

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Bozard Creek Wood Additions and Culvert Replacement Project

**Project No.:** 1990-44-00

**Project Manager:** Elizabeth Santana, EWM-4

**Location:** Kootenai 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:** Bonneville Power Administration (BPA) proposes to fund the Coeur d'Alene Tribe Fisheries Program to implement an aquatic habitat restoration and fish-passage improvement project on private property in Kootenai County, Idaho.

To increase stream and wetland function along a section of Bozard Creek, large woody debris would be used to create a mix of anchored and unanchored 45 log structures—built from logs 15- to 30-feet long with a 12-inch diameter, on average—along about a half-mile segment of Bozard Creek. Wood would be placed on adjacent wetlands and below the ordinary high-water mark of the creek.

Wood would be placed on site using a small excavator with a grapple attachment or by hand for smaller pieces where access is limited. The use of heavy machinery would occur in areas easily accessible from existing forest roads or where access is possible without removing or damaging existing vegetation. Logs would be buried into the bank or placed between existing trees to anchor it in place. Other logs would be completely buried within the ordinary high-water mark to create pool habitats. Natural vegetation and native topsoil would be retained in an undisturbed state to the maximum extent possible. Disturbed areas would be planted and seeded with native species.

BPA would also fund the replacement of an undersized culvert in this same area along the East Fork Bozard Creek at Weller Road. A new bottomless arch crossing would replace the existing 48-inch-diameter culvert to improve fish passage. An excavator operating from Weller Road would be used to remove the undersized culvert and install the stream crossing structure. Vegetation removal would occur 20 feet on either side of the existing stream crossing, and the area of removal is estimated to be 120 square feet.

The proposed action would support conservation of ESA-listed species considered in the 2020 ESA consultation with the U.S. Fish and Wildlife Service on the operation and maintenance of the Columbia River System. This action also supports ongoing efforts to mitigate for effects of the Federal Columbia River Power 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.*).

**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.<sup>1</sup>

Jeff Maslow  
Senior Environmental Protection Specialist

Concur:

Katey C. Grange  
NEPA Compliance Officer

Attachment(s): Environmental Checklist

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<sup>1</sup>BPA is aware that the Council on Environmental Quality (CEQ), on February 25, 2025, issued an interim final rule to remove its NEPA implementing regulations at 40 C.F.R. Parts 1500–1508. Based on CEQ guidance, and to promote completion of its NEPA review in a timely manner and without delay, in this CX BPA is voluntarily relying on the CEQ regulations, in addition to DOE's own regulations implementing NEPA at 10 C.F.R. Part 1021, to meet its 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:** Bozard Creek Wood Additions and Culvert Replacement Project

## **Project Site Description**

Project site is located near the confluence of Bozard Creek and East Fork Bozard Creek (at 47.55707° N, 117.03173° W) on private timber land where logging previously occurred. The culvert replacement occurs under Weller Road, which is maintained by the Worley Highway District. The road is primarily used by private property users and the road does not serve residential parcels. Bozard Creek is a small creek flowing through a valley within which shrubby riparian and wetland vegetation grows with some tree cover.

## **Evaluation of Potential Impacts to Environmental Resources**

### **1. Historic and Cultural Resources**

Potential for Significance: No with Conditions

Explanation: BPA consulted the Coeur d'Alene Tribe and Idaho State Historic Preservation Office (SHPO) on September 24, 2024 on the effects of the project based on a cultural resource survey of the project site, which included a meeting with the Tribal Historic Preservation Officer (THPO) to discuss the project. In coordination with the THPO, a BPA archaeologist conducted background research and completed a field investigation in September 2024. BPA concluded that no historic properties would be affected by the project and sent the report with a determination of effect letter to consulting parties on January 22, 2025. SHPO concurred with BPA's determination of effect in a January 29, 2025 letter. The Coeur d'Alene Tribe did not respond within 30 days.

Conditions:

- The sponsor will coordinate with the THPO for cultural training and monitoring.
- The sponsor will have a copy on site and follow BPA's Post-Review Discovery Procedure.

### **2. Geology and Soils**

Potential for Significance: No

Explanation: Minor and short-term soil impacts resulting in increased erosion potential from construction activities during the culvert replacement and wood placements. Sediment-control best-management practices would be implemented prior to project implementation to minimize potential for in-stream turbidity or runoff during construction.

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

Potential for Significance: No

Explanation: No special-status plant species or those listed under the Endangered Species Act are known to be present in the project area. While construction vehicles would utilize existing roads to the extent practicable, some minor and short-term impacts to vegetation from construction vehicles due to compaction would occur within a 120 square-foot area

associated with the culvert replacement work area. Disturbed areas would be replanted and reseeded with native plants to reestablish local vegetation in affected area.

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

Potential for Significance: No

Explanation: No special-status wildlife species or those listed under the Endangered Species Act are known to be present in the project area. Resident wildlife species may experience temporary disturbance or displacement during construction; however, this disturbance would be limited and would not permanently displace wildlife in the project area. Wood placement would improve riparian habitats in the long term.

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

Potential for Significance: No with conditions

Explanation: No ESA-listed anadromous fish species occupy the project area, which is currently blocked to the passage of anadromous fish species due to downstream dams. While unlikely to be present due to degraded conditions and the lack of documented spawning or rearing habitat in project-area watersheds, Bull trout could occasionally occupy Bozard Creek. For this reason, the project would adhere to the conservation measures and terms and conditions for bull trout in BPA's US Fish and Wildlife Service Habitat Improvement Program (HIP) IV Biological Opinion. The project sponsor would also adhere to applicable site-specific best management practices established by the Coeur d'Alene Tribe's Fisheries Department and the Special Conditions under its Clear Water Act Nationwide Permit authorizations issued by the Army Corps of Engineers (dated July 22 and September 30, 2024) to prevent sediment from entering Bozard Creek, monitor turbidity, and limit exposure to fish that could be present. Resident fish such as west slope cutthroat trout may experience short-term displacement during construction. Long term, the project would enhance fish habitat by reducing sediment from runoff and erosion; and benefit the water-storage capacity in the floodplain by increasing water pooling along Bozard Creek.

Notes:

- Adhere to Special Conditions under the US Army Corps of Engineers Nationwide Permit No. 27 (Aquatic Habitat, Restoration, Establishment, and Enhancement Activities) and No. 03 (Maintenance) authorizations for the project, which include:
  - All work occurring during low-water conditions in the dry to reduce turbidity impacts, and to reduce the risk of additional contaminants entering the water.
  - All in-water work following appropriate BMPs established by the Coeur d'Alene Tribe's Fisheries Department for the removal of aquatic species and isolation of the work area.
- Limit construction to the in-channel work period between July 1 to September 30 to minimize possible effects to bull trout and resident westslope cutthroat trout.

#### **6. Wetlands**

Potential for Significance: No

Explanation: The project area contains a freshwater shrub wetland (as catalogued in the US Fish and Wildlife Service's National Wetland Inventory) that would be temporarily disturbed during the placement of wood structures below the ordinary high-water mark. On a long-term basis, the function of these wetlands would benefit from the increased water pooling and slower flows after the installation of the project's wood structures.

#### **7. Groundwater and Aquifers**

Potential for Significance: No

Explanation: No groundwater withdrawals would occur under the proposed action. Potential groundwater contamination from fuel, fluid drips, or spills from the construction equipment would be minor. Best management practices such as onsite spill containment kits would minimize the potential for such drips or spills.

## **8. Land Use and Specially-Designated Areas**

Potential for Significance: No

Explanation: The project would not fundamentally alter existing land use in and around the project site, which includes a well-maintained road and land previously utilized for timber harvest. A temporary road closure (expected to last about a half day) would occur and limit transportation through the area; however, no residences are located up the road and the private landowners most likely to use the road would be notified at least one-week prior to construction. Therefore, the proposed action would result in limited land use changes, nor any effect on specially designated areas.

## **9. Visual Quality**

Potential for Significance: No

Explanation: No markedly noticeable change to the landscape near the project site would result from the proposed action. The visual character of the landscape along, or as seen from, the road adjacent to the project site would remain largely the same after revegetation as before construction.

## **10. Air Quality**

Potential for Significance: No

Explanation: There would be some air pollutants released from the exhaust emitted by motorized construction equipment and vehicles used for instream log installation and culvert replacement; however, these actions would have a short duration and not produce a long-term source of air pollutants.

## **11. Noise**

Potential for Significance: No

Explanation: There would be some short-term noise impacts from construction equipment that would be utilized during the log installations and culvert replacement; however, the noise produced would be temporary and not perceptible outside the close vicinity of the project area, which is in a sparsely populated area.

## **12. Human Health and Safety**

Potential for Significance: No with conditions

Explanation: Operating construction vehicles and equipment inherently carry potential safety risks to operators, however, best management practices such as daily on-site safety precautions would minimize that risk; and there would be no unique hazardous condition resulting from the proposed action that would introduce new human health or safety risks. About a half-day closure of Weller Road to facilitate culvert replacement construction would temporarily limit local access. To address potential health and safety impacts from limited emergency access, the affected private landowners have entered into cooperative agreements with the project sponsor stipulating that notification of the road closure and posting of appropriate signage would occur at least one week prior to construction and all road users would need to register at a check station before entering areas temporarily blocked to access. In

addition, no private residences are found in the areas where access would be limited, and alternative routes of travel are available for emergency responders in the event of a fire.

Notes:

- Provide affected landowners with as much advance notice as practicable—at least one week prior to construction—and post visible signage notifying road users of closure.
- Require road users to check in with crews prior to entering areas closed to access.

### **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 is located on private land planned in cooperation with the private landowner who has entered into cooperative agreements with the project sponsor and would receive advance notice before construction activities commence. In addition, construction would be coordinated with the Worley Highway District that manages the system of local roads including Weller Road.

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

Signed:

Jeffrey J. Maslow  
Senior Environmental Protection Specialist