

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Enchanted Oaks Property Acquisition and Stewardship Funding

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

**Project Manager:** Tori Bohlen – EWU-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 the Grand Ronde to purchase the Enchanted Oaks, which is a 467-acre parcel of land located about 5 miles south of Salem in Marion 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 property to the Confederated Tribes of the 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 consists of oak dominated woodland and savanna habitats, mixed forest, riparian habitats, with the remainder of the site in agricultural use, currently in pasture and hay. The Confederated Tribes of the 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.

/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 August 24, 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.

## Proposed Action: Enchanted Oaks Property Acquisition and Stewardship Funding

### Project Site Description

The 467-acre Enchanted Oaks property located in Marion County, Oregon is currently privately owned and BPA would fund its purchase by the Confederated Tribes of the Grand Ronde at closing. There is an estimated 200 acres of Oregon white oak (*Quercus garryana*) dominated woodland savanna and upland prairie habitat. Approximately 185 acres of the property is characterized as mixed forest dominated by Oregon white oak, bigleaf maple (*Acer macrophyllum*), madrone (*Arbutus menziesii*), and Douglas-fir (*Pseudotsuga menziesii*), located in the northeastern portion of the property which is at higher elevations and have significantly steeper slopes. Enchanted Oaks also has approximately 66 acres of riparian habitat in two distinct ephemeral drainages, typically dominated by Oregon ash (*Fraxinus latifolia*), with bigleaf maple, Douglas- fir, and cherry (*Prunus emarginata*) present. The remaining acreage is pasture and hay fields. The property contains white-breasted nuthatch (*Sitta carolinensis*), olive-sided flycatcher (*Contopus cooperi*), and willow flycatcher (*Empidonax traillii*), which have been identified as Oregon Conservation Strategy species.

### 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 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 October 15 2021) of the sale. Ads 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: /s/ Israel Duran

Israel Duran, ECF-4  
Contract Environmental Protection Specialist  
Salient/CRGT

August 24, 2021

Date