

Chapter 5: Consultation, Review, and Permit Requirements

5.1 NATIONAL ENVIRONMENTAL POLICY

This EIS was prepared pursuant to NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations. Because this EIS explores, identifies, and discloses many of the environmental impacts expected from mitigation projects, environmental analysis of individual projects would have a narrower, more project-specific focus, so long as project managers follow the program requirements. Broad environmental analysis would be required only if anticipated impacts or project components were to differ substantially from those evaluated in this EIS.

5.2 WILDLIFE, PLANTS, AND HABITAT

5.2.1 Endangered and Threatened Species and Critical Habitat

Under all alternatives, project managers would consult with the USFWS and with the NMFS about listed and proposed endangered and threatened species or designated critical habitat that might be within the area of potential effect. Before any major construction activities, BPA and/or the project manager (e.g., State or Tribal agency) would prepare Biological Assessments according to the interagency coordination rules set forth in 40 CFR Part 402.

5.2.2 Fish and Wildlife Conservation

The Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 *et seq.*) encourages Federal agencies to conserve and promote conservation of non-game fish and wildlife species and their habitats. All alternatives under consideration would conserve fish and wildlife. As mentioned above, the USFWS will be consulted regarding all major construction projects, including those affecting water resources, as required by the Fish and Wildlife Conservation Act.

5.3 HERITAGE CONSERVATION / NATIVE AMERICANS

5.3.1 Historic Places

The National Historic Preservation Act of 1966 (16 U.S.C. 470) requires Federal agencies to take into account the potential effects of their undertakings on properties on or eligible for the National Register of Historic Places. Projects involving property acquisition would first receive an overview to determine the potential existence of historic and cultural resources. Under all alternatives, where

wildlife mitigation lands contain properties on or eligible for the National Register, a cultural resources management plan would be prepared in consultation with the SHPO and/or affected Tribes. This Final EIS is part of the review process, and may result in one or more Programmatic Agreements in accordance with 36 CFR Part 800.

5.3.2 Native Americans

Under all alternatives, project management plans would recognize the need to avoid disturbance of Native American cultural items or religious places, or adverse effects on the exercise of Native American religion, pending consultation with the appropriate Tribe(s).

5.4 STATE, AREAWIDE, AND LOCAL PLAN AND PROGRAM CONSISTENCY

Under all alternatives, project managers would consult with local county and city authorities to address possible conflicts with local plans or programs, including coastal zone management plans, if applicable.

5.5 ENVIRONMENTAL JUSTICE

There is no evidence to suggest that the wildlife mitigation program would have disproportionately high and adverse human health or environmental effects on minority or low-income populations. However, the Base Response alternative includes steps to ensure that such effects would not occur, in accordance with Executive Order 12898. These steps would also be undertaken on a case-by-case basis under No Action.

5.6 FLOODPLAINS AND WETLANDS

5.6.1 Floodplains

Wildlife mitigation activities are typically consistent with floodplain values, and would often benefit many of those values (i.e., water-quality maintenance, moderation of floods, and living resources). Using floodplains for wildlife conservation would ensure the conservation of natural floodplain functions, as required under Executive Order 11988.

5.6.2 Wetlands

Because wetlands provide valuable habitat for many wildlife species, wildlife mitigation projects are more likely to maintain or improve existing wetlands, or to create new wetlands; net loss of wetlands is unlikely under any alternative, as specified under Executive Order 11990, Protection of Wetlands.

5.7 FARMLANDS

Consistent with the Farmland Protection Policy Act (7 U.S.C. 4201, *et seq.*), project managers would use the United States Department of Agriculture (USDA) rating system (7 CFR 658.4) if intending to convert farmland. A rating of 160 or greater would require project managers to consider alternatives to conversion, such as using crops to achieve wildlife mitigation objectives.

5.8 GLOBAL WARMING

Although wildlife mitigation projects might involve prescribed burning for habitat or fire management, it would not likely be greater than would occur if the land managed were managed for other purposes, and possibly less. Managing land for wildlife habitat conservation is likely to conserve biomass. However, considering the relatively small amount of land that would ultimately be affected by wildlife mitigation activities, there would be no appreciable effect on global climate.

5.9 WATER RESOURCES

5.9.1 Permits for Structures in Navigable Waters

Some wildlife mitigation activities, such as irrigation system outakes in navigable waters, might require a permit from the Corps under section 10 of the Rivers and Harbors Act of 1899. Consultation requirements of all alternatives would ensure that project managers acquire necessary permits.

5.9.2 Permits for Discharges into Waters of the United States

Some wildlife mitigation activities, such as creation of islands in waters of the United States, may require a permit from the Corps under provisions of the Clean Water Act. (Nationwide permits are typically sufficient for the types of actions conducted at wildlife mitigation areas.) Consultation requirements of all alternatives would ensure that project managers acquire necessary permits.

5.10 PUBLIC LANDS

5.10.1 Permits for Rights-of-Way on Public Land

Consultation requirements of all alternatives would ensure that project managers acquire permits or agreements for rights-of-way on lands not owned by BPA.

5.10.2 Outdoor Recreation Resources

Consultation requirements of all alternatives would ensure consistency with all public recreation resources, including Wild and Scenic Rivers, National Trails, Wilderness Areas, parks, campgrounds, and scenic areas

5.11 ENERGY CONSERVATION AT FEDERAL FACILITIES

Federal facilities are not likely to be involved in or affected by wildlife mitigation activities.

5.12 POLLUTION CONTROL

5.12.1 Contract Compliance with the Clean Air and Water Acts

Neither the proposed action nor the alternatives would require BPA to enter into a procurement contract with any entity convicted of an offense under the Clean Air or Water Acts.

All alternatives would require project managers to obtain appropriate permits for prescribed burns, thus ensuring compliance with applicable air quality standards.

5.12.2 Hazardous Waste and Toxic Substances

Some properties acquired for wildlife mitigation might contain solid and/or hazardous waste. For example, land that had been used for ranching might have dilapidated structures, junked vehicles or machinery, fuel tanks, pesticide containers, oil drums, or other refuse. Prior to acquiring property, BPA or project managers would survey for such materials to determine whether they are present. If the cost of cleanup would be excessive, the property would not be acquired. Project managers would be required to dispose of any solid waste at approved landfills. For hazardous and toxic waste, project managers would consult with the EPA and with the appropriate State regulatory agency to determine proper disposal methods and procedures.

5.12.3 Drinking Water

Wildlife mitigation activities are unlikely to release contaminants into groundwater. Herbicides would be the only potential contaminant used, but the methods of herbicide use and restrictions for use near surface waters present little opportunity for herbicides to enter groundwater.

5.12.4 Noise

Wildlife mitigation activities might involve use of heavy equipment that can generate noise. However, projects are typically in remote areas where there is no potential for residential disturbance, so compliance with noise standards is not a concern.

5.12.5 Pesticides

All alternatives would require the use of only EPA-approved pesticides, and only in the manner prescribed by the EPA.

5.12.6 Asbestos/Radon

Wildlife mitigation activities are not expected to involve use, transportation, or disposal of asbestos; the release of radon gas; or the violation of regulations concerning radon gas.

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Chapter 6: References

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Chapter 7: List of Preparers

Name	EIS Responsibility	Qualifications
Grant Bailey Jones & Stokes Associates, Inc.	Contract Project Manager	B.S. Biology; 25 years experience in NEPA evaluation and project management..
Charles D. Craig Bonneville Power Administration	Program Review	B.S., M.S. Fishery and Aquatic Biology; 21 years as fish and wildlife biologist.
Joe L. DeHerrera Bonneville Power Administration	Program Review	B.S. Wildlife Management; 11 years experience as wildlife biologist, including 6 with BPA.
Steve Hall Jones & Stokes Associates, Inc.	Environmental Analysis	B.S. Wildlife Management; 6 years experience conducting environmental impact analysis, 3 years experience as a U.S. Forest Service wildlife biologist.
Phillip D. Havens Bonneville Power Administration	Program Review	B.S. Biological Sciences; 32 years experience as natural resource manager and wildlife biologist.
Thomas C. McKinney Bonneville Power Administration	EIS Manager and NEPA Compliance Officer	B.A. Geography, 17 years experience conducting and managing environmental impact analysis at BPA.
Judith H. Montgomery Judith H. Montgomery/ Communications	Technical Writer/ Editor	Ph.D. American Literature; 16 years experience in writing and editing electric power and environmental documents.
Greg Poremba Jones & Stokes Associates, Inc.	Environmental Analysis (Economics)	Ph.D. Sociology; 15 years experience in conducting NEPA and environmental and socioeconomic impact assessments.
Curt Overcast Jones & Stokes Associates, Inc.	Environmental Analysis	M.S. Environmental Science; M.P.A. Public Administration, B.S. Biology, 10 years experience in environmental impact analysis and regulatory compliance.
Robert L. Walker Bonneville Power Administration	Wildlife Mitigation Program Manager	B.S. Wildlife Biology; 24 years as natural resource specialist and wildlife biologist.

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Chapter 8: List of Agencies, Organizations, and Persons to Whom Copies of This EIS Were Sent

Native American Tribes

Blackfeet Indian Agency
Burns Paiute Tribe
Coeur d'Alene Tribe of Idaho
Confederated Salish & Kootenai Tribes of the Flathead Reservation
Confederated Tribes and Bands of the Yakama Indian Nation
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon
Jamestown Clallam Indian Tribe
Kalispel Tribe
Kootenai Tribe of Idaho
Lower Elwha Tribal Community Council
Lower Elwha Tribal Fishery
Nez Perce Tribe
Point No Point Treaty Council
Puyallup Tribe of Indians
Sauk Suiattle Tribal Council
Shoshone-Bannock Tribes of Fort Hall
Shoshone-Paiute Tribes of the Duck Valley Reservation
Spokane Tribe of Indians
Upper Columbia United Tribes
Upper Skagit Tribal Council

Individuals

Adlard, Dick
Anderson, Randy
Anderson, Ted
Barnes, George
Bennett, Kimberly
Blumberg, Tamara
Bower, Mitchell, Jr.
Bracken, Edd

Individuals (con't)

Bucholz, John & Esther
Cannard, Don
Clayton, Dennis
Clayton, John
Cooke, Michele
Crouch, Brady
Davis, Jeff
Dimaria, Sal
Dreyfuss, Robert
Galbreath, Don
Geddie, John
Graedel, Bill
Guzie, Jon
Hayes, Gill
Heimerl, Kathy
Hemore, Dick
Herzog, Chris
Holland, Randy
Hurless, Harry
Jones, Sallie
Kemper, Howard
Lacey, Clark & Michele
Lanigan, Steve
McEachen, Hugh
Morgan, Rhidian
Morris, Dean & Jeanine
Moses, Todd
Rauner, John
Riley, David
Sautner, Don
Seigel, J.W.
Snyder, Larry
Stanks, Larry
Stark, Dan
Starke, Gretchen
Stengle, James
Tyler, George
Vial, Maurice

Individuals (con't)

Watkins, Clint
Wille, Steve
Withey, Suzy
Wolfe, Linda
Woolums, Bill
Wyer, William

Congressional

Senator Max Baucus
Senator Conrad Burns
Senator Larry E. Craig
Senator Slade Gorton
Senator Gordon Smith
Senator Dirk Kempthorne
Senator Patty Murray
Senator Ron Wyden
U.S. House of Representatives, Office of
the Honorable Earl Blumenhauer
U.S. House of Representatives, Office of
the Honorable Helen Chenoweth
U.S. House of Representatives, Office of
the Honorable Michael Crapo
U.S. House of Representatives, Office of
the Honorable Peter DeFazio
U.S. House of Representatives, Office of
the Honorable Norm Dicks
U.S. House of Representatives, Office of
the Honorable Jennifer Dunn
U.S. House of Representatives, Office of
the Honorable Elizabeth Furse
U.S. House of Representatives, Office of
the Honorable Richard (Doc) Hastings
U.S. House of Representatives, Office of
the Honorable Rick Hill
U.S. House of Representatives, Office of
the Honorable Darlene Hooley
U.S. House of Representatives, Office of
the Honorable Jim McDermott
U.S. House of Representatives, Office of
the Honorable Jack Metcalf
U.S. House of Representatives, Office of
the Honorable George Nethercutt
U.S. House of Representatives, Office of
the Honorable Adam Smith

Congressional (con't)

U.S. House of Representatives, Office of
the Honorable Bob Smith
U.S. House of Representatives, Office of
the Honorable Linda Smith
U.S. House of Representatives, Office of
the Honorable Rick White

Interest Groups and Businesses

Bonner County Sportmen Association
Cascade Geographic Society
Central Basin Audubon Society
Central Washington University
Clouston Energy Research
Columbia Land Trust
Columbia River Fisheries Program Office
Columbian
Daily News
David Douglas and Associates
Defenders of Wildlife
Direct Service Industries
Douglas County Cattlemens Association
Douglas County PUD No. 1
Ducks Unlimited
Environmental Defense Fund
Environmental Sciences Division
Four J Ranch
Friends of the Earth
Idaho Salmon and Steelhead Unlimited
Jones & Stokes Associates, Inc.
Lake Pend Oreille Idaho Club
League of Oregon Cities
League of Women Voters of Washington
Lincoln County Cattlemens Association
Longview Fibre Company
Mid Columbia PUD
Mountain States Energy Inc.
Nature Conservancy
Northwest Power Planning Council,
Department of Wildlife & Resident Fish
Northwest Power Planning Council,
Department of Fish & Wildlife
Oregon Health Sciences University
Pacific Marine Technology
Port of Vancouver

Interest Groups and Businesses (con't)

Project Glacier
Sierra Club, Northwest Regional Office
Sierra Club, Oregon Chapter
Tacoma Public Utilities
Timber Products Company
Vancouver Audubon Society
Vancouver Wildlife

State Government

Office of the Governor, Idaho
State of Idaho, Department of Fish and Game
Office of the Governor, Montana
State of Montana Energy Division
State of Montana Energy Division, Department of Environmental Quality and Conservation
Office of the Governor, Oregon
State of Oregon, Department of Fish and Wildlife
State of Oregon, Department of State Lands
Office of the Governor, Washington
State of Washington, Department of Fish and Wildlife
State of Washington, Department of Transportation
State of Washington, Department of Ecology Environmental Review Section

Local Government

Association of Idaho Cities
Association of Idaho Counties
Association of Oregon Counties
Association of Washington Cities
Association of Washington Counties
City of Anacortes
City of Auburn
City of Baker
City of Boise
City of Brigham City
City of Dallas
City of Drain
City of Ephrata

Local Government (con't)

City of Eugene
City of Everett
City of Hoquiam
City of Kalispel
City of Middleton
City of Monmouth
City of Pendleton
City of Pocatello
City of Richland
City of St. Helens
City of Sedro Woolley
City of Tigard
City of Washougal
County of Ada
County of Adams
County of Asotin
County of Bannock
County of Bear Lake
County of Beaverhead
County of Benewah
County of Benton
County of Bingham
County of Blaine
County of Boise
County of Bonner
County of Bonneville
County of Boundary
County of Broadwater
County of Butte
County of Camas
County of Canyon
County of Caribou
County of Cassia
County of Chelan
County of Clackamas
County of Clark
County of Clearwater
County of Columbia
County of Coos
County of Cowlitz
County of Crook
County of Custer
County of Deschutes
County of Douglas

Local Government (con't)

County of Elmore
County of Ferry
County of Flathead
County of Franklin
County of Fremont
County of Garfield
County of Gem
County of Gooding
County of Grant
County of Grant Chamber of Commerce
County of Harney
County of Hood River
County of Idaho
County of Island
County of Jefferson
County of Jerome
County of Kittias
County of Klickitat
County of Kootenai
County of Lake
County of Lane
County of Latah
County of Lemhi
County of Lewis
County of Lincoln
County of Linn
County of Madison
County of Malheur
County of Mineral
County of Minidoka
County of Missoula
County of Morrow
County of Nez Perce
County of Okanogan
County of Oneida
County of Owyhee
County of Payette
County of Pend Oreille
County of Polk
County of Power
County of Ravalli
County of Sanders
County of Sherman
County of Shoshone

Local Government (con't)

County of Spokane
County of Tillamook
County of Twin Falls
County of Umatilla
County of Union
County of Valley
County of Wahkiakum
County of Walla Walla
County of Wallowa
County of Wasco
County of Washington
County of Wheeler
County of Whitman
County of Yakima
County of Yamhill
Port of Vancouver
Skamania County Board of Commissioners
Stevens County Commission

Regional Agencies

Columbia Basin Fish & Wildlife Authority
Northwest Power Planning Council
Metro (Portland Regional Government)

Libraries, Repositories, and Universities

Boise Public Library
Central Washington University
Eastern Washington University
University of Oregon

Federal Government

Environmental Protection Agency
USA Corps of Engineers
USA Corps of Engineers, Division of
Planning
USA Corps of Engineers, Environmental
Resource Branch
USDA Forest Service
USDA Forest Service, Pacific Northwest
Region 6
USDA Natural Resources Conservation
Service
USDOJ Bureau of Indian Affairs

Federal Government (con't)

USDOJ Bureau of Indian Affairs, Yakama
Agency

USDOJ Bureau of Indian Affairs, Northern
Idaho Agency

USDOJ Bureau of Indian Affairs, Spokane
Agency

USDOJ Bureau of Indian Affairs, Umatilla
Agency

USDOJ Bureau of Indian Affairs, Warm
Springs Agency

USDOJ Bureau of Land Management

USDOJ Bureau of Reclamation

USDOJ Bureau of Reclamation, Pacific
Northwest Region

USDOJ Fish and Wildlife Service

USDOJ Fish and Wildlife Service, Portland
Field Office

USDOJ Fish and Wildlife Service,
Ecological Services

USDOJ Fish and Wildlife Service, Office of
Columbia River Fishery Resource

USDOJ National Park Service

USDOJ National Park Service, Coulee
Dam National Recreation Area

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