

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Upper John Day Conservation Lands Program Operations & Maintenance (O&M) Activities

Project No.: 2000-015-00

Project Manager: Ryan Ruggiero 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; B1.30 Routine Maintenance; B 1.11 Fencing; B 1.15 Support Buildings

Project Description: Bonneville Power Administration (Bonneville) proposes to fund the Confederated Tribes of Warm Springs Reservation of Oregon (CTWS) to perform the following operations and maintenance (O&M) activities throughout the native plant nursery and management areas that make up the John Day Conversation Lands Program – the Mainstem Forrest, Middle Fork Forrest, Oxbow and Dunstan Conservation Areas:

- **General Maintenance:** Maintain facilities, grounds, and structures to proper working order. Includes mowing around structures, sign maintenance, equipment repair and maintenance, insect control, vehicle care, main road, driveways, corrals, etc.
- **Fence Maintenance:** Maintain existing fences by repairing breaks, stretching loose wires, pounding t-posts into the ground where t-posts need to be replaced and stringing barbed wire along posts.
- **Nursey Operations:** Daily maintenance and operations of nursery facilities, including field collection of seeds, roots, and cutting; preparation and upkeep of propagation materials, irrigation and weed and pest control within the nursery facility.
- **Grazing Leases:** Manage and oversee grazing leases on Forrest and Oxbow properties, including lessee coordination, planning, response to grazing issues, cattle trespass, and invoicing for grazing fees.
- **Road Maintenance and Parking Area Maintenance:** Road maintenance and improvement actions would occur annually to improve and repair road surfaces, parking areas, fords, cut and fill failures, and stream crossings.
- **Vegetation Management:** Control noxious weed spread through herbicides and manual methods. Herbicide applications would be primarily spot treatments of individual plants, but larger areas with high concentrations of noxious weeds would be broadcast sprayed.

- **Data Collection:** Collect data to inform future restoration efforts through vegetation and topographic surveys, photopoints, stream temperature gauges, and groundwater monitoring logs.

These actions would support conservation of ESA-listed species considered in the 2020 ESA consultations with the National Marine Fisheries Service and the Fish and Wildlife Service on the operations and maintenance of the Columbia River System and Bonneville's commitments to the CTWS 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.

Dan Gambetta
Environmental Protection Specialist

Concur:

Sarah T. Biegel
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: Upper John Day Conservation Lands Program Operations & Maintenance (O&M) Activities at Mainstem Forrest, Middle Fork Forrest, Oxbow, and Dunstan Conservation Areas.

Project Site Description:

The Upper John Day Conservation Lands are located within the John Day subbasin. Past activities on the properties severely impacted its habitat potential via overgrazing, dredge mining, invasive plants, and the clearing of trees and shrubs from riparian habitat. Since acquisition, the Tribes have been working to protect existing habitat, restore degraded habitat, and assess conditions within the property and its valuable fish and wildlife habitat. Much of the landscape has steep slopes suggesting a low probability for post-contact or Native American sites, but a high probability for historical mining and logging sites.

1. Historic and Cultural Resources

Potential for Significance: No with conditions

BPA initiated Section 106 consultation on July 26, 2022, at the four conservation areas with the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, Burns Paiute Tribe, and the Oregon State Historic Preservation Office. BPA determined the actions described herein would have no effect to historic properties. A 30-day comment period expired and no comments were received from consulting parties; BPA assumed concurrence.

Vegetative Management actions such as reseeding and hand-pulling, mowing, or applying herbicides for the control of invasive plants would have no potential to affect cultural resources.

For all ongoing actions, fence and road and parking area repairs involving ground disturbance would take place within the previously surveyed APEs for which BPA conducted historic and cultural resource surveys and consultations and would be maintained to previous conditions.

All building maintenance activities are non-ground disturbing and retain the existing structure, with no modifications, additions, or removals of structures or structural elements that might affect its potential eligibility for inclusion in the National Register of Historic Places.

Notes:

- In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, secure the area, and the concerned tribe's cultural staff and cultural committee and SHPO notified.

2. Geology and Soils

Potential for Significance: No with Conditions

Vegetative Management actions such as hand-pulling, mowing, or applying herbicides for the control of invasive plants would cause no or minimal disturbance to soils. Ground disturbance associated with Fence Management actions would be minimal to nonexistent as all work

would be done by hand using materials on-site. Forest Management would involve minimal soil disturbance as tree removal would involve selective thinning, cut at the base rather than pushed over. Ground disturbance associated with slash and pile buildup are expected to be of limited duration and short term.

Notes:

- Implement sediment and erosion control best management practices (BMPs) immediately after clearing and prior to initiating ground-disturbing activities to prevent erosion and runoff.
- Native seed mix, vegetation plugs, shrubs, and/or slash shall be placed on the disturbed soil to assist in the reestablishment of native vegetation.

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

Potential for Significance: No

Vegetative management that utilizes herbicide applications shall utilize HIP Conservation Measures with minimal potential for drift or runoff to non-target vegetation. Temporary, short-term impacts to vegetation from construction activities associated with road maintenance would be mitigated by post-construction native revegetation efforts. Overall, vegetative management activities would result in minor beneficial impacts due to the reduction of invasive species and an increase in native vegetation. Plant disturbance associated with Fence Management actions would be minimal to nonexistent as all work would be done by hand using materials on-site.

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

Potential for Significance: No

The conservation areas contain a variety of terrestrial wildlife species consistent with the Blue Mountains and the John Day River watershed. Large mammals using the conservation areas include mule deer (*Odocoileus hemionus*), white-tailed deer (*O. virginianus*), and Rocky Mountain elk (*Cervus elaphus*). Large predators include black bear (*Ursus americanus*), cougar (*Felis concolor*), bobcat (*F. rufus*), and coyote (*Canis latrans*). The majority of these species tend to use the Middle Fork parcels on a seasonal basis and would not be present when any O&M activities take place.

Native upland game birds found on the Conservation Areas includes ruffed grouse (*Bonasa umbellus*), blue grouse (*Dendragapus obscurus*), California quail (*Callipepla californica*) and mountain quail (*Oreortyx pictus*). Wild turkey (*Meleagris gallopovo*) has been observed on the throughout the year. Many migratory game birds including mourning dove (*Zenaida macroura*), mallard (*Anas platyrhynchos*), canvasback (*Aythya valisineria*), common merganser (*Mergus merganser*), green-winged teal (*Anas crecca*), and Canada goose (*Branta canadensis*) also occur on the conservation areas. If individuals are present, project actions would cause temporary, short-term disturbance to, or displacement of, these individuals.

Vegetative Management herbicide treatments would be small spot treatments of individuals or clusters of target plants that would be highly localized and thus not substantially impact any one animal's home range.

Road Maintenance and Forest Management could cause temporary, short-term disturbance to, and displacement of, nearby wildlife, but long-term displacement resulting in competition for nearby habitats is unlikely. The operation of vehicles and equipment associated with these project actions are planned to take place after migratory birds have completed nesting and fledging (mid/late summer).

All human presence and activity associated with these actions would temporarily disturb and displace nearby wildlife, but long-term displacement resulting in competition for nearby habitats is unlikely.

Overall, the project would result in beneficial impacts to terrestrial wildlife due to the reduction of invasive species and the expansion and enhancement of native plant assemblages.

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

Potential for Significance: No with Conditions

The properties hold high concentrations of adult spring Chinook salmon (*Oncorhynchus tshawytscha*) through the high temperatures and low flows of the summer months, offer spawning and rearing habitat to Chinook salmon, Mid-Columbia summer steelhead (*Oncorhynchus mykiss*), and bull trout (*Salvelinus confluentus*) as well as access to fish-bearing perennial tributaries that come into the properties from National Forest lands.

The Fencing Maintenance and Forest Management actions would not disturb water bodies, floodplains, or fish. Road and parking lot maintenance would not result in an overall increase in impervious surfaces that would result in additional discharge to water bodies and floodplain.

All herbicide application is proposed using HIP Conservation measures with minimal potential for drift or runoff, and are not planned to occur adjacent to, or in the vicinity of streams or water bodies containing ESA-listed fish or their critical habitat.

Overall, habitat conditions for fish and aquatic species are expected to improve in the long term from project actions as riparian areas are revegetated with native species.

Notes:

- All stream crossing activities would be conducted when streams are dry.
- Do not allow petroleum products, sediment, or other deleterious materials to enter any stream, wetland, water body, or drainage conveyance.
- Ensure spill containment and cleanup materials are readily available at project sites, staging areas, and in construction vehicles and equipment.

6. Wetlands

Potential for Significance: No

Removal, fill, or disturbance of wetlands and native vegetation within wetland areas is not anticipated from Road Maintenance, Fence Maintenance, or Forest Management activities within project areas.

Vegetation Maintenance would involve removal of invasive weeds and non-natives using methods with little to no ground disturbance. Herbicide treatments are not planned to occur in, or in the vicinity of, wetlands.

7. Groundwater and Aquifers

Potential for Significance: No

No new wells or withdrawal of groundwater is planned for the project areas. Potential impacts to groundwater and aquifers from herbicide treatments would be minimized by application in accordance with HIP conservation measures. Fuel or fluid drips or spills from equipment and vehicles have the potential to occur during project activities, but are unlikely to do so in the volume necessary to contaminate groundwater.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

There would be no changes to land use, and no impact to specially-designated areas.

9. Visual Quality

Potential for Significance: No

No visually prominent vegetative, landform, or structural changes would be made.

The appearance of post-treatment vegetation removal sites would be varied, depending on the location and size of the infestations. Some sites may remain mostly vegetated, while others appear barren; some would be visible from roads, while some would not. The killing of these individual plants or small plant clusters may produce unsightly dead plants visible in the foreground in some areas for a season, but would not substantially alter the visual quality in the long term.

10. Air Quality

Potential for Significance: No

Temporary, short-term impacts from small amounts of dust and vehicle emissions would occur during project actions.

11. Noise

Potential for Significance: No

There would be some noise impacts for a few hours at each project site while the work is being done, but this type of noise is not inconsistent with that of common, ranching, mining, or farming operations throughout the area. Other noise sources would be from humans working on the site, and the use of vehicles to transport workers, supplies, and equipment to the project sites. All noise sources are of low intensity and short-term.

12. Human Health and Safety

Potential for Significance: No

Vehicle operation and working with hand and power tools have their attendant risk to users, but there would be no condition created from these actions that would introduce new human health or safety hazards or risk into the environment. No condition created by these actions would increase the burden on the local health, safety, and emergency-response infrastructure.

Neither project actions nor operation of project-associated vehicles on public roads would hinder traffic or access by emergency vehicles. Project actions are not anticipated to create conditions which would increase the burden on the local health, safety, and emergency-response infrastructure.

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: NA

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

Explanation: NA

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: NA

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: NA

Landowner Notification, Involvement, or Coordination

Description: No notification necessary. All work is on existing Tribal-owned lands.

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

Signed:

Dan Gambetta
Environmental Protection Specialist