

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Fox Creek Passage Improvement

Project No.: 2007-397-00, 1993-066-00

Project Manager: Josh Ashine EWL-4, Eric Leitzinger EWM-4

Location: Grant County, 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 fund the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWS) and Oregon Department of Fish and Wildlife (ODFW) to implement the Fox Creek Passage Improvement project. Activities include diversion replacement and habitat actions that would result in long-term benefits specifically for federally-listed steelhead trout (*Onchorhynchus mykiss*), but may also provide benefits to other terrestrial and aquatic species and their habitats.

This project would affect an about 0.2-mile-long reach of Fox Creek, a tributary to the North Fork John Day River, and implementation would remove irrigation infrastructure that creates a barrier to fish passage, add fish screens to the diversion, and improve floodplain connectivity by activating about 0.2 miles of relic meanders. Existing channel and wetland/floodplain habitat within and around these meanders would be enhanced through the placement of large wood to improve complexity. Plantings would be installed and wildlife exclosures would be implemented to protect the new plantings from wildlife browse.

A hardened rock riffle would be installed from the diversion location to a point 120 feet downstream in order to provide irrigation water to the headgate while eliminating the need to artificially check the water and impact fish passage. Simulated streambed material would be used in the riffle.

Two historic oxbows would be reconnected with the existing channel by excavating approximately 70 cubic yards to provide additional stream length and sinuosity. Cut material from re-grading the oxbows would be used to fill the corresponding existing channel.

Two apex log jams would be installed in Fox Creek in the existing channel to provide habitat and seal off the old channel to encourage oxbow activation. An anchor log would be placed perpendicular to flow and used as a footing for the rootwads. Six-inch posts would be driven to help secure the structure.

Two 4-log wood structures would be placed in the project area to provide habitat as well as dissipate flow energy and capture sediment.

An existing eroding bank would be pulled back to reduce bank erosion and benefit vegetation recovery. Wood and ballast rock would be placed along the bank to dissipate energy and limit further erosion.

Wood used in this project would be obtained from ongoing juniper removal activities on surrounding properties. If suitable material cannot be sourced in approved juniper removal areas then additional large wood may be purchased to complete the project.

ODFW Fish Passage and Screening Program would install a new headgate, new fish screen, and water measuring device. The headgate and irrigation pipe would be replaced with a 24-inch headgate and delivery pipe. The new headgate would be affixed to a pre-cast concrete inlet structure; sheet steel would be driven in front of the structure and capped to protect the diversion works. The irrigation delivery pipe would direct water to a pre-cast, concrete flush box; this would allow the intake system to be periodically cleaned out without the need for heavy equipment. From the flush box, the delivery pipe would daylight into the existing ditch. A ramp flume flow measurement device would be installed for improved water management.

Off channel water systems would be installed for livestock to access water. Existing fords would be left in place for livestock management purposes or in case of emergency, but would be gated to prevent livestock access.

A solar pump house would deliver water to six stockwater troughs on a demand basis. The troughs would be equipped with wildlife escape ramps and meet NRCS specifications.

Revegetation of the project site with native plants would occur after construction and seasonally up to 5 years. Ground disturbance from planting by hand or augers is anticipated to extend no deeper than 1 to 2 feet. ATVs, mini-excavators, and trucks would be used to transport plants and equipment along existing roads throughout the site.

These actions would support conservation of ESA-listed species considered in the 2020 ESA consultation with National Marine Fisheries Service on the operations and maintenance of the Columbia River System and Bonneville's commitments to the Confederated Tribes of Warm Springs under the 2020 Columbia River Fish Accord Extension agreement, 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/ Israel Duran

Israel Duran
Contract Environmental Protection Specialist
Salient/CRGT

Reviewed by:

/s/ Chad Hamel

Chad Hamel
Supervisory Environmental Protection Specialist

Concur:

/s/ Katey C. Grange July 1, 2021

Katey C. Grange 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: Fox Creek Passage Improvement

Project Site Description

Located on private property, this project would affect 2 acres (0.2-mile-long reach) of Fox Creek near Fox, in Grant County, Oregon. Fox Creek, a tributary to the North Fork John Day River and also referred to as Cottonwood Creek lower in the watershed, is approximately 20-miles-long and the watershed area covers approximately 93 square miles. While there are some existing willows in the project area it is less than historical conditions and heavily browsed.

The existing concrete diversion was constructed in 1980 by the Soil Conservation Service (predecessor to the Natural Resources Conservation Service). The structure is now trapping bedload upstream of the structure, is down cutting downstream of the diversion, and has become a passage barrier to fish.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: A BPA archeologist initiated consultation in accordance with Section 106 of the National Historic Preservation Act on November 20, 2017, with the Confederated Tribes of Warm Springs, Confederated Tribes of the Umatilla Indian Reservation, Burns Paiute Tribe, and Oregon State Historic Preservation Office (SHPO). BPA made a determination of no historic properties affected and received concurrence from SHPO on April 11, 2019 (SHPO Case No. 18-011). The Confederated Tribes of Warm Springs concurred with findings and recommendations and determination of project effect. BPA did not receive responses from other parties during the consultation requests. In the event any archaeological material is encountered during project activities, work would be stopped immediately and a BPA Archaeologist or Historian and consulting parties would be notified.

2. Geology and Soils

Potential for Significance: No

Explanation: Ground disturbance during construction would be temporary and stabilized with post-construction revegetation. Some wood structures are expected to cause additional scour, while others may collect sediment. No long-term adverse effects are expected.

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

Potential for Significance: No

Explanation: There are no Endangered Species Act (ESA)-listed plant species within the project area. The Whitebark Pine is listed as a Candidate species in Grant County, Oregon. There are no known occurrences of Whitebark Pine in the project area, and therefore no effect to Whitebark Pine is anticipated from project activities. There would be no large-scale earthmoving, with its associated vegetative loss. The work would temporarily disturb vegetation when planting, placing wood, building diversion infrastructure, and vehicle access, but the project would result in improved riparian conditions which should benefit riparian plants to the detriment of upland species. Wood source collection would occur on neighboring properties as previously completed juniper removal projects or harvested from ongoing vegetation maintenance.

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

Potential for Significance: No

Explanation: The yellow-billed cuckoo is listed as Threatened in Grant County, Oregon. There are no documented sightings or history of prior occurrence for this species in the project area, and therefore no effect to yellow-billed cuckoo is anticipated from project activities. The gray wolf is listed as Endangered in Grant County, Oregon. However, suitable habitat is not present within the project area and there are no recent documented sightings or known populations of gray wolf near the project area, and therefore no effect to gray wolf is anticipated from project activities. Impacts to other wildlife would be primarily from disturbance of wildlife by the temporary presence and activity of humans and small machines (e.g., a skid steer). This could temporarily displace them from their preferred haunts during construction, and they would likely re-occupy the site once activities are complete.

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

Potential for Significance: No

Explanation: Effects to water bodies would be minimal; limited to temporary, low level turbidity as wood structures may contribute to localized scour. There would also be some flow redirection as wood structures facilitate more natural lateral movement and sinuosity of channels, facilitate more effective connection between the channel and the floodplain. The wood placement and passage improvements were reviewed in accordance with the current biological opinion issued by the NMFS (WCRO-2020-00102) on the effects of BPA's Habitat Improvement Program. The work received approval in June, 2021 (#20211104).

6. Wetlands

Potential for Significance: No

Explanation: There are wetlands near the project site but they would be avoided during all project activities. No impacts to wetlands are expected from this project.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: The activities are designed to restore passage and habitat functionality. One result of increased floodplain connection may be locally improved groundwater or aquifer conditions.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The activities would not change land use or affect any specially designated areas.

9. Visual Quality

Potential for Significance: No

Explanation: The proposed actions at Fox Creek would not generally be visible to any other than the private land owners. As discussed above under “Plants”, there would be no large-scale soil or vegetation disturbance and changes to the visual landscape would thus be minor, and nearly undetectable to most viewers. Visual quality of immediate project areas may be impacted during construction activities due to equipment staging and completed wood structures and diversion facilities, but impacts would be short term as structures restore habitat functionality and are integrated into the site.

10. Air Quality

Potential for Significance: No

Explanation: Air quality may be impacted by dust and vehicle emissions due travel to project site and construction activities. Air quality would be affected by dust and emissions from the machinery to be used during placement of wood structures, diversion removal and replacement, and other construction activities. However, impacts would be local and temporary in nature and some would be minimized through HIP compliance (such as sequencing and scheduling work to reduce exposed, bare soils); no long-term source of emissions would be created.

11. Noise

Potential for Significance: No

Explanation: Noise levels would be affected by operations from the machinery to be used during placement of wood structures, diversion removal, and other construction activities. But this is short-term, and likely too far from any population area to be heard; no long-term source of noise would be created.

12. Human Health and Safety

Potential for Significance: No

Explanation: All applicable safety regulations would be followed during work activities. No restoration action proposed has potential to impact public safety infrastructure (e.g., roads, telecommunications) or place a burden on emergency services (police, fire, ambulance).

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: All activities would occur on private property in coordination with the Confederated Tribes of Warm Springs and Oregon Department of Fish and Wildlife.

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

Signed: /s/ Israel Duran July 1, 2021
Israel Duran, ECF-4 Date
Contract Environmental Protection Specialist
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