

Finding of No Significant Impact
Spring Basin Wilderness Land Exchanges
NEPA # DOI-BLM-OR-P040-2010-0021-EA
U.S. Department of the Interior, Bureau of Land Management
Prineville District Office, Oregon

Introduction

The Bureau of Land Management (BLM) has completed an Environmental Assessment (EA) that analyzes the effects of two land exchanges authorized by the Omnibus Public Land Management Act of 2009, Public Law No. 111-11, 123 Stat. 1048 (the Act). The Act contains a number of provisions, including the designation of the Spring Basin Wilderness Area (SBWA) in Wheeler County, Oregon, and provides for various land exchanges with adjacent property owners, including the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) and H. Kelly and Rosemary McGreer. This Finding of No Significant Impact incorporates the EA, National Environmental Policy Act Register Number DOI-BLM-OR-P040-2010-0021-EA, by reference.

Proposed Action Described by Statute

Section 1754 (a) of the Act addresses the land exchange with the CTWSRO. Subject to subsections (e) through (g) of the Act, the Tribes have offered to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A) of the Act.

The non-Federal land was estimated at 4,480 acres and identified on the wilderness map as “Lands proposed for transfer from the Confederated Tribes of the Warm Springs Indian Reservation (CTWSIR) to the Federal Government.” The Federal land referred to in paragraph (1)(B) was estimated at 4,578 acres and identified on the wilderness map as “Lands proposed for transfer from the Federal Government to CTWSIR.”

Sections 1754 (b) of the Act addresses the land exchange with the McGreer family. Subject to subsections (e) through (g) of the Act, the landowner has offered to convey to the United States all right, title, and interest to the non-Federal land described in paragraph (2)(A) of the Act. (In addition, the McGreers acquired a parcel of the Bowerman property, identified in the Act, for the purpose of conveying it to the United States in the land exchange. This parcel is 15.43 acres and described as tax lot 902, Section 10, T. 8 S., R. 19 E.)

In the Act, the non-Federal land was estimated at 18 acres and identified on the wilderness map as “Lands proposed for transfer from McGreer to the Federal Government.” The Federal land was estimated at 327 acres and identified on the wilderness map as “Lands proposed for transfer from the Federal Government to McGreer.”

The Act stipulated that Secretary determine the exact acreage and legal descriptions of the Federal and non-Federal lands by survey. Additionally, the Act requires that the value of the Federal land and the non-Federal land be equal, as determined by appraisals conducted by an independent, qualified appraiser, and agreed to by the Secretary of the Interior and the owner of the non-Federal land. If the value of the Federal and non-Federal land is not equal, the parties may equalize value by

(i) making a cash equalization payment to the Secretary of the Interior or to the owner of the non-Federal land, as appropriate, in accordance with Section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) or (ii) reducing the acreage of the Federal land or the non-Federal land, as appropriate.

The exchanges described in the statute and the exchanges described in the proposed action alternative differ as a result of landowner preference, survey determinations, and value equalization efforts.

Proposed Action

The proposed action is to implement the CTWSRO and McGreer land exchanges with no additional terms and conditions.

Convey 4,224.36 acres of Federal land to the CTWSRO in exchange for 4,542.82 acres of non-Federal land.

Convey 344.31 acres of Federal land to Kelly and Rosemary McGreer (McGreer) in exchange for 15.43 acres of non-Federal land within the John Day Wild and Scenic River Corridor.

CTWSRO Exchange

- Delete two Federal rangeland parcels (86.89 acres) from the Federal land described in § 1754(a)(2)(B) to equalize values within regulatory limits. The difference in value of \$217,200 in favor of the Federal land is equivalent to 24.44 percent of the value of the Federal land ($\$217,200 / \$888,700 = .2444$ or 24.44 percent). A cash equalization payment from the CTWSRO for \$217,200 is within the regulatory parameters. This would comply with the regulatory parameters for cash equalization not to exceed 25 percent of the total value of the Federal land.
- All of the Federal lands in the CTWSRO exchange, except for 222 acres, are within the boundaries of existing grazing allotments held by CTWSRO and managed as part of the Pine Creek Conservation Area (PCCA). All of the Federal lands in the CTWSRO exchange would become part of the PCCA. The CTWSRO would manage the resources according to the management plan for the conservation area.
- The Bonneville Power Administration (BPA) holds a conservation easement to all federally acquired land within the PCCA ensuring conservation management objectives. The BPA will transfer the conservation easement it currently holds on the non-Federal lands to the lands acquired by the CTWSRO.

McGreer/Exchange

The BLM will convey the Federal land valued at \$95,000 for the non-Federal land (McGreer Tax Lot 902) valued at \$80,000. This would include a cash equalization payment of \$15,000 to the United States. This cash equalization payment is 15.79 percent of the value of the Federal land and within the 25 percent maximum difference established by regulation.

Significance Determination

The Council on Environmental Quality (CEQ) regulations state that the BLM must determine the significance of impacts in terms of both context and intensity (40 CFR 1508.27).

Context

I have found that the effects of the actions discussed in the EA are limited in context. The planning area is limited in size and the activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

Intensity

I have considered the potential intensity and severity of the impacts anticipated from implementation of a decision on this EA relative to each of the 10 areas suggested for consideration by the CEQ with regard to each of the following:

1. Would any of the alternatives have significant beneficial or adverse impacts (40 CFR 1508.27(b)(1))? No.

Rationale: The EA discloses beneficial, adverse, direct, indirect, and cumulative impacts. The EA documents that the proposed action will benefit the public by acquiring lands to increase the size and manageability of the SBWA.

2. Would any of the alternatives have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2))? No.

Rationale: The proposed activities will not significantly affect public health or safety. The BLM conducted an Environmental Preliminary Analysis for the Federal land, and a Pre-Acquisition Liability Survey for the non-Federal land. There are no concerns with the subject property addressed in the proposed action or alternatives.

3. Would any of the alternatives have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime and unique farmlands, wetlands, wild and scenic rivers, designated wilderness or wilderness study areas, or ecologically critical areas (ACECs, RNAs, significant caves)) (40 CFR 1508.27(b)(3))? No.

Rationale: The proposed action will have no adverse impacts on the designated wilderness area, areas along the wild and scenic river corridor, wetlands, or known cultural resources. The EA describes the effects of the proposed action. The proposed action does not affect parklands, prime and unique farmlands, or ecologically critical areas.

4. Would any of the alternatives have highly controversial effects (40 CFR 1508.27(b)(4))? No.

Rationale: The BLM does not expect effects associated with the proposed action or alternatives to be highly controversial. There has been no controversy regarding the proposed action and alternatives described in the EA.

5. Would any of the alternatives have highly uncertain effects or involve unique or unknown risks (40 CFR 1508.27(b)(5))? No.

Rationale: There are no known effects that are highly uncertain or involve unique or unknown risk.

6. Would any of the alternatives establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))? No.

Rationale: Neither the proposed action nor any of the alternatives would set a precedent or represent a decision in principle about a future management consideration.

7. Are any of the alternatives related to other actions with potentially significant cumulative impacts (40 CFR 1508.27(b)(7))? No.

Rationale: The EA analyzes all connected and cumulative actions within the scope of the analysis. Chapter 3 of the EA considers and discloses the cumulative effects of past, present, and reasonably foreseeable actions. None of the alternatives relate to other actions with potentially significant cumulative impacts.

8. Would any of the alternatives have significant adverse impacts on scientific, cultural, or historic resources, including those listed or eligible for listing on the National Register of Historic Resources (40 CFR 1508.27(b)(8))? No.

Rationale: The proposed action or alternatives will not adversely affect districts, sites, highways, structures, or objects eligible for listing in the National Register of Historic Places (NRHP). It will not cause loss or destruction of significant, cultural, or historical resources. The BLM conducted a cultural resource inventory on the Federal land in both land exchanges.

The inventory findings for the McGreer exchange included one historic dump site, determined ineligible for listing on the NRHP. The BLM submitted the report with a finding of no effect to the Oregon State Historic Preservation Office (SHPO), who concurred with this finding on May 12, 2014.

The inventory findings for the CTWSRO exchange included sites determined eligible for listing on the NRHP and sites considered ineligible for listing. The BLM has determined that a restrictive covenant in the conveyance document would ensure the long-term preservation of the property's historic significance, in accordance with 36 CFR 800.5 (a) (2) (vii). The BLM finds that the conveyance of the Federal parcels, in conjunction with the restrictive covenant, will have no adverse effect on cultural resources.

The BLM, the SHPO, and the CTWSRO agreed with the idea of a restrictive covenant in the conveyance document and concluded that the land exchanges would have no adverse effect on cultural resources. The BLM completed consultation with the SHPO in accordance with Section 106 of the National Historic Preservation Act of 1966, concluded with a finding of no adverse effect, and will apply a restrictive covenant

identifying the 14 historic properties. The SHPO provided a letter of concurrence for the land exchange, dated September 24, 2014.

9. Would any of the alternatives have significant adverse impacts on threatened or endangered species or their critical habitat (40 CFR 1508.27 (b)(9))? No.

Rationale: As described in the EA, the proposed action or alternatives will not affect any endangered or threatened species or their habitats.

10. Would any of the alternatives have effects that threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27 (b)(10))? No.

Rationale: The proposed action and the alternatives are consistent with all known Federal, State, and local laws, regulations, and requirements imposed for protection of the environment.

Finding

On the basis of the information contained in the EA, the consideration of intensity factors described above and all other information available to me, it is my determination that:

1. Implementation of the alternatives would not have significant environmental impacts beyond those already addressed in the Two Rivers Resource Management Plan Environmental Impact Statement;
2. The proposed action and alternatives are in conformance with the Two Rivers Resource Management Plan; and
3. Neither the proposed action nor any of the alternatives would constitute a major Federal action having a significant effect on the human environment. Therefore, an environmental impact statement (EIS) or a supplement to the existing EIS is not necessary. The BLM will not prepare an EIS.

Carol Benkosky
District Manager, Prineville

Date