

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** John Day Fencing

**Project No.:** 1984-021-00

**Project Manager:** Jesse Wilson

**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 Oregon Department of Fish and Wildlife to install new fences on US Forest Service-managed property within the John Day Basin.

Starveout Creek: Construct 3.1 miles of riparian protection fence, including one water gap for cattle crossing and 10 gates. This work would protect 30 acres of steelhead habitat in Desolation Creek on private property.

Orange Creek: Construct 1.0 mile of riparian protection fence, including one water gap for cattle crossing and seven gates. This work would protect 15 acres of steelhead habitat in the Umatilla National Forest.

Dans Creek: Construct 2.0 miles of riparian protection fence, including one water gap for cattle crossing and six gates. This work would protect 25 acres of steelhead habitat in the Malheur National Forest.

Grub Creek: Construct 1.5 miles of riparian protection fence, including one water gap for cattle crossing and six gates. This work would protect 20 acres of steelhead habitat in the Malheur National Forest.

These actions would specifically satisfy some of BPA's Columbia River tributary mitigation commitments begun under the 2008 NMFS' Federal Columbia River Power System Biological Opinion (as supplemented in 2010 and 2014) (2008 BiOp) and ongoing commitments under the 2019 NMFS' Columbia River System BiOp (2019 CRS BiOp).

**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, ECF-4  
Contract Environmental Protection Specialist  
Salient/CRGT

Reviewed by:

/s/ Chad Hamel

Chad Hamel  
Supervisory Environmental Protection Specialist

Concur:

Signed: /s/ Sarah T. Biegel July 1, 2020  
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:** John Day Fencing

## **Project Site Description**

All fencing installation would occur within the Umatilla or Malheur National Forests in Grant County, Oregon.

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

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

Potential for Significance: No

Explanation: BPA Archaeologist reviewed proposed activities and determined that activities are covered under an existing Section 106 consultation. In the event any archaeological material is encountered during project activities, work would be stopped immediately and a BPA Archaeologist and Historian would be notified, as well as consulting parties.

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

Potential for Significance: No

Explanation: Minor, temporary impact to soils and geology during fence construction.

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

Potential for Significance: No

Explanation: Work would have no potential for significant effects on environmental resources, including Endangered Species Act (ESA)-listed plants or Federal or state special-status species and habitats. If ESA-listed species are present, the project would result in a no effect determination or would be low risk according to the current programmatic biological opinion issued by the United States Fish and Wildlife Service (USFWS) on the effects of BPA's Habitat Improvement Program (HIP). All work submitted under HIP# 2020064.

Notes: Project sponsor would adhere to all applicable site-specific conservation measures identified, including, but not limited to, HIP conservation measures or other mitigation measures.

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

Potential for Significance: No

Explanation: Work would have no potential for significant effects on environmental resources, including ESA-listed wildlife or Federal or state special-status species and habitats. If ESA-listed species are present, the project would result in a no effect determination or would be low risk according to the current biological opinion issued by the USFWS on the effects of BPA's HIP.

Notes: Project sponsor would adhere to all applicable site-specific conservation measures identified, including, but not limited to, HIP conservation measures or other mitigation measures (e.g., construction or vegetation removal restrictions under the Bald and Golden Eagle Protection Act or Migratory Bird Treaty Act).

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

Potential for Significance: No

Explanation: Fencing actions are classified as low risk to species according to the current programmatic biological opinion issued by the USFWS and the National Marine Fisheries Service on the effects of BPA's HIP.

Notes: Project sponsor would adhere to all applicable site-specific conservation measures identified, including, but not limited to, HIP conservation measures or other mitigation measures.

## **6. Wetlands**

Potential for Significance: No

Explanation: The proposed fencing sites are not within any wetland complexes, nor would any be disturbed by the work.

## **7. Groundwater and Aquifers**

Potential for Significance: No

Explanation: The proposed fencing sites would not impact groundwater or aquifers.

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

Potential for Significance: No

Explanation: The fencing construction would not change land use or the designation of any land.

## **9. Visual Quality**

Potential for Significance: No

Explanation: Visual quality of immediate project areas may be impacted during project activities due to equipment staging and completed structures, but impacts would be short term as structures restore habitat functionality.

## **10. Air Quality**

Potential for Significance: No

Explanation: Air quality may be impacted by the additional travel to project sites but impacts would be local and temporary in nature.

## **11. Noise**

Potential for Significance: No

Explanation: Work activities would raise noise levels above ambient levels for short periods of time, but only during regular working hours until work is completed.

## 12. Human Health and Safety

Potential for Significance: No

Explanation: All applicable safety regulations would be followed during work activities.

### 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:

**Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.**

Explanation:

**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:

**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:

### Landowner Notification, Involvement, or Coordination

Description: Work would occur within Umatilla and Malheur National Forests managed by the US Forest Service.

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 07/01/2020  
Israel Duran, ECF-4 Date  
Contract Environmental Protection Specialist  
Salient/CRGT