

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Trout Creek Watershed Annual Operations and Maintenance 2025-27

Project No.: 1994-042-00, 1998-028-00

Project Manager: Chad Baumler, EWL-4

Location: Jefferson County, Oregon

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.3 Routine maintenance, B1.20 Protection of cultural resources, fish and wildlife habitat

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes to fund the Oregon Department of Fish and Wildlife (ODFW) and the Jefferson County Soil and Water Conservation District (JCSWCD) (together “the Sponsors”) to conduct ongoing operations and maintenance (O&M) of past habitat restoration project sites throughout the Trout Creek watershed in Jefferson County, Oregon. These actions would support the conservation of Endangered Species Act (ESA)-listed steelhead trout (*Oncorhynchus mykiss*) considered in the 2020 ESA-consultation with the National Marine Fisheries Service (NMFS) on the operations and maintenance of the Columbia River System while also supporting ongoing efforts to mitigate for the effects of the Columbia River System 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. 839 et seq.).

The proposed actions would be conducted on fish habitat restoration and improvement project sites across the Trout Creek watershed. The Sponsors have been conducting habitat projects for nearly thirty years, ranging from small culvert replacements and fencing installation to wholesale floodplain and channel reconstruction projects. In order to keep these project sites in good order, the Sponsors routinely conduct O&M at the sites throughout the year.

The proposed actions would include the following:

Inspect and maintain past project sites:

The Sponsors would conduct routine surveys of project sites. Staff would take photos at established points to document annual changes to conditions at the project sites. In-stream structures which were installed at the sites, such as wood habitat jams, would be evaluated to determine if design goals are being met. No new construction or ground disturbance would be conducted as part of these site evaluations and the results of these surveys would be used to inform future restoration proposals at these sites.

Inspect and maintain exclusion fencing:

The Sponsors have previously installed roughly 120 miles of cattle exclusion fencing along riparian corridors in the Trout Creek watershed. These fencing segments would be routinely inspected to monitor damage caused by livestock, wildlife, and the elements. Any damaged segments would be repaired or replaced with like-for-like fencing at the same location. No new fence construction is proposed.

Inspect and maintain off-channel livestock water structures:

The Sponsors have previously built seven upland water structures for livestock use to reduce the need for livestock to enter riparian areas for water. Structures consist of watering troughs, storage tanks, and plumbing. Staff would routinely inspect these structures to ensure that they are functioning properly and repair any damage caused by livestock, wildlife, and weather with like-for-like replacements. No new construction is proposed.

Maintain vegetation:

The Sponsors, in cooperation with the Jefferson County Public Works Department and the Jefferson County Weed Advisory Committee, would help provide herbicides to approved applicators to treat noxious and invasive vegetation in the watershed. Herbicides, along with mechanical (mowing, weed whacking) and physical (hand pulling and cutting) control methods, would be used by the Sponsors and licensed applicators to help control weeds which are out-competing native species. Species of concern in the watershed which would be targeted include Scotch thistle (*Onopordum acanthium*), spotted knapweed (*Centaurea stoebe*), and yellow starthistle (*Cemtairea solstitialis*).

Additionally, the Sponsors would re-seed areas which are treated for invasive species. Native seed and forb mix would be applied using an ATV-mounted broadcast seeder or handheld spreader. Seeding would be conducted in areas treated for weeds as well as project sites which are affected by fires and other disturbances.

PIT tagging:

The Sponsors would operate a seasonally installed screw trap to capture out-migrating steelhead for research. A maximum of 5,000 fish would be captured annually and implanted with Passive Integrated Transceiver (PIT) tags to monitor migration of the population. Two existing PIT tag arrays on Trout Creek would also be maintained with regular inspections of the electronics, cleaning of their solar panels, and tests to ensure that the antennas are functional.

Survey and monitor habitat and wildlife:

The Sponsors would conduct regular habitat and species surveys at project sites. These surveys would include routine pedestrian redd counts and water temperature measurements with seasonally installed stream probes. The Sponsors would also monitor vegetation at project sites, as well as conduct opportunistic wildlife presence surveys. Results from these surveys would be collected, compared with prior results for trends, and used to inform future habitat improvement projects in the watershed.

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

Thomas DeLorenzo
Environmental Policy Analyst

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.

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Project Site Description

Trout Creek is a tributary to the Deschutes River, itself a major tributary of the Columbia River. Trout Creek is fed predominantly by snowmelt and provides cool summertime water ideal for salmonid spawning and rearing habitat. The surrounding area is emblematic of Oregon High Desert and is dominated by scrubland valleys and juniper-dominated hillsides. Habitat conditions have degraded in the area due to extensive ranching and agriculture throughout the twentieth century, including some anthropogenic modification of stream channels and overzealous irrigation withdrawals.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No with Conditions

Explanation: The proposed operations and maintenance actions were reviewed by a BPA archaeologist (BPA CR No. OR 2022 074). The archeologist determined that the proposed actions would have no potential to affect cultural and historic resources consistent with one condition, detailed below.

Notes:

- Mechanical vegetation removal using mowers or heavy equipment would be limited to dry seasons in the summer and autumn when the ground is firm and the potential for ground disturbance from rutting is limited.

2. Geology and Soils

Potential for Significance: No

Explanation: While there may be minor disturbance from actions such as repairing fencing and equipment used for transport and vegetation maintenance, these effects would be temporary, localized, and require no large-scale earthmoving. Effects on geology and soil would therefore be mild.

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

Potential for Significance: No

Explanation: There are no ESA-listed plant species in Jefferson County (U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC)). There are no Oregon-state listed plant species in Jefferson County (Oregon Department of Agriculture).

Effects on vegetation at project sites would be mild. Individual plants would potentially be tamped down by staff and equipment moving around project sites during project actions. Weed removal may impact some non-target species by removing and killing individual plants. However, these effects would be limited in scope and the long-term effects of these actions would be to improve conditions for native vegetation in the area.

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

Potential for Significance: No

Explanation: ESA-listed grey wolf (*Canis lupus*) has the potential to be found in Jefferson County (USFWS IPaC). However, no known populations of wolves are currently being monitored in the eastern portion of the county through which Trout Creek runs (ODFW Wildlife Division). There would therefore be no effects on grey wolves from project actions.

There are no Oregon-state species of concern present in Jefferson County (ODFW). Non-listed wildlife species would be temporarily disturbed by noise and human presence during project actions. These effects would be mild, temporary, and localized to project locations. Overall effects on wildlife would therefore be mild.

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

Potential for Significance: No

Explanation: ESA-listed steelhead trout is present in Trout Creek and many of its tributaries (StreamNet Mapper). Capturing and PIT tagging steelhead would require direct handling of fish. ODFW obtains an annual ESA Section 10 permit from NMFS for these actions. Operations of the trap and tagging would cease once the annual limit is reached and all work would conform to the best practices required by NMFS. The Sponsors would submit their total number of handled fish, along with any mortalities, to NMFS annually. Vegetation management, including herbicide applications, would have no effect on ESA-listed fish.

Effects on non-listed fish species would be mild, limited mostly to temporary disturbance from human presence. Individual fish may also enter the trap used during PIT tagging, but these fish would be quickly released and no long-term effects are expected. Overall impacts on non-listed fish species would therefore be mild.

6. Wetlands

Potential for Significance: No

Explanation: No actions are proposed which would create, destroy, or greatly modify the conditions of wetlands. Vegetation management would occasionally remove a small amount of invasive vegetation from wetland areas, and the effects of these actions would be to improve the quality of wetland vegetation by restoring native plants to treated areas.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: No actions are proposed which would affect groundwater and aquifers.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: No changes to land use or ownership are proposed.

9. Visual Quality

Potential for Significance: No

Explanation: No large-scale changes to visual quality are proposed. To the extent that there are changes to the aesthetic quality of the area, they would be limited to replacing weeds with native vegetation and keeping existing infrastructure in good repair, and therefore mild.

10. Air Quality

Potential for Significance: No

Explanation: While the equipment used for some actions, such as truck and ATVs, would produce exhaust, these effects would be limited in scope and temporary. Overall effects on air quality would therefore be mild.

11. Noise

Potential for Significance: No

Explanation: While the equipment used for some actions, such as trucks and ATVs, would produce noise, these effects would be limited in scope and temporary. Overall effects on noise would therefore be mild.

12. Human Health and Safety

Potential for Significance: No

Explanation: All personnel would use best practices to ensure human health and safety. Equipment would be operated solely by trained and licensed (when applicable) personnel.

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 vast majority of project sites in the Trout Creek watershed are on private land, with a limited number on publicly owned land. The Sponsors would continue to coordinate with landowners and provide necessary notice before conducting any project actions.

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

Signed:

Thomas DeLorenzo
Environmental Policy Analyst