

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Molalla River and Forest Preserve Conservation Easement Acquisition and Stewardship Funding

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

Project Manager: Virginia Preiss – EWM-4

Location: Clackamas 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: BPA is proposing to fund Center for Natural Lands Management (CNLM) to purchase a conservation easement over the Molalla River and Forest Preserve, which is a 144-acre parcel of land located 7 miles southeast of Molalla in Clackamas County, Oregon. CNLM would hold a conservation easement over the property, which BPA would have third party rights of enforcement to protect and conserve and, as appropriate, to allow for the restoration or enhancement of the conservation values of the Molalla River and Forest Preserve property. BPA would also provide stewardship funds toward maintenance, monitoring, and enforcement of the conservation easement to CNLM.

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 mixed forest and riparian habitats, including almost a mile of Upper Molalla River. CNLM has developed a land management plan to guide the protection and enhancement of habitat and other resources on the property. The land management plan has been 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.

Israel Duran
Environmental Protection Specialist

Concur:

Katey C. Grange
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 Molalla River and Forest Preserve, in its present state, comprises approximately 144 acres of mixed forest and riparian habitats encompassing a 0.9-mile-long reach of the Upper Molalla River. Upland and riparian forest habitats feature late mixed conifer forest primarily in the 100- to 130-year-old age class with a lesser area of 50- to 75-year-old stands, dominated by Douglas fir (*Psuedotsuga menziessi*), including old growth trees over 200 feet in height and 4-8 feet in diameter. The 0.9-mile-long reach of the Molalla River is deep, with steep canyon walls and mature riparian forest, providing cold water refugia and is designated critical habitat for Endangered Species Act-listed Upper Willamette River spring Chinook salmon (*Oncorhynchus tshawytscha*) and Upper Willamette River winter steelhead (*O. mykiss*). The property also provides habitat for Oregon Conservation Strategy species, including coastal cutthroat trout (*O. clarkii clarkia*), Pacific lamprey (*Entosphenus tridentatus*), Northern red-legged frog (*Rana aurora*), Oregon slender salamander (*Batrachoseps wrighti*), clouded salamander (*Aneides ferreus*), Cascade torrent salamander (*Rhyacotriton cascadae*), pileated woodpecker (*Dryocopus pileatus*), olive-sided flycatcher (*Contopus cooperi*), willow flycatcher (*Empidonax traillii*), harlequin duck (*Histrionicus histrionicus*), great gray owl (*Strix nebulosa*), Townsend's big-eared bat (*Corynorhinus townsendii*), long-legged myotis (*Myotis volans*), fringed myotis (*Myotis thysanodes*), silver-haired bat (*Lasionycteris noctivagans*), fisher (*Pekania pennant*), and red tree vole (*Arborimus longicaudus*).

In the 1880s and 1950s portions of the property were logged. Currently, the property is managed for infrequent, non-motorized recreation including occasional small gatherings, camping, and weddings, and recently included as part of the state designated Molalla River Scenic Waterway. The property would be managed as a wildlife preserve to provide cultural, educational, research and recreational opportunities.

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 the creation of a conservation easement. To the extent that future activities on the property may have an effect, it is expected that the Center for Natural Lands Management 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 September 20, 2024) of the sale. Advertisements 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:

Israel Duran, ECF-4
Environmental Protection Specialist