



# U.S. DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS

February 2007

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## RECORD OF DECISION

## COYOTE BUSINESS PARK

**Bureau of Indian Affairs  
Northwest Region  
Record of Decision**

- Agency:** Bureau of Indian Affairs, Northwest Region
- Action:** Record of Decision for the Proposed Coyote Business Park Located Approximately 7 Miles East of the City of Pendleton south of Interstate 84 at Exit 216 on the Umatilla Indian Reservation In Umatilla County, Oregon.
- Summary:** The Confederated Tribes of the Umatilla Indian Reservation propose to develop, build, and manage a light industrial and commercial business park known as the Coyote Business Park. The proposed Coyote Business Park would be located on a 520 (+/-) acre site south of Interstate 84 at Exit 216 and west of South Market Road approximately seven miles east of Pendleton, Oregon on the Umatilla Indian Reservation. The land is held in trust by the United States for the Confederated Tribes of the Umatilla Indian Reservation, the beneficial owners.

The first phase of the proposed development would be construction of infrastructure including extension of the municipal water and sanitary sewer systems and utilities as well as construction of stormwater drainage facilities and roads to the proposed lots. This phase would also involve the replacement of power support structures on the high voltage Bonneville Power Administration line that crosses the site.

Water would be provided from the Mission Community Water System. Wastewater would be handled through connection to the Mission Wastewater Collection System which is treated through a cooperative agreement by the City of Pendleton. Stormwater drainage would be retained on-site. Access would be provided off South Market Road which would be improved to an industrial standard and provided with a dedicated right hand turn lane into the site as funding permits. Commercial utilities would be provided through extensions of existing service which is located either adjacent to the site (telecommunications, electric service) or within ¼ mile to the north (natural gas).

The second phase of the proposed development would be to construct and operate business facilities on the lots. The second phase would likely be constructed and financed by the individual business owners although the Confederated Tribes could also construct the business facilities and lease them to private operators. Anticipated light industrial operations could include warehouses and distribution facilities as well as shops for the assembly of previously manufactured components.

In accordance with the National Environmental Policy Act of 1969, the Bureau of Indian Affairs has prepared an Environmental Impact Statement (EIS) for the proposed Coyote Business Park. Public participation has occurred throughout the NEPA process. The Notice of Intent was filed in the Federal Register (FR) on January 9, 2002 (66 FR 1191). A public scoping meeting was held in Pendleton,

Oregon on January 23, 2003, to solicit comments and ideas. On November 6, 2003, an open house was held in Pendleton, Oregon to update the public on the NEPA process for the proposed project. A Notice of Availability for the Draft Environmental Impact Statement (DEIS) was filed in the Federal Register (FR) on December 16, 2005 (70 FR 74844). Public hearings on the DEIS were held in Pendleton, Oregon on January 19, and January 30, 2006. A Notice of Availability for the Final Environmental Impact Statement (FEIS) was filed in the Federal Register on November 24, 2006 (71 FR 67895). The FEIS addresses issues and concerns raised during the public scoping period and contains responses to letters and oral testimony received during the public comment period on the DEIS.

The Bureau of Indian Affairs is the lead agency for the EIS. The Bonneville Power Administration is a cooperating agency for the EIS. Both the Bureau of Indian Affairs and the Bonneville Power Administration will issue a Record of Decision (ROD) regarding decisions related to their specific responsibilities. The Bureau of Indian Affairs' decision is whether to approve leases between the Confederated Tribes of the Umatilla Indian Reservation and prospective business wishing to locate within the proposed development.

With the issuance of this Record of Decision (ROD), the Bureau of Indian Affairs announces that the Proposed Action is the action to be implemented. Under the Proposed Action, the Bureau of Indian Affairs would approve leases between the Confederated Tribes of the Umatilla Indian Reservation and businesses wishing to locate within the proposed development that conform to requirements provided in Title 25, Code of Federal Regulations, Part 162, Subpart F. The lease agreements must include provisions for adequate bonds and financial guarantees to ensure contractual obligations are met. The Bureau of Indian Affairs' decision is based on its review of the DEIS, the FEIS, and comments received from the public, federal agencies, state agencies, local governmental entities, and potentially affected Tribes.

**For Further Information Contact:**

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## **Introduction**

The Confederated Tribes of the Umatilla Indian Reservation propose to construct and manage a light industrial and commercial business park that would be located approximately 7 miles east of Pendleton, Oregon on the Umatilla Indian Reservation. The proposed project, referred to as the Coyote Business Park, would be constructed on approximately 142 acres of a 520 (+/-) acre site held in trust by the United States for the Confederated Tribes of the Umatilla Indian Reservation, the beneficial owners.

The Bureau of Indian Affairs (BIA), an agency of the U.S. Department of the Interior and the Bonneville Power Administration (BPA), an agency of the U.S. Department of Energy, will be responsible for implementing the federal actions necessary for construction and operation of the proposed Coyote Business Park. The BIA must decide whether to grant or not to grant leases to businesses wishing to locate on lands located in Section 21, Township 2 North, Range 33 East, Willamette Meridian, Umatilla County, Oregon, held in trust by the United States for the beneficial owners, the Confederated tribes of the Umatilla Indian Reservation. The BPA must decide whether or not to replace power line support structures on their high voltage line that crosses the site. In accordance with the National Environmental Policy Act of 1969, the BIA was the lead federal agency in preparation of an Environmental Impact Statement (EIS) for the proposed Coyote Business Park.

Public participation has occurred throughout the development of the NEPA process. The Notice of Intent was filed in the Federal Register (FR) on January 9, 2002 (66 FR 1191). A public scoping meeting was held in Pendleton, Oregon on January 23, 2003 to solicit comments and ideas. On November 6, 2003, an open house was held in Pendleton, Oregon to update the public on the NEPA process for the proposed project. A Noticed of Availability for the Draft Environmental Impact Statement (DEIS) was filed in the Federal Register (FR) on December 16, 2005 (70 FR 74844). Public hearings on the DEIS were held in Pendleton, Oregon on January 19, and January 30, 2006. A Notice of Availability for the Final Environmental Impact Statement (FEIS) was filed in the Federal Register on November 24, 2006 (71 FR 67895). The FEIS addresses issues and concerns raised during the public scoping period and contains responses to letters and oral testimony received during the public comment period on the DEIS.

The BIA received a formal written comment on the FEIS from the U.S. Environmental Protection Agency (EPA). The EPA stated the changes made between the DEIS and the FEIS addressed their concerns regarding potential impacts to surface and ground water quality. In particular, the FEIS includes information showing the proposed project would not contribute to water quality degradation due to the low impact development strategies integral to the project proposal. The EPA also appreciated the commitment to monitor water quality.

This Record of Decision (ROD) documents the rationale for the decision whether or not to grant leases between the Confederated Tribes of the Umatilla Indian Reservation and businesses wishing to locate within the proposed Coyote Business Park.

## **Description of Alternatives**

The FEIS includes an analysis of the No Action Alternative (Alternative A), the Proposed Action and Preferred Alternative (Alternative E), and three additional action alternatives (Alternatives B, C, and D). The action alternatives differ primarily in the size of the proposed business park (21-142 acres), whether domestic water would be provided through the drilling of a new well or extension of an existing community water system, and whether sanitary sewer service would be provided by installation of septic tanks and drain fields or connection to an existing municipal sewer system.

### ***Alternative A-No Action***

Under the No Action Alternative (Alternative A), the Confederated Tribes of the Umatilla Indian Reservation would not provide water, sewer or utility service to the site and would not seek industrial or commercial tenants for the site. Therefore, the BIA would not need to grant leases between the Confederated Tribes and businesses wishing to locate on the site.

### ***Alternative B-Proposed Action and Preferred Alternative***

The Proposed Action and Preferred Alternative (Alternative E) is to develop and manage a light industrial and commercial business park on 142 acres. Thirteen lots ranging in size from 6 to 39 acres would be made available for lease. Projected building sizes range from 15,000 square feet up to 400,000 square feet for a distribution warehouse operation as an anchor tenant. A distribution warehouse or similar operation could potentially include a bulk fueling station. Tenants would connect to a water system extension that would convey water from the Mission Community Water System north of Interstate 84. Tenants would also connect to a wastewater collection system with lift stations that interconnects to an existing trunk line that runs to the City of Pendleton wastewater treatment system.

The existing BPA lines that cross the site are currently supported by twelve wooden “H-Frame” structures. Guy wires on the corner pole anchor the line as it makes an angle change crossing the site. BPA would replace these wooden supports by seven to nine single steel pole suspension structures that would increase the clearance between the power lines and the ground from 60 feet to approximately 110 feet.

The Confederated Tribes of the Umatilla Indian Reservation estimate approximately 546 additional permanent jobs would be created at full development.

### ***Alternative B***

Under Alternative B, the Confederated Tribes would develop and management a light industrial and commercial business park on 21 acres. Three lots would be made available for lease. Three businesses would conduct operations in buildings of an estimated 15,000 square feet size. A new single well would provide domestic water. Each business would be served by on-site septic systems constructed at lessee expense.

The Confederated Tribes of the Umatilla Indian Reservation estimate approximately 45 additional permanent jobs would be created.

### ***Alternative C***

Under Alternative C, the Confederated Tribes would develop and management a light industrial and commercial business park on 58 acres. Four lots ranging in size from seven to thirty seven acres would be made available for lease. Projected building sizes range from 15,000 square feet up to 400,000 square feet for a distribution warehouse operation as an anchor tenant. A distribution warehouse or similar operation could potentially include a bulk fueling station. Tenants would connect to a water system extension that would convey water from the Mission Community Water System north of Interstate 84. Each business would be served by on-site septic systems constructed at lessee expense as in Alternative B.

BPA would replace the existing twelve wooden support structures on their high voltage transmission line with seven to nine steel pole suspension structures as in Alternative E.

The Confederated Tribes of the Umatilla Indian Reservation estimate approximately 160 additional permanent jobs would be created.

### ***Alternative D***

Under Alternative C, the Confederated Tribes would develop and management a light industrial and commercial business park on 58 acres. Tenants would connect to a water system extension that would convey water from the Mission Community Water System north of Interstate 84. In addition, the Confederated Tribes would construct a wastewater collection system with lift stations to pump wastewater to the existing trunk line that runs to the City of Pendleton wastewater treatment plant. The collection system would increase the capacity for service to more employees than the septic tank and drain field systems proposed under Alternative C.

BPA would replace the existing twelve wooden support structures on their high voltage transmission line with seven to nine steel pole suspension structures as in Alternative E.

The Confederated Tribes of the Umatilla Indian Reservation estimate approximately 275 additional permanent jobs would be created.

## **Issues Evaluated**

A number of issues were raised during the scoping process and public review of the DEIS. Each of the alternatives considered in the FEIS was evaluated relative to these and other issues. The most substantive issues were:

1. The Confederated Tribes of the Umatilla Indian Reservation need a new source of revenue to enhance funding for Tribal programs and opportunities for additional economic development as well as to create permanent jobs for tribal members.

2. The proposed business park could potentially impact fish and wildlife populations that are present on the site or dependent on its habitat.
3. The proposed business park could reduce the quality and quantity of surface and ground water.
4. The proposed business park would increase traffic, particularly truck traffic, which could lead to additional vehicle accidents.
5. Light industrial and commercial operations may reduce the value of surrounding residential and agricultural land.
6. Construction and operation of a business park might reduce air quality.
7. Construction and operation of a business park may have a detrimental impact on unknown cultural resources that may be present on the site and/or known cultural resources such as the Tutuilla Church and Cemetery near the project site.
8. The proposed business park would be visible and audible from nearby residences and cultural sites.
9. The Mission Community Water and Sewer Systems could not handle the additional demands without negative impacts.
10. Police and/or fire protection services are not adequate to service the proposed business park.

## **Potential Direct and Cumulative Impacts**

### ***Additional Revenue and Jobs for the Confederated Tribes of the Umatilla Indian Reservation***

There would be incremental increases in revenue to the CTUIR from the lease of lots to entities for light industrial and commercial business. Lease income would depend on the size of the lots and the nature of the business. Some increases in tribal utility, solid waste transfer station, and motor vehicle fuel taxes are also anticipated. The actual increase in any tax revenues would depend on the amount of capital investments in new utilities, increased usage of the Tribal Solid Waste Transfer Station, and any incremental increase in motor vehicle fuel sales.

Three lots would be available for immediate business occupation under Alternative B while four lots would be available for immediate business occupation under Alternatives C and D. Thirteen lots would be available for immediate business occupation under Alternative E. The estimated increase in permanent jobs ranges from 45 under Alternative B to 546 under Alternative E. The estimated time to lease all lots ranges from 15 years under Alternative B to 40 years under Alternative E.

## ***Fish and Wildlife***

The overall impact of construction and operation of the Coyote Business Park on fish and aquatic habitat would be minor. Sediment transport from localized surface disturbance would be minimized through erosion control and reclamation measures. The establishment of the Riparian Management Zone would: (1) provide a buffer to prevent sediment from construction activities and business operations from reaching Patawa Creek; (2) prevent stormwater runoff from reaching Patawa Creek; (3) provide flood protection by allowing room for any future flood events; (4) allow adequate room for eventual active or passive channel recovery including a meander path; and (5) allow for re-establishment of native plant populations.

While agricultural lands in annual crops can provide seasonal cover and forage of various wildlife species, they are not generally considered prime habitat. Full development of the Coyote Business Park would result in the long term removal of approximately 142 acres from agricultural production. Habitat fragmentation from agricultural, residential, and industrial activities and the establishment of non native vegetation in the project area all contribute to the existing low quality of habitat for wildlife species. Construction and operation of the Coyote Business Park would result in an incremental increase in habitat fragmentation and displacement of mobile wildlife species as a result of increased noise and human presence.

Based on a Biological Assessment for the proposed Coyote Business Park, the BIA in accordance with the Endangered Species Act concluded on February 21, 2006, the proposed project will not effect the bald eagle (*Haliaeetus leucophalus*), Washington ground squirrel (*Spermophilus washingtoni*) and yellow-billed cuckoo (*Coccyzus americanus*) or their critical habitat and may effect but not likely to adversely affect the Columbia spotted frog (*Rana luteiventris*) or its critical habitat. The U.S. Fish and Wildlife Service concurred with this determination on May 12, 2006.

Based on a separate Biological Assessment for the proposed Coyote Business Park, the BIA also concluded on February 21, 2006, that the proposed project may affect, but is not likely to adversely affect Middle Columbia River (MCR) steelhead its designated critical habitat. NOAA Fisheries concurred with this determination on March 30, 2006. NOAA Fisheries also concluded conservation recommendations pursuant to the Magnuson-Stevens Fishery Conservation and Management Act were not necessary.

## ***Water Resources***

The impacts of project construction and operation on water resources include water withdrawal, water discharge, and management of chemical spills or leaks. Approximately 5.6 acre feet per year would be withdrawn from the shallow aquifer under Alternative B. Approximately 13.5 acre feet per year would be used from the Mission Community Water System under Alternatives C and D. Approximately 22.10 acre feet per year would be used from the Mission Community Water System under Alternative E. The Mission Community Water System supplies water drawn from a deep aquifer. There would be no impact on area wells and minimal impact to the aquifer under all alternatives.

Storm water would be retained on site under all alternatives to ensure there would be no impacts to surface water near the plant site.

### ***Traffic***

There will be incremental increases in traffic depending on the alternative at full build out. Under Alternative B, there would be an increase of 31 trips per hour over existing conditions during the afternoon peak hour heading north into the Interstate 84 interchange from South Market Road. Under Alternatives C and D, there would be an increase of 175 trips per hour over existing conditions. Under Alternative E, there would be an increase of 297 trips per hour over existing conditions.

Under all alternatives including the no action alternative, the Interstate 84 ramps do not have adequate sight distance for safe stopping and turning. Approximately 1,320 feet of South Market Road between the access point to the Business Park and Interstate 84 would be improved to industrial standards under all action alternatives. As part of this road reconstruction, a dedicated right hand turn lane into the business park would also be constructed to allow southbound traffic on South Market Road to pass unimpeded.

### ***Adjacent Property Values***

The values of surrounding residential and agricultural properties have remained fairly stable over the past few years. Given the distance of the proposed business park from area residences, the proposed visual screening and light pollution prevention measures, and the projected continuing strong demand for rural residential parcels, it is unlikely that values of surrounding residential lands would decrease under any of the alternatives.

### ***Air Quality***

The emissions from the proposed Coyote Business Park include the discharge of air pollutants from increased vehicular traffic. The proposed business facilities would likely not be considered point sources under the Clean Air Act due to their size and type. Increased vehicular traffic would contribute emissions of nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter, 10 microns in size (PM<sub>10</sub>) and volatile organic compounds (VOCs). Vehicle emissions are regulated by Title II of the Clear Air Act.

The operation of the Coyote Business Park would have a very low impact on local ambient air quality under Alternatives B, C, but would have a low but perceptible impact on local ambient air quality under Alternative E. The estimated increase in emissions of NO<sub>x</sub> is 0.2% under Alternative B, 1.2% under Alternatives C and D, and 2.6% under Alternative E. The estimated increase in emissions of CO is 0.1% under Alternative B, 0.9% under Alternatives C and D, and 1.2% under Alternative E. The estimated increase in emissions of PM<sub>10</sub> is 0.1% under Alternative B, 1.0% under Alternatives C and D, and 1.2% under Alternative E. The estimated increase in emissions of VOCs is 0.2% under Alternative B, 3.7% under Alternatives C and D, and 6.0% under Alternative E. There would be no measurable impact on visibility, acid deposition, and vegetation within nearby Class I areas.

### ***Cultural Resources***

No National Register of Historic Places (NRHP) eligible sites were located during the cultural resources field survey of the plant site. The Cultural Resources Protection Program (CRPP) of the Confederated Tribes of the Umatilla Indian Reservation conducted a Traditional Cultural Property (TCP) assessment of the plant site and determined that the project area is within a TCP. Therefore cultural resources management activities to be undertaken include: (1) a CRPP monitor would be present during all ground disturbing activities, (2) the CRPP would be consulted throughout the entire planning and construction process, and (3) the CRPP would participate in the development of appropriate mitigation plans. If subsurface cultural material or ancestral remains were inadvertently discovered during excavation, activities would cease at the location until CRPP personnel could adequately assess the find and determine what steps need to be taken. If ancestral remains were discovered, the Native American Graves and Repatriation Act would be followed and the Confederated Tribes of the Umatilla Indian Reservation's Policy and Procedures Manual for Repatriation of Ancestral Human Remains and Funerary Objects would be implemented.

### ***Visual Resources***

All of the action alternatives for the proposed Coyote Business Park call for a 30 foot buffer strip planted with shrubs and trees along South Market Road and Tutuilla Church Road to provide some screening of the businesses from nearby residences. However, facilities would likely still be visible from area residences. Facility lighting also would be seen from public roads and residences.

### ***Noise***

Increased noise levels based on the size of the development and increases in traffic would occur in the local area as a result of construction and operation of the Coyote Business Park. However, the projected noise levels do not exceed the State of Oregon noise standards for industrial areas.

### ***Water and Sewer System***

Approximately 13.5 acre feet per year would be used from the Mission Community Water System under Alternatives C and D. This would be approximately 1.8% of the current permitted water for the Mission Community Water System. Approximately 22.10 acre feet per year would be used from the Mission Community Water System under Alternative E. This would be approximately 2.9% of the current permitted water for the Mission Community Water System. However, the Mission Community Water System is at its current maximum permitted capacity. A new water permit would be required from the CTUIR Water Resources Commission before any additional water could be made available.

Approximately 4,125 gallons of wastewater will be delivered to the Community Wastewater System under Alternative D while approximately 8,190 gallons of wastewater will be delivered to the Community Wastewater System under Alternative E. Both figures are a fraction of the 1.0 million gallon per day capacity of that system allowed by a 1978 agreement with the City of Pendleton.

## ***Public Safety***

The Umatilla Tribal Police Department provides law enforcement services on the Umatilla Indian Reservation while the Umatilla Tribal Fire Department provides fire protection, emergency medical services, and hazardous materials emergency response on the Umatilla Indian Reservation. Both organizations are able to provide services to the proposed Coyote Business Park.

## **Environmentally Preferred Alternative**

The No Action Alternative is the environmentally preferred alternative because there would be no change in existing conditions. If the BIA does not grant leases between the Confederated Tribes of the Umatilla Indian Reservation and businesses wishing to locate within the proposed project, the proposed Coyote Business Park would not be built.

## **Decision and Implementation**

The United States Government owes a trust obligation to Indian Tribes. This trust obligation imposes fiduciary standards on the conduct of the federal government. The Secretary of the Interior, through delegation of authority to the BIA, must protect and preserve Indian trust assets from loss, damage, unlawful alienation, waste, and depletion. The BIA must assure that any management of Indian trust assets the Secretary of Interior has an obligation to undertake promotes the interest of the beneficial owner and support to the extent it is consistent with the government's trust responsibility the beneficial owners intended use of the property.

The BIA believes that implementation of the Proposed Action would fulfill its statutory mission and responsibilities. Therefore, it is the BIA's intention to adopt and implement that portion of the Proposed Action under its jurisdiction based on a thorough review of the alternatives, their potential economic and environmental impacts, and comments received from the public and other federal, state, and local agencies. The BIA will approve acceptable leases between the Confederated Tribes of the Umatilla Indian Reservation and businesses wishing to locate within the Coyote Business Park. Implementation of the Proposed Action will provide a new source of revenue to the Confederated Tribes of the Umatilla Indian Reservation that would enhance funding for Tribal programs and opportunities for additional economic development. Implementation of the Proposed Action will also create jobs for tribal members.

The Proposed Action is preferable to the No Action Alternative because a decision not to approve a lease of Indian trust lands between the Confederated Tribes of the Umatilla Indian Reservation and businesses wishing to locate within the Coyote Business Park would not enhance economic development for the Tribes nor create jobs for tribal members. One of the primary goals of the BIA is to encourage economic development on Indian trust lands.

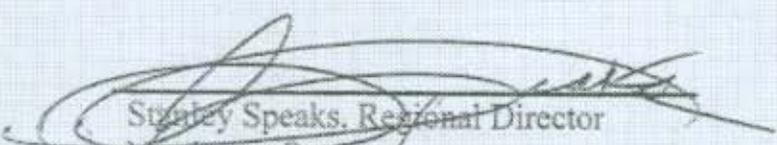
Although construction and operation of the Coyote Business Park would increase air emissions and ambient noise levels, implementation of the Proposed Action does not result in a failure to

meet air quality standards and State of Oregon noise standards for industrial areas. In any event State of Oregon noise standards do not apply on the Umatilla Indian Reservation. The visual appearance of the area would change from agricultural to industrial. There would also be increased traffic, both car and truck, accessing Coyote Business Park from Interstate 84.

The BIA considers other impacts from construction and operation of the Coyote Business Park to be relatively minor. These impacts will be partially mitigated by the development and implementation of a Riparian Management Zone, a Noxious Weed Control Plan, and a Landscape Plan.

The BIA will comply with applicable federal, state, and tribal regulations to ensure that cultural resources are conserved and potential adverse impacts are minimized. Upon completion of further cultural surveys, the BIA will consult further with the Oregon State Historic Preservation Office and the Tribal Historic Preservation Office as to project impacts on cultural resources. Such consultation will be completed prior to the start of construction.

This decision may be appealed to the Interior Board of Indian Appeals (IBIA) at 801 N Quincy Street, Number 300, Arlington Virginia 22203, in accordance with the regulations set forth at Title 43 Code of Federal Regulations, Parts 4.310-4.340. The notice of appeal must be signed and mailed within thirty days of the date of this decision. The notice should clearly identify the decision being appealed and a copy of the decision should be attached to the notice of appeal. Copies of the notice must be sent to the Assistant Secretary for Indian Affairs, MS 4140-MIB, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240 as well as to my office and to all other interested parties known to the person appealing the decision. The notice of appeal to the IBIA must also certify that the appealing party sent copies to each of these parties. The IBIA will notify an appealing party of further appeal procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior.

  
Stanley Speaks, Regional Director  
Northwest Region  
Bureau of Indian Affairs

2/16/07  
Date

**APPENDIX  
COMMENTS**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, WA 98101

December 29, 2006

Reply To  
Attn Of: ETPA-088

Ref: 03-003-BIA

Jerry Lauer, Superintendent  
Bureau of Indian Affairs  
Umatilla Agency  
P.O. Box 520  
Pendleton, OR 97801

Dear Mr. Lauer:

The U.S. Environmental Protection Agency (EPA) has reviewed the final Environmental Impact Statement (EIS) for the proposed **Coyote Business Park** (CEQ No. 20060492) in Umatilla County, OR. This review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we evaluate the document's adequacy in meeting NEPA requirements.

In our comments on the draft EIS in February 2006, EPA expressed concerns with the proposed project due to potential impacts to surface and ground water quality. We suggested that use of low impact development (LID) strategies could help to reduce those impacts.

The changes made to the EIS between draft and final, including responses to public comments, address our concerns. In particular, the final EIS includes information showing that the proposed project would not contribute to water quality degradation within the project area because current water quality standards exceedances are attributable to other sources and implementation of this project would be compatible with the Tribe's Patawa and Tutuilla Creek Water Restoration Plan and Goals. In addition, the bridge originally proposed for construction has been removed from the project and other road improvement actions will be phased in to reduce impacts. Use of LID techniques that store, evaporate, and detain runoff water will be enhanced; and commitments to monitor water quality at the site and report results to EPA have been made.

Thank you for the opportunity to review this final EIS. If you have questions or comments concerning our review, please contact Theo Mbabaliye at (206) 553-6322 or me at (206) 553-1601.

Sincerely,

A handwritten signature in cursive script that reads "Christine B. Reichgott".

Christine B. Reichgott, Manager  
NEPA Review Unit

cc: EPA Oregon Operations Office