

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Shoshone-Bannock Wildlife Areas - Legacy Springs, Bannock Creek, and Lavaside properties- Annual Operation and Maintenance

**Project No.:** 1995-057-02

**Project Manager:** Sandra Fife

**Location:** Bingham, Caribou, Power Counties, Idaho

**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 Shoshone-Bannock Tribes for ongoing annual operations and maintenance (O&M) on land owned in fee-title by the Shoshone-Bannock Tribes in Bingham, Caribou, and Power Counties in Southeastern Idaho. The properties are owned by the Shoshone-Bannock tribe as part of the Southern Idaho Wildlife Mitigation (SIWM) Memorandum of Agreement between the State of Idaho and BPA to address the protection, mitigation, and enhancement of wildlife habitat affected by the construction and operation of five southern Idaho dams (Palisades, Minidoka, Anderson Ranch, Deadwood, and Black Canyon) to mitigate for habitat losses in the Upper and Middle Snake Provinces.

The SIWM Program currently manages over 6,000 acres of fish and wildlife habitat in southeastern Idaho. The properties were purchased with BPA mitigation funds by the Shoshone-Bannock tribe of Idaho. This project has since received BPA annual funding for O&M as part of the MOA between the Tribes and BPA. The goal of the project is to protect, preserve, enhance, and expand critical habitat for the benefit of fish and wildlife while also supporting ongoing efforts to mitigate for effects of the FCRPS on 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.).

The proposed actions for 2020 would include the following on Legacy Springs, Bannock Creek, and Lavaside properties:

1. Plant Vegetation – On approximately 13 acres to provide thermal cover along a trout spawning stream at Legacy Springs and a riparian planting buffering Boone Creek using willow, dogwood, currant, cottonwood, and wood rose.
  - a. To prepare the site for planting, approximately 13 acres of vegetation would be sprayed with herbicide. Following riparian planting, the area would be seeded with grass seeds to provide understory cover and control weeds.

2. Maintain vegetation – On approximately 600 acres to improve vegetation at Bannock Creek through the control of noxious, non-native, and undesirable species (Russian knapweed, various thistle species, phragmites, and poison Hemlock) applying mechanical (mowing), and chemical control (broadcast and spot spraying of herbicides).
3. Remove Vegetation – On approximately 200 acres to eradicate Russian olive regrowth at Bannock Creek and Legacy Springs. Removal of non-native Russian olive is a part of restoration efforts to restore more wildlife friendly vegetation. Removal would use a mix of mechanical, and/or chemical means (cut stump application and spot spraying of herbicides).
4. O&M infrastructure - Maintain program infrastructure including fences and gates, buildings, and irrigation equipment.
5. Agriculture, Alfalfa - Lease 40 acres on the Lavaside property. The lands are being farmed in alfalfa and provides winter food benefits for big game. Income from leases would be used for property tax payments and infrastructure maintenance. BPA funds administering of the third party contract.

Note, there would be no access road improvements, no new access roads and no staging areas needed for any of the proposed work.

**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/ Israel Duran

Israel Duran  
Contract Environmental Protection Specialist  
Salient/CRGT

Reviewed by:

/s/ Chad Hamel

Chad Hamel  
Supervisory Environmental Protection Specialist

Concur:

<u>/s/ Katey C. Grange</u>	<u>August 26, 2020</u>
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:** Shoshone-Bannock Wildlife Areas- Legacy Springs, Bannock Creek, and Lavaside properties- Annual Operation and Maintenance

## **Project Site Description**

Activities would occur on land owned in fee-title by the Shoshone-Bannock Tribes in the upper and middle snake provinces of Southeastern Idaho. The properties are surrounded by a matrix of agricultural and wildlands that provide forage and hiding cover for a wide variety of wildlife. Vegetation across the subject sites include native grasses, substantial Russian olive stands especially along waterways, few willows, and large mature cottonwood trees and some native sagebrush. Legacy Springs is approximately 660 acres of upland vegetation, riparian vegetation, grasslands, and approximately 200 acres of irrigated agriculture that is leased for farming. Bannock Creek property comprises 147 acres of riparian and grassland vegetation with some natives. The vegetation is mostly introduced grasses, invasive, and noxious species. Bannock Creek Watershed flows from south to north to the American Falls Reservoir. Bannock Creek is a tributary to the Snake River. The Lavaside property is approximately 575 acres of riparian and upland habitat along the Snake River of which 40 acres are agricultural production.

## **Evaluation of Potential Impacts to Environmental Resources**

### **1. Historic and Cultural Resources**

Potential for Significance: No

Explanation: A BPA archeologist initiated consultation April 9, 2020, SHPO Rev. No. 2019-573, with the Shoshone-Bannock Tribes and ID SHPO. BPA made a determination of no historic properties affected and received concurrence from ID SHPO on July 23, 2020. BPA did not receive a response from SBT. 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

### **2. Geology and Soils**

Potential for Significance: No

Explanation: The proposed actions would have limited, if any effect on soil and geologic values. The only digging involved in the project would be shovel planting riparian and willow plantings. The minor disturbance would be minimized through the proposed action's goal of a restored plant community to benefit and enhance wildlife habitat.

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

Potential for Significance: No

Explanation: There are no ESA Federal/State special-status species or habitats on the properties and within proposed work areas. There would be an elimination of non-native and invasive vegetation on certain portions of the various parcels, but this vegetation would be replaced by native vegetation plantings, which would result in an overall improvement.

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

Potential for Significance: No

Explanation: Minimal impact to wildlife and habitat related to temporary disturbance associated with elevated construction noise. No known eagle nests are in the project site. No work would occur during ground nesting season. No listed or sensitive wildlife species present.

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

Potential for Significance: No

Explanation: The proposed action would not involve any in water work or impact to water bodies, floodplain or fish.

#### **6. Wetlands**

Potential for Significance: No

Explanation: The project would not take place within or around wetlands and, therefore, there is no potential to affect wetlands.

#### **7. Groundwater and Aquifers**

Potential for Significance: No

Explanation: There is no potential to affect groundwater and aquifers. The only digging involved in the project would be shovel planting riparian shrubs and willow plants. Digging would be in the range of 1-2 feet in depth maximum.

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

Potential for Significance: No

Explanation: There would be no changes to land use and no impacts to specially-designated areas and therefore, there is no potential to affect land use or specially-designated areas.

#### **9. Visual Quality**

Potential for Significance: No

Explanation: O&M construction/repairs would be limited to infrastructure from enhancements to fences and vegetation management. This is not inconsistent with the long-term ongoing land use operations through use of light trucks, ATVs and mowers on the property and surrounding agricultural properties.

#### **10. Air Quality**

Potential for Significance: No

Explanation: A negligible amount of emissions would be generated by vehicles, ATV's and mowers used for transportation and O&M.

## 11. Noise

Potential for Significance: No

Explanation: The project activities would not involve any new construction or new use of heavy equipment. A negligible amount of noise would be generated by light trucks, ATVs and mowers used for transportation and maintenance.

## 12. Human Health and Safety

Potential for Significance: No

Explanation: This activity would not be considered hazardous nor does it result in any health or safety risks to the general public. All workers implementing the project would follow OSHA guidelines.

### **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: NA

**Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.**

Explanation: NA

**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: NA

**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: NA

### **Landowner Notification, Involvement, or Coordination**

Description: No notification necessary. All work is on existing tribal owned lands, use of two track private roads and existing public roads.

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

Signed: /s/ Israel Duran August 26, 2020  
Israel Duran, ECF-4 date  
Contract Environmental Protection Specialist  
Salient/CRGT