Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy

Proposed Action: Willow Creek Fish Passage Restoration

Project No.: 1992-026-01

Project Manager: Tracy Hauser

Location: Union 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 Union County Soil and Water Conservation District (SWCD) to install two fishways and restore vegetation at the Royes and Huber irrigation dams on Willow Creek, a tributary to the Grande Ronde River. The proposed project would expand ESA-listed salmonid, bull trout, and lamprey habitat while maintaining landowner irrigation rights. Funding the proposed activities fulfills ongoing commitments under the 2020 National Marine Fisheries Service Columbia River System Biological Opinion (2020 NMFS CRS BiOp), while also supporting conservation of ESA-listed species considered in the 2020 ESA consultation with the U.S. Fish and Wildlife Service. These activities also support 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.)."

Fishway construction at the Royes and Huber dams would occur in the approved in-water work window, during low-flow between July 1 and October 15, 2021. Concrete fishways with graveled grade controls and excavated entrance pools would be built around the dams without altering existing structures. Both fishways would include bridge crossings to provide land access for maintenance equipment and livestock.

Additionally, the Huber dam fishway would include a headgate to block access during low-flow. Heavy equipment required for construction would include: a large excavator, off-road dump truck, bulldozer, and cement truck. Access to both the Royes and Huber dams would be along existing farm roads and driveways; all staging areas have been pre-determined and evaluated, and best management practices (BMPs) would be used. During in-water construction, approximately 10 feet of work area would be isolated at both sites. Fish are not anticipated during low-flow, but if needed, block nets and electrofishing would be used to salvage any fish remaining in the isolation area. The footprint of each fishway would be excavated to approximately 7-8 feet and upon completion, the surrounding area would be backfilled with gravel and cobble to prevent erosion. Small fences would be installed around the fishways to exclude livestock, and vegetation would be planted in areas impacted by construction activities.

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/ Lindsey Arotin
Lindsey Arotin
Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel *May 27, 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.

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Project Site Description

The Royes and Huber irrigation dams are located approximately 3.8 miles and 1.5 miles, respectively, upstream of Willow Creek's confluence with the Grande Ronde River, near Summerville in Union County, OR. Both dams are privately owned and used for irrigation. The project areas are low gradient channels with a broad floodplain. Agricultural use such as livestock grazing and irrigation modification have negatively impacted the land and stream habitat. The vegetation consists of grasses and dense shrubs and is level with an elevation of roughly 2,680 ft.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No with conditions

Explanation: BPA made a determination of no historic properties affected to include the requirement of an Inadvertent Discovery Plan (IDP) on August 3, 2020. Oregon State Historic Preservation Office concurred with BPA's determination and the IDP requirement on September 2, 2020. Nez Perce Tribe replied with no comment on August 4, 2020. BPA did not receive additional correspondence from the Confederated Tribes of Umatilla Indian Reservation within the 30-day consultation period.

Notes:

- An Inadvertent Discovery Plan is required to be provided to the on-site crew. In the event any archaeological materials are encountered during project activities, work would be stopped immediately and a BPA Archaeologist and Historian would be notified, as well as all consulting parties.

2. Geology and Soils

Potential for Significance: No

Explanation: The construction of the new concrete fishways would permanently disturb the soils on both project sites. Best management practices (BMPs) would be implemented to prevent soils from eroding outside of the worksites during demolition and construction activities. All areas denuded of vegetation following the construction of the new fish passage barriers would be restored with native vegetation to minimize fugitive sediments from entering surface waters and wetlands.

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

Potential for Significance: No

Explanation: Although ground disturbance is proposed for the construction of the two concrete fishways, there are no ESA-listed, state-listed, or sensitive plant species known to exist on the site. No designated critical habitat is present. Vegetation disturbed as a result of the demolition and construction of the proposed fish passage barriers would be planted with native vegetation. Therefore, the project would result in a long-term net improvement to vegetation in the project areas.

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

Potential for Significance: No

Explanation: No ESA-listed, state-listed, or sensitive wildlife species were documented in, or adjacent to, the project areas and no designated critical habitat is present. Wildlife present on the site during construction activities may be temporarily disturbed by construction traffic and noise. The proposed actions would restore riparian vegetation and stream processes, which would likely improve conditions for surrounding wildlife.

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

Potential for Significance: No

Explanation: The construction of two concrete fishways would permanently alter the waterways at both project sites and temporarily disrupt wildlife. BMPs would be implemented to prevent soil erosion and excess sediment downstream of the proposed fishway excavation. Work zone isolation structures would be installed and fish salvage would be performed in dewatering zone if needed. Due to low-flow conditions and increased temperature, no ESA-listed fish would be present during construction. No fish of any kind are anticipated, but if necessary, fish salvage (block netting, electrofishing, and handling) would be conducted by a Tribe biologist or ODFW and covered under either organization's Section 10 permits. Salvage activities (block netting and electrofishing) would have temporary effects to the body of water and fish such as: increased turbidity, habitat disturbance, and increased physiological stress to aquatic life. If fish are present, temporary stream bypass pipes would be installed to divert passage around isolated work zones. The proposed project was designed in accordance with NMFS passage criteria and would restore migration habitat access for ESA-listed species; Snake River spring Chinook salmon, Snake River steelhead, and Columbia River bull trout.

Union SWCD obtained a Clean Water Act (CWA) Section 404 permit under the Regional General Permit (RGP) 6 from the U.S. Army Corps of Engineers (USACE) on May 5, 2021. RGP-6 is covered by the Oregon Department of Environmental Quality (DEQ) under a CWA Section 401 Water Quality Certification for the Reissuance of Regional General Permit #6 with Modifications for Bonneville Power Administration Funded Habitat Improvement Projects – USACE #2011-00127-1 on April 6, 2018.

6. Wetlands

Potential for Significance: No

Explanation: Ground disturbance would occur and a small portion of surrounding wetlands within Willow Creek's historical floodplain would be impacted as a result of concrete fishway construction. Union SWDC has obtained Sections 404 and 401 permits for the proposed work under the USACE RGP-6 permit. The project would be self-mitigating as it would restore wetland function, and increase ecological value.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: Although there would be ground disturbance as a result of the construction of the new concrete fishways, the work is not expected to have a substantial effect on groundwater and aquifers. The new fishways would have a similar effect on groundwater recharge function and water quality since they are both being constructed within the same footprint as the existing dams. Only a minor amount of impact would occur within adjacent areas that were not previously disturbed by the construction of existing dams.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: No change in land use would occur as a result of the proposed project. The project is located on private agricultural land and the dams are used for irrigation. The landowner would maintain water rights and continue the use of irrigation dams.

9. Visual Quality

Potential for Significance: No

Explanation: The proposed work would have little to no effect on visual quality. The new concrete fishways would be visually consistent with the existing dams and would not be located in a visually sensitive area. Any change to the landscape due to construction vehicles or equipment would be short-term and temporary.

10. Air Quality

Potential for Significance: No

Explanation: A temporary increase in emissions and dust from vehicles accessing the field site would be very minor and short-term during construction, but would resume to normal conditions immediately once the project is completed.

11. Noise

Potential for Significance: No

Explanation: The proposed work would result in a temporary increase in ambient noise. Any noise emitted from construction equipment would be short-term and temporary during daylight hours and would cease following project completion.

12. Human Health and Safety

Potential for Significance: No

Explanation: The proposed work is not considered hazardous nor does it result in any health or safety risks to the general public. There would be no soil contamination or hazardous conditions, no CERCLA sites, and no changes to electric or magnetic fields as a result of the proposed project.

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: Union County Soil and Water Conservation District and GeoEngineers developed and agreed upon the proposed actions collaboratively with the landowner.

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

Signed: */s/ Lindsey Arotin* *May 27, 2021*

Lindsey Arotin, ECF - 4 Date

Environmental Protection Specialist