

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Dunstan Property Conservation Easement Acquisition

**Project No.:** 2000-015-00

**Project Manager:** Ellen Wilt, Fish and Wildlife Administrator, EWM

**Location:** T10S, R33E, Sections.20, 21, 22, 26, 27, 28 Grant 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:** BPA is proposing to obtain a conservation easement from the Confederated Tribes of Warm Springs for the Dunstan property, a 1,199-acre parcel of land located 30 miles from Prairie City in Grant County, Oregon. BPA would hold the conservation easement to permanently protect, mitigate and enhance fish and wildlife and their habitat. The Warm Springs Tribes was gifted the land parcel from The Nature Conservancy (TNC) and is granting BPA a conservation easement; BPA would also provide annual appropriations funding for operations and maintenance of the property.

This conservation easement would specifically satisfy some of BPA's commitments as part of BPA's ongoing efforts to protect, restore and enhance habitat for Spring Chinook, Coho and Middle Columbia River Steelhead. The acquisition would serve as partial mitigation for the construction and operation of the Federal Columbia River Power System which includes dams on the main stem Columbia and Snake Rivers. This conservation easement would specifically satisfy some of BPA's mitigation needs to acquire new fish and wildlife habitat as identified in the National Marine Fisheries Service 2008/2010/2014 Biological Opinion that guides BPA's protection of salmon and steelhead listed under the federal Endangered Species Act.

The property consists of floodplain riparian herbaceous and tree/shrubland, upland grassland and upland forest/savannah habitat. The Warm Springs Tribes would develop a management plan to guide the protection and enhancement of habitat and other resources on the property. The management plan would be reviewed by BPA for consistency with the conservation easement. 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, July 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/ Luca De Stefanis

Luca De Stefanis  
Environmental Protection Specialist  
Motus Technology Solutions, LLC

Reviewed by:

/s/ Chad Hamel

Chad J. Hamel  
Supervisory Environmental Protection Specialist

Concur:

/s/ Stacy L. Mason

Stacy L. Mason  
NEPA Compliance Officer

Date: February 21, 2019

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:** Dunstan Property Conservation Easement Acquisition

### Project Site Description

The 1,199 acre property is one rectangular shaped parcel, tax lot 1300, located on along 3.8 miles of the Middle Fork of the John Day River. Within the Property is an approximately 4.5-acre Residential Area on which a home, barn and certain accessory structures are located. The Property is accessed by a Grant County Road No. 20 and bisected by the river. The property is bounded on three sides by the Malheur National Forest. The terrain varies from near level to gently sloping in the meadowlands along the river to moderate and more steeply sloping along the hillsides both north and south of the river.

### Evaluation of Potential Impacts to Environmental Resources

Environmental Resource Impacts	No Potential for Significance	No Potential for Significance, with Conditions
1. <b>Historic and Cultural Resources</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no effect due to the acquisition of a conservation easement. To the extent that O & M activities may have an effect, it is expected that the Warm Springs would comply with all applicable laws and regulations.		
2. <b>Geology and Soils</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
3. <b>Plants</b> (including federal/state special-status species)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
4. <b>Wildlife</b> (including federal/state special-status species and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
5. <b>Water Bodies, Floodplains, and Fish</b> (including federal/state special-status species and ESUs)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
6. <b>Wetlands</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
7. <b>Groundwater and Aquifers</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		

8. **Land Use and Specially Designated Areas**

Explanation: See explanation for #1 above.

9. **Visual Quality**

Explanation: See explanation for #1 above.

10. **Air Quality**

Explanation: See explanation for #1 above.

11. **Noise**

Explanation: See explanation for #1 above.

12. **Human Health and Safety**

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, if necessary:

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

Explanation, if necessary:

- 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, if necessary:

- 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, if necessary:

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### **Landowner Notification, Involvement, or Coordination**

Description BPA, the Warm Springs Tribes, and the Nature Conservancy have been in coordination regarding the property transactions.

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

Signed: /s/ Luca De Stefanis

Date: February 21, 2019

Luca De Stefanis ECF-4

Contract Environmental Protection Specialist

MOTUS Technology Solutions, LLC