

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Tinker Creek Improvement Projects

**Project No.:** 1993-066-00

**Project Manager:** 74313 Rel 90

**Location:** John Day, 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 jointly fund Oregon Department of Fish and Wildlife (ODFW) along with US Forest Service (USFS) in the removal of roadbeds, removal and replacement of culverts, installation of instream habitat improvements, and removal of decommissioned gauging station.

<i>Project Description</i>	<i>Lat</i>	<i>Long</i>
Culvert Replacement	44.550	-118.896
Two Roadbed/Culvert Removals	44.554	-118.891
Instream Habitat Improvement	44.551	-118.894

BPA is proposing to fund the removal and replacement of a culvert along Tinker Creek. The current culvert is undersized and during high flows becomes a velocity barrier for fish. The current culvert would be replaced with an arch culvert and would be realigned with the valley floor to provide better sediment transport processes downstream. The proposed culvert would be an 8 foot channel spanning by 103 foot length, bottomless aluminum corrugated culvert which would include 5 rock weirs constructed at grade. An excavator, backhoe, and dump truck would be utilized for the implementation of this project.

BPA is proposing to fund 2 culvert and roadbed removals (already decommissioned roads) along NF Road 3620. The lower culvert is an undersized culvert that would be removed along with a small section of the roadbed to allow natural stream meander. The existing stream crossing would be hardened to continue use of the closed road as a recreational bike trail and livestock crossing. If native rock is present from the proposed removal, it would be used in the hardening of the

stream crossing. If native rock is not present, rock meeting the requirements and specifications for ARBO II would be hauled on site and placed. The upper culvert is an undersized culvert that has become completely blocked, creating a complete barrier to fish passage, forcing the creek to run over the roadbed, and creating a headcut. The culvert and roadbed would be removed from the floodplain to allow natural meander of the creek. An excavator would be used to remove both culverts and restore stream gradient. Tipped trees and roadbed fill material would be utilized, at both locations, within the ordinary high-water mark to restore stream gradient in the headcut and where the roadbed would be removed. In all cases, work and excavation with equipment (including tree tipping) would occur within the existing road prism. The excavator would then be used to tip trees, haul them to zones identified, and place them as prescribed by the USFS.

BPA is proposing to fund in-habitat work, which would include the installation of Beaver Dam Analog (BDA) structures along Tinker Creek, starting at river mile 2.05. Ten to 30 BDAs would be installed over a 1 to 3 year period and would be broken up into complexes of structures. Complex A would span 1,003 feet and would consist of 5-10 BDAs; Complex B would span 649 feet and would consist of 3 to 10 BDAs; Complex C would span 709 feet and would consist of 2 to 10 BDAs. All structures would be considered partial spanning structures, meaning they would not span from bank-to-bank of the creek. All structures would be built at or below the ordinary high water mark. Construction of the BDAs would be completed by hand, using 3-inch to 4-inch diameter untreated wooden posts. A hand-held hydraulic post-pounder would be used to drive posts into the substrate at a depth of 2.5 to 3 feet. All installed posts would be cut down to the desired height, not to exceed a 6-inch jump height to ensure fish passage. Willow and lodgepole pine branches would be used as weave material for the structures.

BPA is proposing to fund the removal of a decommissioned gauging station and associated wooden structures. A concrete water gauging dam and wooden platform would be removed utilizing an excavator and other heavy equipment. Implementation of this activity would follow ARBO II guidance for erosion control to minimize sediment inputs. Tipped trees would then be cut below and throughout the disturbed area to restore the stream gradient. An excavator would be used in all proposed activities associated with the removal of the gauging station.

Funding the proposed activities would support conservation on ESA-listed species considered in the 2020 ESA consultation with the National Marine Fisheries Service and the United States Fish and Wildlife Service on the operations and maintenance of the Columbia River System, while also supporting 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), 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.

/s/ Catherine Clark

Catherine Clark  
Contract Environmental Protection Specialist  
Motus Recruiting and Staffing, Inc.

Reviewed by:

/s/ Chad Hamel

Chad Hamel  
Supervisory Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel                      June 28, 2021

Sarah T. Biegel                      Date  
NEPA Compliance Officer

Attachment(s): Environmental Checklist

# 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:** Tinker Creek Improvement Projects

## **Project Site Description**

All proposed activities would take place along Tinker Creek. Tinker Creek is a tributary to East Fork Beech Creek which is located on the Malheur National Forest in the Blue Mountain Ranger District. The project area is approximately 20 miles, Northeast, from John Day, Oregon.

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

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

Potential for Significance: No

Explanation: The Malheur National Forest (NF) Archaeologist reviewed the proposed project and determined there were “no historic properties affected” and consulted with the Oregon & Washington State offices, the Burns Paiute Tribe, the Confederated Tribes of Umatilla, and the Confederated Tribes of Warm Springs. Malheur National Forest is the lead agency for compliance with Section 106 of the National Historic Preservation Act.

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

Potential for Significance: No

Explanation: General permit for USFS Aquatic Habitat Restoration, Permit number NWP-2007-999/4 under the US Army Corp of Engineers Regional General Permit 4. The regional general permit authorizes the USFS to place fill material and certain structures in waters of the US within the State of Oregon for the purpose of aquatic habitat restoration in support of the USFS conservation strategies.

For culvert replacement projects, both removal and fill amounts would not exceed 700 cubic yards (each) below Ordinary High Water Mark (OHWM). For headcut and grade stabilization, no more than 1,000 cubic yards of fill would be placed within a stream channel. For rock weirs, no more than 1,500 cubic yards of fill would be placed within the OHWM. For stream crossing, no more than 40 cubic yards of fill would be placed within the OHWM. For concrete structure removal, no more than 250 cubic yards of fill would be removed at a single site.

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

Potential for Significance: No

Explanation: No Federal/state special-status species are known to be present in the project areas. The Malheur NF Botanist conducted vegetation surveys on Tinker Creek in 2015. Experienced silviculturalists, botanists, ecologists, and associated technicians from the USFS would be involved in designing any vegetation treatments. Therefore, activities would be considered beneficial to plants and habitat.

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

Potential for Significance: No

Explanation: No Federal/state special-status wildlife species would be expected to be impacted by the proposed activities. The Malheur NF Wildlife Biologist noted that some short-term displacement of wildlife may occur due to human presence and implementation noise levels, with long-term benefits to habitat.

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

Potential for Significance: No

Explanation: The Malheur NF Fish Biologist reviewed the potential effects to Federal/state special-status species. Short-term negative effects to Middle Columbia River steelhead critical habitat and potentially to bull trout critical habitat with a long-term benefit post-project implementation. Adherence to ARBO II and Malheur NF Aquatic EA project design criteria would minimize impacts. All work would occur within the in-water work window of July 15<sup>th</sup> to August 31<sup>st</sup>.

#### **6. Wetlands**

Potential for Significance: No

Explanation: There are no wetlands present in the proposed project areas. Therefore, there would be no impact to wetlands.

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

Potential for Significance: No

Explanation: There would be no groundwater withdrawal proposed with these activities. Therefore, there would be no impacts to groundwater or aquifers.

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

Potential for Significance: No

Explanation: No action proposed would change the capability of the land to be used as it was prior to implementation. Both roads were previously decommissioned by the Malheur NF prior to the proposed activities.

#### **9. Visual Quality**

Potential for Significance: No

Explanation: The Malheur NF Recreation Specialist reviewed the proposed project for visual impacts. It was concluded that the project would directly impact the visual foreground associated with the Magone Lake Recreation Area and County Road 18 during implementation, due to heavy equipment and culvert/roadbed removal. Post-implementation all project areas would return to a natural state which would enhance overall visual quality.

#### **10. Air Quality**

Potential for Significance: No

Explanation: Temporary, small amounts of vehicle emission would be generated by equipment and trucks during implementation.

## 11. Noise

Potential for Significance: No

Explanation: Temporary increase in ambient noise may occur during implementation. Any noise emitted from equipment would be short term and temporary during daylight hours.

## 12. Human Health and Safety

Potential for Significance: No

Explanation: No known soil contamination or hazardous conditions and no adjacent CERCLA sites.

### **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: Areas where project implementation would occur are owned and managed by the US Forest Service and take place within the Malheur National Forest.

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

Signed: /s/ Catherine Clark June 28, 2021  
Catherine Clark, ECF-4 Date  
Contract Environmental Protection Specialist  
Motus Recruiting and Staffing, Inc.