

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Trout and Opal Creek Confluence Restoration

Project No.: 1994-042-00

Project Manager: Jesse Wilson, EWL-4

Location: Jefferson 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 fund the Oregon Department of Fish and Wildlife (ODFW) and the Jefferson County Soil and Water Conservation District (hereafter referred to as “the Sponsor”) to enhance habitat for Endangered Species Act (ESA)-listed threatened Middle Columbia River steelhead (*Oncorhynchus mykiss*) on privately-owned land in Jefferson County, Oregon.

The actions would support conservation of ESA-listed species considered in the 2020 ESA consultation with the National Marine Fisheries Service on the operations and maintenance of the Columbia River System while also supporting ongoing efforts to mitigate for effects of the Federal Columbia River Power System (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 following actions would occur:

Road Relocation and Channel Reconnection

The current road alignment constricts the stream and floodplain area. This project would remove about 665 feet of road along Trout Creek and about 750 feet of road near the confluence with Opal Creek and reshape 0.65 acres of floodplain in the former road footprint to match natural floodplain elevations. Additionally, the artificially straightened lower section of Opal Creek below the proposed new stream crossing site would be reconnected to an about 475-foot section of abandoned historic stream channel to Opal Creek’s confluence with Trout Creek. This would provide additional instream and riparian habitat complexity that would benefit summer steelhead and inland rainbow trout (*O. mykiss*).

Culvert Replacement

Two stream crossings would be replaced under this project. The first is located along Trout Creek downstream of the confluence with Opal Creek, and the second is located along Opal Creek upstream of the confluence with Trout Creek. These crossings are currently served by undersized, rusted corrugated metal pipe culverts which create seasonal fish passage issues for certain life history stages of Middle Columbia River steelhead and inland rainbow trout. Three culverts (two 6-

foot-wide culverts at Trout Creek and one 4-foot-wide culvert at Opal Creek) would be removed and replaced with two open-arch culverts. The Trout Creek culvert would be about 49 feet long, 33 feet wide, and 7 feet tall. Culvert removal/replacement would require excavation of approximately 1,300 cubic yards (cy) of material and backfill of approximately 1,000 cy (including excavation of 204 cy and backfill of 67 cy below the ordinary high water (OHW) mark). The Opal Creek culvert would be about 36 feet long, 22 feet wide and 7 feet tall. Culvert removal/replacement would require excavation of approximately 1,000 cy of material and backfill of approximately 1,800 cy (including 35 cy excavation and 77 cy fill below the OHW mark).

Large Wood Installation

Approximately three protruding interlaced large wood stability structures would be installed within the newly excavated channel reconnection to promote pool formation for cover from predation and summer/winter rearing. Standing juniper trees within the project area would be used to create the large wood structures.

Riparian Revegetation

Approximately 200 square feet of vegetation would be removed during project implementation. Riparian enhancement would be achieved by seeding with native species and planting up to 200 native hardwoods and shrubs throughout areas disturbed as part of construction activities, totaling approximately 2 acres, primarily in the area of road removal.

The project would require the use of an excavator. Materials and equipment would be staged approximately 500 feet upstream of Opal Creek. Implementation would occur during the in-water work window of July 1 – October 31. The channel is anticipated to be dry during project implementation. The site would be accessed from the north using a county road that has an easement through the private property where the project area is located.

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/ Thomas DeLorenzo

Thomas DeLorenzo

Environmental Protection Specialist

Concur:

<u>/s/ Katey C. Grange</u>	<u>July 15, 2021</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.

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Project Site Description

The project site is located near the border of Jefferson and Crook Counties in central Oregon, about 48 miles northeast of Bend, OR, at an elevation of approximately 3,500 feet. Vegetation in the area consists primarily of alder (*Alnus*) and willow (*Salix*).

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: Consultation under Section 106 of the National Historic Preservation Act (NHPA) was carried out in 2012 (BPA CR No. OR 2012 147) and again in 2020 (BPA CR No. OR 2020 085). BPA determined that the project would result in no historic properties affected. Consulting parties included the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) and the Oregon State Historic Preservation Office (SHPO). Neither consulting party responded during the 30-day consultation comment period.

2. Geology and Soils

Potential for Significance: No

Explanation: Ground disturbance during construction would be temporary and stabilized with post-construction revegetation. No long-term adverse effects are expected.

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

Potential for Significance: No

Explanation: There are no ESA-listed or sensitive plant species present in the project area. Short-term negative impacts to vegetation from heavy equipment use would result in soil being turned and plants being uprooted, buried, or torn apart. The project is designed to minimize impacts to native vegetation. Riparian vegetative communities would be restored through seeding and planting native species in disturbed areas following project implementation. The project would have short-term effects on vegetation from construction actions, but in the long term, there would be beneficial effects including increased riparian habitats and restored or improved vegetative conditions.

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

Potential for Significance: No

Explanation: There are no ESA-listed or sensitive wildlife species present in the project area. Wildlife may be temporarily disturbed by human presence (sound, movement, shadows) and vegetation removal. These effects would be short term. Improved habitat conditions

would result in long-term positive impacts, including increased plant species richness and diversity, increased habitat structural diversity, and increased habitat heterogeneity.

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

Potential for Significance: No

Explanation: Trout and Opal Creek are designated final Critical Habitat for steelhead. BPA performed a technical and functional review of the project designs and approved them on March 11, 2021. ESA consultation with NMFS on BPA's Habitat Improvement Program (HIP) was completed on March 16, 2021 (PNF #2021045). The proposed action would result in long-term positive impacts to ESA-listed species and other local fish species by providing complex off-channel habitat for all fish species during all flow conditions. Implementation would occur during the in-water work window of July 1 – October 31. The creek is expected to be dry during the entire course of the project. If the creek were to fill with water during project implementation, work area isolation would be used in areas with water, as applicable; no direct effects to salmonids or other local fish species as a result of construction are anticipated. If necessary, fish salvage, which could cause a direct effect to fish, would be performed prior to establishing the temporary cofferdams for the side channel excavation.

Notes:

- The Sponsor would adhere to the conservation measures required under the ESA consultation with NMFS on BPA's HIP to minimize impacts to steelhead during project implementation (HIP Activity Categories 1f, 2a, 2e, 2f and 5b).

6. Wetlands

Potential for Significance: No

Explanation: There are no wetlands present in the project area; therefore, there would be no impact to wetlands. The streambed is anticipated to be dry during project implementation. In response to an application for a permit, the Sponsor received a letter from the Oregon Department of State Lands stating that the project is exempt from state laws requiring a permit for proposed removal, filling, or alteration of 50 cubic yards or more of material within the bed or banks of the waters of the state. The Sponsor submitted a joint application to the US Army Corps of Engineers (USACE) to permit the activity under Regional General Permit 6 (RGP-6) as a Level 2 habitat improvement project. USACE concurred that the project fits within the parameters of a Level 2 project under RGP-6 (Corps No. NWP-2014-182).

Groundwater and Aquifers

Potential for Significance: No

Explanation: The placement of log structures in the new channel may result in minor impacts to groundwater by encouraging greater amounts of water onto the floodplain during high flows. The long-term increase in floodplain access would benefit groundwater recharge and function.

7. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: There are no special uses for the property. Existing land use would not change as a result of the project.

8. Visual Quality

Potential for Significance: No

Explanation: There would be minimal impact to visual quality as a result of the project as the project would contribute to the natural appearance of the property.

9. Air Quality

Potential for Significance: No

Explanation: Equipment emissions and upturned dust would result in short-term impacts to air quality. These would be temporary and localized in nature and would not have long-term impacts on air quality. Implementation of the proposed action is not expected to generate long-term or short-term violations of state air quality standards.

10. Noise

Potential for Significance: No

Explanation: The use of heavy equipment during project implementation would result in temporary, localized noise increases. These increases would not substantially impact the surrounding environment.

11. Human Health and Safety

Potential for Significance: No

Explanation: The potential health and safety risks to workers and the public during construction would not be greater than a standard construction project and would be short term. Adequate signage and other routine safeguards for worker and public safety would be applied to minimize these effects.

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: The Sponsor coordinated with the private landowner by phone during project planning.

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

Signed: /s/ Thomas DeLorenzo July 15, 2021
Thomas DeLorenzo, ECF-4 Date
Environmental Protection Specialist