

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Indian Grave Creek Confluence Realignment

**Project No.:** 2007-395-00

**Project Manager:** Matthew Schwartz, EWM

**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 provide funding to the Nez Perce Tribe to realign the outlet of Indian Grave Creek where it enters the Lochsa River to enhance fish habitat. The Nez Perce Tribe would work in partnership with the US Forest Service Nez Perce-Clearwater National Forests (USFS) and Trout Unlimited to remove portions of an access road that altered Indian Grave Creek during the original construction of Highway 12 to realign the creek with one of several still-existing legacy channels. The desired project outcomes would be to improve stream passage and increase channel stability, rearing habitat, channel complexity, and floodplain function in the Indian Grave Creek drainage.

The proposed realigned channel would be reinforced with about two large-wood structures and several additional pieces of large wood to mimic the conditions of the undisturbed reaches of Indian Grave Creek located higher in the watershed above the highway. The existing channel to its confluence and a dispersed user-created campsite would be filled with up to about 1200 cubic yards of material from the access road to encourage Indian Grave creek into its legacy channel. Project-related work would disturb about 6 acres of land.

All material for construction would come from the area between Highway 12 and the Lochsa River, and all excess fill material would be properly disposed of at a USFS-approved location. The channel segment would be opened by grading out the channel using heavy equipment including tracked excavator and dump truck. Log structures would be built, large wood added to the channel, and the stream slowly diverted into the new channel. Pacific dogwood and other riparian species may be planted along riparian areas. All work would be completed in the dry and above the mean high-water mark. Access to the site would be provided by existing roads.

Funding the proposed activities fulfills commitments under the 2020 National Marine Fisheries Service Columbia River System Biological Opinion (2020 NMFS CRS BiOp). These proposed activities also fulfill commitments specified in the 2020 U.S. Fish and Wildlife Service Columbia River System BiOp (2020 FWS CRS BiOp). These actions also support BPA's commitments to support 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:** Indian Grave Creek Confluence Realignment

## **Project Site Description**

The project sits adjacent to Highway 12 at the Indian Grave Creek confluence with the Lochsa River, about 68 miles east of Kooksia, Idaho. The project area has tree cover and riparian vegetation in the upland areas surrounding Indian Grave Creek and the Lochsa River. User-created access roads and a campground site within the project area alongside the Lochsa River.

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

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

Potential for Significance: No with Conditions

Explanation: The Nez Perce Tribe Cultural Resources Program (CRP) conducted an intensive cultural resource survey of the 6-acre area of potential effect to support the USFS Section 106 consultation. Based on this cultural resource survey and consistent with its Programmatic Agreement, the USFS issued a determination of no adverse effect to the one property eligible for listing on the National Register of Historic Places located within the area of potential effect. The CRP concurred with this Forest Service determination of no adverse effect. The Idaho State Historic Preservation Office concurred with the USFS finding of effect on October 29, 2024. Via email sent on May 15, 2025, BPA cultural staff confirmed the USFS designation as the lead federal agency for Section 106 compliance.

Notes:

- If cultural or archaeological materials are inadvertently discovered during the project, activities in the find location should halt immediately. The find should be protected in place until consultation with BPA, the Nez Perce Tribe Cultural Resources Program, Nez Perce-Clearwater National Forest, and Idaho State Historic Preservation Office and any appropriate avoidance, protection, or mitigation measures are complete.

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

Potential for Significance: No

Explanation: The project would involve the removal of portions of an access road and the use of excavators to open the channel as part of the realignment and to place large wood structures. As such, the impact on geology and soil is expected to be low to moderate due to the use of heavy construction equipment compacting and altering soil in the project area. Erosion-control measures would be implemented to protect soil integrity and prevent sediment from entering waterbodies.

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

Potential for Significance: No

Explanation: Through field surveys in June 2024, the USFS determined that no ESA listed plant species are present within the project area. These surveys located either USFS special-status species presence or habitat for deerfern, green bug-on-a-stick, Contance's

bittercress, bristle-stalked sedge, clustered lady's slipper, naked-stem rhizomnium, and short-style sticky in the project area. The expansive habitat for these species throughout the Lochsa River corridor and the small footprint of the disturbance from the project makes it unlikely that overall viability for any of these species would decline due to the project. In addition, the project would utilize existing access to limit impacts on existing vegetation. The project would plant native riparian species such as Pacific dogwood to enhance the local plant community and improve riparian habitat. For these reasons, channel realignment would have a minimal adverse impact on plants and result in an overall long-term beneficial effect from improved riparian habitat conditions.

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

Potential for Significance: No

Explanation: The project would result in a long-term benefit to local wildlife by improving riparian habitat. The use of construction equipment may result in short-term wildlife disturbance due to the noise produced during construction. USFS surveys conducted in June 2024 determined that the wildlife sensitive species habitat may be present within a quarter mile of proposed project location, however, no impacts to species habitats would occur due to the small project disturbance area, and for one sensitive species, the Western toad, because work would occur outside breeding season. For these reasons, the overall viability of these species would not decline due to the project.

Regarding ESA species, for Canada lynx individuals that could be present, consistent with the effects determinations under the existing USFS programmatic ESA consultation with the US Fish and Wildlife Service, and after considering the applicable conservation measures, it was determined that the project would not likely adversely affect Canada lynx individuals that may be present. There would be no effect for all other terrestrial ESA species because they are not known to be present in the project area.

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

Potential for Significance: No

Explanation: The project would return Indian Grave Creek to its historic channel with work occurring in the dry above the mean high-water mark so the proposed action would likely result in limited short-term adverse effect to floodplain areas where realignment work would occur; and not adversely affect waterbodies and fish. The channel realignment and use of large-wood structures would provide habitat for fish and other aquatic organisms and would result in a long-term beneficial effect. Regarding ESA-listed species, project activities would follow all relevant criteria in the 2019 Idaho Habitat Restoration Programmatic Biological Opinions for Habitat Restoration projects funded, permitted or implemented by the US Forest Service. The US Fish and Wildlife Service, by email on September 6, 2024, and National Marine Fisheries Service, by email on November 11, 2024, verified that the project would be consistent with the criteria of their respective Idaho Habitat Restoration Programmatic Biological Opinions and confirmed that all Section 7 consultation requirements for potential effects to bull trout and Snake River Basin steelhead had been fulfilled.

#### **6. Wetlands**

Potential for Significance: No

Explanation: The project would return Indian Grave Creek to its historic channel with work taking place in the dry to minimize effects to project-area waterbodies and would avoid adjacent wetland areas with the implementation of sediment-control measures. For this reason, there would be no adverse effect to wetlands. Long term, the realigned channel, with its more natural flow, has potential to promote wetlands.

## 7. Groundwater and Aquifers

Potential for Significance: No

Explanation: The project would be completed in the dry and above the mean high-water mark occurring at the surface level, which would minimize potential impacts on groundwater and aquifers. The realignment of the creek is not expected to dramatically alter groundwater flow patterns; and may result in a long-term beneficial effect by increasing the potential for groundwater recharge.

## 8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The project would utilize existing roads for access and not fundamentally change current land-use patterns in the project area. There would be a minor effect on the existing pattern of land use and user-created access roads and campground by converting those areas into a restored channel for Indian Grave Creek. There are many alternative camping opportunities in the vicinity of the project area; therefore, the elimination of the single dispersed camping site would not be a substantial effect.

## 9. Visual Quality

Potential for Significance: No

Explanation: The project would enhance the natural visual character of the project area by restoring conditions in Indian Grave Creek to their more natural condition and by improving riparian vegetation. In general, this would result in a moderate long-term beneficial change compared to its current visual character.

## 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 effects from operating construction equipment; 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

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. Impacts to traffic would be minimized through the implementation of a traffic-control plan including proper signage along Highway 12, and to ensure that the location of parked construction equipment minimizes potential traffic or safety issues.

### **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 USFS requested input from several agencies, organizations, and individuals and ensured awareness of the proposed project. Two comments were received during this 14-day USFS comment period: both in support of the project with a few technical recommendations for items including impacts to traffic, and the locations of parked construction equipment that have been incorporated into the project design.

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

Signed:

Jeff Maslow  
Senior Environmental Protection Specialist