Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy

Proposed Action: Big Elk Creek Double Culverts Replacement

Project No.: 2010-086-00

Project Manager: Matt 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: BPA proposes to fund the Nez Pece Tribe to replace two, side-by-side, 8-foot-wide culverts on Big Elk Creek on county-owned lands approximately one mile north of Elk City, Idaho. The existing culverts are partial fish-passage barriers for the Endangered Species Act-listed Snake River Basin steelhead. The existing culverts would be replaced by one open-bottom arch-plate culvert 20 feet wide, 6 feet high, and 60 feet long.

Big Elk Creek would be diverted around the construction site to reduce potential impacts to fish. Rerouting the flow would require the installation of a cofferdam and diversion pumps. Fish would be captured and relocated from the construction site prior to that site being drained to allow for construction. A single-lane detour road 500 feet in length and temporary bridge would also be constructed to allow for the flow of traffic during construction. The project would be completed using a metal-tracked excavator operating with support equipment (loader or skid steer), dewatering pumps, and human labor. Implementation would begin July 2025.

After construction, Big Elk Creek would be redirected back into its original but now reconstructed channel immediately above the culvert and allowed to flow through the simulated stream channel under the new culvert and through a 40-foot-long reconstructed stretch of channel below the new culvert. The roadway approaches would be reconstructed and the road surface asphalted. The temporary road and bridge would then be removed and the area regraded. All disturbed surfaces would be replanted with native seed and 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, above, and below the culvert as needed to maintain project success, and additional vegetation plantings if needed.

This Proposed Action fulfills commitments under the 2020 National Marine Fisheries Service (NMFS) Columbia River System Biological Opinion and would 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 (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; 89 FR 34074, April 30, 2024), 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]

BRENDA AGUIRRE

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Environmental Protection Specialist

Concur:

KATEY GRANGE

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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.

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Project Site Description

The project area reach of Big Elk Creek is located within agricultural lands used primarily for livestock pasture and hay production. Riparian vegetation is confined to the stream corridor and inset floodplain. Outside of the stream and inset floodplain, the vegetation is primarily made up of natural grasses and hay meadow with nearby stands of conifer forest in various successional stages.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: BPA consulted with the Nez Perce Tribe and the Idaho State Historic Preservation Office (SHPO) on April 17, 2015, on the effects of the project based on an intensive survey conducted by a BPA Archaeologist. No cultural resources were identified. Idaho SHPO concurred with BPA's determination of *no historic properties affected* on April 20, 2015. No other responses were received within the comment period ending May 18, 2015 (ID 2015 015).

2. Geology and Soils

Potential for Significance: No

Explanation: There would be minor, temporary, impacts to soil from increased erosion potential during construction activities. Sediment control BMPs would be installed prior to project implementation to minimize potential for in-stream turbidity or excessive runoff during construction. Work area would be isolated by rerouting water around the work area to minimize erosion and turbidity.

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

Potential for Significance: No

Explanation: No special-status plants, including Endangered Species Act (ESA)-listed species, are known to be present. There would be temporary impacts to existing vegetation from heavy equipment excavation during construction activities. Post construction plantings and long-term monitoring would re-establish native upland and riparian plant communities.

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

Potential for Significance: No

Explanation: No Federal/state special-status wildlife species or habitats are within the project site. No habitats would be modified to any degree that might permanently displace resident wildlife, though some may be temporarily displaced by disturbance from construction activities. Human presence and activity associated with construction would temporarily disturb and displace nearby wildlife, but long-term displacement resulting in competition for nearby habitats is unlikely.

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

Potential for Significance: No

Explanation: ESA-listed Snake River steelhead are present in the project area. The project is covered under the HIP Biological Opinion under Section 7 of the ESA with Project Notification Form number 2025007. The project sponsor would adhere to all applicable site-specific conservation measures identified in the HIP consultation and approval, including turbidity monitoring requirements and in-water work timing. No state-listed special-status species occupy the project area.

Replacement of the culverts would occur at low flows and would require diversion of the creek by pumping and piping the creek flow around the construction site. Fish removal would be completed via electrofishing before work within the stream channel begins. Electrofishing is stressful on fish and potentially harmful, but the number of fish affected would be few and from only a small area of the stream.

Some aquatic invertebrates and amphibians may be displaced or killed by the culvert installation at the inlet and outlet of the culvert, but quick re-occupation of these small sites by the same or other members of the same classes of animals following construction is anticipated.

In the long term, the project would have a beneficial effect on aquatic species, including steelhead.

A Clean Water Act Nationwide Permit 27 (NWS-2020-724) was obtained to ensure the project meets national water quality standards.

6. Wetlands

Potential for Significance: No

Explanation: No wetlands are present in the project area.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: There would be no groundwater withdrawal. There would be some miniscule potential for contamination of groundwater from fuel or fluid drips or spills from the equipment used during construction, but spills and drips with the volume necessary to contaminate groundwater is unlikely. Onsite spill kits would also minimize the potential for spills and drips to be of sufficient quantity to contaminate groundwater.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The project would not change the capability of the land to be used as it was prior to project actions. There would be no land use changes, and no impact to specially-designated areas.

9. Visual Quality

Potential for Significance: No

Explanation: No visually-prominent vegetative, landform, or structural change would be made. Replacement of the culverts would not change the overall visual character of the landscape along, or as seen from, local roads.

10. Air Quality

Potential for Significance: No

Explanation: There would be some exhaust and greenhouse gas emissions from the motorized equipment used for the replacement of the culverts, but these are short-term actions, and no long-term source of emissions or exhaust is created. Vehicles used to transport workers, supplies, and equipment to the site would be another potential source of exhaust and greenhouse gasses, but this also would be minimal and short-term.

11. Noise

Potential for Significance: No

Explanation: There would be some short-term noise impacts from the heavy equipment used for the replacement of the culverts, but this type of noise is not inconsistent with that of common logging, ranching, or farming operations in the local area.

12. Human Health and Safety

Potential for Significance: No

Explanation: Vehicle and excavator operation and working with hand and power tools have their attendant risks to equipment operators. Traffic control would be implemented for the detour route. There would be no condition created from this action that would introduce new human health or safety hazards or risk into the environment. No condition created by this action would increase the burden on the local health, safety, and emergency-response infrastructure.

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 Big Elk Creek culverts replacement is on a county road and designed in cooperation with the North-Central Idaho Transportation Department, who would be notified prior to construction activities.

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

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