

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: South Fork Spencer Creek Property Acquisition and Stewardship Funding
(Update to CX issued on November 24, 2023)

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

Project Manager: Matt Schwartz – EWM-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 245-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 CX has been updated to reflect changes in project manager, acreage, map, project description, and closing date.

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 woodland, oak savanna, mixed-species conifer forest, and riparian habitats including a mile of South Fork Spencer Creek, and provides refuge and habitat for a diversity of resident and migrating birds, important terrestrial wildlife species, and aquatic species. The property also contributes to landscape-level conservation, including proximity to two other Willamette Wildlife Mitigation Program acquisitions protected by conservation easements (South Eugene Meadows and Creswell Oaks) and the City of Eugene's Spencer Butte natural area. 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.

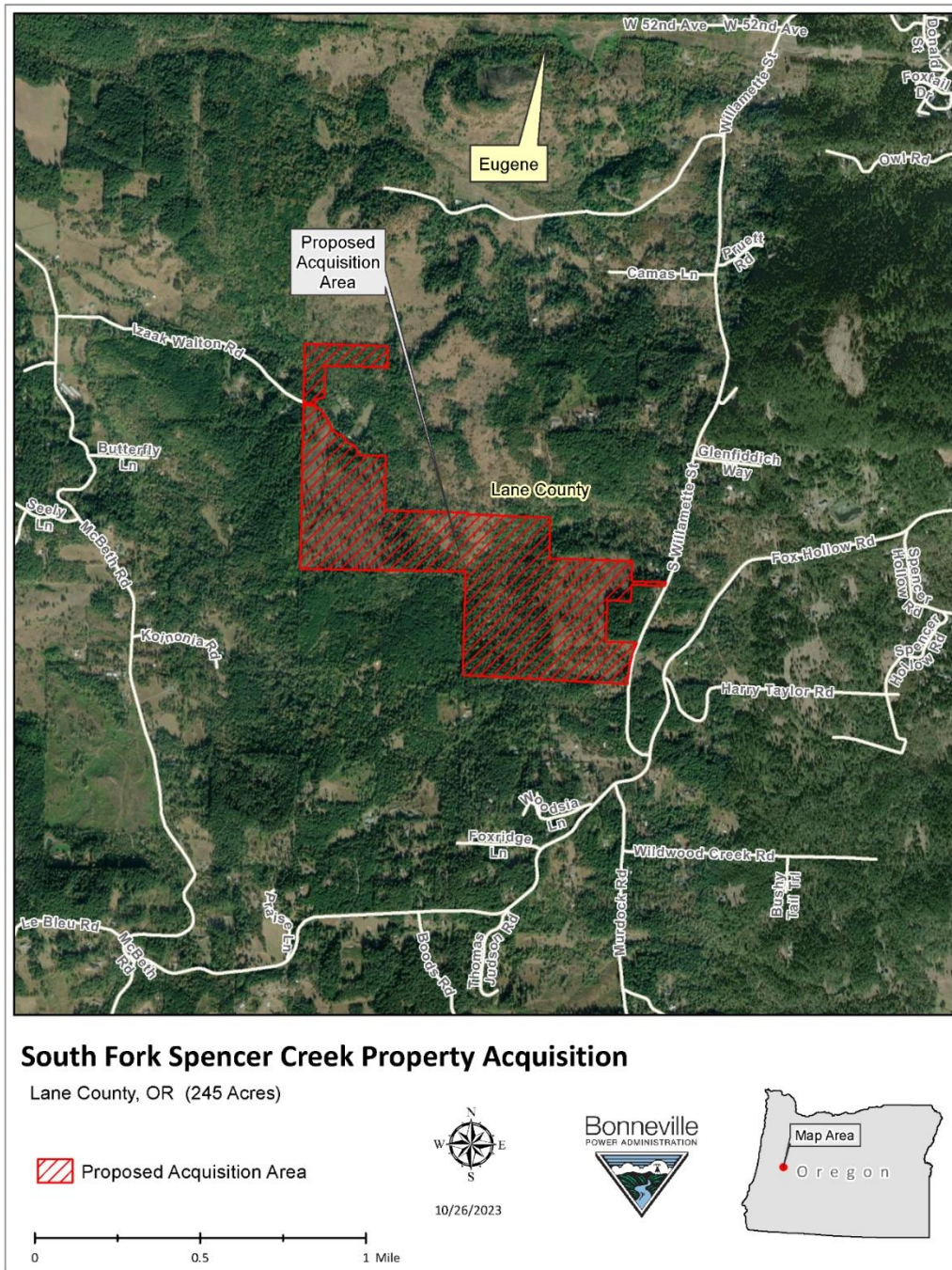


Figure 1. South Fork Spencer Creek Property Location.

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.

Israel Duran
Environmental Protection Specialist

Concur:

Sarah T. Biegel
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 245-acre South Fork Spencer Creek property located about two 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 four important habitat types, including oak woodland (restored Oregon white oak (*Quercus garryana*) and California black oak (*Q. kelloggi*) woodlands), oak savanna, riparian habitat along approximately one mile of South Fork Spencer Creek, and mixed-conifer forest. 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 but not limited to white-breasted (slender-billed) nut hatch (*Sitta carolinensis aculeate*), yellow-breasted chat (*Icteria virens auricollis*), including acorn woodpecker (*Melanerpes formicivorus*), pileated woodpecker (*Dryocopus pileatus*), western gray squirrel (*Sciurus griseus*), western bluebird (*Sialia mexicana*), cutthroat trout (*Oncorhynchus clarki clarki*), and northern red-legged frog (*Rana aurora*).

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 July 30, 2024) 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:

Israel Duran
Environmental Protection Specialist