

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Bethany Creek Trail No 2 Segment 3

**Project No.:** LURR #20180002

**Project Manager:** James Clark, TERR-CHEMAWA

**Location:** Multnomah and Washington Counties, Oregon

**Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021):** B1.13 Pathways, short access roads, and rail lines; B4.9 Multiple use of powerline rights-of-way

## **Description of the Proposed Action:**

Bonneville Power Administration (BPA) proposes to grant permission to the Tualatin Hills Park & Recreation District (THPRD) to construct a paved, public walking (pedestrian) trail on a BPA fee-owned transmission line right-of-way. The right-of-way is in portions of both Multnomah and Washington counties, Oregon. The legal description of the project area is Township 1 North, Range 1 West in Multnomah and Washington Counties. The northern boundary of the proposed trail is NW Springville Road.

The trail would be built within about 0.44 mile of BPA right-of-way with two 115-kV transmission lines. The Keeler – Oregon City #2, from wood-pole structures 5/5 to 6/6 is located to the east. On the western edge of the transmission line corridor, the St. Johns – Keeler #2 is located in the northern half and the Oregon City – Stub C line is located in the southern half.

The proposed public walking trail is referred to by THPRD as the Bethany Creek Trail No 2 - Segment 3 according to THPRD's Trails Functional Plan but would be formally named by the park district once the trail is constructed. The proposed trail segment would be about 0.44 mile long, connecting up two existing trails that are already constructed to the south and to the north of the proposed trail segment. THPRD would convert the existing unpaved BPA access road to a paved public trail. BPA would not need to conduct any work on the existing transmission line facilities in the project area to enable this project to proceed.

The public trail would be a 10-foot wide paved trail with 2-foot wide gravel shoulders for a total of 14 feet in width. The trail surface would be paved with asphalt. An existing culvert in a wetland crossed by the access road has failed and would need to be replaced. Material and equipment staging would need to take place within the BPA right-of-way but would be coordinated to provide the least site impact and to avoid impeding BPA access during the construction period. All trail-building work would be conducted by THPRD or their contractors, as would the installation of any off-site mitigation plantings for the culvert replacement, if required. Equipment that would be used by THPRD to construct the trail would include excavators, dump trucks, compactors, and paving equipment.

**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/ Kimberly St.Hilaire

Kimberly St.Hilaire  
Environmental Protection Specialist

Concur:

/s/ Katey Grange

Katey Grange  
NEPA Compliance Officer

Date: January 6, 2020

Attachment(s): Environmental Checklist

# BPA INADVERTENT DISCOVERY OF CULTURAL RESOURCES PROCEDURE

Under federal law, BPA has the responsibility to protect cultural resources that are inadvertently discovered on federally-managed land or during federally-funded projects. This document describes the procedure to be followed in the event of an inadvertent discovery.

## What is an Inadvertent Discovery?

If your work brings you in contact with any of the following cultural resources, or you identify any of the following cultural resources during the course of your work, you have made an inadvertent discovery:

- Native American cultural artifacts, including **flakes, arrowheads, stone tools, bone tools, wooden tools, baskets**, etc.
- Historic era artifacts, including **building foundations, homesteads, farm implements, glass, metal, ceramics, building materials (brick, nails)**, etc.
- **Human skeletal remains and bone fragments**
- **Layers of discolored earth resulting from fire hearths** that may be black, red, mottled brown and contain discolored cracked rocks or broken shells.
- Structural remains such as **wooden beams, post holes, or fish weirs**

## What to do in the case of an Inadvertent Discovery

1. **IMMEDIATELY DISCONTINUE ALL GROUND DISTURBING ACTIVITY. DO NOT TOUCH OR MOVE THE OBJECTS, AND MAINTAIN THE CONFIDENTIALITY OF THE SITE.** Removing bone fragments, artifacts, and other items from any archaeological site, without proper authorization, is against the law. Violators could be charged in state or federal court resulting in a fine or imprisonment.
2. Contact BPA cultural resources staff immediately. Beginning with office phone numbers, continue calling down the list until you speak with someone. If no one on the list is available to take your call during regular business hours, contact Michelle Zinda (503-230-3900). If it is after regular business hours, or you can't contact anyone on their office phones, please contact cultural resources staff on their cell phones.

| Name             | Title                      | Office #     | Cell #       | Email  | Mailing Address   |
|------------------|----------------------------|--------------|--------------|--|---|
| Jenna Peterson   | Senior Archaeologist       | 503 230 3018 |              | <a href="mailto:jepeterson@bpa.gov">jepeterson@bpa.gov</a> | Bonneville Power Administration<br>905 NE 11 <sup>th</sup> Ave<br>Portland, OR 97232-4169 |
| Kurt Perkins     | Archaeologist              | 503 230 4271 | 503 278 0436 | <a href="mailto:knperkins@bpa.gov">knperkins@bpa.gov</a>   |   |
| Sunshine Schmidt | Supervisor/Program Manager | 503 230 5015 | 503 250 1818 | <a href="mailto:srclark@bpa.gov">srclark@bpa.gov</a>       |   |

3. Contact your direct supervisor and project manager.
4. Immediately complete the Cultural Resource Discovery Report form (attached) and send/e-mail to ALL of the BPA CR staff listed above.
5. Do not draw any attention to the area with obvious flagging or markers. Maintain confidentiality concerning the discovery of the cultural resource, and do not discuss with anyone other than the contact people listed above.
6. *Only* after following the checklist, completing the Cultural Resource Discovery Report form and obtaining approval from your supervisor, should work continue on your work task or project
7. If you are a supervisor, you should obtain guidance from BPA's Cultural Resources staff (listed above). This protects the artifacts and sites, and limits BPA's liability and your personal liability.

*BPA's cultural resources staff will work with agencies and tribes to address the inadvertent discovery as quickly as possible. Following the guidelines above will assist BPA in that process, and minimize any downtime that may result.*

*Updated September 2019*

BONNEVILLE POWER ADMINISTRATION  
CULTURAL RESOURCES DISCOVERY REPORT

**CONFIDENTIAL**

Name of BPA Archaeologist contacted: \_\_\_\_\_ Date: \_\_\_\_\_

**Name of person filling out this form:**

Date: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Project Name: \_\_\_\_\_ Project Description: \_\_\_\_\_

**Who discovered the materials?**

Name: \_\_\_\_\_ Phone # (req.): \_\_\_\_\_

Direct Supervisor: \_\_\_\_\_ Phone # (req.): \_\_\_\_\_

Project Manager: \_\_\_\_\_ Phone # (req.): \_\_\_\_\_

**Property Owner of Discovery Site:**

Federal Agency: \_\_\_\_\_

State of: \_\_\_\_\_ State Agency: \_\_\_\_\_

City: \_\_\_\_\_

County: \_\_\_\_\_

Private Landowner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

Street

City

State

Zip

BPA Region: \_\_\_\_\_ District: \_\_\_\_\_

If on a BPA ROW, Name Transmission Line: \_\_\_\_\_ Closest Tower #: \_\_\_\_\_

**Nearest Major Cross Roads/Intersection:** \_\_\_\_\_

**State of:** \_\_\_\_\_ **County of:** \_\_\_\_\_ **Nearest Town:** \_\_\_\_\_

**Location:**

Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_  $\frac{1}{4}$  Section: NW NE SW SE

**Describe access to site:** \_\_\_\_\_

**Describe the event(s) that resulted in the discovery:** \_\_\_\_\_

**Describe what, to the best of your knowledge, was discovered:** \_\_\_\_\_

**Have you removed potential cultural resources during or after discovery?** Yes No

**If so, describe the item(s) and indicate how they were removed or disturbed, and where they are now:**

Please send completed form to one of BPA's Archaeologists at:  
Bonneville Power Administration, ECC-4 Cultural Resources, 905 NE 11th Ave. Portland, OR 97232 FAX (503) 230-3212

# 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:** Bethany Creek Trail No 2 Segment 3

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## Project Site Description

The transmission line right-of-way is vegetated with non-native herbaceous species along the unpaved access road that would be converted to the public trail. A tributary to Rock Creek crosses the transmission line corridor in a culvert that would be replaced. Where the tributary crosses the right-of-way, there is no defined bed and bank. It was delineated as a riverine wetland by WH Pacific in 2018 and described as having diffuse flow. The Oregon Department of State Lands (DSL) concurred with the wetland delineation on July 24, 2018. To the west of the right-of-way, the riverine wetland develops a more defined channel and flows west as a tributary stream to Rock Creek. About 2.4 miles to the west of the transmission corridor, the stream merges with Rock Creek. There are no 100-year floodplains associated with this creek in the project area.

The land use on adjacent lands include the Kaiser Wood Park, a natural area to the southwest of the transmission corridor, a residential area to the northwest of the transmission corridor, a natural area to the southeast of the transmission corridor, and a large agricultural field to the northeast of the transmission corridor.

## 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 type="checkbox"/>      | <input checked="" type="checkbox"/>            |
| <p><u>Explanation:</u> BPA initiated consultation under Section 106 of the National Historic Preservation Act with the Oregon State Historic Preservation Officer (SHPO), Confederated Tribes of Siletz Indians, and the Confederated Tribes of Grand Ronde on March 15, 2019. BPA provided the Project Area of Potential Effect (APE) to consulting parties and requested information on any cultural resources in the Project area.</p> <p>Cultural resources surveys of the Project APE were conducted in April and May 2019, including a pedestrian survey of the ground surface and subsurface testing. No cultural resources were identified during the survey except for one isolated artifact (isolate). Isolated artifacts are not considered historic properties eligible for listing in the National Register of Historic Places (NRHP). The transmission lines in the BPA right-of-way are potentially eligible for the NRHP, but the trail project would not affect the integrity of the lines.</p> <p>The report documenting the background research and cultural resource survey concluded that there would be no adverse effect on historic properties. The report was submitted to consulting parties on July 12, 2019. BPA received SHPO concurrence with BPA's determination of no adverse effect on historic properties on August 19, 2019. No other comments or responses were received during the consultation process. The following measure will be implemented to avoid impacts to any undiscovered cultural resources and to ensure that proper procedures are followed if any cultural resources are discovered during Project construction:</p> <ul style="list-style-type: none"><li>✓ All construction workers, including THRPD's contractors, will implement the attached Inadvertent Discovery Plan</li></ul> |                               |  |

## 2. Geology and Soils



Explanation: Trail construction would result in the removal or compaction of soils within and adjacent to the proposed trail, the culvert to be replaced and in equipment and material staging areas. Trail construction would result in about 0.75 acres of disturbance to soil. Most of the disturbed areas would be paved, while the trail edges would be revegetated with native species, mainly grasses, with some native forbs. To minimize disturbance to soils, the following best management practices would be implemented:

- Follow all erosion and sediment requirement in permits, including the Erosion and Sediment Control Plan that is a required part of the Stormwater Pollution Prevention Plan (SWPP) required by permits and approvals, including permits obtained from the Multnomah County, Washington County, and Clean Water Services
- Stage materials and equipment on trucks and trailers within the work area as much as possible
- Clearly demarcate and minimize the size of construction areas within the ROW
- Limit compaction in travel ways and staging locations; relieve compaction as necessary and re-contour any vehicle rutting
- Salvage and stockpile the top 12 inches of soil (topsoil) separate from subsoil, if needed and use topsoil during restoration of disturbed areas by spreading it in the top 12 inches of the area to be revegetated if feasible
- Manage soil stockpiles from wind and rain erosion through the use of erosion and sediment control best management practices (BMPs)
- Temporarily stored soils must be at least 50' from any water of the state, including the wetlands on the transmission line right-of-way
- Any excess soils and gravels that will not be utilized in the ROW are to be disposed of in an approved upland location, as specified in applicable permits
- Any material used for erosion control on site must be certified weed free and all rock and other fill materials must come from a weed-free source
- Ensure that all erosion control products (e.g. erosion control blankets, wattles, etc.) that will be left in place after stabilization criteria are met are 100% biodegradable; "photodegradable" products are not permitted
- Remove all temporary erosion control BMP materials (e.g. sediment fence) when no longer needed in the area

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



Explanation: The vegetation within the right-of-way consists of non-native grasses and forbs and does not include native herbaceous species. According to the US Fish and Wildlife Service (USFWS) federal Endangered Species Act (ESA) list for the project area, there are two federally endangered and three federally threatened plant species which have potential to be found in the area. Critical habitat has not been designated within the area for these species. The plants on the project USFWS ESA list include:

- Bradshaw's desert-parsley (*Lomatium bradshawii*) - endangered
- Kincaid's lupine (*Lupinus sulphureus ssp. kincaidii*) - threatened
- Nelson's checker-mallow (*Sidalcea nelsoniana*) - threatened
- Water howellia (*Howellia aquatilis*) - threatened
- Willamette daisy (*Erigeron decumbens*) - endangered

These species and the native plant communities and plant species associated with these species were not found in the project area during field resource surveys conducted by WH Pacific for THPRD. Because these species and their habitat were not observed in the areas that would be disturbed by project activities, BPA determined there would be no effect to these species.

Vegetation would be removed along the edges of the existing access road, but the area would be revegetated once the paved trail is constructed. Impacts to vegetation will be mitigated by following the best management practices described under #2, Soils and Geology above and by implementing the following measures:

- Confine soil disturbance to the smallest possible area within the project work area
- Where possible cut or crush vegetation, rather than by removing vegetation
- Reseed areas disturbed by construction with a native seed mix with species that grow in the geographic area of the project

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



Explanation: The general wildlife habitat along the utility corridor was considered low value habitat by WH Pacific, in the surveys they conducted to produce a Wildlife Conservation Plan for the project. The habitat value of the utility corridor is low due to the lack of structural diversity and the presence of non-native vegetation. In the southern portion of the project area, the forested areas on either side of the right-of-way support birds and mammals that are common in urban and farmed areas, but likely do not support wildlife that are not habituated to human presence and intermittent noise and disturbance. A large number of people walk on the existing access road each day, the area to the northeast is actively farmed, and the area to the northwest has dense residential development. The construction noise would be temporary and likely to displace some wildlife that would be expected to return to the area once the construction is completed. The BMPs that would be implemented, as described above under #2, Geology and Soils and #3, Plants would minimize impacts to wildlife habitat.

- According to the USFWS ESA list for the project area, there are four species which have potential to be found in the area. Critical habitat has not been designated within the area for these species. They are:
- Marbled murrelet (*Brachyramphus marmoratus*) - threatened
- Northern spotted owl (*Strix occidentalis caurina*) - threatened
- Streaked horned lark (*Eremophila alpestris strigata*) - threatened
- Fender's blue butterfly (*Icaricia icarioides fenderi*) - endangered

There is no habitat for these species in the weedy, grass-dominated habitat where the trail would be constructed. Adjacent to the right-of-way, there are no areas of large-diameter old-growth trees suitable for marbled murrelet and northern spotted owl. There are no remnants of native prairie vegetation, including lupines, which would be needed to support Fender's blue butterfly. Because potential habitat for these species does not occur in the vicinity of this project, BPA determined the construction of the trail would have no effect on federally listed species.

5. **Water Bodies, Floodplains, and Fish**

(including Federal/state special-status species, ESUs, and habitats)



Explanation:

There are no fish species listed as occurring in the Rock Creek tributary according to fish data sources, although Rock Creek does support federally threatened Upper Willamette River steelhead. Given the distance of the transmission corridor from Rock Creek and the lack of a defined channel within the transmission corridor, WH Pacific concluded that the stream and wetland in the area of the transmission corridor is not fish habitat. In order to determine that there would be no effect to fish, including steelhead, from culvert construction, THRPD will need to follow all Clean Water Act Section 404 permit conditions, if a permit is required, and the project SWPP, in order to minimize the introduction of sediments to the creek. The BMPs that would be implemented, as described above under #2, Geology and Soils and #3, Plants would minimize impacts to fish habitat. Impacts to downstream fish habitat will be minimized by the following:

- THRPD and their contractors will comply with all Clean Water Act Section 404 permit conditions, if a permit is required, in order to minimize the introduction of sediments to the wetland and creek
- THRPD will provide BPA with the draft Section 404 permit for review, provide the final Section 404 permit, and provide BPA with all monitoring reports and correspondence related to the permit until all permit conditions are satisfied

6. **Wetlands**



Explanation:

The wetland at the culvert crossing is vegetated with a monoculture of non-native reed canarygrass (*Phalaris arundinacea*) bordered on the upland edge with Himalayan blackberry (*Rubus armeniacus*). Due to lack of diversity of species, lack of structure diversity, and the presence of non-native vegetation, this wetland is a low-quality wetland with minimal functions and values. Impacts to wetlands will be minimized by the following:

- THRPD and their contractors will comply with all Clean Water Act Section 404 permit conditions, if a permit is required, including revegetation of any wetland areas disturbed within the right-of-way and conduct any off-site mitigation, if required
- THRPD will provide BPA with the draft Section 404 permit for review, provide the final Section 404 permit, and provide BPA with all monitoring reports and correspondence related to the permit until all permit conditions are satisfied

7. **Groundwater and Aquifers**



Explanation: The small area of excavation would not affect groundwater quality or quantity or groundwater recharge.

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



Explanation: The BPA-owned right-of-way is adjacent to a residential area, a large farm field that is actively tilled, and THRPD-owned natural areas. The trail would be a designated trail corridor that would be a connecting segment of the Bethany Creek Trail.

9. **Visual Quality**



Explanation: The paved pedestrian trail proposed by THRPD is located in an area where there is now an unpaved access road. The trail would appear different to sensitive viewers, the pedestrians who currently walk through this area, and it may be visible to some nearby residents. Because the proposed trail segment would link up two existing sections of paved walking trail, it would appear consistent with the other sections of the trail and trail users and residents would likely not notice the difference as visually discordant.

10. **Air Quality**



Explanation: Air quality could be degraded by a temporary increase in particulate matter from dust created during construction. Exhaust generated by equipment would also be temporarily present during construction. These actions are not expected to violate air quality standards and post-construction there will be no changes to current air quality.

11. **Noise**



Explanation: Construction work during the day would expose the surrounding natural, agricultural, and residential areas to increased noise from construction equipment. Noise would be temporary and after construction of the paved pedestrian trail is complete, there is no predicted impact on current noise levels. The area is likely to become better habitat for birds, which would increase bird songs, a beneficial effect.

12. **Human Health and Safety**



Explanation: THPRD would require their contractor to restrict access to work areas during construction to prevent unauthorized access during construction, protecting human health.

**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 did not conduct any landowner notification or public involvement. THPRD and local jurisdictions conducted required landowner notification during permitting.

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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/ Kimberly St.Hilaire

Date: January 6, 2020

Kimberly St.Hilaire  
Environmental Protection Specialist