

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Lapwai Creek Watershed Noxious Weed/Invasive Plant Treatment

**Project No.:** 1999-017-00

**Project Manager:** Ryan Ruggiero – EWM - 4

**Location:** Nez Perce County, Idaho

**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 Nez Perce Tribe (NPT) to survey and treat noxious weeds/invasive plants in the Lapwai Creek watershed to minimize their spread and reduce competition with native species on Tribal lands. Surveys for weed concentrations would be conducted in three assessment units of the watershed as identified in the watershed restoration plan:<sup>1</sup> Lapwai Creek Reach #1, Sweetwater Creek Reach #1, Sweetwater Creek Reach #2 and treatments would be applied to weeds on tribal allotment lands. There are several stream reaches in these lands that are impaired because of poor canopy cover, less than one active channel width of natural vegetation, a lack of vegetative regeneration, and/or moderately comprised vegetative filtering function. These impaired areas have noxious weeds/invasive plants present, a lack of native vegetative density, grazing or agricultural tillage operations adjacent to the channel, and minimal to no vegetative buffer.

The Lapwai Creek watershed provides habitat for a variety of anadromous and resident fish. Steelhead (*Oncorhynchus mykiss*) are a culturally and ecologically significant resource and compose a portion of the federally listed Snake River Basin steelhead distinct population segment (DPS). The majority of the Lapwai Creek drainage is federally designated as critical habitat for this DPS while also providing habitat for the federally-listed Snake River Chinook (*Oncorhynchus tshawytscha*). Past land use in riparian zones has increased the abundance and diversity of noxious weeds in the watershed. Non-native, invasive plant species have especially become a major threat to riparian communities. Effective treatment of noxious weeds/invasive plants in the watershed would assist in restoring designated critical habitats for federally-listed fish species.

Proposed actions would include conducting surveys in the prioritized assessment units of the Lapwai Creek watershed to document locations of noxious weeds/invasive plants, treating invasive plant concentrations identified on tribal allotment lands following established protocols, and seeding the treated sites with native grass and forb species. Surveys would be conducted by

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<sup>1</sup> Nez Perce Tribe and Nez Perce Soil and Water Conservation District. 2009. Lapwai Creek Watershed Ecological Restoration Strategy. 180 pages. Available at:  
<http://www.nezperceswcd.org/Portals/29/DocumentLibrary/Publications/Lapwai%20Creek%20Ecological%20Restoration%20Strategy%20-%202009.pdf>

driving on existing roads and hiking existing trails. Crews would identify locations with noxious weeds/invasive plants present, determine land ownership, and if present on tribal allotments identified in the table below, perform removal treatments. Treatment locations would be in upland or riparian areas with previously-disturbed soils along fence lines, road and railroad prisms, areas modified by agricultural activities, developed recreational sites, and in current or past project areas where soils have been disturbed. The project would treat up to 100 acres per year.

Tribal Land Ownership	Unit Name	Unit Size (acres)	Treatment Target (acres)	Location by Latitude/Longitude
<b>Lower Lapwai (Lapwai-01)</b>				
Tribal Trust	606	30.5	9	116.8125881°W 46.4416880°N
Tribal Trust	80D	14.16	4	116.8113375°W 46.4429292°N
Tribal Trust	777A	25.22	1.5	116.8057978°W 46.4270643°N
Tribal Trust	1701B	20.22	2	116.7958040°W 46.4157471°N
Tribal Trust	275B	16.06	7.2	116.7996662°W 46.4047505°N
Tribal Trust	3121	38.75	1.3	116.8002010°W 46.3998566°N
Tribal Trust	3032	8.17	8.17	116.7985361°W 46.3975279°N
Tribal Trust	350A	50.6	20	116.7928014°W 46.3617212°N
<b>Lower Sweetwater (Sweetwater-01)</b>				
Tribal Trust	348	50	8.2	116.8098378°W 46.3604905°N
Tribal Trust	349	92.25	16.25	116.8145643°W 46.3576879°N
<b>Upper Sweetwater (Sweetwater-02)</b>				
Tribal Fee	12-361	173.04	10.53	116.8521790°W 46.2731133°N
Tribal Fee	94-448	974.37	10.17	116.8245746°W 46.2538896°N

Removal methods would include physical controls (removal by hand or weed eater) and chemical controls (application of approved herbicide by spray bottle, backpack sprayer, boom sprayer mounted to ATV (e.g., for roadsides or larger infestations in upland areas), wiping on cut stems/stumps, or direct injection into plants). No aerial application of herbicide would occur. Treatments would be done in late spring or early summer and applied based on species ecology, proximity to resources (streams, wetlands, known presence of ESA-listed species), proximity to human activity, and feasibility. Physical removal activities would be carried out prior to the onset of seed production and again, as needed, throughout the growing season to limit seed production and reduce weed biomass. Chemical controls would be used where physical controls would be ineffective (e.g., knotweed species (*Polygonum ssp.*) have underground rhizomes that will survive if physical control removes only the above-ground plant parts).

Supplemental seeding with grass and forb species would occur in areas where noxious weeds/invasive plants were removed or treated to encourage native vegetation growth and discourage reinfestation by weed species. Crews would seed treated areas by spreading a native plant seed mix by hand with no tilling or hoeing (no ground disturbance).

In many areas, infestations do not cover 100 percent of the ground. In these cases, spot treatments would occur in areas occupied by weeds and would only cover a few square feet. In upland areas where most of the ground is covered by noxious weeds/invasive plants, larger areas would be treated, but would be limited to sites no larger than five acres. Riparian areas would only receive spot treatments. Initial treatments would not likely be 100 percent effective for noxious weed/invasive plant control since dormant seeds from existing populations would likely germinate in following years. Therefore, follow-up treatments would be needed for several years, with the expectation that the need for treatment would decline over time.

The proposed action would apply the herbicides and methods prescribed in BPA's Habitat Improvement Program programmatic ESA consultation and would thus not require additional consultation under ESA. The actions would not require new ground disturbance and would therefore not have the potential for disturbance of cultural resources. None of the plants to be treated are identified as being culturally significant to the NPT and coordination with the NPT Cultural Resource Program would occur on the larger (up to five acres) upland areas identified for treatment to ensure avoidance of plants or sites of cultural significance.

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 ongoing efforts to mitigate for effects of the Federal Columbia River Power System 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.

Jacquelyn Schei  
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: Lapwai Creek Watershed Noxious Weed/Invasive Plant Treatment**

### **Project Site Description**

The Lapwai Creek watershed is located on the eastern edge of the Palouse Prairie in Idaho and is characterized by relatively flat uplands with shallow soils through which streams and rivers have cut steep canyons. The flat uplands are characterized almost exclusively by tilled fields supporting dry-land agriculture, with scattered patches of remnant conifer forest on rolling hills. The canyon bottoms are narrow, with active water courses and dense riparian forest and shrublands. Where broader floodplains exist, irrigated agriculture is the dominant land use. The canyon sides are generally vegetated by conifer forests on north-facing slopes and the native perennial bunchgrass plant community on south-facing slopes. The tribal allotment lands to be treated are primarily in the uplands as described above, with some small stream headwaters providing narrow riparian areas.

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

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

Potential for Significance: No with Conditions

Explanation: All proposed actions would be limited to those that have no soil or ground disturbance and would not change existing structures. Upland treatments with potential for overspray impacts to non-target species would be coordinated with the NPT Cultural Resource Program to ensure avoidance of sites with first foods or other culturally important plants or plant communities. Thus, there would be no potential to affect cultural resources or historic properties. None of the plants to be treated are identified as being culturally significant to NPT.

Notes:

- The project would coordinate with the NPT Cultural Resource Program on when and where herbicide treatments would occur on Tribal lands since there are places where Tribal practices could bring Tribal members near those locations.

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

Potential for Significance: No

Explanation: Weed treatment would consist of mechanical (hand pulling, weed eating, trunk and branch cutting) and chemical weed treatment. Minor and temporary ground disturbances would occur as part of the hand pulling of weeds but would not impact the geology and soils. Herbicide impacts to biological components of soils would be minimized by application according to manufacturer's labels and compliance with BPA's Habitat Improvement Program Biological Opinion under Section 7 of ESA (HIP BiOp) conservation measures. Weed treatment would be intended to improve habitat conditions.

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

Potential for Significance: No

Explanation: The federally-listed Spalding's catchfly (*Silene spaldingii*) has the potential to be in the project area; however, there are no designated critical habitats in the project area and no documentation of species presence in the project area. Typically, the species would be present in areas with low noxious weed/invasive plant cover. There are no state special-status plant species documented in the project area. Impacts would be minimized by implementation of proposed actions according to BPA's HIP BiOp conservation measures. Herbicide applications would be limited to no more than five acres per treatment site in upland areas and spot treatments in riparian areas. Minor and temporary vegetation disturbances would occur as part of the proposed activities but would have short-term effects on vegetation. In the long term, there would be beneficial effects from removal of competitive noxious weed/invasive plant species that could improve habitat for colonization by sensitive species.

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

Potential for Significance: No

Explanation: The monarch butterfly (*Danaus plexippus*), an ESA Candidate species and a state species of greatest conservation need, has the potential to be present in the project area, but there is no critical habitat designated for the species. There are no other federally-listed or state special-status wildlife species or their habitats known to occur in the project area. Herbicide applications would be limited to no more than five acres per treatment site in upland areas and spot treatments in riparian areas. Wildlife present during project activities may be temporarily disturbed by human presence and noise. The time of year when actions would be implemented may coincide with migratory bird nesting; however, plants to be removed do not support migratory bird nesting, and overspray and drifting would be minimized by applying herbicides according to label instructions. Impacts of the proposed actions would be short term and minimized by implementation of proposed actions according to BPA's HIP BiOp conservation measures. Improved habitat conditions would result in long term positive impacts, including increased riparian plant density, diversity, and habitat structure.

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

Potential for Significance: No

Explanation: Federally-listed Snake River Basin steelhead (*Oncorhynchus mykiss*) are present in the Lapwai Creek watershed and designated critical habitat are present for steelhead and Chinook salmon (*Oncorhynchus tshawytscha*). There are no other federally-listed or state special-status species in the project area.

Herbicide application may have effects for ESA-listed species in the project area. However, the project would follow the HIP BiOp requirements and conservation measures to minimize impacts. No herbicide would be applied in-water. Only aquatic labeled glyphosate formulations would be used streamside to treat emergent knotweed. The proposed spot treatments of herbicides in riparian areas would have low potential to drift or enter waterways. Larger weed treatments with a boom sprayer would occur in upland areas only. No changes to the existing conditions of streams would occur. Impacts from herbicide applications would not be likely to jeopardize the continued existence of the federally-listed species or result in the destruction or adverse modification of their critical habitats. Additional impacts from proposed actions may include disturbance from human presence

and noise during implementation, reduction in streamside vegetation (weeds) which could lead to loss of shade, and localized mobilization of suspended sediments in the stream. These effects would be minor and short-term and with the adherence to HIP BiOp conservation measures would have minimal impact on fish species, streams, and floodplains. Project actions would help restore native riparian vegetation for the benefit of aquatic species, streams, and floodplains.

## **6. Wetlands**

Potential for Significance: No

Explanation: The project would not change the hydrology within the project area, and any activities within or near wetlands would be limited to methods with little to no ground disturbance. No fill, excavation, or destruction of wetlands would occur. Effects on wetlands would be temporary and limited to the removal of weeds to improve conditions for native wetland species. This would have the long-term effect of improving the quality of local wetlands.

## **7. Groundwater and Aquifers**

Potential for Significance: No

Explanation: No new wells or use of groundwater are proposed. Herbicide impacts to groundwater and aquifers would be minimized by application according to manufacturer's label. The proposed actions would have no long-term impact to groundwater or aquifers.

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

Potential for Significance: No

Explanation: The underlying land use would not change and no impact to specially-designated areas would occur as a result of this project.

## **9. Visual Quality**

Potential for Significance: No

Explanation: The proposed work would have little to no effect on visual quality and the project would be returning the area to a more natural vegetative condition.

## **10. Air Quality**

Potential for Significance: No

Explanation: There would be minor, temporary effects to the air quality of the environment from exhaust due to vehicle use for site access and possible herbicide applications. Effects would be minimized by application according to manufacturer's label and following the HIP BiOp conservation measures. Normal conditions would return upon project completion.

## **11. Noise**

Potential for Significance: No

Explanation: The proposed actions would result in a minor, short-term increase in ambient noise due to human presence and use of vehicles and equipment.

## 12. Human Health and Safety

Potential for Significance: No

Explanation: All personnel would use best management practices to protect worker health and safety. Noxious weed/invasive plant removal by physical controls pose a slight risk of skin and eye irritations, cuts, and bruises. Herbicide applications would follow HIP BiOp conservation measures, including having a licensed applicator that would develop an herbicide transportation and safety plan before applying any herbicides, thus making the risk from herbicides insignificant.

### 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: Project actions proposed by the Nez Perce Tribe would be implemented by employees or contractors on tribal lands, depending on where weed outbreaks may occur.

Signed:

Jacquelyn Schei, ECF - 4  
Environmental Protection Specialist