

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Lapwai Creek 3125 PALS Modifications

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 modify Post-Assisted Log Structures (PALS) installed in Lapwai Creek to shore up gaps or extend effects observed from the previous year. Lapwai Creek provides habitat for a variety of anadromous and resident fish. Endangered Species Act (ESA)-listed steelhead (*Oncorhynchus mykiss*) are a culturally and ecologically important resource present in the Lapwai Creek watershed. A majority of the watershed is also designated as critical habitat for steelhead and Chinook (*Oncorhynchus tshawytscha*).

Lapwai Creek suffers from chronic, long-term sediment aggradation and high cobble embeddedness. To encourage scouring and transport of fine sediment to improve spawning and rearing habitat, NPT installed 20 PALS along a 0.5-mile-long stretch of Lapwai Creek in Tribal Trust Unit 3125 in 2022 and 2023. These structures were made of small, untreated posts installed in the streambed, designed to naturally accumulate debris, scour pools, redistribute sediment, and improve channel complexity during moderate to high flows. NPT is proposing to modify the existing PALS based on observed performance during high flow periods. Modification would include structure augmentation or removal of posts. For augmentation, NPT would install up to 20 additional untreated posts per structure to replace posts that failed during high flows, shore up any gaps, or extend the structure further into the streambed. Posts would be driven into the streambed with a hand-held hydraulic post driver. The number of posts added to each structure would not exceed the number of posts in the existing structure. Removal would entail removing some of the posts from an existing structure if they are not functioning, to ensure continued fish passage, or if removal would encourage further action on one side of the stream.

Visual inspections of the structures and modifications would occur annually and after any major flood events. Ongoing operation and maintenance activities, including repairing damage, extending structure length by adding additional posts, or removing posts, may be needed in future years as streambank scour and flanking occurs and as the stream channel aggrades and widens, engaging with the floodplain. Additional structures, no more than two per year, may be added to the same stretch of the creek if needed to support system function to increase channel aggradation or increase local sediment supply. These would be installed in the same manner as described for augmentation.

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:

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: Lapwai Creek 3125 PALS Modifications

Project Site Description

The project site is in the lower reaches of Lapwai Creek in a wide valley on tribal property in Nez Perce County, Idaho. In the project area, the creek is situated along Highway 95 between the communities of Lapwai and Sweetwater. Nearby land is residential and agricultural, with agriculture being the dominant land use. Development has resulted in several negative effects to the creek. Channel confinement with diminished habitat complexity remains an issue due to the proximity of the highway and a series of railroad prisms and dikes restricting access to the floodplain. Juvenile steelhead are present in the project area throughout the year and adult steelhead are typically present during the annual spawning migration.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No with Conditions

Explanation: BPA initiated consultation with the Nez Perce Tribe and the Tribal Historic Preservation Office (THPO) in 2021, prior to the installation of the original PALS. The proposed action in the consultation included the possibility of future modifications to existing structures. BPA made a determination of no adverse effect to historic properties and the THPO concurred. Proposed modifications would not occur outside the area of potential effect (APE) analyzed in the prior consultation.

Notes: The project would follow the recommendations from the Nez Perce Tribe Cultural Resources Program to limit activities to within the APE and adhere to a 65-foot (20-meter) buffer surrounding positive shovel test probe sites.

2. Geology and Soils

Potential for Significance: No

Explanation: Minor and temporary ground disturbances would occur as part of the project. Posts would be driven into the streambed using a hand-held hydraulic post driver. No excavation would be required but posts driven into the streambed may result in small areas of sediment displacement and compaction. Holes in the streambed from removed posts would be naturally filled in with sediment moved by the flow. There may be localized flooding of soils in the riparian area because of the PALS, but this would align with the intended goal of the project to redirect flow laterally and increase cutting of the entrenched sections of the creek to increase floodplain connectivity over time.

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 habitat in the project area and no documentation of species presence in the project area. The bulk of the work would occur instream, which is not habitat for the Spalding's catchfly. Typically, the species would be present in grasslands and not in the riparian area or stream. There are no state special-status plant species documented in the project area. Minor and temporary vegetation impacts would occur due to crews accessing the stream by foot. In the long term, there would be beneficial effects from improving the channel complexity in the project area, which would lead to an increase in riparian plant communities.

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. Wildlife may be temporarily disturbed by crews accessing sites during daylight hours and from the noise of the hydraulic post driver; however, the project area is adjacent to a highway (less than 500 feet away) and the noise from the crew would not be much different than typical ambient noise in the area. It is unlikely the project would result in long-term displacement of wildlife. Some aquatic invertebrates or amphibians may be displaced or killed during installation, but rapid reoccupation of these areas by the same or other members of the same classes of animals following the project would be likely. The structures and the debris they are designed to collect would increase aquatic habitat for these species over the long term.

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 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. Project activities would temporarily disturb nearby fish due to crew presence in the stream. It is expected that fish would avoid the area when crews are present but would reoccupy the area immediately after crews leave. Water quality may decrease temporarily due to sediments disturbed during the installation of posts, but turbidity would be monitored during implementation. Impacts would be minimized by following BPA's Habitat Improvement Program Biological Opinion requirements and conservation measures. Adding posts to structures could increase the amount of surface water, reactivate portions of the floodplain, and increase aquatic habitat in the project area, which would result in long-term benefits.

6. Wetlands

Potential for Significance: No

Explanation: Project activities would take place instream. No ground disturbing work would occur in wetlands and no fill would be added to wetlands. Nearby wetlands and the riparian area would ultimately be enhanced by the project activities.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: No new wells or use of groundwater are proposed. The proposed project would have no 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. Posts added to existing structures would not look much different than the rest of the structure. Over time and as material accumulates in the structures, they would begin to look like a natural part of the stream.

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. 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: Use of equipment, such as a hand-held hydraulic post hole driver, would have some known risks that could be mitigated with best management practices. All personnel would use best management practices to protect worker 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: Project actions proposed by the Nez Perce Tribe would be implemented by employees or contractors on tribal lands.

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

Signed:

Jacquelyn Schei
Environmental Protection Specialist