

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Oak Haven Conservation Easement Acquisition and Stewardship Funding

Project No.: 2011-003-00; BPA-011339

Project Manager: Corrie Veenstra – EWM-4

Location: Marion County, Oregon

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.25 Real property transfers for cultural resources protection, habitat preservation, and wildlife management

Description of the Proposed Action: Bonneville Power Administration (BPA) is proposing to fund the Confederated Tribes of Siletz Indians to purchase a conservation easement on the Oak Haven, which is a 102-acre parcel of land located about 5 miles southeast of Salem in Marion County, Oregon. The Confederated Tribes of Siletz Indians would hold a conservation easement on which BPA would have third party rights of enforcement to permanently protect, mitigate, and enhance fish and wildlife and their habitat. BPA would also provide stewardship funds toward maintenance, monitoring, and enforcement of the conservation easement to the Confederated Tribes of Siletz Indians.

This purchase would specifically satisfy some of BPA's commitments made in the 2010 "Willamette River Basin Memorandum of Agreement Regarding Wildlife Habitat Protection and Enhancement between the State of Oregon and the Bonneville Power Administration".

The property consists of over 50 acres of healthy oak woodland, riparian habitat associated with Marion Creek, and the remainder of the site in agricultural use, currently in silage corn. The Confederated Tribes of Siletz Indians would develop a land management plan to guide the protection and enhancement of habitat and other resources on the property. The land management plan would be completed by closing. The management plan would be reviewed by BPA for consistency with the conservation easement and the purpose of the acquisition. If BPA proposes to fund any additional activities on the property, further environmental review may be conducted.

Findings: In accordance with Section 1021.410(b) of the Department of Energy's (DOE) National Environmental Policy Act (NEPA) Regulations (57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36221-36243, Jul. 9, 1996; 61 FR 64608, Dec. 6, 1996, 76 FR 63764, Nov. 14, 2011), BPA has determined that the proposed action:

- 1) fits within a class of actions listed in Appendix B of 10 CFR 1021, Subpart D (see attached Environmental Checklist);
- 2) does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal; and
- 3) has not been segmented to meet the definition of a categorical exclusion.

Based on these determinations, BPA finds that the proposed action is categorically excluded from further NEPA review.

/s/ Israel Duran

Israel Duran
Contract Environmental Protection Specialist
Salient/CRGT

/s/ Chad Hamel

Chad Hamel
Supervisory Environmental Protection Specialist

Concur:

/s/ Katey C. Grange July 14, 2021

Katey C. Grange Date
NEPA Compliance Officer

Attachment(s): Environmental Checklist

Categorical Exclusion Environmental Checklist

This checklist documents environmental considerations for the proposed project and explains why the project would not have the potential to cause significant impacts on environmentally sensitive resources and would meet other integral elements of the applied categorical exclusion.

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Project Site Description

The 102-acre Oak Haven property located in Marion County, Oregon is currently privately owned and BPA would fund a conservation easement purchase by the Confederated Tribes of Siletz Indians at closing; over 50 acres of healthy oak woodland, and riparian habitat associated with Marion Creek provide a refuge for oak dependent species such as slender-billed white-breasted nuthatch and acorn woodpecker, and the remainder of the site in agricultural use, currently in silage corn.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: There would be no effect due to the conservation easement acquisition, which includes the creation of a conservation easement. To the extent that future activities on the property may have an effect, it is expected that the Confederated Tribes of Siletz Indians would comply with all applicable laws and regulations.

2. Geology and Soils

Potential for Significance: No

Explanation: See explanation for #1 above.

3. Plants (including Federal/state special-status species and habitats)

Potential for Significance: No

Explanation: See explanation for #1 above.

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

Potential for Significance: No

Explanation: See explanation for #1 above.

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

Potential for Significance: No

Explanation: See explanation for #1 above.

6. Wetlands

Potential for Significance: No

Explanation: See explanation for #1 above.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: See explanation for #1 above.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: See explanation for #1 above.

9. Visual Quality

Potential for Significance: No

Explanation: See explanation for #1 above.

10. Air Quality

Potential for Significance: No

Explanation: See explanation for #1 above.

11. Noise

Potential for Significance: No

Explanation: See explanation for #1 above.

12. Human Health and Safety

Potential for Significance: No

Explanation: See explanation for #1 above.

Evaluation of Other Integral Elements

The proposed project would also meet conditions that are integral elements of the categorical exclusion. The project would not:

Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders.

Explanation: N/A

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

Explanation: N/A

Disturb hazardous substances, pollutants, contaminants, or CERCLA excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases.

Explanation: N/A

Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.

Explanation: N/A

Landowner Notification, Involvement, or Coordination

Description: Notification letters would be sent to adjacent landowners and other interested parties at a minimum of 15 days before the closing date (proposed closing date August 6 2021) of the sale. Ads would also be posted in local newspapers, and information would be posted on BPA's public website prior to closing.

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

Signed: /s/ Israel Duran July 14, 2021
Israel Duran, ECF-4 Date
Contract Environmental Protection Specialist
Salient/CRGT