

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Murderer's Creek Juniper Harvest Project (*update to CX issued on August 15, 2022*)

Project No.: 1984-021-00; 1993-066-00

Project Manager: Josh Ashline – EWL - 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: BPA proposes to fund the Oregon Department of Fish and Wildlife (ODFW) to implement the Murderer's Creek Juniper Harvest Project in Grant County, Oregon. Due to historical grazing and fire-suppression practices Western juniper has increased its range and encroach into areas in higher densities becoming a nuisance species, which is negatively impacting more desirable native vegetation and hydrological functions (groundwater and hyporheic flows). Project objectives are to remove encroaching juniper trees from the site adjacent to Johnson Creek for the benefit of salmonids, specifically Endangered Species Act-listed Mid-Columbia steelhead trout (*Oncorhynchus mykiss*). This CX has been updated to reflect changes in the project work areas and location.

The project would occur on ODFW-managed lands and would remove (via felling or whole tree uprooting) approximately 225 juniper trees from an upland area (approximately 54 acres total) within the Johnson Creek drainage. Heavy equipment and hand tools would be used to remove trees, some with intact root wads. All access routes and staging areas would only occur along the open roadway and cleared areas within the tree harvest removal areas. Once the trees are removed, they would be staged along access roads within cleared areas of juniper removal areas for use in a Murderer's Creek habitat restoration project proposed for implementation in 2023. The harvest area would not be revegetated after harvest; the newly-opened areas would promote the growth of native grasses, forbs, and shrubs, and restore hydrological functions, thereby improving habitat conditions and water quality for steelhead, as well as other fish species and wildlife species.

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, 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
Environmental Protection Specialist

Concur:

Katey C. Grange
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: Murderer's Creek Juniper Harvest Project

Project Site Description

The Murderer's Creek Juniper Harvest Project would be located at one site located approximately 3.5 miles south of Dayville along the South Fork John Day River in Grant County, Oregon and would encompass approximately 54 acres. The site is located within the Johnson Creek drainage and occurs entirely within the ODFW-managed Phillip W. Schneider Wildlife Area, which is an inholding within federal lands managed by the US Forest Service and the Bureau of Land Management. Due to historical grazing and fire-suppression practices, juniper has increased its range and encroach into areas in higher densities, negatively impacting hydrological functions and more desirable native vegetation.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: While the Bureau of Reclamation (BOR) is not proposing to fund or carryout the project, BOR was involved in early project planning and initiated consultation with the Confederated Tribes of the Warm Springs Reservation, Confederated Tribes of the Umatilla Indian Reservation (CTUIR), Burns Paiute Tribe, Oregon State Historic Preservation Office (SHPO), and ODFW on August 15, 2018. On January 22, 2022 BPA transitioned to the role of lead Federal agency for Section 106 compliance for this undertaking and submitted consultation to the above listed parties. On October 3, 2022, BPA submitted a determination of no historic properties affected, starting the 30-day comment review period. On October 7, 2022, ODFW responded with no further comments for the report. On October 26, 2022 CTUIR responded, concurring with the conclusion and management recommendations to avoid all identified cultural resources identified during the 2021 field efforts. The 30-day comment review period ended November 2, 2022, and no other comments were received.

Notes:

- Project Specific Inadvertent Discovery Plan denotes resources to avoid while implementing the juniper harvest.
- In the event that archaeological or historic materials are encountered during project activities, work in the immediate vicinity must stop, the area secured, and the concerned tribe's cultural staff and cultural committee and BPA shall be notified.

2. Geology and Soils

Potential for Significance: No

Explanation: There would be temporary impacts to soil due to felling, hauling, and staging of trees via heavy machinery. All junipers would be cut and piled at approved sites. There would be no digging or other ground disturbances as part of this process.

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

Potential for Significance: No

Explanation: There are no ESA-listed or Federal/state special-status species or habitats within proposed work areas. Only mature juniper trees are targeted for removal. Removal of encroaching juniper would help promote beneficial native forbs and shrubs and reduce noxious weeds.

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

Potential for Significance: No

Explanation: Several Oregon Conservation Strategy species have been identified within the Philip J. Scheiderman Wildlife Area: great gray owl (*Strix nebulosi*), ferruginous hawk (*Buteo regalsi*), Swainson's hawk (*Buteo swainsoni*), flammulated owl (*Otus flammeolus*), burrowing owl (*Athene cunicularia*), greater sage grouse (*Centrocercus urophasianus*), Lewis's woodpecker (*Melanerpes lewis*), white-headed woodpecker (*Picoides albolarvatus*), black-backed woodpecker (*Picoides articus*), pileated woodpecker, (*Dryocopus pileatus*), upland sandpiper (*Bartramia longicauda*), olive-sided flycatcher (*Contopus cooperi*), California myotis (*Myotis californicus*), fringed myotis (*Myotis thysanodes*), hoary bat (*Lasiurus seminolus*), long-legged myotis (*Myotis volans*), and pallid bat (*Snytozous palidus*). No Federal or other state special-status wildlife species are within the project site. No work would occur during breeding or nesting season. Minor, temporary impacts to local wildlife from human presence, construction noise and vegetation removal expected. The upland areas would not be revegetated; the newly-opened areas would provide additional winter forage areas and would be beneficial to local wildlife species in the long term.

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

Potential for Significance: No

Explanation: Endangered Species Act (ESA)-listed fish species Mid-Columbia River steelhead trout (*Oncorhynchus mykiss*) and its designated critical habitat are present in the project area. The removal of juniper trees would promote the growth of native grasses, forbs, and shrubs, and help restore hydrological functions, thereby improving habitat conditions and water quality for steelhead, as well as other fish species. No action proposed would physically alter any aquatic habitat site; there would be no adverse physical changes to water bodies, floodplains, or fish from these actions.

6. Wetlands

Potential for Significance: No

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

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: There are no groundwater or aquifer disturbing activities involved in this project; therefore there is no potential to affect groundwater and aquifers.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: There would be no changes to land use and no impacts to specially designated areas. Recreation is not likely to be effected. Work would be conducted during normal business hours on weekdays and not likely to impact visitors. Therefore, there is no potential to affect land use or specially-designated areas.

9. Visual Quality

Potential for Significance: No

Explanation: Juniper removal would be limited to a short period and visual impacts would be limited as new vegetation grows. There would be no long-term impairments, and the work would ultimately improve vegetation conditions and restore the land to a more natural visual appearance.

10. Air Quality

Potential for Significance: No

Explanation: Air quality may be impacted by the additional travel to project sites and removal of trees 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: 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 work would be implemented by ODFW within the ODFW-managed Phillip W. Schneider Wildlife Area.

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

Israel Duran

Environmental Protection Specialist, ECF-4

December 1, 2022

Date