

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Nelson Springs Fish Rearing Easement and Land Use Agreements

**Project Manager:** Heidi Haserot, TERR-3; Michelle O'Malley EWU-4

**Location:** Yakima County, WA

**Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021):** B1.25 Real property transfers for cultural resources protection, habitat preservation, and wildlife management

**Description of the Proposed Action:** Bonneville Power Administration (BPA) proposes to acquire an easement and enter into two land use agreements to formalize on-going use of fish-rearing facilities at the existing BPA fee-owned Nelson Springs facility northwest of Yakima, Washington. BPA acquired properties on the Naches River. Recent road maintenance concerns accessing one of BPA's fee-owned properties revealed that legal access to the property had not been acquired by BPA during the original property acquisition back in the 1990s. To rectify that, BPA proposes to acquire a 30-foot wide and 190.6-foot long, perpetual, non-exclusive easement from neighboring property owner, SunTides Inc., for ingress, egress, and access road purposes.

In addition to the easement, BPA would also enter into land use agreements with Yakama Nation and Washington Department of Fish and Wildlife (WDFW) to formalize longstanding use of fish-rearing facilities on BPA's properties. Yakama Nation has been operating a mobile acclimation unit for juvenile summer Chinook salmon originating from the Prosser Hatchery. The juveniles are held at Nelson Springs from March to mid-May when they are released through a slough on the property directly to the Naches River. WDFW has used a single raceway located on the BPA property boundary year round to rear rainbow trout that are used to stock public recreational fishing at lakes throughout Yakima and Kittitas counties. The basic in-place structures which support WDFW rainbow trout rearing activities include a 10 foot x 210 foot raceway, an intake drop structure, pipelines, a creek channel, and an outlet structure. Both land use agreements would expire December 31, 2027.

There would be no structural modifications or alterations to the facility or other ground disturbance associated with these actions. If BPA proposes to fund any additional activities on its properties, further environmental review may be conducted.

**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/ Carolyn A. Sharp

Carolyn A. Sharp  
Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel                      4/5/2023

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: Nelson Springs Fish Rearing Easement and Land Use Agreements**

## **Project Site Description**

BPA owns a total of 10.44 acres on the Naches River in Yakima County, Washington, to the northwest of the city of Yakima, where Highway 12 crosses the Naches. Neighboring land uses include a golf course and SunTides, Inc. to the north, and a residential development to the west. Buckskin Slough passes through the property and connects to the Naches River.

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

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

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect historic and cultural resources.

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

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect soils and geology.

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

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect plants or their habitat.

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

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect wildlife or their habitat.

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

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect water bodies, floodplains, or fish.

## **6. Wetlands**

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect wetlands.

## **7. Groundwater and Aquifers**

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect groundwater and aquifers.

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

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect land use and specially-designated areas.

## **9. Visual Quality**

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect existing visual quality.

## **10. Air Quality**

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect air quality.

## **11. Noise**

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to cause noise.

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

Potential for Significance: No

Explanation: Because no ground disturbance or change in use would occur, the realty actions would not have the potential to affect human health and safety.

### **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: Acquisition of easements and land use agreements would be directly negotiated with the landowners.

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

Signed: /s/ Carolyn A. Sharp  
Carolyn A. Sharp, ECF-4  
Environmental Protection Specialist

April 5, 2023  
Date