

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Deer Path West Property Acquisition and Stewardship Funding

**Project No.:** 2011-003-00; BPA-013336

**Project Manager:** Matt Schwartz – EWM-4

**Location:** Polk 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 Grand Ronde to purchase an approximately 62-acre parcel of land located about 2 miles southwest of Dallas in Polk County, Oregon. BPA would hold a conservation easement to permanently protect, mitigate, and enhance fish and wildlife and their habitat. BPA would also provide stewardship funds toward land management and maintenance of the conservation easement to the Confederated Tribes of Grand Ronde.

This land 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 primarily consists of high-priority oak-pine woodlands and wetland/ponds, and mixed deciduous forests. The property also supports Oregon Conservation Strategy species and other important species, including western gray squirrel, and several avian species such as acorn and pileated woodpecker and band-tailed pigeon. It also provides connectivity to habitat conserved by Deer Path East, another recently acquired property in the Willamette Wildlife Mitigation Program. The Confederated Tribes of Grand Ronde 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 drafted within 18 months of 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.

Israel Duran  
Environmental Protection Specialist

Concur:

Katey C. Grange  
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.

**Proposed Action:** Deer Path West Property Acquisition and Stewardship Funding

## **Project Site Description**

The 62-acre Deer Path West property located about 2 miles southwest of Dallas in Polk County, Oregon, is currently privately owned and BPA would fund the purchase by the Confederated Tribes of Grand Ronde at closing. Historically, the property was used for forest, agricultural, and residential purposes. The property currently consists of high-priority oak-pine woodland habitat, including Douglas fir (*Pseudotsuga menziesii*), big leaf maple (*Acer macrophyllum*), Oregon white oak (*Quercus garryana*), and ponderosa pine (*Pinus ponderosa*) forests, mixed deciduous forests, and wetlands/ponds. The property also supports Oregon Conservation Strategy species and other important species, including acorn woodpecker (*Melanerpes formicivorus*), band-tailed pigeon (*Patagioenas fasciata*), pileated woodpecker (*Dryocopus pileatus*), white-breasted nuthatch (*Sitta carolinensis aculeata*), and western gray squirrel (*Sciurus griseus*).

## **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 transfer of title and the creation of a conservation easement and stewardship funds. To the extent that future activities on the property may have an effect, it is expected that the Confederated Tribes of Grand Ronde 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 will be sent to adjacent landowners and other interested parties at a minimum of 15 days before the closing date (proposed closing date September 20, 2024) of the sale. Advertisements will also be posted in local newspapers, and information will 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:

Israel Duran, ECF-4  
Environmental Protection Specialist