

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Poley-Allen Irrigation Diversion Improvements

Project No.: 1992-026-01

Project Manager: Tracy Hauser – EWL-4

Location: Wallowa 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: Bonneville Power Administration (BPA) proposes to fund the Nez Perce Tribe (the Tribe) to improve fish passage and habitat at the Poley-Allen irrigation diversion near the town of Lostine, Oregon. The proposed improvements would expand access to habitat for resident and anadromous fish species, including Endangered Species Act (ESA)-listed Chinook salmon (*Oncorhynchus tshawytscha*), steelhead trout (*Oncorhynchus mykiss*), and bull trout (*Salvelinus confluentus*). Funding the proposed actions would support conservation of ESA-listed species considered in the 2020 ESA consultations with both the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) 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 (the Northwest Power Act) (16 USC (USC) 839 et seq.).

The Tribe proposes to improve the conditions at the Poley-Allen irrigation diversion to maximize year-round fish passage for anadromous and resident fish species by modifying the structure and restoring the historical habitat conditions in the area. The current diversion structure consists of a channel-spanning concrete sill straddling the stream between raised concrete abutments on either shore. A series of six in-stream concrete piers creates individual bays in which manually installed wooden checkboards are placed to divert water into a gravity-driven open irrigation ditch on the western bank during irrigation season. The height of the farthest west (river left) bay of the sill is lower than the rest of the structure to nominally create a small fish passage channel. However, this channel is not providing adequate passage at all flow levels. Moreover, the passage channel is adjacent to the irrigation intake. Because of the orientation of the passage channel, fish using the channel are encouraged to enter the intake instead of continuing upriver, further reducing successful passage through the structure.

The Tribe would modify the existing diversion structure by removing roughly two feet of concrete from the top of the sill as well as removing the eastern (river right) bank abutment. The eastern bank would then be re-graded to restore the natural planform. The stream channel above and below the diversion would be roughened with the addition of boulders and engineered streambed material. The existing trash rack and concrete forebay for the irrigation ditch would remain in-

place. The lowered structure height and improved roughness of the channel would allow for more consistent fish passage at all flow levels of the river.

A side channel, which wraps around the eastern (river right) side of the diversion, would also be improved. The side channel is mainly activated during high flows and provides additional fish passage and resting habitat. However, the channel largely lacks in-stream habitat-forming and water-retaining structures and complex vegetation. To improve this channel for fish use, wood habitat forming structures composed of large logs with rootwads would be placed in this channel and ballasted into the banks. These logs would help retain water, develop refuge pools, and add roughness to the channel. Additionally, vegetation such as willow and native forbs would be planted along the banks to enhance the habitat further.

All construction would take place in areas that have been de-watered to minimize impacts to fish, wildlife, and water quality. The Lostine River would first be diverted through the side channel to de-water the main channel and irrigation structure. After de-watering is complete, the Tribe would remove the bank abutment, modify the diversion structure, and re-grade the floodplain. Once actions in the main channel are complete, the diversion would be removed and the side channel would be isolated and de-watered. The Tribe would install the habitat structures and plant vegetation in the side channel once it is dry. Staging for equipment and materials would be in a neighboring grass field to the west of the project area. In-water work would be completed between late July and November. Following construction, forb and grass seed would be spread in disturbed areas to restore the current conditions. This vegetation would be monitored in future years to ensure desirable species are growing and to remove any competing weeds or invasive species.

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/ Thomas DeLorenzo

Thomas DeLorenzo
Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel

Sarah T. Biegel
NEPA Compliance Officer

May 11, 2023

Date

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: Poley-Allen Irrigation Diversion Improvements

Project Site Description

The Lostine River is a major tributary of the Wallowa River, itself a tributary of the Grande Ronde River, in northeastern Oregon. The river is primarily fed by snowmelt from the surrounding Wallowa Mountains, flowing from southeast to northwest across roughly 30 miles of valley in eastern Wallowa County. The river's typical flows are highly seasonal, ranging from as high as 1,000 cubic feet per second (cfs) to as low as 50 cfs depending on the time of year. The river has been heavily affected by surrounding agriculture and ranching activity. Irrigation withdrawals along its length have reduced the average flows of the river during the spring and summer, leading to the complete extirpation of ESA-listed coho salmon (*Oncorhynchus kisutch*) from the river and extreme impacts to the populations of Chinook salmon, steelhead, and bull trout. Since the late 1990s, habitat remediation projects along the river have been completed to help restore populations of these species to the river.

The Poley-Allen irrigation diversion is located one mile south of the town of Lostine, Oregon at roughly river mile 4.8 of the Lostine River. The area surrounding the diversion is dominated by agricultural fields and private residences. Lostine River Road, a local state highway, runs just east of the project area. Some riparian vegetation and remnant forest exist along the river, but channel incision, excessive irrigation withdrawals, and historical grazing have reduced the complexity of the floodplain ecosystem in much of the surrounding area. The reach of the river around the project site historically hosted extensive spawning and rearing habitat for salmon and trout species, but the habitat degradation, channelization, and manmade passage barriers have reduced the amount of habitat available to these fish.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: BPA identified an area of potential effects (APE) and reviewed the project area for cultural and historic resources (BPA CR Project No. OR 2021 073). On November 17, 2022, BPA determined that the project would result in no adverse effect to historic properties and initiated consultation with the Oregon State Historic Preservation Office, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. On November 18, 2022, the Nez Perce Tribe concurred with BPA's determination. No other responses were received. The consultation period ended on December 19, 2022.

2. Geology and Soils

Potential for Significance: No

Explanation: Ground disturbance would be necessary for some project activities. Removal of the right bank abutment and re-grading the bank of the river would require excavation and shifting of soil. Construction equipment and human presence would also disturb the top layer of soil. However, the effects would be localized to the project area and the long-term effect of the project would be to restore the river bank to its historical profile. Disturbed areas would be seeded with vegetation to reduce erosion and restore the existing conditions following construction. The overall effects on soils in the project area would therefore be minor.

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

Potential for Significance: No

Explanation: ESA-listed Spalding's catchfly (*Silene spaldingii*) has the potential to be found in Wallowa County (USFWS Information for Planning and Consultation (IPaC) tool). Spalding's catchfly is a small (8-24 inch) tall flowering perennial typically found in dry upland prairie and grasslands in Eastern Oregon. It is highly unlikely that any Spalding's catchfly would be present in the wet riparian project area. Project actions would therefore be unlikely to affect Spalding's catchfly.

Oregon state-listed Greenman's desert parsley (*Lomatium greenmanii*) has been recorded in Wallowa County (Oregon Department of Agriculture). However, all currently known populations are located at higher elevations in the Wallowa-Whitman National Forest and it is highly unlikely that it would be found in the wet riparian project area. Project actions would therefore be unlikely to affect Greenman's desert parsley.

Non-listed plants would be impacted by the effects of project actions, such as ground disturbance and human presence. Areas with disturbed vegetation would be re-seeded and re-planted following project activities to restore site conditions. Restoring the historical planform of the Lostine River and floodplain in the project area would benefit local wetland plants and improve the quality of local vegetation. The long-term effects of project activities on vegetation in the project area would therefore be minimal to positive.

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

Potential for Significance: No

Explanation: ESA-listed gray wolf (*Canis lupus*) has been observed in Wallowa County (IPaC). The project area lies within the Bear Creek Pack wolf use area identified by the Oregon Department of Fish and Wildlife (ODFW) and is monitored by ODFW (ODFW Wildlife Division). While gray wolves have been observed occasionally near the project area, they typically avoid human presence and noise. Due to proximity to the Lostine River Road highway and private residences near the project area, it is highly unlikely that any gray wolves would be in the area during project actions. Project actions are therefore unlikely to affect gray wolf.

No separately listed Oregon state endangered species have been recorded in or nearby to the project area (ODFW Wildlife Division).

Non-listed wildlife in the project area would be temporarily disturbed by the effects of project actions, such as human presence and noise from equipment. This disturbance would be limited in duration to project implementation. The long-term effects of project actions on wildlife in the project area would be minimal.

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

Potential for Significance: No

Explanation: ESA-listed Snake River Chinook salmon, Snake River basin steelhead trout, and bull trout are present in the Lostine River at the project site (StreamNet, IPaC). While project actions would take place within the ODFW in-water work window and outside of spawning season, there is potential that some rearing ESA-listed fish would be in the project area during the proposed construction period. Prior to beginning project activities within the footprint of the river, the Tribe would divert the river through the eastern-bank side channel. The river would be dewatered in phases, giving time for fish to exit. Fish salvage would be conducted prior to complete dewatering to remove any remaining fish. This would result in short-term effects to any fish in the area. However, the long term effects of project actions would be positive by improving fish passage through the Poley-Allen diversion to open up more potential spawning and rearing habitat for fish upstream of the structure. Vegetation planting and habitat structures in the side channel would also improve conditions for resident and migratory fish in the project area.

No separately listed Oregon state endangered fish species have been recorded in the project area (ODFW Wildlife Division).

Effects to non-listed fish present in the project area during implementation would be consistent with those outlined above for listed species.

Conditions in the Lostine River and its floodplain in the project area would be improved by project actions. Restoring the historical planform of the eastern bank by removing the concrete abutment would re-integrate the historical floodplain that was severed by the construction of the irrigation diversion and attendant channel incision. In-stream roughness would reduce flow velocity and improve habitat within the main Lostine River channel. Short-term impacts to the river such as turbidity would be mitigated by the planned dewatering and diversion prior to construction and outweighed by the positive long-term effects.

Notes:

- All fish salvage, dewatering, and other actions that would have the potential to impact ESA-listed fish species would conform to the procedures and proscriptions contained in BPA's Habitat Improvement Program (HIP4) programmatic biological opinions.
- To minimize impacts to spawning and rearing fish species, all in-water project activities would occur during the local in-water work window. No work would be conducted within the channel of the Lostine River outside of this period without first consulting with ODFW and BPA environmental compliance staff.
- Project actions have the potential to discharge fill into waters of the United States. The Tribe obtained Clean Water Act permit approval from the U.S. Army Corps of Engineers (USACE) to conduct project activities through BPA's Regional General Permit #6 (RGP-6) (Corps No. NWP-2023-38). All project activities would conform to the procedures and proscriptions contained in the RGP-6 permit and set by USACE.

6. Wetlands

Potential for Significance: No

Explanation: Mapped wetlands are present nearby to the project area (USFWS National Wetlands Inventory). While project actions would potentially have short term effects on these wetlands from human presence and ground disturbance, removal of the concrete abutment structure and re-grading the Lostine River bank into a natural planform would have the effect of restoring the historical floodplain and expanding wetlands in the project area. Any disturbed wetland areas would also be re-planted with native species following project

activities to restore the current conditions. Despite the potential for short-term effects on local wetlands, the long-term effects of project activities would be mild and positive.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: No new wells or groundwater use are proposed. Project activities would have little to no effect on the water table in the area. To the extent that re-integration of the historical floodplain would affect the local water table, the changes would be merely restoring the historical conditions and therefore minor.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: No changes to existing land use are proposed. All project actions and staging would occur on private land and the use of this land would not change following construction. No water rights at the Poley-Allen point of diversion would change as a result of these activities. No road closures or impacts to the public use of the nearby highway aside from a minor increase in traffic as workers commute to and from the project site daily would occur. This traffic increase would be temporary and cause no lasting changes to the roadway.

9. Visual Quality

Potential for Significance: No

Explanation: There would be no major changes to the visual quality of the area as a result of project activities. To the extent that there are visual changes, they would be restoring historical conditions and vegetation to the area and therefore minor.

10. Air Quality

Potential for Significance: No

Explanation: There would be minor increases in air pollution in the area during project activities due to exhaust from machinery and equipment. These effects would be limited in scope and duration and cause no long-term impacts to air quality.

11. Noise

Potential for Significance: No

Explanation: There would be an increase in noise generated by machinery and equipment used during project activities. These effects would be limited in scope and duration and cause no long-term impacts.

12. Human Health and Safety

Potential for Significance: No

Explanation: All personnel would use best management practices to ensure human health and safety. All machinery would be operated solely by licensed and trained professionals.

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: The project area is located on private land. The Tribe obtained written permission from the landowner to conduct project actions. Access to the project site is also across this landowner's property from the nearby public highway and included in the agreement. No other external coordination is required.

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

Signed: /s/ Thomas DeLorenzo

Thomas DeLorenzo
Environmental Protection Specialist

May 11, 2023

Date