

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Deep Creek Habitat Improvement Project

Project No.: 1993-066-00

Project Manager: Joshua Ashline, EWL-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: Bonneville Power Administration (BPA) proposes to jointly fund the Oregon Department of Fish and Wildlife (ODFW), along with the US Forest Service (USFS) and the North Fork John Day Watershed Council, in the implementation of a habitat improvement project on Deep Creek in the Malheur National Forest. The project's goal is to decrease stream temperatures in Deep Creek and open access to 3.2 miles of critical spawning and rearing habitat for Endangered Species Act (ESA)-listed Mid-Columbia summer steelhead and Oregon sensitive species redband trout. The Middle Fork John Day River is listed as a second priority area and culvert removals in this area of Deep Creek have been ranked high priority in the Mid-Columbia Steelhead Recovery Plan.

BPA is proposing to fund a small portion of the project's overall budget for personnel services for the removal of two culverts along USFS Road 2000-621 (Deep Creek Road). The culvert removals would be one part of a larger habitat restoration project being implemented by USFS. Deep Creek currently contains a passage barrier as identified by the ODFW 2019 Statewide Fish Barrier Priority List. This proposed project would remove a culvert in the upper part of the stream that was identified as a 5-foot jump height barrier. The second culvert proposed for removal would be a non-fish bearing culvert downstream on Ives Gulch and its associated road features, which would be removed as part of the overall larger habitat improvement project.

The other components of the habitat improvement project, not funded by BPA, would be the decommissioning of the lower 1.4 miles of USFS Road 2000-621 (Deep Creek Road). As part of the decommissioning, the existing graveled road bed would be decompacted. Deep Creek runs parallel with the road and would be reconnected to the floodplain. The road decommissioning would be followed by riparian vegetation planting in the spring.

Deep Creek would be breached to reconnect it with its historic floodplain. The overall goal would be to restore the characteristics of a naturally functioning, self-maintaining ecosystem on Deep Creek. Two culverts would be removed and fill, large rocks, and conifers with root wads would be placed for grade control. The stream grade would be recreated to match the upstream and downstream gradient using streambed material and sediment control structures consisting of fill, large rock, and conifer root wads. Instream and floodplain large wood habitat structures would be constructed and fish rocks would be installed. The USFS Fish Biologist and Hydrologist would be

present on-site to direct all instream work. Work would occur in the locations identified in Table 1 below.

<i>Project Description</i>	<i>Lat</i>	<i>Long</i>
Culvert Removals (BPA funded)	44.733	-118.802
Road Decommission (USFS funded)	44.554	-118.891
Instream Habitat Improvement (USFS funded)	From 44.733 to 44.77716 (along 1.4 miles of obliterated USFS Road 2000- 621)	From -118.802 to - 118.819231 (along 1.4 miles of obliterated USFS Road 2000-621)

Table 1: Project element locations.

Implementation of all aspects of this proposed project would utilize two excavators and a bulldozer with a ripper attachment. The proposed tree felling and staging would be paid for by the USFS and would be contracted out to a vendor by the North Fork John Day Watershed Council. This activity would follow USFS’ programmatic ARBO II ESA Section 7 consultation conservation measures for erosion control to minimize sediment inputs. BPA funding the proposed culvert activities fulfills commitments under the 2020 NMFS Columbia River System Biological Opinion (2020 NMFS CRS BiOp). These proposed activities also supports commitments specified in the 2020 U.S. Fish and Wildlife Service Columbia River System BiOp (2020 FWS CRS BiOp). These actions support ongoing efforts to mitigate for effects of the FCRPS on ESA-listed fish and wildlife in the mainstem Columbia River and its tributaries pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) (16 U.S.C. (USC) 839 et seq.).

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/ Catherine Clark

Catherine Clark
Environmental Protection Specialist

Concur:

/s/ Katey C. Grange June 29, 2022

Katey C. Grange Date
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.

Proposed Action: Deep Creek Habitat Improvement Project

Project Site Description

This project is located approximately one-half mile northeast of Galena on Deep Creek a tributary to the Middle Fork John Day River. This project would be implemented on federal lands within the Malheur National Forest (NF). The existing vegetation consists mainly of conifers, riparian shrubs and grasses. The land use is primarily general forest and rangeland. Historically, there have been active mining claims in the area. Malheur NF has many recreational opportunities including but not limited to camping, hunting, and fishing in this watershed.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: Malheur NF is the lead agency for compliance with Section 106 of the National Historic Preservation Act. The Malheur National Forest Archaeologist reviewed the proposed project and determined there were “no historic properties affected” and consulted with the Oregon & Washington State offices, the Confederated Tribes of Umatilla, and the Confederated Tribes of Warm Springs.

2. Geology and Soils

Potential for Significance: No

Explanation: The decommissioning of the bottom portion of Deep Creek Road (FSR 2000-621) would remove a poorly located valley bottom road and two culverts that are inhibiting both lateral channel migration of Deep Creek and large woody debris recruitment. The Deep Creek Project fill and removal amounts would not exceed the cubic yard limits or the described qualitative amounts below the Ordinary High Water Mark (OHWM) set in NWP-2007-99/5 Permit. As specified in the permit for culvert removal (fish passage) projects both fill and removal amounts would be the minimum possible to restore floodplain and stream channel dimensions. For boulder placement, no more than 1,000 cubic yards of boulders would be placed within the OHW per mile with no more than 100 cubic yards of material would be placed at one site. For porous rock structures (grade control), no more than 150 cubic yards of material would be used to construct a single structure. For Legacy Structure Removal, material (no limit specified) would be removed from the 100-year floodplain if the legacy structure contains material not typically found within the stream or floodplain at that site (i.e., large wood, boulders, concrete, etc.).

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

Potential for Significance: No

Explanation: The Malheur NF Botanist conducted vegetation surveys for the 2015, Decision Notice and Finding of No Significant Impact – Big Mosquito Project and Forest Plan Amendment #78, which was a project located in the same location as the Deep Creek proposed project. No Federal/state special-status species are known to be present in the project areas. Experienced silviculturalists, botanists, ecologists, and associated technicians from the USFS would be involved in any vegetation treatments. Therefore, activities would be considered beneficial to plants and habitat in the long term.

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

Potential for Significance: No

Explanation: No Federal/state special-status wildlife species would be expected to be impacted by the proposed activities. Some short-term displacement of wildlife may occur due to human presence and implementation noise levels, with long-term benefits to habitat.

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

Potential for Significance: No

Explanation: Malheur NF is the lead federal agency for compliance with the Endangered Species Act (ESA) under their programmatic Section 7 ARBO II ESA consultation. Adherence to ARBO II and Malheur NF Aquatic EA project design criteria would minimize impacts to water bodies, floodplains and fish. Short-term negative effects, such as displacement due to construction activities, to Middle Columbia River steelhead critical habitat and potentially to bull trout critical habitat with a long-term benefit post-project implementation. All work would occur within the in-water work window of July 15th to August 15th.

The General Permit for USFS Aquatic Habitat Restoration, Permit number NWP-2007-99/5 under the US Army Corp of Engineers Regional General Permit 4, authorizes the USFS to place fill material and certain structures in waters of the US within the State of Oregon for the purpose of aquatic habitat restoration in support of the USFS conservation strategies.

6. Wetlands

Potential for Significance: No

Explanation: There are no wetlands present in the proposed project areas. Therefore, there would be no impact to wetlands.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: There would be no groundwater withdrawal proposed with these activities. Therefore, there would be no impacts to groundwater or aquifers. The decommissioning, culvert removals, and Deep Creek habitat restoration work on this portion of road would provide for more side channel and wetland areas that would store flood water and slowly release it throughout the year. This would in turn improve base flows and groundwater recharge in the project area.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: No action proposed would change the capability of the land to be used as it was prior to implementation for forest, rangeland, recreation, and potential future mining. The road was closed by the Malheur NF prior to the proposed decommissioning activities.

9. Visual Quality

Potential for Significance: No

Explanation: The project would directly impact the visual foreground associated with the area during implementation, due to heavy equipment and culvert/roadbed removal. Post-implementation, all project areas would return to a natural state which would enhance overall visual quality.

10. Air Quality

Potential for Significance: No

Explanation: Temporary, small amounts of vehicle emission would be generated by equipment and trucks during implementation.

11. Noise

Potential for Significance: No

Explanation: Temporary increase in ambient noise may occur during implementation. Any noise emitted from equipment would be short term and temporary during daylight hours.

12. Human Health and Safety

Potential for Significance: No

Explanation: No known soil contamination or hazardous conditions and no adjacent CERCLA sites.

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: Areas where project implementation would occur are federal lands managed by the USFS and take place within the Malheur National Forest. ODFW would be in contact with USFS staff for all implementation activities.

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

Signed: /s/ Catherine Clark June 29, 2022
Catherine Clark, ECF-4 Date
Environmental Protection Specialist