

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** John Day Oxbow Conservation Area – 2020 Operation and Maintenance

**Project No.:** 2000-015-00

**Project Manager:** Tim Ludington, EWM-4

**Location:** Grant County, Oregon

**Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021):** B1.20 Protection of Cultural Resources, Fish and Wildlife Habitat

**Description of the Proposed Action:** The Bonneville Power Administration (BPA) is proposing to fund the Confederated Tribes of Warm Springs (CTWS) to conduct operation and maintenance (O&M) activities on the Oxbow Conservation Area, which is land owned in fee-title by the CTWS in Grant County, Oregon. The Oxbow Conservation Area, a 1,022 acre property, was purchased as a high priority project in 2001 with BPA mitigation funds by the CTWS Reservation of Oregon Tribes. This project has since received BPA annual funding for Operations & Maintenance (O&M) as part of the Memorandum of Agreement between the Tribes and BPA. O&M replaces and repairs existing infrastructure. The goals of this project's proposed action are to "protect, manage, and restore" habitat values for fish and wildlife.

The proposed actions for 2020 would continue annual O&M on approximately one mile of restored river and creek channels completed in 2016. Activities would include weed control through spraying with herbicides, hand pulling and mowing. Spray techniques include broadcast spraying with ATV's/tractors, and spot spraying with ATV's and backpack sprayers. Vegetation management would be maintained through seeding. Other activities would focus on riparian cages to protect against ungulate browse and beaver activity to woody plants and promote maximum growth for shading streams on all the properties. The project would include O & M planting of native vegetation on previous years planting projects to enhance stocking rate due to gaps through plant mortality due to wildlife browsing. Planting O & M would be undertaken with hand augers or augers attached to a mini-excavator to address gaps and enhance and or replace plants in an existing planting site. Ground disturbance from planting is anticipated to extend no deeper than 1 to 2 feet.

O&M, which may include in kind replacement of posts or wire strand replacement, is planned for approximately 10 miles of boundary fencing to reduce or eliminate cattle trespass.

O&M activities would continue improving existing structures, signs, irrigation ditches, and operations of nursery facilities. This would include replacing parts and components of a fence line to make it effectively turn cattle, but would not include moving a fence or adding new fences in new locations. Cleaning out ditches. No new construction and no new installations would occur. No scheduled structural maintenance that would change the historic character would occur. Maintenance reflects the opportunities to address any problems as they arise on the ranch. Signs would be either repaired or replaced in-place. Nursery maintenance reflects the growing, weeding, irrigation harvesting of native plants to be used on the CTWS properties restoration projects. No new gates, fencing, signs, ditches, or structures would be installed as part of this project.

Annual snorkeling surveys would occur within the waterbodies on the properties to evaluate fish densities over time at project sites. No fish capture is proposed. Surveys would be performed

in concert with Oregon Department of Fish and Wildlife (ODFW) to further understand fish distribution and habitat usage on the Middle Fork John Day River. Additional water monitoring activities would include groundwater monitoring of wells equipped with water level loggers taking hourly groundwater elevation measurements from April to October.

**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 T. De Stefanis

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Environmental Protection Specialist  
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/s/ Chad Hamel

Chad Hamel  
Supervisory Environmental Protection Specialist

/s/ Katey Grange

Katey Grange  
NEPA Compliance Officer (NCO)

Date: June 9, 2020

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

Activities would occur on CTWS owned property within the Oxbow Conservation Area, a 1,022 acre property made up of uplands and riparian areas surrounding the Middle Fork John Day River in Grant County, OR. Several small unnamed tributaries to the Middle Fork John Day River cross the property. Several access points and roads provide public access to the area for hunting, gathering, and other activities.

## 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 type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Explanation:</u> The Section 106 consultation period for the Middle Fork John Day Fencing and Planting project ended Friday 6/5/2020. Consultation was initiated on 5/4/2020. We received the following responses to consultation: <ul style="list-style-type: none"><li>• OR SHPO – concurrence via letter dated 5/21/20 with the determination of <b>No Adverse Effect on Historic Properties</b> as long as avoidance measures are followed.</li><li>• CTWSRO – concurrence via letter dated 6/1/20 with the determination of <b>No Adverse Effect on Historic Properties</b> as long as avoidance measures are followed and an Inadvertent Discovery Plan is put into place for the project.</li><li>• Confederated Tribes of the Umatilla Indian Reservation – no response within 30 days.</li><li>• Burns Piute Tribe – no response within 30 days.</li></ul> <u>Note:</u> The following avoidance measures would be implemented: <ul style="list-style-type: none"><li>• No fencing or planting activities would take place within the boundaries of the Middle Fork Spur Sumpter Valley Railroad</li><li>• Attempt to relocate isolate Oxbow 3 recorded by Rogers (2005), if it can be relocated, flag a 30 meter buffer. Only hand work would take place within this buffer, use of vehicles and mechanical equipment would not be allowed.</li><li>• In the event any archaeological material is encountered during project activities, work would be stopped immediately and a BPA Archaeologist and Historian would be notified, as well as consulting parties.</li></ul>		
2. <b>Geology and Soils</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation: The proposed actions would have limited, if any effect on soil and geologic values. Ground disturbance from planting is anticipated to extend no deeper than 1 to 2 feet.

3. **Plants** (including Federal/state special-status species and habitats)



Explanation: There are no Federal/state special-status species in the project area. Proposed vegetation management would use herbicides and adjuvants based on BPA's Habitat Improvement Program (HIP) Biological Opinion to remove weeds and O & M vegetative plant replacements on previous year's plant restoration sites. The ongoing annual actions are similar to vegetation management activities already occurring in the surrounding area.

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



Explanation: Minor Disturbance due to human presence and ATV use would occur. Equipment use would be stopped during nesting and breeding season to minimize effects. No known eagle nests are in the project site.

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



Explanation: Habitat improvement is aimed at positively effecting ESA listed steelhead, bull trout and Chinook salmon. With the exception of the snorkel surveys, the proposed activities would not involve any in water work or impact to water bodies, floodplain or fish. Snorkel surveys may startle fish that are present, but these effects would be minimized by adhering to conservation measures in BPA's Habitat Improvement Program (HIP) biological opinion with US Fish and Wildlife Service and National Marine Fisheries Service.

Note: Snorkel surveys would be performed in conjunction with rapid habitat assessments in fish distribution on CTWS owned properties. No fish capture is proposed and all activities are coordinated and covered through the BPA Habitat Improvement Program (HIP) via Project Notification Form (PNF) 2020056 filed on 5/28/2020.

6. **Wetlands**



Explanation: None present in the proposed action areas. Wetlands exist on the property and would be avoided when conducting herbicide treatments, restoration or moving equipment.

7. **Groundwater and Aquifers**



Explanation: There would be no potential to impact groundwater. No use of groundwater proposed. No deep digging proposed. Beneficial O&M activities by CTWS would perform groundwater monitoring of wells equipped with water level loggers taking hourly groundwater elevation measurements from April to October.

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



Explanation: There would be no changes to land use and no impact to specially designated areas. The ownership of the land is by the CTWS and is managed in accordance with a Conservation Easement (CE) held by BPA. Opportunities for public recreational use are offered on the property. Sign in kiosks are posted at all property access points with information about Conservation Area programs and activities including hunting and guest visitation by filling out access forms onsite and online along with property regulations.

9. **Visual Quality**



Explanation: O&M would be limited to buildings and conservation area infrastructure. Construction repair would generally improve appearance of existing structures and infrastructure from enhancements to building, signage, fences, and vegetation management. This is not inconsistent with the long-term ongoing land use operations through use of light trucks, UTV's and ATVs on the property and surrounding properties.

10. **Air Quality**



Explanation: There would be short-term effects of vehicle and equipment (*mowing lawns, weed control, farm tractor UTV, ATV, & light truck*) generating dust only for short durations and not inconsistent with the long-term ongoing land use on the property and surrounding properties.

11. **Noise**



Explanation: There would be short-term effects of vehicle and working lands equipment (*Small lightweight backhoe, mini-excavator, bobcat, UTV, ATV, & light truck*) generating noise and consistent with the long-term ongoing land use operations in the area defined in the land management plan and not inconsistent with surrounding land uses of agricultural and forest working lands. Traffic is limited to existing routes throughout the property. All area are seeded with native grass seed to maintain conservation values.

12. **Human Health and Safety**



Explanation: Human health and safety would follow federal guidelines. Appropriate PPE would be worn by all employees across all tasks. SOPs for all activities are available for employees to review. Monthly safety meetings and trainings would be conducted throughout the field season. Human health and safety conditions would be maintained and or improved by the structural and or infrastructural improvements proposed.

**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: A new website has been created that highlights the CTWS programs, projects, wildlife and other activities. CTWS staff regularly interact with the public on and off property to discuss mission and scope of program. Public meetings have been held in the past for CTWS stream restoration projects.

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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/ Luca T. De Stefanis

Date: June 9, 2020

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