Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy

Proposed Action: Nez Perce Tribe Beaver Dam Analog Installations in Elk Creek

Project No.: 2010-086-00

Project Manager: Matthew Schwartz, EWM-4

Location: Idaho County, 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: Bonneville Power Administration (BPA) proposes to fund the Nez Perce Tribe (NPT) to install beaver dam analogs (BDAs) on privately-owned land in Elk Creek near Elk City, Idaho to increase stream channel complexity and aid in floodplain re-connection. Funding the proposed activities fulfills commitments under the 2020 National Marine Fisheries Service Columbia River System Biological Opinion (2020 NMFS CRS BiOp). These actions also support the conservation of ESA-listed species considered in the 2020 ESA consultation with the U.S. Fish and Wildlife Service on the operations and maintenance of the CRS. Additionally, these actions support 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 (the Northwest Power Act) (16 USC (USC) 839 et seq.).

Up to six full-channel, spanning structures would be installed along a 1.5-mile section of Elk Creek that is currently incised. Installations would utilize hand tools, hand placing of wood pieces, and potentially a hydraulic post pounder. Posts made of untreated lodgepole pine, Douglas-fir, or western larch would be driven into the streambed approximately 4 feet deep and then woven with branches and small woody debris. Post height would be trimmed and leveled to 1-foot minimum above bankfull elevation to encourage sheet flow and reduce scouring. The BDA structures would be up to 20 feet long and 1-foot wide and up to three feet above the channel bed. Vegetation materials for the structures would be locally sourced or gathered on-site. Construction would occur during the in-water work window of August 1 - 31, 2023.

Staging for equipment and material would be in previously-disturbed areas adjacent to the construction areas. All access would be along existing roadways. Following construction, all disturbed areas would be re-seeded with native grass seed mix, as needed. Disturbed areas along the river banks would be planted by riparian plant forbs where appropriate. The areas would be monitored to ensure desired vegetation regrowth. The new structures would also be monitored to inform future design decisions about how to address channel complexity and floodplain re-connection issues at other sites along Elk Creek and adjacent streams in the future.

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/ Brenda Aguirre
Brenda Aguirre
Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel *June 20, 2023*
Sarah T. Biegel 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 area is within the American River Watershed, which consists of mountainous terrain and forested vegetation with interspersed grasslands and meadows. The Nez Perce-Clearwater National Forest manages roughly two-thirds of the watershed, while the remainder is privately owned. Elk Creek is a perennial tributary to the American River and contains a variety of fish species including steelhead and trout. Land use activities within the area include rural residential, timber harvest, agriculture, and mining. Historical livestock grazing practices have degraded riparian conditions to the extent that the stream reach has incised and is devoid of canopy cover. This section of the stream is currently in a conservation easement and has had previous revegetation efforts since 2016.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No with Conditions

Explanation: BPA identified an Area of Potential Effects and reviewed the project area for cultural and historic resources (ID 2023 023). BPA determined that the project would result in no historic properties affected and on May 16, 2023, initiated consultation with the Idaho State Historic Preservation Office (SHPO) and the NPT. On June 12, 2023, SHPO concurred with BPA's determination. No other responses were received. The consultation period ended on June 16, 2023.

Notes:

- In the unlikely event that cultural material is inadvertently encountered during the implementation of this project, BPA would require that work be halted in the vicinity of the finds until they can be inspected and assessed by BPA and in consultation with the appropriate consulting parties. BPA has provided the project sponsor with a copy of BPA's Post-Review Discovery Protocol.
- Should the situation change, and modifications to the project become necessary (including changes to design or project footprint), please contact the BPA project archaeologist to determine if further review under Section 106 is necessary. Consultation and field inventory may be necessary to address certain design changes. Please account for the time and effort required to evaluate potential impacts and consult on these effects.

2. Geology and Soils

Potential for Significance: No

Explanation: Construction would involve minimal ground disturbance. Posts would be driven into the ground, and excavation would not be required. Equipment and human presence would potentially disturb the top layer of soil in the project and staging areas. However, the effects

of this disturbance would be localized to the project area and there would be no long-term effects on soils in the area. Additionally, NPT would plant vegetation in all disturbed areas following construction to reduce erosion and retain soil in the area.

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

Potential for Significance: No

Explanation: No ESA- or state-listed plant species have been recorded in or near the project area. Non-listed plants in the project area would be impacted by project activities, such as ground disturbance and human presence. Areas with disturbed vegetation would be re-seeded and re-planted with native vegetation following project activities to restore site conditions. The long-term effects of project activities on vegetation would therefore be minimal to positive.

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

Potential for Significance: No

Explanation: No ESA- or state-listed wildlife species have been recorded in or near the project area and no designated habitat is present. Non-listed wildlife in the project area would be disturbed by the effects of project activities, such as human presence and noise from equipment. This disturbance would be limited in duration and cause no lasting impacts to local wildlife.

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

Potential for Significance: No with Conditions

Explanation: ESA-listed Snake River Basin steelhead (*Oncorhynchus mykiss*) and bull trout (*Salvelinus confluentus*) are present in Elk Creek at the project area. No separately listed Idaho state fish species have been recorded in the project area. While project activities are scheduled to take place during the IDFG in-water work window and outside of spawning season, there is the potential that some listed fish would be present in the Elk Creek reach during the proposed construction period. The new in-stream BDAs would aid in floodplain re-connection, increase local water table, and improve instream complexity for fish habitat. Despite the short-term effects on fish in the area, the long-term effects of the project on fish, floodplains, and waterbodies would be positive.

Notes:

- All actions that would have the potential to impact ESA-listed fish species would conform to the procedures and proscriptions contained in BPA's Habitat Improvement Program (HIP4) programmatic biological opinions (HIP PNF 2023 060).
- To minimize impacts to spawning and rearing fish, all in-channel project activities would occur during the local in-water work window. No work would be conducted within the creek footprint outside of this time without first consulting with IDFG and BPA environmental compliance staff.
- Project activities would discharge fill into waters of the United States and/or the State of Idaho. NPT would obtained a joint Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers (USACE) and CWA Section 401 Water Quality Certification (WQC) from the Idaho Department of Environmental Quality (IDEQ). All project activities would conform to the procedures and proscriptions contained in the permit set by USACE and the WQC set by IDEQ.

6. Wetlands

Potential for Significance: No

Explanation: Elk Creek is highly incised and generally lacks the floodplain interaction necessary to produce riparian wetlands. Work would involve pounding posts in the ground. No excavation or other ground disturbance would occur. The project would benefit local wetland conditions by raising the water table and reengaging the floodplain.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: Installation would not negatively affect groundwater or aquifers. Posts would be driven to a depth of 4 feet into the streambed and bank. Restoration activities would result in a local increase in groundwater storage through improved floodplain function.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: No change in land use would occur. No specially-designated areas are present.

9. Visual Quality

Potential for Significance: No

Explanation: The proposed work would have little to no effects on visual quality. The new structures would be visually consistent with adjacent vegetation and would not be located in a visually sensitive area.

10. Air Quality

Potential for Significance: No

Explanation: There would be minor increases in local air pollution during project activities due to exhaust from machinery and equipment. These effects would be limited in scope and duration and cause no long-term impacts to air quality.

11. Noise

Potential for Significance: No

Explanation: There would be minor increases in noise generated by machinery and equipment used during project activities. These effects would be limited in scope and cause no long-term impacts.

12. Human Health and Safety

Potential for Significance: No

Explanation: All personnel would use best management practices to ensure human health and safety. Solely licensed and trained professionals would operate all machinery.

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 project area is located on private land. NPT has obtained written permission from the landowners to conduct project activities. No other external coordination is required.

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

Signed: */s/ Brenda Aguirre* *June 20, 2023*
Brenda Aguirre Date
Environmental Protection Specialist