

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: South Fork Spencer Creek Property Acquisition and Stewardship Funding

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

Project Manager: Tori Bohlen – EWU-4

Location: Lane 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 McKenzie River Trust to purchase an approximately 244-acre parcel of land located about 2 miles south of Eugene in Lane County, Oregon (Figure 1). 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, monitoring, and enforcement of the conservation easement to the property to the McKenzie River Trust.

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 oak and grassland/savanna with some conifer and riparian forests. The property also provides connectivity to habitat conserved by other Willamette Wildlife Mitigation Program acquisitions. The McKenzie River Trust 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.

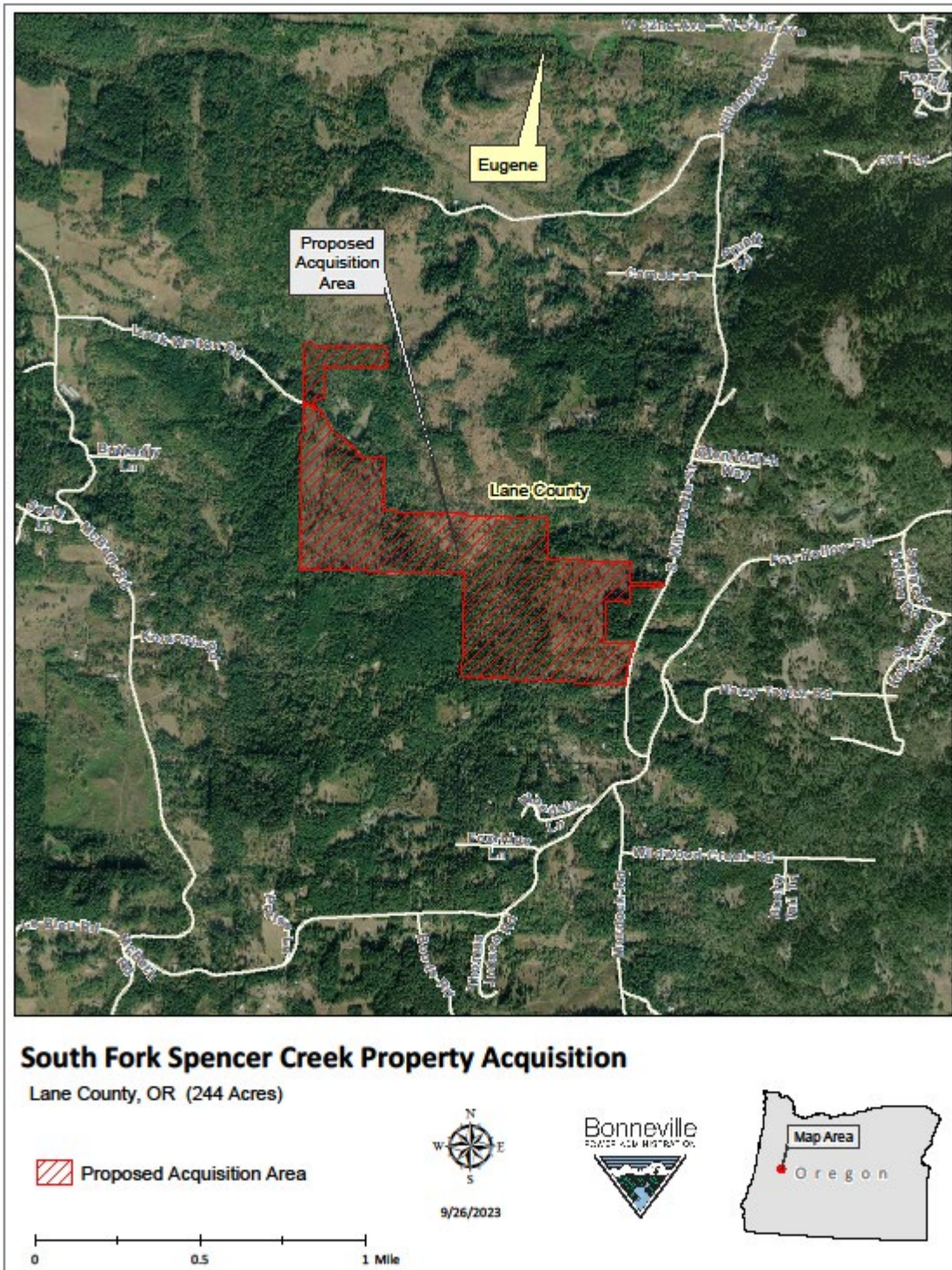


Figure 1. South Fork Spencer Creek Property Location.

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
Environmental Protection Specialist

Concur:

<u>/s/ Sarah T. Biegel</u>	<u>November 24, 2023</u>
Sarah T. Biegel	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 244-acre South Fork Spencer Creek property located about 2 miles south of Eugene in Lane County, Oregon is currently privately owned and BPA would fund the purchase by the McKenzie River Trust at closing. The property consists of varied habitats, including open grassland, restored Oregon white oak and California black oak woodlands, riparian habitat along South Fork Spencer Creek, mixed-conifer forest, and remnant upland prairie. Endangered Species Act-listed plant or animal species are not known to occur on the property. The property features Oregon Conservation Strategy focal species, including acorn woodpecker (*Melanerpes formicivorus*), pileated woodpecker (*Dryocopus pileatus*), western gray squirrel (*Sciurus griseus*), and western bluebird (*Sialia mexicana*).

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. To the extent that future activities on the property may have an effect, it is expected that the McKenzie River Trust 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 December 20, 2023) of the sale. Advertisements 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 November 24, 2023
Israel Duran, ECF-4 Date
Environmental Protection Specialist