Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy

Proposed Action: West Birch and Stanley Creeks Fish Passage Project

Project No.: 1987-100-01

Project Manager: Ryan Ruggiero, EWM-4

Location: Umatilla, 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 Umatilla Indian Reservation (CTUIR) to improve fish passage at two sites located approximately 6.3 miles southwest of Pilot Rock, in Umatilla County, Oregon (Figure 1). The West Birch Creek site includes an abandoned, degraded concrete water diversion structure which would be removed; the Stanley Creek site includes an undersized, perched culvert that would be replaced with a 20-foot long, 22-foot-wide prefabricated steel bridge with concrete deck at West Birch Creek Road, which is a gravel county road. Stanley Creek is a tributary to West Birch Creek and the two sites are approximately two miles apart. The diversion and culvert are barriers to passage of Endangered Species Act (ESA)-listed Middle Columbia River steelhead (*Oncorhynchus mykiss*). The Project would be completed in 2024.

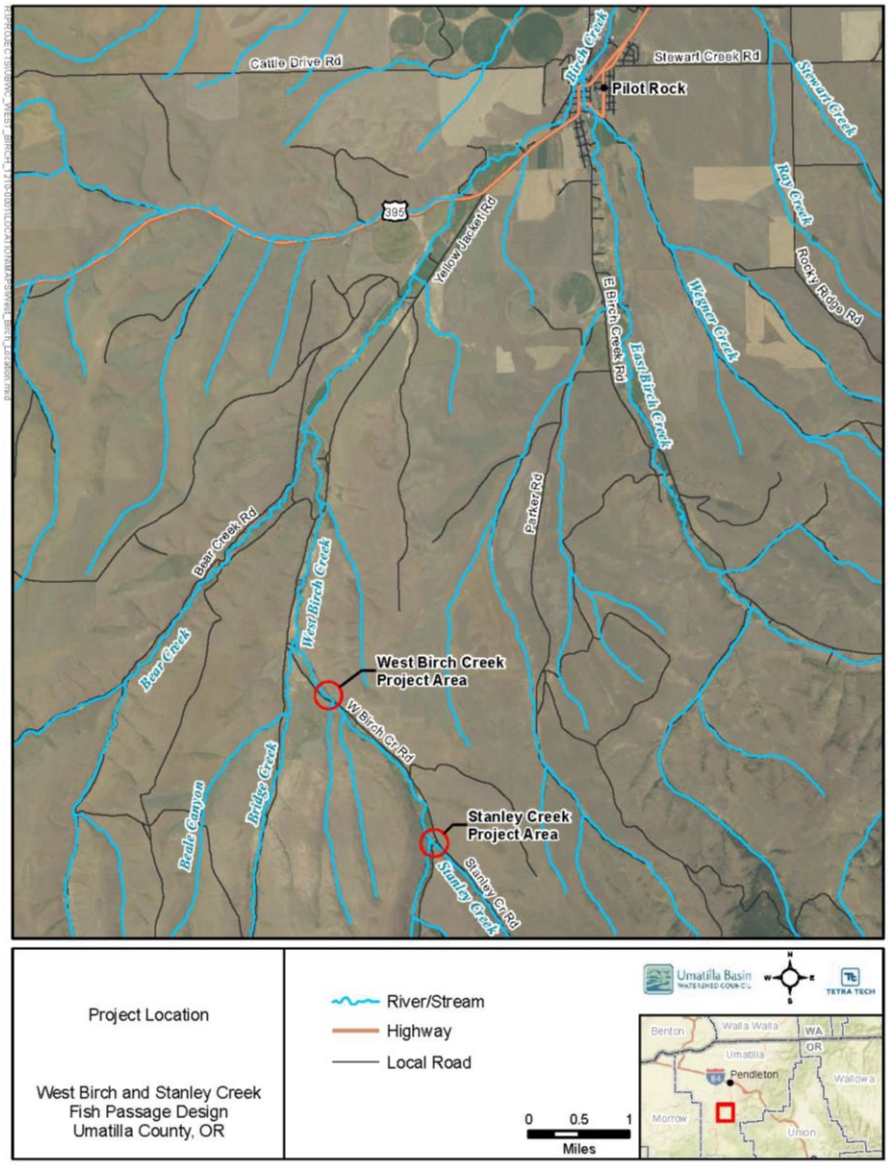

Figure 1. West Birch and Stanley creeks project locations.

The project includes flagging and staging; excavation of floodplain alluvium; isolation, dewatering and bypassing work sites; fish passage barrier removal; channel bed regrading and installation of habitat boulders; and installation of riparian plantings.

The specific actions associated with West Birch Creek include: removing existing concrete diversion sill and apron; regrading the channel bed and creating roughened riffle; and installation of channel spanning LWD habitat structure.

Specific actions associated with Stanley Creek include: removing existing culvert; installation of 20 x 22 foot prefabricated modular bridge; temporary closure and rerouting of West Birch Creek Road.

The implementation of the Project would require earthwork at both sites. West Birch Creek would include removal of the existing concrete grade control structure, box culvert, and apron; removal of downstream concrete rubble; and installation of wood. The Stanley Creek site would include culvert removal, excavation, and backfill for the replacement bridge and bank grading; building the

roughened riffle; and installation of wood. Excavation materials would be reused and vegetation salvaged where possible, all other excavation material disposed of offsite. Whole trees would be imported from an offsite source. A summary of the Project construction quantities is shown in the following Table. All access would be along existing roadways. All disturbed areas would be treated by seeding and planting of native grasses, shrubs, and trees. Staging may begin as early as July. Work in the wetted channel would take place during the in-water work period of July 1st to September 30th.

Table 1. West Birch and Stanley Creeks Construction Material Quantities.

Item	Unit	West Birch Creek	Stanley Creek
Excavation	Cubic Yards	821	320
Fill	Cubic Yards	617	250
Boulders	Each	168	74
Whole trees	Each	0	9

Project construction would require temporary closure and rerouting of West Birch Creek Road to remove and replace the existing bridge from July 1 through September 30. A Traffic Control Plan would be prepared that meets Oregon Department of Transportation requirements and is subject to Umatilla County review. Additionally, the local utility company has been notified of the improvements and shall address utility pole relocation prior to construction if necessary.

After construction, both creeks would be rewatered. All 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.

These actions would support conservation of ESA-listed species considered in the 2020 ESA consultations with NMFS on the operation and maintenance of the Columbia River System. These actions also support Bonneville's commitments to the Confederated Tribes of the Umatilla Indian Reservation 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*.).

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 *October 19, 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: West Birch and Stanley Creeks Fish Passage Project

Project Site Description

West Birch Creek is a tributary of mainstem Birch Creek that drains into the Umatilla River. The West Birch Creek site is located approximately 6.5 miles southwest of Pilot Rock, Oregon, at approximately river mile (RM) 8.5. Stanley Creek is a tributary to West Birch Creek with its confluence located at approximately RM 10. The Stanley Creek site is located on West Birch Creek Road about 350 feet upstream of the confluence with West Birch Creek.

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 initiated consultation with the Oregon State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation starting March 3, 2023. On September 6, 2023, BPA submitted an inventory report and determined that the proposed undertaking would result in no adverse effect to historic properties. The consultation period ended on October 6, 2023. No responses were received from the consulting parties regarding the contents of the report during the consultation period.

Notes:

In the unlikely event that cultural material is inadvertently encountered during the implementation of this project, BPA will 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.

Geology and Soils

Potential for Significance: No

Explanation: Ground disturbance would be necessary for some project activities. Removal of the diversion structure, culvert removal, 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 areas and the long-term effect of the project would be to restore the creeks to their historical profiles. Disturbed areas would be seeded and planted with vegetation to reduce erosion and restore current conditions following construction. The overall effects on soils in the project area would therefore be minor.

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 plant species within the project area. Non-listed plants would be impacted by project actions, such as ground disturbance and human presence. Following construction activities, disturbed areas would be seeded and planted with species native to the area to restore site conditions. Restoring the historical planform of both creeks 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.

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

Potential for Significance: No

Explanation: Umatilla County has the potential to contain ESA-listed gray wolf (*Canis lupus*) and yellow-billed cuckoo (*Coccyzus americanus*) and designated critical habitat (USFWS Information for Planning and Consultation, 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.

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

Potential for Significance: No

Explanation: ESA-listed winter steelhead trout are present in the Project area (StreamNet, 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 each creek would be diverted and the project area 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. The project was reviewed and consulted on under the Habitat Improvement Program (HIP) Biological Opinion (BO) under Section 7 of the ESA.

Conditions at each creek within the project area would be improved by project actions. Removing passage impediment allows passage to upstream habitat. In-stream roughness would reduce flow velocity and improve habitat. Vegetation planting and habitat structures 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 HIP BO.

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 September 30). 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.

The project would acquire U.S. Army Corps of Engineers (USACE) approved Clean Water Act coverage through a Regional General Permit #6 prior to groundbreaking.

Wetlands

Potential for Significance: No

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

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.

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. The county road would be temporarily closed to accommodate the removal of the culvert and the placement of the bridge. Local residents would be advised of the timing of the closure and alternate routes or detours around the closure. There may be a minor increase in traffic as workers commute to and from the project site daily. This traffic increase would be temporary and cause no lasting changes to the roadway.

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 of restored, historical conditions and vegetation to the area and therefore minor.

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.

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.

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 or explanation if applicable.

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 West Birch Creek site is located on private property with the landowner's approval; the Stanley Creek site includes a culvert that would be replaced with a bridge at West Birch Creek Road, which is a gravel county road which is owned by Umatilla County.

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* *October 19, 2023*
Israel Duran Date
Environmental Protection Specialist