Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy

Proposed Action: Tony Creek Passage Project

Project No.: 1998-021-00

Project Manager: Jesse Wilson, EWL-4

Location: Hood River 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 Confederated Tribes of the Warm Springs Reservation of Oregon (CTWS) to implement the Tony Creek Passage Project (Project) located approximately 0.5 miles upstream of Tony Creek's confluence with the Middle Fork Hood River, in Hood River County, Oregon (Figure 1). Tony Creek has been identified as an important clearwater tributary to the glacial East Fork Hood River. A water diversion structure creates a fish passage barrier that prevents fish access to much of the Tony Creek watershed. The proposed activities would improve fish passage and open additional spawning and rearing habitat above the diversion for a number of species, including Endangered Species Act (ESA)-listed spring Chinook salmon (*Oncorhynchus mykiss*), coho salmon (*O. kisutch*), winter steelhead trout (*O. mykiss*), and bull trout (*Salvelinus confluentus*).

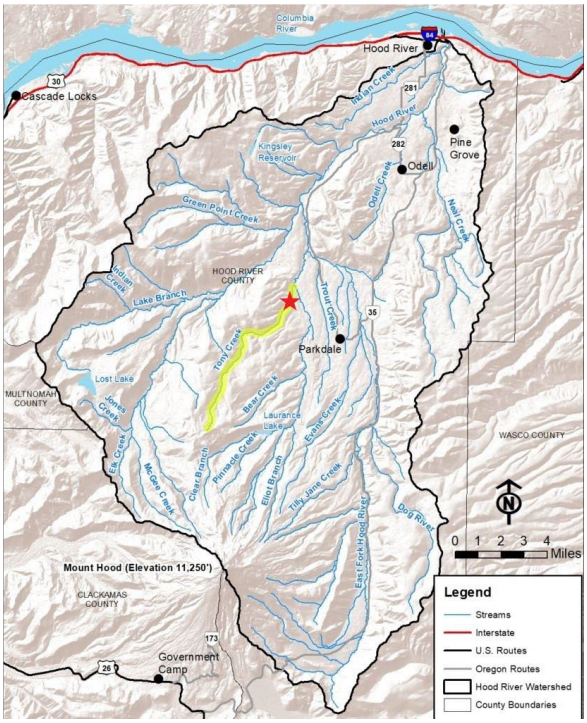

Figure 1. Tony Creek Passage Project Location

These actions would support conservation of ESA-listed species considered in the 2020 ESA consultations with the National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS) on the operations and maintenance of the Columbia River System. These actions also support Bonneville's commitments to the Confederated Tribes of the Warm Springs Reservation of Oregon in the Columbia River Fish Accord, as amended, 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 Project proposes to improve the conditions at the diversion to maximize year-round fish passage for anadromous and resident fish species by modifying the structure and channel to accommodate fish passage. Passage would be created with stream-bed modification with a preferred naturalistic approach (*e.g.,* constructed riffles, step pools, *etc.*) that would not impact the intake pipe and would restore the historical habitat conditions in the area. The current diversion structure consists of a concrete sill that supports a flashboard dam infrastructure and is bounded by concrete abutments (Figure 2.) In addition, the Project would remove two relict bridge abutments within Tony Creek and a berm in the floodplain during floodplain regrading. The area of disturbance is approximately 2.5 acres.

Figure 2. Tony Creek Passage Project flashboard dam diversion structure. Photo taken September 2022 looking upstream from right bank immediately downstream of structure. The flashboard support structure including concrete sill and abutments would be removed.

Equipment would be tracked to channel, floodplain, and installation areas via an existing two-track access through the project area. Disturbance to existing native vegetation would be minimized to the greatest extent possible. All construction would take place in areas which have been dewatered to minimize impacts to fish, wildlife, and water quality. Tony Creek would be temporarily diverted through the existing diversion pipe and dewatered. The diversion pipe would remain, but other infrastructure (concrete sill and abutments, flashboard supports) would be removed. In addition, two relict concrete bridge abutments would also be removed and Tony Creek would be reconstructed. An existing berm would be removed and the floodplain would be

graded and wood placed for roughness. Following work within Tony Creek and riparian areas, Tony Creek would be rewatered. Construction of project elements within Tony Creek would be implemented during the in-water work window for the East Fork Hood River and its tributaries, starting August 8 to August 31. Approximately 1,100 cubic yards of material would be removed from the project area.

Project extents include Tony Creek and its floodplain area extending from downstream of the diversion structure to immediately downstream of Tony Creek Bridge. Extents of access and staging would include the existing two-track access from Tony Creek Road to upstream of the diversion and select locations for equipment/material staging along Tony Creek Road and an unnnamed forest road situated on the elevated terrace to the west of Tony Creek.

Following construction, disturbed surfaces would be replanted with native seed and live plants. Inspection and maintenance of the project site would occur annually, and could include minor on-site adjustments to streambank or channel bed conditions within the Project as needed to maintain project success, and additional vegetation plantings if needed.

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
Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel *August 1, 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.

Proposed Action: Tony Creek Passage Project

Project Site Description

Historically, Tony Creek was believed to have had large volumes of instream wood and heavy salmonid use. Large woody debris in stream channels was probably abundant in most of the watershed. Periodic debris flows allowed mostly small trees to grow in headwater riparian areas. The Tony Creek drainage produced cold quality water to the mainstem and was well supplied with large wood that maintained stable healthy channels. These features provided excellent salmon and steelhead habitat.

A diversion structure was constructed in 1965 to divert water for irrigation and manufacturing at a plywood plant and mill. The diversion structure significantly depletes streamflow below the diversion at low flows, blocking up and downstream passage for salmon, steelhead, and bull trout in Tony Creek, resulting in the failure to seed historical spawning and rearing habitat above the diversion. Additionally, there are two relict bridge abutments within Tony Creek and a berm that restricts hydrologic connection between Tony Creek and its floodplain.

The valley bottom and adjacent floodplain in the project reach are approximately 400 feet wide. The floodplain has relatively little development except for diversion infrastructure and the road/bridge at the lower end of the project reach. The floodplain topography is variable with abandoned swales and channel features, indicative of channel activity in the past. Along the existing channel, relict anthropogenic berms are present and were likely placed to constrain the creek. Along the left (northwest) project boundary, the stream runs along a high terrace of coarse alluvium and boulders.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: BPA identified an area of potential effects (APE) and reviewed the project area for cultural and historic resources. On May 12, 2023, BPA determined that the project would result in no adverse effect to historic properties and initiated consultation with the Oregon State Historic Preservation Office, Confederated Tribes of the Warm Springs Reservation of Oregon, Burns Paiute Tribes, and the Confederated Tribes of the Umatilla River. No other responses were received. The consultation period ended on June 12, 2023.

Geology and Soils

Potential for Significance: No

Explanation: Ground disturbance would be necessary for some project activities. Removal of the diversion structure, bridge abutments, berm excavation, and regrading the bank of the river would require excavation and shifting of soil. Construction equipment and human presence would also disturb the top layer of soil. However, the effects would be localized to the project area and the long-term effect of the project would be to restore the river bank to its historical profile. Disturbed areas would be seeded with vegetation to reduce erosion and restore current conditions following construction. The overall effects on soils in the project area would therefore be minor.

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

Potential for Significance: No

Explanation: There are no reports of ESA-listed or Oregon state-listed species within the project area. Non-listed plants would be impacted by project actions, such as ground disturbance and human presence. Areas with disturbed vegetation would be re-seeded and re-planted following project activities to restore site conditions. Restoring the historical planform of Tony Creek and floodplain in the project area would benefit local plants and improve the quality of local vegetation. The long-term effects of project activities on vegetation in the project area would therefore be minimal to positive.

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

Potential for Significance: No

Explanation: Hood River County has the potential to contain ESA-listed northern spotted owl (*Strix oxidentalis caurina*) and designated critical habitat (USFWS Information for Planning and Consultation (IPaC), 2022), but suitable habitat is not located within or near the Project site, and the Project would thus have no effect on ESA-listed wildlife species. No other ESA-listed, state-listed, or other sensitive wildlife species are present within the Project area.

Non-listed wildlife in the project area would be temporarily disturbed by the effects of project activities, such as human presence and noise from equipment. This disturbance would be limited in duration to project implementation. The long-term effects of project actions on wildlife in the project area would be beneficial as hydrologic functions return.

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

Potential for Significance: No

Explanation: ESA-listed spring Chinook salmon, coho salmon, winter steelhead trout, and bull trout are present in Tony Creek (StreamNet, IPaC, 2023). While project actions would take place within the in-water work window and outside of spawning season, there is potential that some juvenile ESA-listed fish would be in the project area during the proposed construction period. Prior to beginning project activities within the footprint of Tony Creek, the creek would be diverted through the diversion pipe and the project dewatered. Fish salvage would be conducted prior to complete dewatering. Despite short-term adverse impacts from activities such as salvage, dewatering, construction, and rewatering, the overall impacts would be beneficial to the ESA-listed species.

No separately listed Oregon state endangered fish species have been recorded in the project area.

Effects to non-listed fish present in the project area during implementation would be consistent with those outlined above for listed species.

Conditions at Tony Creek within the project area would be improved by project actions. Removing passage impediment allows passage to upstream habitat, removing the berm and regrading would re-integrate the historical floodplain. In-stream roughness would reduce flow velocity and improve habitat within Tony Creek. Vegetation planting and habitat structures in the side channel would improve conditions for resident and migratory fish and wildlife. Despite the short-term effects on fish in the area, the long-term effects of the project on fish and waterbodies would be beneficial.

Notes:

- All fish salvage, dewatering, and other 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 programmatic biological opinion.
- To minimize impacts to spawning and rearing fish species, all in-water project activities would occur during the in-water work window (July 15 to August 31). No work would be conducted within the river footprint outside of this time without first consulting with Oregon Department of State Lands and BPA environmental compliance staff.
- Seeking U.S. Army Corps of Engineers (USACE) approval of Clean Water Act coverage through a Regional General Permit #6 (Corps No. NWP-2023-372).

5. Wetlands

Potential for Significance: No

Explanation: Mapped wetlands are not present within the project area.

6. Groundwater and Aquifers

Potential for Significance: No

Explanation: No new wells or groundwater use are proposed. Project activities would have little to no effect on the water table in the area. To the extent that reintegration of the historical floodplain would affect the local water table, the changes would be merely restoring the historical conditions and therefore minor.

7. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: No changes to existing land use are proposed. All project actions and staging would occur on private land and the use of this land would not change following construction. No water rights at the point of diversion would change as a result of these activities. No road closures or impacts to the public use of the nearby road aside from a minor increase in traffic as workers commute to and from the project site daily would occur. This traffic increase would be temporary and cause no lasting changes to the roadway.

8. Visual Quality

Potential for Significance: No

Explanation: There would be no major changes to the visual quality of the area as a result of project activities. To the extent that there are visual changes, they would be restoring historical conditions and vegetation to the area and therefore minor.

9. Air Quality

Potential for Significance: No

Explanation: There would be minor increases in air pollution in the area 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.

10. Noise

Potential for Significance: No

Explanation: Work activities would raise noise levels above ambient levels for short periods of time, but only during regular working hours until work is completed. These effects would be limited in scope and duration and cause no long-term impacts.

11. Human Health and Safety

Potential for Significance: No

Explanation: All applicable safety regulations would be followed during work activities. All machinery would be operated solely by licensed and trained professionals.

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 with consent. 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/ Israel Duran* *August 1, 2023*
Israel Duran Date
Environmental Protection Specialist