

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Lapwai Creek Vegetation Management

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 implement projects that improve riparian habitat along Lapwai Creek and its tributaries, including vegetation management at sites that have been previously planted with native trees, shrubs, and grasses. The Lapwai Creek Watershed provides habitat for a variety of anadromous and resident fish. Steelhead (*Oncorhynchus mykiss*), are a culturally and ecologically significant resource of the Lapwai Creek watershed 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 identified as critical habitat for this DPS while also providing habitat for the federally listed Snake River fall Chinook (*Oncorhynchus tshawytscha*) evolutionarily significant unit (ESU). 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.).

Project activities would include vegetation management at previously implemented restoration sites (see table below for site locations) to ensure plant survival and encourage growth through mulching of plants and invasive weed control. Most noxious weed control would be carried out by mechanical means (e.g., mowing, weed eater, hand-pulling) prior to the onset of seed production and again, as needed, throughout the growing season to limit seed production and reduce weed biomass. Ground based methods of herbicide application would be used where manual and mechanical methods would be ineffective. Native plant species may be added at an existing site if mortality or lack of vigor requires re-planting/seedling.

Site name	Water body	Latitude, Longitude
Tribal Trust Unit 3123	Spring Creek/Lapwai Creek	46.394010, -116.796684
Tribal Trust Unit 3125	Lapwai Creek	46.377387, -116.793787
Tribal Allotment 365	Sweetwater Creek	46.360786, -116.809376
Tribal Allotment 419A	Sweetwater Creek	46.321426, -116.845333
Lutes Wetland (private)	Lapwai Creek	46.361000, -116.796000
Reach 14 (Idaho Road Department easement)	Lapwai Creek	46.327821, -116.586616

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/ Jacquelyn Schei

Jacquelyn Schei
Environmental Protection Specialist

Concur:

Katey C. Grange 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.

Proposed Action: Lapwai Creek Vegetation Management

Project Site Description

From its origin in Mason Butte (Lewis County), Lapwai Creek flows north through various crop- and pasturelands before discharging into Winchester Lake, near Winchester, Idaho. From the outflow of Winchester Lake, the creek continues its northward course, entering Nez Perce County, and parallels the US 95 corridor for approximately 25 miles and enters the Clearwater River 11 miles east of Lewiston, Idaho. Through the highway corridor, Lapwai Creek drains the highway as well as the adjacent hillslopes and shows a high degree of channel confinement. Moderate grazing and irrigation activities are present below stream kilometer 23 with dryland agriculture prevalent throughout the headwaters. The watershed lies entirely within the Nez Perce 1863 Reservation boundary with several small communities, including Culdesac, Sweetwater, Lapwai and Spalding, located adjacent to main stem Lapwai Creek. The proposed vegetation management sites are near the Sweetwater community along the mainstem Lapwai Creek and its tributaries. All sites have been previously planted with native vegetation and are public tribal allotments or trust units, with two exceptions: Reach 14 is within an Idaho Department of Transportation right-of-way along Highway 95 and Lutes Wetland is on private land adjacent to a Tribal Allotment.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: There are no heavy equipment operations (e.g., bulldozers, excavators) proposed, so there would be no major soil or ground disturbance with potential to affect cultural resources. All project sites and actions were the subject of cultural resource surveys and consultation with Idaho SHPO and relevant tribes at the time of the original restoration implementation from which these subsequent vegetation management actions arise. All actions were determined to have “no potential to cause effect” or “no historic properties affected”. Consultations were conducted in 2013 (THPO 2013-28) and 2018 (ID 2018 008 and ID 2018 007 – THPO 2018-47).

2. Geology and Soils

Potential for Significance: No

Explanation: Vegetation management would consist of mechanical (hand pulling and weed eating) and chemical weed treatment. Minor and temporary ground disturbances would occur as part of the vegetation maintenance but would not impact the geology and soils. Areas have been previously disturbed by work during implementation of original restoration activities. Maintaining vegetation would be intended to improve habitat conditions.

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

Potential for Significance: No

Explanation: The Spalding's catchfly (*Silene spaldingii*), which is ESA-listed Threatened, has the potential to be in the project area; however, there is no critical habitat in the project area. The project's potential impacts to Spalding's catchfly is covered under BPA's Habitat Improvement Program (HIP) Biological Opinion under Section 7 of ESA (HIP4 BiOp). A Project Notification Form would be submitted annually to cover appropriate actions under the HIP4 BiOp. Relevant HIP conservation measures pertaining to these planting activities would be applied. To minimize incidental take associated with invasive and non-native plant control activities, there shall be no use of the adjuvants R-11 or Entry II and there shall be no broadcast application of dicamba, per HIP4 requirements. When possible, manual methods (e.g., hand pulling, cutting) will be used in sensitive areas to avoid adverse effects to listed species. Effects would, therefore, be minor and consistent with the not likely to adversely affect determination of the HIP4 BiOp.

There are no state special-status plant species documented in the project area. 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 restored or improved vegetative conditions.

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

Potential for Significance: No

Explanation: There are no federally-listed or state special-status wildlife species or their habitats known to occur in the project area. Non-listed wildlife present during project activities may be temporarily disturbed by human presence and noise. Any impacts would be short term. Improved habitat conditions would result in long-term positive impacts, including increased riparian plant density and diversity, and habitat structure.

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

Potential for Significance: No

Explanation: ESA-listed Snake River Basin steelhead (*Oncorhynchus mykiss*) occur in Lapwai Creek and compose a portion of the federally listed Snake River Basin Steelhead distinct population segment (DPS). The majority of the Lapwai Creek drainage is designated as critical habitat for this DPS. There are no other federally listed or state special-status species in the project area.

The project's effects on steelhead would be covered under BPA's HIP4 BiOp. The proposed actions would take place near, but not in, any water bodies. No herbicide would be applied in-water and the proposed spot treatments of herbicides would have low potential to drift or enter waterways. A Project Notification Form would be submitted annually to cover appropriate actions under the HIP4 BiOp. Relevant HIP conservation measures pertaining to these planting activities would be applied. To minimize incidental take associated with invasive and non-native plant control activities, there shall be no use of the adjuvants R-11 or Entry II and there shall be no broadcast application of dicamba, per HIP4 requirements. No changes to the existing conditions of waterbodies would occur. Negative effects on listed and non-listed fish in the project area would be limited to minor disturbance from human presence and noise. Effects would, therefore, be minor and consistent with the not likely to adversely affect determination of BPA's HIP4 BiOp. Project actions would help restore native riparian vegetation for the benefit of aquatic species.

6. Wetlands

Potential for Significance: No

Explanation: There are mapped wetlands located in the project area (USFWS National Wetlands Inventory). The project would not change the hydrology within the project area, and any activities within or near wetlands would be limited to vegetation maintenance using 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 undesirable vegetation 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 and would be limited (spot treatments). 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 vegetation management actions as a result of this project. 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.

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 land owned and/or managed by the Tribe, as well as along roadways in the Idaho Transportation Department's (ITD) right-of-way. The Nez Perce Tribe has coordinated with ITD to confirm implementation of the project would be acceptable. Regarding the site on private land, Lutes Wetland, an MOU was signed between the Land Manager of the private land and the Nez Perce Tribe for restoration activities.

Signed: /s/ Jacquelyn Schei
Jacquelyn Schei, ECF - 4
Environmental Protection Specialist

2/12/2024
Date