service would avoid damaging cultural and historic resources. The Service would comply with the National

Historic Preservation Act of 1966 (16 U.S.C. 469) and other cultural resource preservation laws, and consult with the State Historic Preservation Office and appropriate Native American tribes for any future restoration and management actions which may have the potential to affect historic properties or cultural resources.

4.2.4 Comprehensive Environmental Response, Compensation, and Liability Act

Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.), the Service determined that the proposed expansion area is not on the Environmental Protection Agency's National Priority List or in their CERCLA System. The WS DOT conducted a Limited Phase I Hazardous Materials Assessment of the Pierce property, concluding that there are no known hazardous material issues associated with or impacting the property and no further investigation is warranted at this time (see Appendix C). On March 2, 2010, the Service conducted a Level I Pre-Acquisition Contaminant Survey on the Pierce property, concluding that there are no known significant contaminant issues on or nearby the property.

4.2.5 Other Federal Executive Orders

In implementing the proposed action, the Service would comply with the following Executive Orders: Intergovernmental Review of Federal Programs (Executive Order 12372); Protection of Historical, Archaeological, and Scientific Properties (Executive Order 11593); Management and General Public Use of the National Wildlife Refuge System (Executive Order 12996); Departmental Policy on Environmental Justice (Executive Order 3127); Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended; and Consultation and Coordination with Indian Tribal Governments (Executive Order 13175).

4.4 Distribution and Availability

Copies of this *2010 McNary National Wildlife Refuge Proposed Land Exchange – Pierce Addition, Land Protection Plan/Environmental Assessment, Walla Walla County, Washington* have been distributed to Federal and State elected officials, county and city governments, organizations, affected landowners, private groups, and other interested individuals (see Appendix D, Notification List). Copies of the document are available by contacting the U.S. Fish and Wildlife Service, Division of Planning, Visitor Services and Transportation, 911 N.E. 11th Avenue, Portland, OR 97232-4181, (503) 231-2231. The documents can also be viewed on the Service's website at <http://www.fws.gov/pacific/planning>.

CHAPTER 5. REFERENCES

David Evans and Associates, Inc., prepared for the Washington Department of Transportation, South Central Region. 2008. Land Use and Farmland Technical Memorandum; Burbank Interchange-US 12/SR 12, Walla Walla County, Washington.

Hammond, Paula J., Secretary of Transportation, Washington State Department of Transportation (memo). 2008. Determination of Biological Significance for Land Exchange, US 12/SR 124 Interchange Project.

Smith, Dean, Hazardous Materials Specialist, Washington State Department of Transportation. 2009. Limited Phase I Hazardous Materials Assessment Parcel #'s 32072041001 & 320721320005, Walla Walla County, Washington

Washington State Department of Transportation. 2008. SEPA Determination of Non-significance and Environmental Checklist with attachments; US 12/SR 124 – Build Interchange.

Washington State Department of Transportation. 2010. Summary of Cultural Resources Investigations for the Washington State Department of Transportation US 12/SR 124 Burbank Interchange Project, Walla Walla County, Washington.

Weaver, Dean R. and Roger A. Kiers. 2008. Cultural Resources Investigations at the Pierce Property, Walla Walla County, Washington. Eastern Region Environmental Office, Washington State Department of Transportation, 6 pp.



U.S. Fish & Wildlife Service

McNary National Wildlife Refuge

Benton, Franklin and Walla Walla Counties, Washington and Umatilla County, Oregon

*WSDOT and USFWS Land Exchange
Overview Map*

R 30 E R 31 E
118°0'0"W

118°55'0"W

R 31 E R 32 E

118°50'0"W

T 9 N
T 8 N

T 9 N
T 8 N

46°10'0"N

46°10'0"N

T 8 N
T 7 N

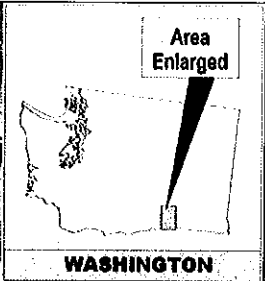
T 8 N
T 7 N

46°5'0"N

46°5'0"N

See Sheet 1

See Sheet 2



Legend

- WSDOT Project Boundary (Source: WSDOT)
- FWS Refuge Boundary (Source: USFWS)
- 13.17 acres of Refuge to be transferred to WSDOT (Source: WSDOT)
- Proposed Pierce Addition (Source: WSDOT)
- Township (Source: BLM GCDB)

118°0'0"W
R 30 E R 31 E

118°55'0"W

R 31 E R 32 E

118°50'0"W

PRODUCED IN THE DIVISION OF REALTY & REFUGE INFORMATION
PORTLAND, OREGON
LAND STATUS CURRENT TO: n/a
MAP DATE: 09/28/2009
BASEMAP: 2006 NAIP
MERIDIAN: NAD83
FILE: 09-172-1.mxd



**For General Planning
Purposes Only**



UTM ZONE 11
NAD 83

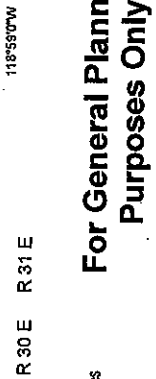
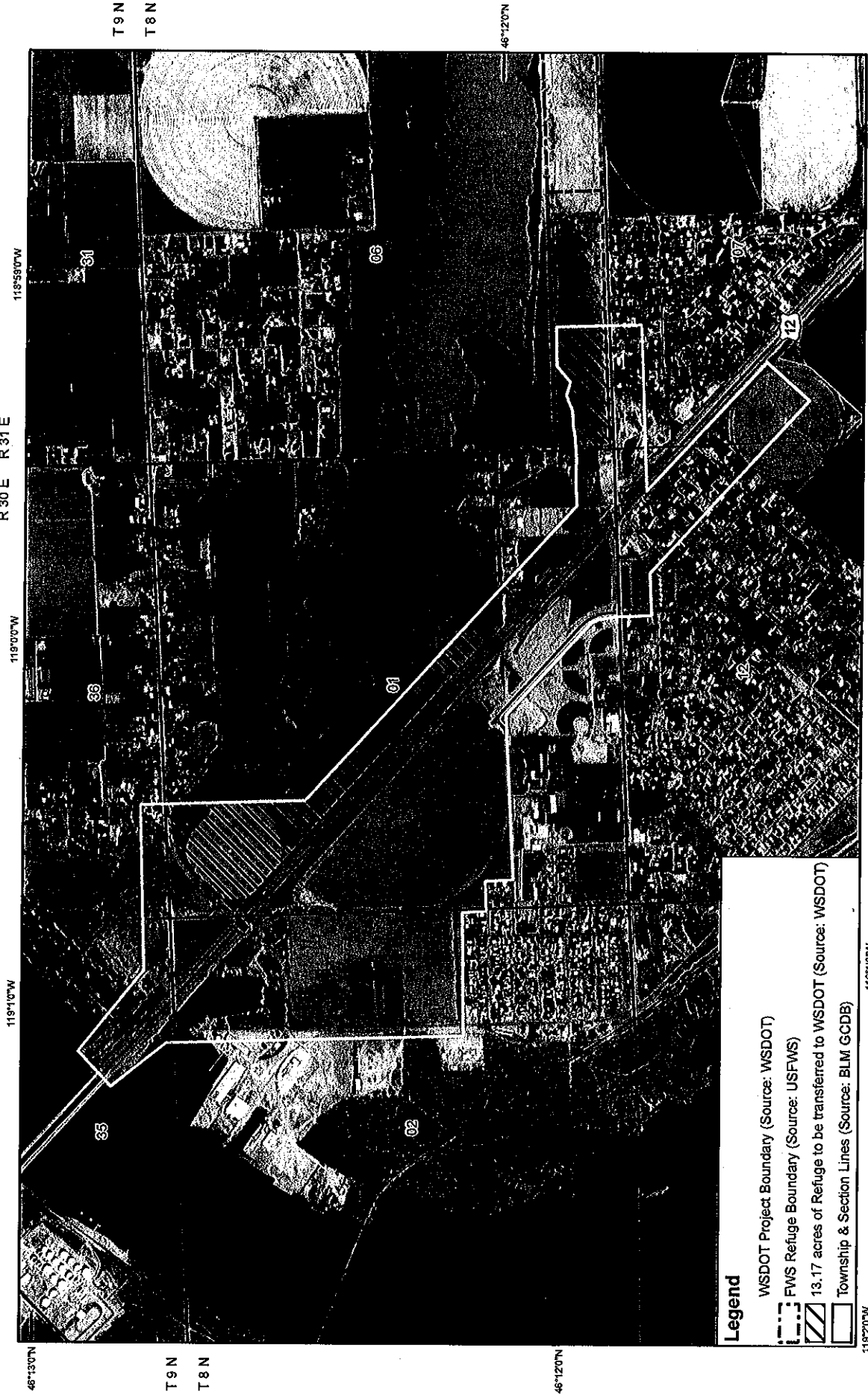


U.S. Fish & Wildlife Service

McNary National Wildlife Refuge

Benton, Franklin and Walla Walla Counties, Washington and Umatilla County, Oregon

Proposed Refuge Lands to be Transferred to WSDOT Sheet 1



PRODUCED IN THE DIVISION OF REALTY & REFUGE INFORMATION
 PORTLAND, OREGON
 LAND STATUS CURRENT TO: NA
 MAP DATE: 09/02/2009
 BASEMAP: 2006 NAD
 MERIDIAN: NAD83
 FILE: 05-1722.mxd

**For General Planning
 Purposes Only**





U.S. Fish & Wildlife Service
McNary National Wildlife Refuge
 Walla Walla County, Washington

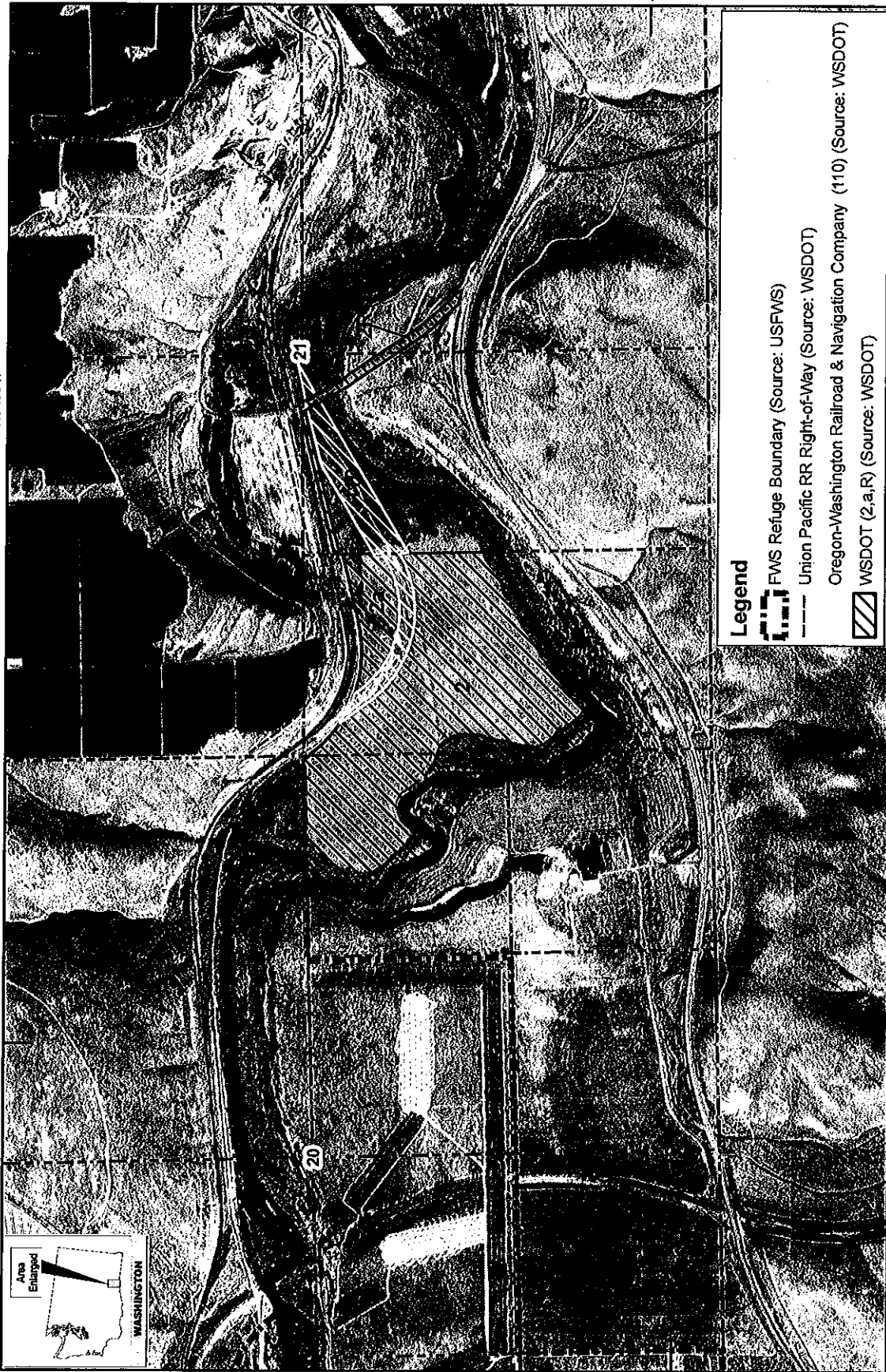
Proposed Pierce Addition
Sheet 2

R 32 E

R 32 E

118°50'0"W

118°49'0"W



Legend

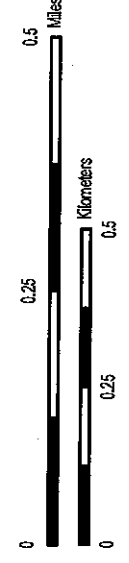
- FWS Refuge Boundary (Source: USFWS)
- Union Pacific RR Right-of-Way (Source: WSDOT)
- Oregon-Washington Railroad & Navigation Company (110) (Source: WSDOT)
- WSDOT (2.a.R) (Source: WSDOT)

118°49'0"W

118°50'0"W

R 32 E

1:12,000



PRODUCED IN THE DIVISION OF REALTY & REFUGE INFORMATION
 PORTLAND, OREGON
 MAP DATE: 3/8/10
 BASEMAP: 2006 WA MAP
 MERIDIAN: WILLAMETTE
 FILE: 05-1723-1MAD

For General Planning
Purposes Only



T 7 N

T 7 N

46°40'N

46°40'N

**Appendix A. Memorandum of Understanding between
WS DOT and the Service**

MEMORANDUM OF UNDERSTANDING
Between
U.S. FISH AND WILDLIFE SERVICE
National Wildlife Refuge System
and
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
South Central Region Project Development

DEPT OF TRANS
SEP - 8 2007
SCR MAILROOM

This memorandum of understanding is entered into between the U.S. Fish and Wildlife Service (Service) and the Washington State Department of Transportation (WSDOT) to set forth both parties' intentions to pursue a "Land Exchange" at the McNary National Wildlife Refuge (Refuge). Authority for the Service to participate in this Memorandum of Understanding (MOU) is provided in the Fish and Wildlife Act of 1956 (16 USC 742) and the Fish and Wildlife Coordination Act (16 USC 661-667). WSDOT's authority is provided by the Uniform Relocation Assistance and Acquisition Policies Act of 1970, as amended, and Washington Administrative Code 468-100, including sub-paragraphs.

The parties hereto agree as follows:

The U.S. Fish and Wildlife Service will:

- Agree to explore exchange of Refuge property with property of equal or greater economic and biologic value, as determined by the Service, and that is otherwise suitable for management as part of the Refuge which will be acquired by WSDOT.
- Assist the WSDOT in identifying suitable properties for the "Land Exchange".
- Undertake Service planning and environmental compliance requirements needed to modify the McNary NWR approved refuge boundary in order to accomplish the proposed land exchange.
- Cooperate with WSDOT to the fullest extent possible to reduce duplication between State and local planning compliance requirements.
- If suitable exchange property is found, and applicable approvals are obtained, conduct the necessary Service Realty actions to complete the land exchange.

Washington State Department of Transportation will:

- In coordination with the Service, identify potential properties suitable for the "Land Exchange".
- After suitable properties are identified and found acceptable by the Service, WSDOT will contact the property owner(s) and attempt to acquire the property at WSDOT expense.
- Cooperate with the Service to the fullest extent possible to reduce duplication between State and local requirements.
- Transfer the property to the Service/McNary National Wildlife Refuge in Fee Title when

acquired.

- Provide resources necessary to determine the biologic and economic value of the parcels to be exchanged.

The intent herein is to exchange existing McNary National Wildlife Refuge property for replacement property of equal or greater economic and biologic value and that is otherwise suitable for inclusion in the Refuge. If the agreed upon property is lacking sufficient identified economic value, the difference can be made up with equalization funds from WSDOT to the Service, if determined necessary by the Service.

Implementation of this MOU by the Service is subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this MOU will be construed by the parties to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury. The parties acknowledge that the Service will not be required under this agreement to expend any federal agency's appropriated funds unless and until an authorized official of that agency affirmatively acts to commit to such expenditures in writing.

This memorandum of understanding shall be effective on the date of the last signature, and shall continue until the "Land Exchange" is complete.

Modifications to this memorandum of understanding may be proposed by either party and shall become effective upon written concurrence of the parties.

This memorandum of understanding may be terminated by any party following a 60 day written notification to the other party(s).

Washington State Department of Transportation

Signature: Don Whitehouse Date Aug 10, 2007

Name: Don Whitehouse Title: South Central Regional Administrator

U.S. Fish and Wildlife Service

Signature: Carolyn A. Bohan Date 8/29/07

Name: Carolyn A. Bohan Title: Regional Chief, National Wildlife Refuge System

**Appendix B. Letter from the Washington State
Department of Archaeology and Historic Preservation**



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501

Mailing address: PO Box 48343 • Olympia, Washington 98504-8343

(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

March 15, 2010

Mr. Nicholas Valentine
United States Fish and Wildlife Service
20555 SW Gerda Lane
Sherwood, Oregon 97140

In future correspondence please refer to:

Log: 051507-06-PHWA

Property: US 12/SR 124 Burbank Intersection

Re: Archaeology - No Historic Properties

Dear Mr. Valentine:

Thank you for contacting our office project US 12/SR 124 Burbank Intersection project. We have reviewed project materials and cultural resource survey reports supplied by the Washington State Department of Transportation and United States Army Corps of Engineers which cover the parcels included in your undertaking, and agree with your finding of No Historic Properties Affected. These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800.

Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, the area be secured, and this office and the concerned tribes notified. We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

Thank you for the opportunity to review and comment. If you have any questions, please contact me.

Sincerely,

Lance Wollwage, Ph.D.
Transportation Archaeologist
(360) 586-3536
lance.wollwage@dahp.wa.gov



DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

Protect the Past. Shape the Future

**Appendix C. Service Level I Pre-Acquisition
Contaminant Survey, Parcels 320720410001 and
320721320005, Walla Walla County, Washington**



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
Eastern Washington Field Office
11103 East Montgomery Drive
Spokane Valley, WA 99206

March 2, 2010

MEMORANDUM

To: Chief, Region 1 Realty Branch, Realty and Refuge Information Division,
Portland, OR

From: Environmental Contaminants Division Manager, Eastern Washington
Field Office, Spokane, WA

Subject: Pierce Property Pre-Acquisition Survey

Enclosed please find the final Pre-Acquisition Environmental Site Assessment for the Pierce property tract to be acquired through an exchange for lands at the McNary National Wildlife Refuge in Walla Walla County, Washington. We have concluded that there are no known significant contaminant issues on or nearby the subject site.

During the interview with the Pierces, Mr. Pierce indicated he would like to continue to farm the property. He currently has a contract with WSDOT to do so however this contract expires March 1, 2010. The Pierces also indicated that they and campers at their RV Park utilize a primitive road across the northern part of the subject property and would like to continue to do so and thus would like a formal or informal right of way in this area.

Cc:
Greg Hughes, Project Leader, Mid-Columbia River NWR Complex, Burbank, WA
Kate Benkert, Deputy Manager, Lacey, WA

Level 1 Pre-Acquisition

Contaminant Survey

Parcels 320720410001 and 320721320005

Walla Walla County, WA

Prepared by:

Joe Bartoszek

Resource Contaminants Specialist

Mid-Columbia River NWR Complex

Burbank, WA

March 2, 2010

Level I Survey Checklist

Instructions: Complete each section. When the answer is "Yes" or when no response is given in parts B., C. and D., provide documentation under Part E. Describe the distance if "Nearby" is checked and whether there is a known potential pathway for hazardous substances and/or other environmental problems on site. Attach a legal description and plat, topographic map, or other identification of the real property covered by this Survey.

Note: Any deletions or omissions from this form will render this Survey invalid.

A. Background Information

Bureau Name US Fish and Wildlife Service Tract Name/No. Parcels 320720410001 and 320721320005, Walla Walla County, WA

Project Name McNary NWR County Walla Walla State WA

The U.S. Fish and Wildlife Service (FWS) intends to acquire this land from the Washington State Department of Transportation (WSDOT) as mitigation for the acquisition of other FWS property by WSDOT for their transportation needs. According to the Walla Walla County Assessors Office, WSDOT acquired this land as two parcels from Larry L. Pierce on March 18, 2009. Based on the Assessors Office records, the land consists of two parcels, 320720410001 and 320721320005 at 20 and 35.73 acres respectively. The land was part of a larger farm (approximately 300 acres) owned by Mr. Pierce and farmed by him for the past 43 years. It is mostly flat floodplain (approximately 53 acres) with the remainder the downslope tip of a bluff north of the property. Although the parcel map (320721320005) shows a break in the property at the base of the slope, Mr. Pierce indicated this was an old right of way the railroad had that doesn't exist any longer and that the parcel map isn't correct. It appears to continue to the east but does not show up on the parcel map to the east lending credence to Mr. Pierce's statement.

The property is bordered on the south and west by the Walla Walla River, to the east by a 14.7 acre parcel owned by Paul S. Bernsen (parcel 320721310005), to the north by the Blue Mountain Railroad (Union Pacific Railway Company parcel 320721310006), and to the northwest by the U.S. Army Corps of Engineers (parcel 320720310002). Prior to farming by Mr. Pierce, the land was undeveloped. Mr. Pierce has used the land primarily for hay and grain crops with some plantings of alfalfa and onions. Farming has been a mix of cultivation and (predominately) no till with irrigation water pumped from the Walla Walla River. The property flooded in the early years of farming and Mr. Pierce pushed the deposited sediments to the riparian area forming an irregular berm between the river and the farmed areas. Mr. Pierce continues to farm the property per agreement with DOT, and has indicated his desire to continue to farm the property if possible. The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) utilize the Walla Walla River in the southernmost section of the land for fisheries (Chinook recovery). They trap, count, and PIT tag smolt at this location. There is a covered processing station and rotary screw

trap anchored across the river from the property however cable anchors and river access are also located on the property to be acquired.

B. Interviews: Interview owners, neighbors, county agents, etc. and any appropriate Federal authorities on past and present use, addressing the topics in Parts C. and D. below. (Attach documentation)

On February 11, 2010, Joe Bartoszek interviewed Dean Smith, WSDOT Hazardous Materials Specialist, who conducted the Limited Phase I Hazardous Assessment for WSDOT (WSDOT 2009). Conversation with Mr. Smith supported his conclusion in his report, i.e. there are no known hazardous materials issues associated with or impacting this property.

On February 17, 2010, Joe Bartoszek and Russ MacRae interviewed Barbara and Larry Pierce, former owners of the property, at their home, and conducted a site visit to the property. The Pierce's indicated that approximately 20 years ago an agricultural worker washed out a tank into the Walla Walla River upstream of their farm causing a large kill in the river that has since recovered. At least partial recovery is likely based on various lines of evidence, such as use of the river by the CTUIR for their fisheries recovery efforts, predator use of the river banks, and bird use of the area. There are also no known current water quality violations other than those related to nutrient enrichment (e.g., dissolved oxygen, pH; WSDE 2007).

The Pierce's also indicated that there are buried oil and gas lines on their property but none that cross the property to be acquired. The oil line was breached 20-30 years ago during a grading operation of a neighbor's driveway flooding the farm fields with oil. The oil was recovered quickly and there was never a problem with growing crops on that property (which is located down gradient from the subject property). The only chemical application to the farm property were those typical of this type of operation, e.g. glyphosate, 2,4,D, fertilizer. The perimeter of the property was walked and survey stakes were noted on the north east part of the parcel. These seemed to indicate there is still a right of way in this area of the property. The railroad cuts through the bluff in this area and there is no indication of any spills or derailments here. There is some farm equipment stored on the bluff (e.g. irrigation pipe, fence posts). Evidence of predator activity was seen near the bluff (remains of a duck) and large mammal scat was plentiful along the perimeter of the property. Just down gradient of the CTUIR fish station a large (approx. 8") pipeline is capped off on each side of the river. An electric line terminates near here and it is apparent that this is the location where a pump is used to irrigate the field with river water. There is a buried irrigation line that would move water from this point easterly across the farm field.

C. Site Inspection Screen: Note observance or knowledge of the following on site or nearby with checkmark:

	ONSITE	NEARBY	
	YES	YES	NONE
1. Dumps, especially with drums or other containers. (Read labels if possible; do not open or handle! If no labels, note identifying characteristics.)	_____	_____	<u> X </u>

2. Other debris: note type (e.g., household, farm, industrial waste, etc.)

 X

3. Fills: (note if possible cover for dumps)

 X

4. Unusual chemical odors

 X

5. Above ground storage tanks: note type (e.g., petroleum products, pesticides, etc.) Estimate tank size _____.

 X

6. Chemicals/solvents storage: note where (e.g., barn, residence, etc.)

 X

7. Evidence of asbestos: note where (e.g., fire proofing, acoustical plaster, siding, or floor tiles)

 X

8. Vegetation different from surrounding area for no apparent reason (e.g., bare ground)

 X

9. "Sterile" or modified water bodies

 X

10. Oiled or formerly oiled roads (note if no apparent damage)

 X

11. Oil seeps or other stained ground, or discolored stream banks

 X

12. Oil slicks on, or unusual colors in, water

 X

13. Spray operation base: note type (e.g., air strip, equipment parking area)

 X

14. Machinery/equipment repair areas

 X

15. Pipelines; major electrical equipment

 X

16. Electric transmission lines: pole-mounted transformers, pad-mounted transformers (note evidence of leakage)

 X

17. Underground storage tanks, stand-pipes, constructed sites for petroleum product storage

X

18. Evidence of oil and gas drilling pads or holding ponds

 X

19. Evidence of strip mining, hard rock mining, or other extractive mineral activity

 X

20. Other environmental problems: (see 341 FW 3.5 C.) Attach documentation

 X

D. Record Searches: Coordinate with Division of Realty. Attach documentation to show that "appropriate inquiry" was made from "reasonably ascertainable" information (see 341 FW 3, Exhibit 4) for the following:

1. Past uses that might indicate potential hazardous substance or other environmental problems on site (CIRCLE any that are applicable and document in Section E):

None X

Manufacturing; service station; dry cleaning; air strip; pipeline; rail line; facility with large electrical transformers or pumping equipment; petroleum production; landfill; scrap metal, auto or battery recycling; military; lab; wood preserving.
Other (describe) _____

2. Nearby land uses, especially upstream or up gradient, or that might have had waste to dump at site (see above list).

None _____

Identify: Gravel mining operation

3. Known hazardous substance sites in vicinity: NPL, state site, or candidate site (check with EPA or state EPA counterpart).

Yes _____ No X

4. Agricultural drainage history: surface, and/or subsurface drains.

Yes _____ No X

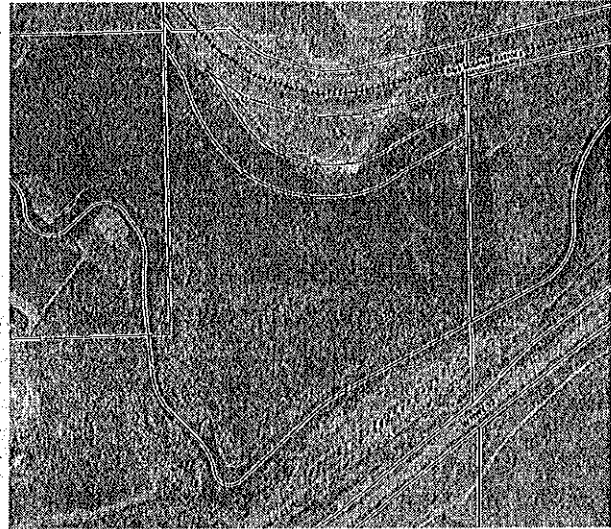
5. In acquiring land from another Federal agency, that agency has notified the Department of past or current presence of a hazardous substance under section 120(h) of CERCLA (Superfund).

Yes _____ No _____

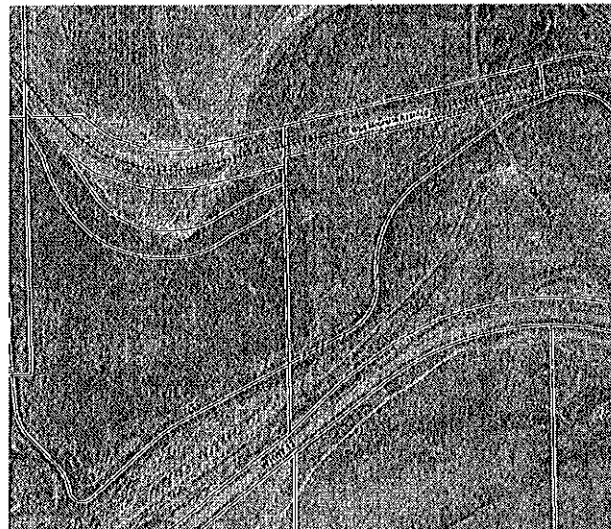
Not Applicable X

E. Documentation and Analysis (Attached): Include all documentation for Parts A, B, and C above (e.g., detailed summary of site conditions; description of topography and other site features; list of records searched and findings; list of persons interviewed and comments; analysis; photos; etc.). Include conclusions by Environmental Contaminants Specialist, if any.

Section A:



WSDOT Parcels 320720410001 and 320721320005 (Walla Walla County Assessor website).



USACOE Parcel 320720310002 and Bernsen Parcel 320721310005 located to the north and west, and east of the subject parcels (Walla Walla County Assessor website).

Section B:

January 15, 2010. Conversation with Heidi Newsome, Mid-Columbia Refuge Biologist familiar with the property.

February 11, 2010. Telephone interview with Dean Smith, WSDOT Hazardous Materials Specialist, who conducted the Limited Phase I Hazardous Assessment for WSDOT.

February 17, 2010. Joe Bartoszek and Russ MacRae interviewed Barbara and Larry Pierce, former owners of the property, at their home, and conducted a site visit to the property.

February 12-18, 2010. Several email exchanges with Susan Lewis (Customer Service Representative) and Garrett Bolyard (Director of Property Management, West Region), Blue Mountain Railroad.

Section C:

C2 - There is some farm equipment stored on the bluff (e.g. irrigation pipe, fence posts). There is a small auto and farm equipment salvage yard off property across the river (to the southwest).

C6 - The existing home, pole barn, barn/garage for the farm are located to the west of the subject property. Casual observation indicates normal storage.

C14 - As noted normal farm operation takes place to the west of the subject property including a pole barn and garage.

C15 - Buried gas and petroleum pipelines can be found to the west of the subject property as indicated by interview and above ground markers. Further to the west is an electrical substation however any influence on the subject property would be improbable.

C16 - The electric supply for the irrigation pump is an overhead line that terminates on the subject property. No transformers on the subject property were observed for this line.

C17 - Underground pipes and standpipes were noted however these are for distribution of irrigation water from the Walla Walla River.

C19 - A gravel pit/surface mining operation is located approximately 0.5 mile to the northeast of the subject property. As noted in the WSDOT review (WSDOT 2009) it is owned by Acme Materials and Construction in Touchet, is WSDOE site #4887318 with a General Waste Permit assigned in 2004 and no reported permit violations on file.

Section D:

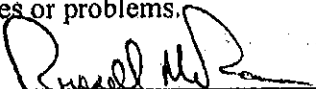
D1 - There is a rail line that runs along the north border of the property. The Blue Mountain Railroad indicated their records show this track to be at RR Milepost 4.5 on the Wallulla Subdivision and their derailment records going back to 2005 don't show any accidents or derailments at that location. This portion of track is jointly owned by the UP and the BN railroads and leased by Blue Mountain Railroad. Union Pacific and Burlington Northern were not contacted, however the site inspection showed no evidence of spills or derailments in this area. Most of the track is located in a deep cut in the bluff and any accidents that occurred in this area would be obvious. The Walla Walla County Emergency Management Department September 2005 Hazardous Materials Spills Report shows no spills or railway accidents in this area.

D2 - A gravel pit/surface mining operation is located approximately 0.5 mile to the northeast of the subject property. As noted in the WSDOT review (WSDOT 2009) it is owned by Acme Materials and Construction in Touchet, is WSDOE site #4887318 with a General Waste Permit assigned in 2004 and no reported permit violations on file.

D4 - This is agricultural property bordered by a river and irrigated with river water. Surface flow from the field is expected although no obvious rills, gullies, or drainage was evident. Flooding from the river is also expected and has occurred as the previous landowner has indicated.

F. Certification (Preparer sign one and only one of the following)

1. I certify that to the best of my knowledge, no hazardous substances or other environmental problems are present on this real property, and there are no obvious signs of any effects of such substances or problems.

Signed  Print Name Russell MacRae

Date 03/1/2010 Title Contaminants Division Manager, EWFO

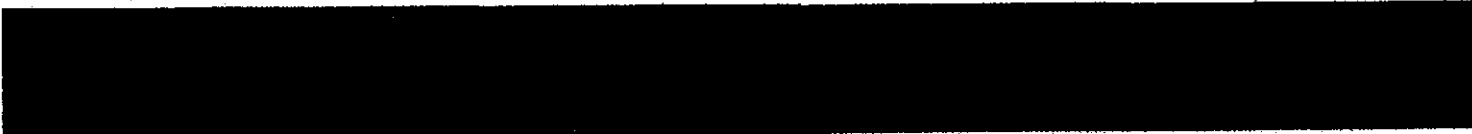
2. The surveyed real property, or a portion thereof, contains hazardous substances or other environmental problems as determined by the environmental site assessment. The owner of that real estate has cleaned up or will clean up the hazardous substances or other environmental problems to bureau specifications (documentation of the owner's commitment, ability, and plan to clean up the property is attached). A Level II or Level III Survey is not required.

Signed _____ Print Name _____

Date _____ Title _____

3. On the basis of the information collected to complete this form it is possible to reasonably conclude that there is a potential for hazardous substances or other environmental problems, or the effects of hazardous substances or other environmental problems, to be present on this real property.

A Level II Survey is recommended _____
A Level III Survey is recommended _____



Signed _____ Print Name _____

Date _____ Title _____

4. On the basis of the information collected to complete this Survey it is possible to reasonably conclude that there is a potential for hazardous substances or other environmental problems, or the effects of hazardous substances or other environmental problems, to be present on this real property, but there is sufficient information documented to conclude that a Level II or III Survey is not necessary. The actual or potential remediation or other environmental cleanup costs or other monetary damages on this real property can reasonably expect to be \$ _____.

Signed _____ Print Name _____

Date _____ Title _____

G. Reprogramming

Reprogramming will _____ will not be required.

H. Approving Official

Catherine B. Sheppard, RRI, 3W

Signed Catherine B. Sheppard Print Name _____

Date 5/5/10 Title Chief, Realty + Refuge Info

References

Walla Walla County. 2005. Walla Walla County Hazard Identification Vulnerability Analysis (HIVA) – Hazardous Materials. Appendix A: Reported Hazardous Material Spills in Walla Walla County, Walla Walla County Emergency Management Department, September, 2005.

WSDOT. 2009. Limited Phase I Hazardous Materials Assessment, Parcel #'s 32072041001 & 320721320005, Walla Walla County, WA. Performed by Dean Smith, WSDOT Hazardous Materials Specialist, November 2, 2009.

Washington State Department of Ecology (WSDE). 2007. Walla Walla River Basin pH and Dissolved Oxygen Total Maximum Daily Load, Water Quality Improvement Report. Publ. No. 07-03-010. June 2007. <http://www.ecy.wa.gov/biblio/0703010.htm>

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United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
Eastern Washington Field Office
11103 East Montgomery Drive
Spokane Valley, WA 99206

March 17, 2010

MEMORANDUM

To: Chief, Region 1 Realty Branch, Realty and Refuge Information Division,
Portland, OR

From: Environmental Contaminants Division Manager, Eastern Washington
Field Office, Spokane, WA

Subject: Addendum to Pierce Property Pre-Acquisition Survey

Per your request, we have added an evaluation of historical rail road properties associated with easements for the subject property. An additional site visit was made Joe Bartoszek on March 5, 2010 to inspect the easements delineated on the McNary NWR WDOT Land Exchange Pierce Property Access map provided by USFWS Realty.

The access designated in purple as "30' access easement acquired by WDOT" consists of an asphalt road from State Route 12 to the river. The river is crossed by a steel plate bridge. The road is stone surfaced from the bridge to the railroad track. Access to the portion parallel to the railroad track is via a short section of the access highlighted in green on the map provided by Realty. This is due to the grade difference as the railroad track is approached from the south. The 30' easement paralleling the railroad is an unimproved path, the narrower traveled portion being below the natural grade of the surrounding land. There have been no improvements to this section (e.g. fill, hard pack, etc.) and grass grows freely along it. At the intersection of the bridge and the road, the USFWS has a Fish Detection Station west of the ROW which includes a natural gas tank. There are no known hazardous materials issues associated with or impacting this property.

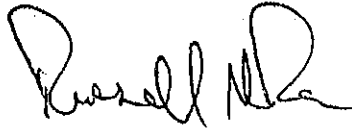
The access designated in green as "minimum required access easement from UPRR & private owners" consists of a dirt road connecting the improved road with the farmed field. To the south of the traveled portion, obscured by overgrowth, is a small area in which household trash has been dumped. Closest to the road is an old and deteriorated plastic wading pool. Further to the south are tires, plastic containers that originally held automobile anti-freeze, laundry detergent, motor oil, and misc. other liquids. Some still contain unknown liquids. There is also some electrical equipment, too obscured to determine exactly what it is but wires and wire nuts are visible as is a yellow frame

TAKE PRIDE
IN AMERICA 

supporting black equipment. It is recommended that, if this is part of the USFWS acquisition, WDOT properly dispose of these materials prior to transfer of ownership.

Follow-up conversations with Dean Smith at the WDOT suggested that the actual road and rail locations on the map provided by Realty may be slightly off. Moreover, the two existing roads were of considerable grade (much more than a rail could typically deal with, usually 2% max) suggesting that the rail line doesn't exist in its former configuration and from the map, may now be a part of the field. It was likely a passing siding, and has since been farmed. Much of the surface soil from that area has most likely been spread across the field as there was no rail base or remains still showing. Thus, it is quite unlikely that this former siding has had impacts to the remainder of the parcel in question is an impact by itself.

Overall, other than the minor issues noted above, we have concluded that there are no known significant contaminant issues on or nearby the subject easements.

A handwritten signature in black ink, appearing to read "Russell M. R.", is centered on the page.

Cc:

Greg Hughes, Project Leader, Mid-Columbia River NWR Complex, Burbank, WA
Kate Benkert, Deputy Manager, Lacey, WA

Appendix D. Notification List

Federal and State Congressional Offices

U.S. Representative Cathy McMorris
U.S. Representative Doc Hastings
U.S. Senator Maria Cantwell
U.S. Senator Patty Murray
Washington State Representative Laura Grant
Washington State Representative Maureen Walsh
Washington State Senator Mike Hewitt

Federal Agencies

Department of the Army Corps of Engineers
National Marine Fisheries Service

Tribes

Confederated Tribes of the Coleville Reservation
Confederated Tribes of the Umatilla Reservation
Wanapum Indian Tribe
Yakama Nation

State

Washington Department of Fish and Wildlife
Washington Office of Archaeology and Historic Preservation
Washington Department of Transportation

Local Government

Benton County Commissioners
Franklin County Commissioners
Walla Walla County Commissioners

Library

Burbank Library
Walla Walla Public Library

Business

Burlington Northern BR

Organizations

Friends of the Mid-Columbia River Refuges

National Rifle Association

National Audubon Society

National Wildlife Refuge Association

Richland Rod and Gun Club

Washington Water Trails

Washington Waterfowl Association

**Statement of Compliance for Proposed Land Exchange
with the
Washington State Department of Transportation**

**Field 3a and Field 9 (McNary Headquarters Unit) in Exchange
for the Pierce Property (adjacent to the Wallula Unit)
Walla Walla County, Washington**

**McNary National Wildlife Refuge
Benton, Franklin, Walla Walla, Counties, Washington, and Umatilla County, Oregon**

The following executive orders and legislative acts have been reviewed as they apply to the proposed action. The Service will conduct all realty actions in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies.

- **National Environmental Policy Act (1969).** The planning process has been conducted in accordance with Department of the Interior and Service procedures and has been performed in coordination with the affected public. Based on the analysis in the *2009 McNary National Wildlife Refuge Proposed Land Exchange – Pierce Addition: Land Protection Plan/Environmental Assessment, Walla Walla County, Washington* (LPP/EA) the Service has prepared a Finding of No Significant Impact under the National Environmental Policy Act. Under the proposed land exchange, the Service would dispose of 13.17 acres (11.5 acres of Field 3a and 1.7 acres of Field 9), McNary Headquarters Unit, McNary National Wildlife Refuge (Refuge), Walla Walla County, Washington, to the Washington State Department of Transportation (WS DOT) for a highway interchange project. The State proposes to construct the interchange project to reduce the risk of traffic collisions, lesson traffic congestion, and enhance the economic growth of the area. As mitigation, the Service would acquire from WS DOT the 55.73-acre Pierce property adjacent to the Wallula Unit, expanding the approved Refuge boundary with a net total of 41.83 acres.

- **National Historic Preservation Act of 1966, as amended (Sections 106 and 110) (16 U.S.C. 470-470x).** Based on an investigation by a Washington State archaeologist, there are no known cultural or historic resources of significance on the proposed Refuge disposal property (Field 3a and Field 9). The Service and the Washington State Department of Archaeology and Historic Preservation are in agreement that no historic properties would be affected by the proposed land exchange. Expansion of the approved Refuge boundary and acquisition of the proposed Pierce Addition are not considered an undertaking under the National Historic Preservation Act. The Service would follow established procedures for evaluating effects and protecting cultural resources that may be found in the future to have significance if the Service is to acquire the Pierce property. This includes complying with the National Historic Preservation Act, other cultural

resource preservation laws, and consulting with the State Historic Preservation Office on any future construction, restoration, or management actions which may have the potential to affect historic properties and/or cultural resources.

- **Executive Order 12996. Management and General Public Use of the National Wildlife Refuge System, and the National Wildlife Refuge Administration Act of 1966, as amended by the National Wildlife Refuge Improvement Act of 1997 (16 U.S.C. 668dd-668ee).** There are no existing wildlife-dependent public uses occurring on the proposed disposal property or the proposed Addition and the Service is not proposing to allow any wildlife-dependent public uses at this time. Preparation of Pre-acquisition compatibility determinations are not required but would be prepared for any wildlife-dependent public uses that would be proposed in the future.
- **Executive Order 11988. Floodplain Management.** No structures, fill, or changes in land use are proposed at this time. The Service would protect the floodplain from adverse impact; thus, the proposed action is consistent with this executive order. Any future restoration would be a separate proposed action and subject to review under E.O. 11988.
- **Executive Order 11990; Protection of Wetlands.** No structures, fill, or changes in land use are proposed at this time. The proposed action of disposing of Refuge land, comprised of irrigated uplands, would not affect wetlands, and secondly, the proposed expansion of the approved Refuge boundary with the Pierce Addition is consistent with E.O. 11990 because the Service would protect existing riparian habitat and other wetlands. Any future restoration would be a separate action and subject to review under E.O. 11990.
- **Executive Order 12372. Intergovernmental Review.** Coordination and consultation with tribal, local and the State governments, other Federal agencies, the landowner, and other interested parties has been completed for this project by the Washington State Department of Transportation. As part of the public notice and review process, the Service would make the LPP/EA available for a 30-day review and comment period, from the date of public release and before the Service would take any action.
- **Executive Order 13175. Consultation and Coordination with Indian Tribal Governments.** The Project Leader and Service Cultural Resources Specialist for the Pacific Region consulted and coordinated with the Confederated Tribes of the Umatilla Indian Reservation, Yakama Nation, Wanapum Indian Tribe, and Confederated Tribes of the Coleville Indian Reservation as required under Secretary of the Interior Order 3206 American Indian Tribal Rights, Federal-Tribal Responsibilities, and the Endangered Species Act. The WS DOT consulted with these tribes on the project as well. March 2010, the Service received a letter from the Confederated Tribes of the Coleville Indian


Reservation stating they had reviewed the cultural resource reports prepared for this project and that, with conditions enumerated on inadvertent discoveries, they concur with the findings and recommendations based on the information provided.

- **Executive Order 12898. Federal Actions to Address Environmental Justice in Minority and Low-Income Populations.** All Federal actions must address and identify, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations, low-income populations, and Indian Tribes in the United States. No adverse human health or environmental effects were identified for minority or low-income populations, tribes, or anyone else.


- **Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Secretarial Order 3127.** As of September 2009, the proposed disposal property and the proposed Addition are not on the Environmental Protection Agency's National Priority List or in their CERCLA System. The WS DOT conducted a Limited Phase I Hazardous Materials Assessment of the Pierce property, concluding that there is no known hazardous material issues associated with or impacting the property and no further investigation is warranted. In March of 2010, the Service conducted a Level I Pre-Acquisition Contaminant Survey on the Pierce property, concluding that there are no known significant contaminant issues on or nearby.

- **Endangered Species Act of 1973, as amended (16 U.S.C 1531 – 1544).** There are no federally-listed threatened or endangered species inhabiting the Refuge land proposed for disposal and transfer to the WS DOT nor on the proposed Pierce Addition. The federally-listed threatened bull trout and mid-Columbia River steelhead, however, use the Walla Walla River for passage, adjacent to the Pierce property. Neither the land exchange nor the proposed expansion of the approved Refuge boundary represent a Federal action which would affect species listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544). As an adjacent landowner along the Walla Walla River, the Refuge would avoid taking any action that would interfere with the fish passage in the Walla Walla River. Additionally, the Service would consult under Section 7 of the Endangered Species Act for any Refuge management actions in the future which may have the potential to affect listed species

I hereby certify that all requirements of the law, rules, and Service regulations or policies applicable to planning for the above project have been met.



Branch Chief, Refuge Planning
Region 1



Date

