

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Battle Creek Juniper Removal

Project No.: 2007-397-00

Project Manager: Allan Whiting, EWL-4

Location: Grant 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 remove western juniper (*Juniperus occidentalis*) from approximately 70 acres of land that is part of the Battle Creek Ranch. The proposed juniper removal would occur on private property on both sides of Battle Creek, which is a tributary of the John Day River. Battle Creek is designated critical habitat for Endangered Species Act (ESA)-listed Middle Columbia River steelhead trout (*Oncorhynchus mykiss*) and is on the Oregon Department of Environmental Quality's (DEQ's) 303(d) list for elevated summer water temperatures. Additionally, the John Day River in the vicinity of the Battle Creek confluence is designated critical habitat for ESA-listed bull trout (*Salvelinus confluentus*).

Juniper encroachment has expanded over several decades due in part to changing conditions and fire suppression. Research indicates that removal of juniper and re-establishment of more diverse vegetation can reduce surface runoff, soil erosion, and sediment delivery to streams. It can also improve groundwater recharge, leading to increased cool-water summer base flows to streams, thereby benefiting fish and other aquatic life.

The proposed project would remove juniper by using chainsaws and mechanical equipment that may include a skid steer with a tree shear attachment. Juniper would be cut at ground level and an excavator would be used to pile cut juniper trees on the site. Stumps would be left in place. Piled trees would be disposed of by the landowner at the landowner's expense at a later date.

These actions would support conservation of ESA-listed species considered in the 2020 ESA consultations with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) on the operation and maintenance of the Federal Columbia River Power System (FCRPS). These actions also support BPA's commitments to the CTWS in the Columbia River Fish Accord, as amended, while also supporting ongoing efforts to mitigate for the 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. ¹

Israel Duran
Environmental Protection Specialist

Concur:

Katey C. Grange
NEPA Compliance Officer

Attachment(s): Environmental Checklist

¹ BPA is aware of the November 12, 2024, decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality regulations implementing NEPA are not judicially enforceable or binding on this agency action, BPA has nonetheless elected to follow those regulations at 40 Code Federal Regulations (C.F.R.) §§ 1500– 1508, in addition to the US Department of Energy’s NEPA implementing procedures at 10 C.F.R. Part § 1021, to meet the agency’s obligations under NEPA, 42 U.S.C. §§ 4321 *et seq.*

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: Battle Creek Juniper Removal

Project Site Description

The proposed western juniper removal area encompasses approximately 70 acres of the Battle Creek Ranch, about 2.5 miles west of the town of Dayville in Grant County, Oregon. The entire ranch includes 1,432 deeded acres (private ownership) and approximately 5,000 acres of Bureau of Land Management allotted land. The southeastern corner of the ranch is bordered by the Oregon Department of Fish and Wildlife's Phillip W. Schneider Wildlife Area, which provides winter range for mule deer and year-round habitat for various mammals, birds, reptiles, and amphibians.

Battle Creek flows in a northerly and northeasterly direction through the project area, crossing U.S. Highway 26 just north of the project site and flowing into the John Day River approximately one-third of a mile north of the site. Nash Reservoir, which is fed by flows diverted from Battle Creek, is located adjacent to the western perimeter of the proposed juniper removal area. There is no Federal Emergency Management Agency-mapped floodplain associated with Battle Creek in the project area. Western juniper (*Juniperus occidentalis*) is the dominant tree species in the project area, and Wyoming big sage (*Artemisia tridentata*) is the major shrub species. Black cottonwood (*Populus trichocarpus*), willow (*Salix spp.*), and alder (*Alnus spp.*) are present in the riparian overstory along Battle Creek, with mock orange (*Philadelphus oregonus*), chokecherry (*Prunus virginiana*), and dogwood (*Cornus stolonifera*) in the understory. Bunch wheatgrass (*Pseudoroegneria spicata*) and basin wildrye (*Leymus cinereus*) are native species present in undisturbed soils on the site, and invasive species including cheatgrass (*Bromus tectorum*), thistles (*Cirsium spp.*), and tumble mustard (*Sisymbrium altissimum*) are also present.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: BPA determined that the implementation of the proposed project would result in no historic properties affected, based on background research and field investigations performed in 2024 (BPA CR No. OR 2025 021). BPA initiated consultation with the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the Confederated Tribes of the Umatilla Indian Reservation, and the Oregon State Historic Preservation Office (SHPO) on December 3, 2024. SHPO concurred with the proposed Area of Potential Effect and BPA's effect determination on December 30, 2024 (SHPO Case No. 24-2292).

The CTWSRO Tribal Historic Preservation Officer and Cultural Resources Department responded with questions on January 3, 2025, and further coordination between BPA and CTWSRO on January 7, 2025, resulted in an agreement that a 30-meter (about 100 feet) buffer would be established around two designated locations within the project area, and a

cultural resources monitor would be present during project work in those areas. No additional responses from consulting parties were received within 30 days.

Note: A Post-Review Discovery Procedure would be provided to crews ahead of juniper removal for implementation in the event of an unintentional discovery of cultural material during work. This procedure document outlines steps for stopping work, securing and protecting the cultural material, and contacting BPA cultural resources staff in the event cultural material is encountered. Additionally, a cultural resources monitor would be on-site when crews are working in two designated areas specified by CTWSRO.

2. Geology and Soils

Potential for Significance: No

Explanation: There would be temporary soil disturbance from juniper felling, hauling, and piling of trees on the site. To limit soil disturbance, piling would not be required on slopes greater than 30%, and excavator use would be limited to conditions that do not result in tracks deeper than 6 inches.

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

Potential for Significance: No

Explanation: The only vegetation targeted for removal with this project is mature western juniper, which would be cut with chainsaws or a shear attached to a skid steer. Some incidental disturbance of other vegetation – primarily groundcover species – may be expected because of excavator operation for hauling and piling cut juniper. The juniper removal would, over time, help promote the establishment of native herbaceous species and shrubs.

The site is not within the geographic range of any listed Threatened or Endangered plant species protected under the federal Endangered Species Act (ESA), and designated critical habitat for ESA-listed plant species is not present in the project area. Additionally, there are no documented occurrences of State of Oregon listed Threatened or Endangered plants in the project area.

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

Potential for Significance: No

Explanation: Wildlife including deer, elk, coyote, various small mammals, birds, reptiles, and amphibians may use the project area. Juniper removal activity could temporarily deter wildlife from using the project area, due to noise and visual disturbance from equipment operation and human activity. Additionally, juniper trees provide habitat structure for birds and small mammals; that type of habitat structure would be reduced with the trees removed.

Impacts to nesting birds would be avoided and minimized by beginning juniper removal work outside of the primary nesting season (April 15 – July 31) and continuing work activity daily to discourage bird nesting in the project area, or by cutting trees only after the nesting season has ended. If starting tree removal work within the nesting season is required, nesting surveys would be performed prior to tree cutting, and removal of trees with observed nests would be avoided until after the nesting season has ended and the nests are no longer occupied.

The project site is within the geographic range of the federal ESA-listed Endangered gray wolf (*Canis lupus*). However, the project site is not within an area of documented gray wolf occurrences; is not within a known or estimated gray wolf use area, as identified by Oregon

Department of Fish and Wildlife; and is not within designated critical habitat for gray wolf. The proposed juniper removal would have no effect on gray wolf.

The project is also within the geographic range of the Proposed Threatened monarch butterfly (*Danaus plexipus*). However, the project area is not within an area of documented occurrences of this species; does not contain typical suitable habitat for monarch butterfly, including milkweed (*Asclepia spp.*) host plants; and is not within proposed critical habitat for the species. No State of Oregon listed Threatened or Endangered species are documented as occurring within the project area. State-sensitive species including Rocky Mountain bighorn sheep (*Ovis canadensis*) and Lewis's woodpecker (*Melanerpes lewis*) have been documented in the Battle Creek watershed outside of the project area.

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

Potential for Significance: No

Explanation: Battle Creek is designated critical habitat for federal ESA-listed Middle Columbia River steelhead trout. It is also a habitat for redband trout. Additionally, the John Day River in the vicinity of the Battle Creek confluence is designated critical habitat for ESA-listed bull trout.

The project involves juniper removal in riparian and upland areas and does not involve work elements within Battle Creek or other water bodies. Equipment operation and related ground disturbance near Battle Creek presents some potential for impacts to fish if not properly managed, through increased potential for sediment inputs to the stream (and resulting elevated turbidity) and releases of potential pollutants from heavy equipment.

Juniper removal work is authorized under NMFS and USFWS Biological Opinions issued for BPA's HIP. HIP conservation measures to minimize the potential for impacts to streams and fish - including establishment of equipment exclusion areas along Battle Creek, requirements for minimizing ground disturbance, and procedures for managing potential pollutants and responding to spills - would be implemented during project work. With the implementation of such measures, the juniper removal is not likely to adversely affect listed steelhead and critical habitat in Battle Creek, or bull trout and critical habitat downstream in the John Day River. The removal of juniper and re-establishment of more diverse native vegetation over time may benefit listed fish by reducing surface runoff, soil erosion, and sediment delivery to the stream, and by improving groundwater recharge that may lead to increased cool-water summer base flows.

6. Wetlands

Potential for Significance: No

Explanation: National Wetland Inventory mapping identifies no wetlands in the proposed juniper removal area except for Battle Creek and the adjacent Nash Reservoir. There would be no fill placement, excavation, or other ground disturbance in wetlands as part of the juniper removal project.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: The proposed juniper removal would not involve groundwater withdrawals or discharges to groundwater, and it would not change land cover in a way that would reduce infiltration and groundwater recharge. Re-establishment of more native vegetation in the project area following juniper removal could improve groundwater recharge conditions. The

project location is not within a Groundwater Restricted Area designated by the Oregon Water Resources Department or within a U.S. Environmental Protection Agency-designated Sole Source Aquifer.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The juniper removal would occur on a privately owned portion of Battle Creek Ranch with permission from the landowner. The project would not change the existing ranch uses of the land, and the site is not within any specially designated area that would prohibit the proposed activity.

9. Visual Quality

Potential for Significance: No

Explanation: Removing juniper trees would result in minor changes to the visual appearance of the project area, initially as trees are cut and then as native vegetation re-establishes over time. The project involves no new structures, would not interfere with public views, and would not otherwise adversely affect the natural visual character of the area.

10. Air Quality

Potential for Significance: No

Explanation: The proposed juniper removal project would not introduce new operational sources of air emissions or otherwise affect air quality in the long term. Minor temporary increases in site emissions from gasoline and diesel-powered construction equipment and vehicles would occur during juniper removal. Dust emissions from juniper removal work would be minor based on the nature of the activity and small area of ground disturbance. The project site is not located in an area designated by the Oregon Department of Environmental Quality as a Non-Attainment Area or Maintenance Area with current or historic issues meeting air quality standards.

11. Noise

Potential for Significance: No

Explanation: Juniper removal activities would temporarily elevate noise above background levels during daylight hours while work is occurring. The noise-generating activities, including chainsaw, skid steer, and excavator operation, are relatively common for land management activities in rural areas. The proposed juniper removal work area is not adjacent to sensitive noise receptors such as residential neighborhoods, schools, or hospitals.

12. Human Health and Safety

Potential for Significance: No

Explanation: The proposed juniper removal would present no long-term risks to human health and safety. Temporary worker safety hazards associated with operation of chainsaws, a skid steer, and an excavator would be minimized through adherence to applicable safety regulations.

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: CTWS has coordinated the proposed juniper removal activity with the landowner and would perform the work with landowner permission.

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

Signed: _____
Israel Duran
Environmental Protection Specialist