

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Middle Fork John Day River Stream Restoration Project

Project No.: 2007 - 397 - 00

Project Manager: Timothy Ludington, Fish and Wildlife Administrator, EWM

Location: Grant County, Oregon

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.20

Description of the Proposed Action: The Bonneville Power Administration (BPA) is proposing to fund the Confederated Tribes of Warm Springs to implement a stream restoration project on land owned in fee-title by the Confederated Tribes of Warm Springs in Grant County, Oregon.

Proposal: BPA is proposing to restore habitat and stream function on a segment of the Middle Fork John Day River. The project is a continuation of an ongoing stream restoration targeting river reaches named Vincent to Caribou Phase 2 and Vincent to Vinegar Project. The proposed work would include removal of a portion of the Sumpter Valley Railway Middle Fork Spur berm, which is a National Register-listed railroad grade, reconnecting alcoves and side channels to reactivate the floodplain, removal of rip rap and rock barbs, placement of large woody debris, and planting of riparian areas. Project work is intended to increase the complexity of instream and riparian habitat along this stretch of the river.

Environmental Review: The review describes the anticipated impacts to natural and human resources and provides mitigation measures that would help avoid or minimize impacts. During this process, BPA has worked with Federal, state, and local agencies; Tribes; potentially affected landowners; and other interest groups.

Public Scoping, Comments, and Responses

To help determine issues to be addressed in this categorical exclusion, BPA conducted public scoping between March 25 and April 25, 2019. A letter describing the proposed project and conceptual design maps were sent to adjacent landowners; Tribes; local, state, and Federal agencies; and other interested parties.

BPA, Bureau of Reclamation (BOR), and the Confederated Tribes of the Warm Springs Reservation (CTWSR) hosted a public meeting on April 18, 2019, and project staff was available to answer questions.

Two individual comments were received during the public scoping period. BPA received the following comments noted verbatim as received in italics and has provided responses below:

- *“Results good and bad from exact or similar work you have done on other projects at different locations on the same river?”*
 - BPA has funded five phases of similar work within the Oxbow Conservation

Area (OCA) and one phase of work has been conducted immediately adjacent to the proposed project area on the Middle Fork Forrest Conservation Area (MFFCA). All phases of work incorporated large wood, alcoves, and riparian plantings. The restored areas of OCA have the greatest concentration of Chinook salmon redds on the Middle Fork John Day.

- *“Correct name of the railroad. I believe the Sumpter Valley Railway Company purchased the Oregon Lumber Company Railroad and that it perhaps should correctly be referred to as the Oregon Lumber Company Middle Fork Spur?”*
 - The National Register of Historic Places Inventory Nomination Form has the historic name listed as “Sumpter Valley Railway, Middle Fork (John Day River) Spur” so that is what we have chosen to utilize for the project. But you are correct, also listed on the nomination form as the common name for the railroad is “Oregon Lumber Company Railroad.”
- *“Where the USFS is with their reconsideration of eligibility of RR spurs, which were previously considered ineligible to the National Register and exactly what impact that has on the decision to move forward?”*
 - I am not sure where the USFS is with the reconsideration of the eligibility of RR spurs or the Oregon State Historic Preservation Office’s position. This would be a good question for USFS staff.
- *“The historical, archeological, and cultural aspects of the Vincent to Caribou Phase 2 and Vincent to Vinegar Project be evaluated; i.e. waypoints, structures, water towers, burial sites American Indian/Chinese?”*
 - The project area is going to be surveyed, evaluated and an updated report will be complete before any of the projects move forward. Russell Holter and Kelsey Doncaster will be the report authors; they will be completing an Intensive Level Survey and an Update to the National Register of Historic Places Registration Form for Sumpter Valley Railway, Middle Fork (John Day River) Spur (1987). The update report is a work in progress. The contractors will note and record any historic sites or features that are remaining. The survey will not include any archaeology survey or ground disturbance so we are not anticipating any burial sites that will be encountered. However there is an Inadvertent Discovery Plan that will be in place if something is encountered. We hope to explore and document the history of the presence of other groups in the area for additional mitigation.
- *“I need to know more about the expected outcomes of reconnecting alcoves and side channels and the degree of certainty that this will reactivate the floodplain?”*
 - Stream restoration experience throughout the Columbia Basin has shown that reconnecting alcoves and side channels allows more water to interact with the floodplain during high water events. Channel elevation is also designed to maximize floodplain connectivity across flow regimes throughout the season. The project’s main objectives are to provide refuge for juvenile salmonids and to increase water storage by inundating the floodplain. Juvenile salmonids prefer habitats with cooler temperatures and more available cover, which these alcoves would be designed to supply. Using a network of groundwater wells to track the changes in the water table, we have observed greater floodplain connectivity across our project sites on both the OCA and MFFCA. Increasing floodplain

storage is proposed as a method for increasing late season flows, thus reducing lethal increased water temperatures in the summer.

- *“Exactly how will the removal of rip rap and rock barbs, placement of large woody debris and riparian planting improve the landscape?”*
 - The removal of rip rap and rock barbs allows the river to migrate laterally. Lateral migration allows the river to perform several tasks: cutbanks are eroded during high flow events, thereby recruiting gravels and fine sediments crucial for salmonid reproduction; a more sinuous river reduces water velocities and increases habitat complexity; and oxbow features and alcoves are maintained and created through erosive events, creating off channel refugia and increased habitat for fish species immediately post construction with benefits including food web support. Large woody debris creates a more complex environment for fish and provides shade and refuge from predation. Riparian plantings primarily shade the river and help to decrease temperatures, addressing a key limiting factor for salmonids in the Middle Fork John Day. Additionally, riparian plants provide nutrients that feed aquatic insects, which in turn feed fish.

- *“Once the proposed work is done exactly what impact will this have in the waters, environment, ecosystems, and lands above and below the project areas?”*
 - Our restoration and land management actions are designed to increase late season water supply, improve ecosystem function and complexity, and return lands to a more balanced state.

- *“What are the chances that the project work actually decreases the complexity of in stream and riparian habitat along this stretch of the river?”*
 - The project was designed with hydraulic modeling to determine how water would flow and to help ensure the desired results are realized. In previous project phases utilizing similar methodologies along other stretches of this same river, the complexity of instream and riparian habitat has been increased.

- *“The data sources you will use to conduct the environmental review are they local data sources, if not from where do they come and how has it been determined that they are a good representation of the existing conditions on the Middle Fork?”*
 - Yes, the data sources have been local. For example:
 - John Day River Basin Total Maximum Daily Load and Water Quality Management Plan, 2010, Department of Environmental Quality;
 - Middle Fork John Day River Intensively Monitored Watershed, Final Summery Report, 2017, Middle Fork IMW Working Group;
 - Conservation and Recovery Plan for Oregon Steelhead Populations in the Middle Columbia River Steelhead Distinct Population Segment, 2010, Oregon Department of Fish and Wildlife;
 - John Day Subbasin Plan, 2005, Columbia-Blue Mountain Resource Conservation & Develop Area; and
 - Middle Columbia River Steelhead Distinct Population Segment ESA Recovery Plan, 2009, National Marine Fisheries Service.

- *“Who specifically are the federal, state and local agencies, landowners, and other interest groups?”*
 - Bonneville Power Association
 - Tim Ludington 503-230-4988

- Malheur National Forest
 - Dan Armichardy 541-575-3391
 - The Confederated Tribes of the Warm Springs Reservation of Oregon
 - Erik Rook 541-777-2830
 - Bureau of Reclamation
 - Mark Croghan 541-575-3033
 - Oregon Department of Water Quality
 - Jeffery Brittain 503-229-5395
 - Oregon Department of State Lands
 - Heidi Hartman 541-388-6060
 - Parks and Recreation Department – Scenic Waterway Program
 - Bridget Tinsley 541-388-6236
 - Oregon Department of Fish and Wildlife
 - Stephan Charette 541-575-1167
 - United States Fish and Wildlife Service – Partners Program
 - Dirk Renner 541-969-0162
 - National Oceanic and Atmospheric Administration – National Marine Fisheries Service
 - Rebecca Viray 541-962-8524
 - Oregon Watershed Enhancement Board – Focused Investment Partnerships – John Day Partnership
 - Kristen Walz 541-421-3018
- *“Are the Middle Fork John Day River Stream Restoration Project and the Sumpter Valley Railroad, Middle Fork John Day River Spur the same or separate projects?”*
 - They are all separate projects. The Middle Fork John Day River Spur is associated with this project through mitigation measures. This project would remove several sections of the Middle Fork Spur associated with the floodplain and our property.
 - *“Will the proposed projects impact the National Register listing of the railroad?”*
 - The project would not change the National Register-listed status of the railroad berm and any alterations would be documented prior to project implementation.
 - *“In the future would it be possible to contact landowners early in project development showing them the same respect you show other stakeholders?”*
 - Yes. The process completed by BPA strives for full disclosure and complete transparency of the project proposal by working with Federal, state, and local agencies; Tribes; potentially affected landowners; and other interest groups in advance underscored by a 30-day public comment period and public meeting.
 - *“Why would we do these projects considering other similar projects done on the same river over the past few years has failed to raise the water level, reactivate the floodplain, make the river more sinuous, and create better habitat for fish in this high priority region?”*
 - There have been both successful and unsuccessful projects along this river in the past. This project is applying methods that have proven successful. BPA and CTWS have implemented a series of projects that have successfully increased fish habitat and respective populations since 2003 and the CTWS annual reports are a good local resource to learn more.

- *“What do we have that tells us exactly the historic route of the Middle Fork John Day River?”*
 - The project design team has utilized aerial photographs, historical photos, and land survey reports to identify the previous location of the MFJD over many years.

- *“Exactly what is the “historical value” of the SVRRMFJD to the local community? Who is the local community and how is the value determined? Especially if it is taken away?”*
 - BPA is working with the local community and stakeholders to assure that the importance and significance of the railroad to the development of the local region is taken into account. The findings of the new evaluation and documentation of the current conditions of the resource would be presented to the local community. BPA is also working with Grant County Commissioners, DeWitt Museum, Sumpter Valley Railway, Friends of Bates Park, and other interested parties to agree on specific mitigation to benefit the local community. The project would by necessity impact 2%-5% of the railroad berm feature. The proposed action is essential to "protect, manage, and restore" habitat values for fish and wildlife. It would remain listed on the National Register after the project alterations. BPA would determine mitigation measures. The ideas discussed to date include interpretive signs, a rebuild of the “ghost” railway at Middle Fork Campground with interpretive signage, update of DeWitt Museum exhibits, archival support to Sumpter Valley Railway, a newspaper article or journal story, and history on a website accessible to the public.

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/ Luca De Stefanis

Luca De Stefanis
 Environmental Protection Specialist
 Motus Technology Solutions, LLC

/s/ Chad J. Hamel

Chad J. Hamel
 Supervisory Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel

Sarah T. Biegel

NEPA Compliance Officer

Attachment(s): Environmental Checklist

Date: June 4, 2019

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: Middle Fork John Day River Stream Restoration Project

Project Site Description

The Bonneville Power Administration (BPA) is proposing to fund the Confederated Tribes of Warm Springs (CTWS) to implement a stream restoration project on land owned in fee-title by the Confederated Tribes of Warm Springs in Grant County, Oregon.

BPA is proposing to restore habitat and stream function on a segment of the Middle Fork John Day River. The project is a continuation of an ongoing stream restoration targeting river reaches named Vincent to Caribou Phase 2 and Vincent to Vinegar Project. The proposed work would include removal of a portion of the Sumpter Valley Railway Middle Fork Spur, which is a National Register-listed railroad grade, reconnecting alcoves and side channels to reactivate the floodplain, removal of rip rap and rock barbs, placement of large woody debris, and planting of riparian areas. Project work is intended to increase the complexity of instream and riparian habitat along this stretch of the river.

Evaluation of Potential Impacts to Environmental Resources

Environmental Resource Impacts	No Potential for Significance	No Potential for Significance, with Conditions
1. Historic and Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The project would by necessity impact 2%-5% of the railroad berm feature. The proposed action is essential to "protect, manage, and restore" habitat values for fish and wildlife. The intent of removal of the rock barbs, rip rap, and portion of the railroad berm is to remove anthropogenic features from the channel that have locked the river in place that disconnects the floodplain.</p> <p>We have discussed the projects and the eligibility of the railroad with the Oregon State Historic Preservation Office. It would remain listed on the National Register after the project alterations have been completed. It has been determined in consultation with OR SHPO; BPA would determine mitigation measures and develop an MOA pursuant to 36 CRF Part 800.6.</p> <p>The sustained listing status and mitigation measures have been determined to adequately ameliorate the impact and therefore have no potential for significance.</p>		
2. Geology and Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> Erosion and sedimentation controls would be in place. The Bureau of Reclamation (BOR) conducted Geomorphology and Hydraulic Modeling of the area. The intent of removal of the rock barbs and rip rap is to remove anthropogenic features from the channel that have locked the river in place. Removal along with placement of large wood would encourage lateral stream migration and recruitment of gravel into the river.</p>		
3. Plants (including Federal/state special-status species and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> A total of 2 acres is identified as a disturbance area associated with project area structures.</p>		

We are assuming closer to 10 acres would be disturbed due to heavy machinery traffic.

Restoration mitigation would involve dispersal of 100 lbs. of native seed mix broadcasted, harrowed, and mulched with weed free straw in disturbed areas after project completion. Native plant species used are the following: blue bunch wheatgrass, Sherman bluegrass, basin wildrye, squirrel tail, blue wildrye, Idaho fescue, blue flax, and yarrow. Up to 1,200 containerized plants would be planted in strategic areas to restore disturbed sites (~ 2 acres) across the Vincent to Caribou Phase II project site and to maximize shade production (~1.5 acres). The following riparian plants would be installed in the fall of 2019: alder – 250, cottonwood – 250, willow – 250, red osier dogwood – 200, elderberry – 50, golden currant – 100, service berry – 19, wax currant – 55, mock orange – 17 and hawthorne – 8. Benefits include use for wildlife cover and forage enhancement, erosion control and soil stabilization, roughness recruitment, shading restoring native habitat, and wildfire restoration.

4. **Wildlife** (including Federal/state special-status species and habitats)



Explanation:

Environmental considerations include those typical for stream habitat restoration projects where ESA-listed fish are present. Federal, state, or local permits would be obtained by CTWS, and USFWS Partner's Program has agreed to cover the Army Corp of Engineers permitting through NW 27 general authorization.

ESA Section 7 compliance has gone through the Bonneville Power Administration's Habitat Improvement Program III (NOAA 2013), since the proposed habitat actions fit within those criteria. The design drawings identify site staging and access, fish isolation, temporary erosion and sediment control, and revegetation of disturbed areas in detail. Detailed descriptions of agency-prescribed best management practices and conservation methods are included on the design drawings and/or in the specification package. The timeline for project construction is between July 1 through August 31, with all in-water work occurring from July 15 to August 15, which lies within the ODFW-approved timing of in-water work to protect fish and wildlife resources.

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



Explanation: The timeline for project construction is between July 1 through August 31, with all in-water work occurring from July 15 to August 15, which lies within the ODFW-approved timing of in-water work to protect fish and wildlife resources. The BPA ESA Habitat Improvement Program (HIP) project review team performed an analysis with the following partners: ODFW, USFWS and NOAA.

Each work area would consist of multiple instream actions that can be completed in one day. Fish would first be herded out of the work area using a seine net and then an electro shocker would be used to remove additional fish. The fish isolation approach decided on is to place block nets upstream and downstream of a "Work Area". It is understood that a HIP Bi-Op variance to block fish passage for up to 10 hours per day would be needed for implementation of this isolation plan. No turbidity isolation would be used; however, turbidity monitoring criteria and time limits for exceedance would be followed. Placement of gravel in stream reaches that do not have other disturbance activities would have a turbidity impact but a low direct impact on fish. Further guidance from NMFS and BPA has been provided to determine if fish isolation is required when placing gravel. Environmental considerations include those typical for stream habitat restoration projects where ESA-listed fish are present. Federal, state, or local permits have been obtained by CTWSRO. ESA Section 7 compliance has successfully completed review through the Bonneville Power Administration's Habitat Improvement Program III (NOAA 2013). The BPA, NMFS, USFWS and BOR approved engineered design drawings identifying site staging and access, fish isolation, temporary erosion and sediment control, and revegetation of disturbed areas in detail. Detailed descriptions of agency-prescribed best management practices and conservation methods are included on the design drawings.

6. **Wetlands**



Explanation: To facilitate removal of the railroad grade in wet and sensitive areas, the grade itself would be used as the haul route. Project includes creating short pilot channels through high areas connecting well

defined flood plain channels including modification of how the channels pass through the removed railroad grade. Excavation would be minimal and blend into existing slopes and widths.

- 1) All flood plain channels are within the historical floodplain and reconnect fragmented habitats.
- 2) All identified side channels would be high flow side channels and not perennial.
- 3) Existing flood plain channels vary greatly in width and depth and would not be modified. Excavation of connection points would match grade and shape of existing channels. As part of adaptive management, additional woody debris can be added to channels that need additional roughness, but gradient of existing channels will not be modified.
- 4) Materials excavated would be reused in the project. Sod or sedge mats would be used to plug the railroad grade, borrow ditches, and to form the sides of the excavated channels. Any native gravel encountered would be placed in stream.
- 5) Target excavation depths are well above the thalweg of the main channel.
- 6) All excavation work for side channels would be in the dry and not connected at base flow.
- 7) All excavation work for side channels would slope downstream and does not include pools of any kind. Existing floodplain channels are complex and would not be manipulated. However, downstream connectivity of side channels would be improved by removing dead ends and high spots, which would allow fish to travel downstream in channels to a greater extent than currently possible.

7. Groundwater and Aquifers



Explanation: The project would enhance groundwater and aquifers by holding a greater volume of water-recharging subsurface flow. The removal of the railroad grade would allow continuity of the side channels that are being enhanced and allow main channel access to its adjacent floodplain. The borrow areas along the toe of the railroad grade currently transport hillslope runoff, groundwater, and larger flood flows along the grade creating artificial flow paths on the floodplain. Current design includes plugs strategically placed to block these flow paths such that flows follow natural channel flow paths instead. To facilitate removal of the railroad grade in wet and sensitive areas, the grade itself would be used as the haul route.

8. Land Use and Specially-Designated Areas



Explanation: There would be no changes to land use and no impact to specially designated areas.

9. Visual Quality



Explanation: There are short-term ground-disturbing activities, but mitigated, and not inconsistent with the long-term ongoing land use operations in the area.

10. Air Quality



Explanation: There are short-term effects of vehicle and heavy equipment generating dust only, but mitigated, and not inconsistent with the long-term ongoing land use operations in the area. The timeline for project construction is between July 1 through August 31, with all in-water work occurring from July 15 to August 15.

11. Noise



Explanation: There are short-term effects of vehicle and heavy equipment generating noise, but mitigated, and not inconsistent with the long-term ongoing land use operations in the area. The timeline for project construction is between July 1 through August 31, with all in-water work occurring from July 15 to August 15.

12. Human Health and Safety



Explanation: There are short-term effects only, but mitigated, and not inconsistent with the long-term ongoing land use operations in the area. The timeline for project construction is between July 1 through August 31, with all in-water work occurring from July 15 to August 15,

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: 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, if necessary: 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, if necessary: 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, if necessary: N/A

Landowner Notification, Involvement, or Coordination

Description: A public notification letter was sent to local landowners describing the proposed project, public meeting, and conceptual design maps. The land is privately owned by the CTWS. The Tribe has conducted similar projects on the Middle Fork of the John Day River for ten years with complete transparency and engagement from tribal members and the community.

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

Signed: /s/ Luca De Stefanis
Luca De Stefanis
Environmental Protection Specialist
Motus Technology Solutions, LLC

Date: June 4, 2019

Appendix A

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E C N E VILLE P O W E R A D M I N I S T R A T I O N

Middle Fork John Day River Stream Restoration Project *"I'd like to tell you..."*

Please have your studies look at:

- Results good and bad from exact or similar work you have done on other projects at different locations on the same river.
- Correct name of the railroad. I believe the Sumpter Valley Railway Company purchased the Oregon Lumber Company Railroad and that it perhaps should correctly be referred to as the Oregon Lumber Company Middle Fork Spur.
- Where the USEFS is with their reconsideration of eligibility of RR spurs, which were previously considered ineligible to the National Register and exactly what impact that has on the decision to move forward.

I need more information about:

- The historical, archeological, and cultural aspects of the Vincent to Caribou Phase 2 and Vincent to Vinegar Project; i.e. waypoints, structures, water towers, burial sites American Indian/Chinese.
- I need to know more about the expected outcomes of reconnecting alcoves and side channels and the degree of certainty that this will reactivate the floodplain.
- Exactly how removal of rip rap and rock bars, placement of large woody debris and riparian planting will improve the landscape.
- Once the proposed work is done exactly what impact will this have on the waters, environment, ecosystems, and lands above and below the project areas.
- What are the chances that the project work actually decreases the complexity of in stream and riparian habitat along this stretch of the river.
- The data sources you will use to conduct the environmental review are they local data sources, if not from where do they come and how has it been determined that they are a good representation of the existing conditions on the Middle Fork.
- Who specifically are the federal, state and local agencies, landowners, and other interests groups. A list of names and contact information would be very helpful.
- Are the Middle Fork John Day River Stream Restoration Project and the Sumpter Valley Railroad, Middle Fork John Day River Spur the same or separate projects.
- Will the proposed projects impact the National Register listing of the railroad.