

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Middle Fly Creek Restoration Helicopter Project

**Project No.:** 1992-026-01

**Project Manager:** Tracy Hauser, EWL - 4

**Location:** Union 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 Grande Ronde Model Watershed (GRMW) to conduct aquatic habitat restoration activities along Middle Fly Creek located approximately 20 miles southwest of La Grande, Oregon. The proposed restoration activities would occur on United States Forest Service, Wallowa Whitman National Forest (WWNF) lands.

The goal of the proposed project is to improve habitat for Endangered Species Act (ESA)-listed summer steelhead, spring/summer Chinook salmon and bull trout, and resident redband trout. The proposed work would include the construction of debris jams and habitat structures at 56 sites within the middle 3 miles of Fly Creek (River Miles 4.0 – 7.0). Large, medium and small trees (10- to 29-inches in diameter and 30- to 50-feet long), including 39 trees of various the sizes with rootwads, and tops would be flown in and placed by helicopter. The project would harvest and stage trees from and along WWNF roads near the project area and then transport the trees to the project via helicopter. No digging or ground based machinery would be in or adjacent to the stream. A designated helicopter landing zone would be located on WWNF Road 5115. An additional 100 trees would be directionally felled into the stream from the adjacent riparian area and incorporated into the debris jams or placed up and down stream of the jams by hand. Ground-based construction vehicles would use existing routes. The proposed work would occur during an extension to the in-water-work window of August through October, as approved by federal and state regulatory agencies.

Funding the proposed activities fulfills commitments under the 2020 National Marine Fisheries Service Columbia River System Biological Opinion (2020 NMFS CRS BiOp). These proposed activities would also support conservation of Endangered Species Act (ESA) listed species considered in the 2020 ESA consultation with USFWS on the operation and maintenance of the Columbia River System. The proposed activities also support ongoing efforts to mitigation 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 (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.

/s/ Brenda Aguirre

Brenda Aguirre  
Environmental Protection Specialist

Concur:

/s/ Katey C. Grange                      September 16, 2021

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:** Middle Fly Creek Restoration Helicopter Project

## **Project Site Description**

The proposed activity would occur in the Grande Ronde Subbasin and Lower Fly Creek Subwatershed in northeast Oregon. The legal description for the project site is Township 5 South, Range 35 East, Sections 3, 4, 8, and 9. The project site is located along the middle area of Fly Creek. The site encompasses 3 miles of the creek and up to 300 feet of riparian and upland areas on both sides of the creek. WWNF Road 5155400 follows along the project area. There are no designated recreational trails or sites within the vicinity of project area including within the helicopter flight paths. The elevation of the project site ranges from approximately 3,700 to 4,000 feet. Vegetation consists of upland and riparian forest stands interspersed with areas of grasslands and scrub/shrub. Land use is dominated by forestry and livestock grazing.

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

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

Potential for Significance: No with Conditions

Explanation: WWNF is the lead federal agency for compliance with Section 106 of the National Historic Preservation Act for this project. The WWNF South Zone Archaeologist completed consultation under Section 106 on August 23, 2021. Consulting parties included the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and Oregon State Historic Preservation Office (SHPO). WWNF received concurrence from the CTUIR with site protections as described below. No response was received from SHPO within the 30-day comment period, therefore, WWNF assumed concurrence.

Notes:

- WWNF would establish a 10-meter buffer around two sites (Oregon Archaeological Site Numbers 06160600998 and 06160600997) in the project area to be avoided during project implementation.

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

Potential for Significance: No with Conditions

Explanation: Soil disturbance would occur from increased erosion potential during placement of the trees; work timing would occur when soils are dry and erosion control measure would be used.

Notes:

- Erosion control methods (water bars, replanting, sediment barriers, mulches or erosion fabrics, etc.) would be put in place before season-ending precipitation event.
- Effective ground cover would be placed over 65% of the disturbed soil after seeding.
- Bank stabilizing trees would not be pushed over.

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

Potential for Significance: No with Conditions

Explanation: There are no ESA-listed, state listed, or sensitive plant species known to exist on the project site. Areas within the project boundary with non-listed plants disturbed as a result of implementation would be planted with native vegetation following project completion.

Notes:

- Prior to implementation, a qualified botanist would conduct a field survey to verify the presence or absence of sensitive plants known or suspected in the project area. If sensitive plants are found, they would be avoided. The botanist would then evaluate the results and ensure consistency with the determination of effects presented in the Biological Evaluation.
- Locally-sourced and genetically appropriate native plant materials would be used for all revegetation efforts connected with project activities. WWNF Invasive Plant, Botany, or Native Plant staff would be consulted for specific guidance.

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

Potential for Significance: No

Explanation: Three sensitive species are known to exist on the project site: Columbia spotted frog, thinlip tightcoil and shiny tightcoil. The WWNF determined the project actions would have a beneficial impact in the long term for Columbia spotted frog, and may impact individuals or habitat of thinlip tightcoil and shiny tightcoil, but would not likely cause a trend toward Federal listing or a loss of viability of the population or species. Wildlife may be temporarily disturbed by helicopter, vehicle and equipment construction traffic and noise, but would likely avoid the area during this time and return once the project work is completed.

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

Potential for Significance: No with Conditions

Explanation: Temporary sedimentation would be generated with instream work. The project would impact about 3 miles of Middle Fly Creek. The WWNF received authorization from the US Army Corps of Engineers on 4/9/21 (Verification Letter NWP-2021-168) to use the Clean Water Act (CWA) Section 404 Regional General Permit-4 (RGP-4) and associated Oregon Department of Environmental Quality CWA Section 401 Water Quality Certification. The GRMW would implement the terms and conditions of RGP-4 while placing wood below the ordinary high-water mark at the project stream.

Middle Fly Creek contains ESA-listed summer steelhead, spring/summer Chinook salmon and bull trout, and WWNF-listed sensitive species redband trout and pacific lamprey. The WWNF obtained ESA Section 7 coverage for listed species from the National Marine Fisheries Service and U.S. Fish and Wildlife Service under the Programmatic Biological Opinion for ARBO II on 11/24/20, and approval to work outside the in-water-work window from both federal and state agencies on 4/13/21. The GRMW would implement the terms and conditions of ARBO II to avoid or minimize potential adverse effects to the listed fish. The WWNF also determined the project actions would have a beneficial impact in the long term for WWNF-listed sensitive species. Fish may be temporarily disturbed by construction traffic and noise, but would likely avoid the area during this time and return once the project work is completed.

Notes:

- Bank stabilizing trees would not be pushed over.

- Adequate quantity of trees would be retained within 30 feet of stream bank for future instream wood recruitment.
- Equipment passes over streamside areas would be limited to one to two passes, where possible, to prevent vegetation loss, trail creation, and compaction.

## 6. Wetlands

Potential for Significance: No

Explanation: The project would avoid on-site wetlands; the GRMW would implement all terms and conditions of the RGP-4. The project is expected to increase wetland function at the proposed site over the existing conditions.

## 7. Groundwater and Aquifers

Potential for Significance: No

Explanation: Although ground disturbance is proposed, the work is not expected to have a substantial effect on groundwater and aquifers. The project structures would have a positive effect on groundwater recharge and water quality once the new wood structures have slowed streamflow and raise the water table, thereby creating new wetlands and aquatic habitat.

## 8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The proposed work would result in a 2-week road closure to non-essential traffic during project activities and return to normal conditions immediately once the project is completed. No change in land use would occur for the proposed project. The project activities would be consistent with the WWNF land management area designations.

## 9. Visual Quality

Potential for Significance: No

Explanation: The newly-installed wood structures would be visually consistent with adjacent vegetation and the topography of the surrounding area, and would not be located in a visually sensitive area. Any change to the visual quality due to the helicopter and construction vehicles or equipment would be short term and temporary.

## 10. Air Quality

Potential for Significance: No

Explanation: A temporary increase in emissions and dust from the helicopter and construction vehicles accessing the field site would be short term during construction and would resume to normal conditions immediately once the project is completed.

## 11. Noise

Potential for Significance: No

Explanation: The proposed work would result in a temporary increase in ambient noise. Any noise emitted from the helicopter and construction equipment would be short term and temporary during daylight hours and would cease following project completion.

## 12. Human Health and Safety

Potential for Significance: No

Explanation: The proposed work would result in a 2-week road closure to non-essential traffic during project activities to provide for public and worker safety within the active construction site. All personnel would follow approved safety standards for working near or with a helicopter and project construction equipment.

### **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: All work on WWNF administered lands. No external coordination is needed to implement the proposed activities. The GRMW and WWNF coordinate on all project activities; WWNF is a project partner.

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

Signed: /s/ Brenda Aguirre September 16, 2021  
Brenda Aguirre, ECF-4 Date  
Environmental Protection Specialist