

# Categorical Exclusion Determination

Bonneville Power Administration

Department of Energy



**Proposed Action:** Austin Hot Springs Conservation Area Property Land Acquisition and Stewardship Funding

**Project No.:** 2011-003-00, BPA-009235

**Project Manager:** Sandra Fife – KEWM-4

**Location:** Clackamas County, OR

**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 fund the The Confederated Tribes of the Warm Springs Reservation of Oregon (CTWRSO) to purchase the Austin Hot Springs Conservation Area property, a 150-acre parcel of land located 6 miles southeast of Ripplebrook in Clackamas County, OR. BPA would hold a conservation easement to prevent the conversion of fish and wildlife habitat on the property to other land uses. BPA would also provide stewardship funds toward maintenance of the property to the landowner, CTWRSO.

This funding partially fulfills 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.” This is part of BPA’s ongoing efforts to mitigate for the impacts to fish and wildlife of the construction and operation of Federal flood control and power facilities in the Willamette River Basin. Placing this property in a conservation easement would provide long-lasting wildlife benefits as part of a growing network of conservation lands in the Willamette Valley that are preventing the conversion of fish and wildlife habitat to other land uses.

The purpose of the conservation easement is to protect key riparian habitats along the mainstem Clackamas River. The CTWRSO 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 purpose of 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/ Israel Duran  
Israel Duran  
Contract Environmental Protection Specialist  
Salient/CRGT

Reviewed by:

/s/ Chad J. Hamel  
Chad J. Hamel  
Acting Supervisory Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel  
Sarah T. Biegel  
NEPA Compliance Officer

Date: September 7, 2017

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:** Austin Hot Springs Conservation Area Property Land Acquisition and Stewardship Funding

### Project Site Description

The 150-acre Austin Hot Springs Conservation Area property is currently privately owned and BPA would fund the purchase by the Confederated Tribes of the Warm Springs Reservation at closing; riparian habitats, freshwater aquatic habitats, grasslands, and intact late successional Douglas-fir forest are dominant; and the property is located in Clackamas County, Oregon.

### 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 creation of a conservation easement. To the extent that stewardship activities may have an effect, it is expected that the Confederated Tribes of the Warm Springs Reservation 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. **Groundwater and Aquifers**

Explanation: 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: 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 is 9/30/17) of the sale. Advertisements will also be posted in local newspapers, and information will be posted on BPA's public website prior to closing.

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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/ Israel Duran  
Israel Duran - ECF-4

Date: September 7, 2017