

Categorical Exclusion Determination

Bonneville Power Administration

Department of Energy



Proposed Action: Dark Canyon Conservation Easement Acquisition Funding

Project No.: 2008-207-00

Project Manager: Dorie Welch – KEWM-4

Location: Union 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 proposes to fund purchase of a conservation easement on property referred to as Dark Canyon. The property has 2,928 acres of riparian and upland habitat located along the main stem of Meadow Creek and Dark Canyon Creek in Union County, OR – T23N/R18W/Sec 13. This purchase will be made using Accord dollars committed to the Confederated Tribes of the Umatilla Indian Reservation for the protection of habitat for fish species listed as threatened or endangered under the Endangered Species Act.

In partnership with the Confederated Tribes of the Umatilla Indian Reservation, the Blue Mountain Land Trust will provide long-term stewardship of the land and will develop a management plan to guide the protection and enhancement of habitat on the property. BPA will review the plan for consistency with the mitigation and conservation purposes of the acquisition. If BPA proposes to fund any activities on the property, additional environmental review would 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/ Dawn Boorse

Dawn Boorse

Environmental Protection Specialist

/s/ Donald Rose

Donald Rose

Supervisory Environmental Protection Specialist

Concur:

/s/ Katherine S. Pierce

Katherine S. Pierce

NEPA Compliance Officer

Date: March 27, 2015

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: Dark Canyon Conservation Easement Acquisition Funding

Project Site Description

Dark Canyon conservation easement – T23N/R18W/Sec 13 – 2,928 acres of riparian and upland habitat along located along the main stem of Meadow Creek and Dark Canyon Creek in Union County, OR.

Evaluation of Potential Impacts to Environmental Resources

Environmental Resource Impacts	No Potential for Significance	No Potential for Significance, with Conditions
<p>1. Historic and Cultural Resources</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Explanation:</u> No ground disturbance proposed--easement acquisition only. The Historic and Cultural Resources background research identified the Mt. Emily Railroad Grade which is located along the South side of Meadow Creek at/near its confluence with Dark Canyon Creek. Any potential restoration work that occurs here will either need to avoid the railroad grade or be mitigated. Additionally, there are a number of lithic scatters identified along the creeks on the property with several large lithic scatters located along the creeks just outside of the property boundaries. The lithic scatters would have to be formally evaluated for eligibility to the National Register, or assumed eligible, and the damage mitigated.</p> <p>The easement acquisition itself has no potential to impact cultural resources. However, BPA is currently uncertain how much restoration the CTUIR plan to do, if any, on this property. The land will currently remain in private ownership and restoration is generally less likely when there is a private landowner. If any funding is provided by BPA for restoration work then BPA will comply with NHPA Section 106 at the time of funding.</p>		
<p>2. Geology and Soils</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> No soil disturbance proposed—easement acquisition only.</p>		
<p>3. Plants (including federal/state special-status species)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> No plant disturbance proposed—easement acquisition only.</p>		
<p>4. Wildlife (including federal/state special-status species and habitats)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> No disturbance to wildlife—conservation easement acquisition.</p>		

5. **Water Bodies, Floodplains, and Fish**
(including federal/state special-status
species and ESUs)



Explanation: No disturbance—conservation easement acquisition.

6. **Wetlands**



Explanation: No disturbance to wetlands—conservation easement acquisition.

7. **Groundwater and Aquifers**



Explanation: No change to groundwater or aquifer—conservation easement acquisition only.

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



Explanation: No change to land use—conservation easement acquisition only.

9. **Visual Quality**



Explanation: No change to visual quality—conservation easement acquisition only.

10. **Air Quality**



Explanation: No change to air quality—conservation easement acquisition only.

11. **Noise**



Explanation: No change to noise levels—conservation easement acquisition only.

12. **Human Health and Safety**



Explanation: No change to human health and safety—conservation easement acquisition only.

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:

Landowner Notification, Involvement, or Coordination

Description: Public Notification letter and map will be sent to adjacent landowners and interested parties. Print notification in two Union County publications.

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

Signed: /s/ Dawn Boorse
Dawn Boorse – KEC-4
Environmental Protection Specialist

Date: 3/25/2015