

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Pine Creek Conservation Area Operation and Maintenance

**Project No.:** 1998-022-00

**Project Manager:** Corrie Veenstra, EWL-4

**Location:** Wheeler 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:** The Bonneville Power Administration (BPA) is proposing to fund the Confederated Tribes of Warm Springs (CTWS) for ongoing annual operations and maintenance (O&M) on the Pine Creek Conservation Area (PCCA). PCCA is intended, as a wildlife and watershed mitigation site, to partially offset wildlife habitat losses caused by John Day Dam on the Columbia River. The PCCA Program manages approximately 34,000 acres of fish and wildlife habitat outside of Fossil, Oregon. The property was purchased with BPA mitigation funds by the CTWS. This project has since received BPA annual funding for O&M as part of the MOA between the CTWS and BPA. Funding these actions would support conservation of ESA-listed species considered in the 2020 ESA consultations with NMFS on the O&M of the Columbia River System. Additionally, the proposed activities are consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program as authorized by the Pacific Northwest Electric Power Planning and Conservation Act. Additionally, the proposed activities are consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program as authorized by the Pacific Northwest Electric Power Planning and Conservation Act and the Columbia Basin Fish Accords.

The proposed actions would include the following:

1. O & M ranch property facilities and equipment:

PCCA ranch property grounds and structures would be maintained on an as needed basis. Grounds maintenance would include invasive weeds management, pest control, mowing, and fire prevention through vegetation watering, clearing and management. Grounds maintenance may require use of ranch equipment (i.e. chainsaws, UTVs, ATV's, weed whackers, hand tools, mowers, tractors, etc.). Debris/garbage piles would be picked up by hand and put in a truck involving no mechanical equipment or ground disturbance.

Structure O&M would include upkeep and repairs of various buildings on the ranch, existing fencing and gates, and wooden information kiosk. General building maintenance and repairs (roofs, doors, and siding) would be performed on the staff residence, HQ buildings, Rattlesnake cabin, Robinson camp corrals, and the storage pole barn at Huntley homestead. Existing fencing and gate upkeep would require replacement and repairs to gate locks, fence post, and cables.

Kiosk O&M would involve repairs to wood structures, Plexiglas replacements, and upkeep of information, rules, and announcement posting for the public. No ground disturbance would take place and no new fence lines, gates, signs, or other structures would be installed as a part of the above mentioned annual O&M.

## 2. Livestock trespass and access monitoring and control:

Fence surveys would be conducted by hiking and visual assessment to identify gaps where livestock trespassing continues to occur. A field survey would collect coordinates and be used to develop maps to inform how to prioritize future fencing projects. No fencing modifications would be made and only the collection of data would occur. O&M activities would also identify trespassing livestock in the conservation areas and coordinate the removal of livestock from PCCA with surrounding landowners.

Access regulations are annually reviewed and re-published, and the user access program is implemented around the property. Access control would include patrol and surveillance on project areas approximately 1-3 times per week, distribution of information to the public several times per week via phone, office visits, and mail, and annual distribution and tabulation of specific written permissions for access to the property (*i.e., lottery draw of up to 152 big-game hunting permits, visitor and bird hunter sign-in's, etc.*).

## 3. Vegetation Management

Activities would include weed control through spraying with herbicides, hand pulling, and mowing. Spray techniques would include broadcast spraying with ATV's/tractors, and spot spraying with ATV's and backpack sprayers. Activities would also include maintenance of riparian buffer plantings with browse protection tubes and routine control of noxious weeds around previous years planting sites. Noxious weed species would be collected, and growth locations would be monitored and recorded. Monitoring and collection activities would occur during ground field observations, routine maintenance, and backcountry patrols. All data collected would be utilized for habitat recovery assessments and adaptive management programs.

The Lowland Fields of PCCA would have annual planting of about 10-20 acres each fall. Since 2014, approximately 224 acres has been scheduled to be annually planted/maintained. The site for 2020-2021 planting would be located between Hwy 218 and Pine Creek running east-west for 9 miles. The purpose of the lowland restoration project is to convert non-native species to a native plant community made up of cottonwood and willows. Planting would be undertaken with hand augers or augers attached to a mini-excavator to address gaps and enhance and or replace plants in an existing planting site. Ground disturbance from planting is anticipated to extend no deeper than 1 to 2 feet.

## 4. Wildlife & Water Quality Inventory

United States Geological Survey (USGS) would be contracted to maintain Stream Gage Station # 14046890 located at corner of Hwy 218 and Clarno Road (44.910032°, -120.441020°) on the Pine Creek stream system which continually monitors stream discharge rates (in cfs), water temperature, and peak streamflow rates providing current and historical data for changes in habitat.

Bird species counts would be conducted bi-annually in PCCA upland and riparian areas to assess bird habitat. Mule deer and elk population counts would be annually collected through on-the-ground field observations during routine maintenance and backcountry helicopter patrols. Population counts would be used to determine wildlife movement, habitat utilization, and the number of large game permits issued for hunting, as well as to assess large game habitat.

Field work would be done with visual observations and audio evaluations. No handling of species would occur.

**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:

<u>/s/ Katey C. Grange</u>	<u>October 8, 2020</u>
Katey C. Grange	Date
NEPA Compliance Officer	

# 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:** Pine Creek Conservation Area Operation and Maintenance

## **Project Site Description**

Activities would occur on CTWS owned property within the Pine Creek Conservation Area (PCCA), a 34,300-acre property made up of uplands and riparian areas within the John Day Basin in Wheeler County, OR. PCCA is as rugged with the terrain varying widely from remote deep river canyons and colorful geologic features edged in rim rock comprised of rugged cliffs to high timbered mountains covered in pine and fir bordering the Wild and Scenic John day River. The ownership of the land is by the Confederated Tribes of Warm Springs Reservation of Oregon and is legally designated as a private holding, conservation area through a Conservation Easement (CE) held by BPA. Opportunities for public recreational use are offered on the property.

## **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 historical properties affected on August 17, 2020. The Confederated Tribe of Warm Springs concurred on July 30, 2020 as long as avoidance measure are followed. BPA did not receive additional correspondence from ORSHPO or CTUIR within 30 days.

Notes:

- An Inadvertent Discovery Plan and Monitoring 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 proposed actions would have limited, if any effect on soil and geologic values. The only digging involved in the project would be performed with hand augers and potentially a mini-excavator for filling, and anticipated disturbances are no more than 1 to 2 feet deep.

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

Potential for Significance: No

Explanation: There are no Federal/state special-status plant species in the project area or on the PCCA property. Proposed vegetation management would use herbicides and adjuvants based on BPA's Habitat Improvement Program (HIP) to remove weeds. The ongoing annual actions are similar to vegetation management activities already occurring in the surrounding area.

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

Potential for Significance: No

Explanation: Minor disturbance due to human presence and/or ATV use would occur. Equipment use would be stopped during nesting and breeding season to minimize effects. No known eagle nests are in the project site. Field crews of 1-3 would create minor temporary disturbance during mule deer and elk population counts collected utilizing a contracted helicopter to collect field data. No handling of wildlife would occur.

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

Potential for Significance: No

Explanation: None of the proposed activities would occur in Federal/state special-status species' habitats and no activities would occur within waterbodies or floodplains. The proposed activities would not involve any in water work or handling of fish. Steelhead trout (*Oncorhynchus mykiss*) is an ESA threatened fish species (the only ESA-listed species within in the PCCA). No fish capture is proposed and all activities are coordinated and covered through the BPA Habitat Improvement Program (HIP) Biological Opinion via Project Notification Form (PNF) 2020088 submitted on 7/08/2020.

#### **6. Wetlands**

Potential for Significance: No

Explanation: None present in the proposed action areas or within PCCA.

#### **7. Groundwater and Aquifers**

Potential for Significance: No

Explanation: There would be no potential to impact groundwater as planting would be 1 to 3 feet in depth. No use of groundwater proposed. No deep digging proposed.

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

Potential for Significance: No

Explanation: There would be no changes to land use and no impact to specially designated areas. Sign-in kiosks are posted at all property access points with information about conservation area programs and activities. Guest visitation and hunting access would continue to be granted via registration onsite or online and by agreeing to comply with property rules and regulations.

## 9. Visual Quality

Potential for Significance: No

Explanation: O&M would be limited to buildings and conservation area infrastructure. Construction repair would generally improve appearance of existing structures and infrastructure from enhancements to building, signage, fences, and vegetation management. This is not inconsistent with the long-term ongoing land use operations through use of light trucks, UTV's and ATVs on the property and surrounding properties.

## 10. Air Quality

Potential for Significance: No

Explanation: There would be short-term effects of vehicle and equipment generating dust only for short durations and not inconsistent with the long-term ongoing land use operations through use of light trucks, UTV's and ATVs on the property and surrounding properties.

## 11. Noise

Potential for Significance: No

Explanation: There would be short-term effects of helicopter mule deer and elk population counts and vehicle and farm equipment generating noise. These activities are consistent with the long-term ongoing land use operations in the area defined in the land management plan and not inconsistent with surrounding land uses of agricultural, ranching, livestock and forest working lands activities that makeup the majority of the economy in Wheeler County.

## 12. Human Health and Safety

Potential for Significance: No

Explanation: Human health and safety would follow federal guidelines. Appropriate PPE would be worn by all employees across all tasks. SOPs for all activities are available for employees to review. Monthly safety meetings and trainings would be conducted throughout the field season. Human health and safety conditions would be maintained and or improved by the structural and or infrastructural improvements proposed.

### **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: Advisory Committee meetings are held annually to inform and involve landowners of ongoing activities and potential future projects. Additionally, adjacent landowners are contacted directly if a project has potential to affect areas near their boundary lines and an open-line of communication has been established between the Pine Creek Conservation Area Project Leader and surrounding landowners.

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 October 8, 2020  
Lindsey Arotin, ECF-4 Date  
Environmental Protection Specialist