

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Pine Creek Conservation Area Wildlife Water Development and Operation and Maintenance

Project No.: 1998-022-00

Project Manager: Virginia Preiss, EWM- 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; B3.3 Research related to conservation of fish, wildlife, and cultural resources; B3.2 Aviation activities

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes to fund the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) to develop two water sources for wildlife, conduct wildlife surveillance, and complete operation and maintenance (O&M) activities at the Huntly Homestead and Eagle's Nest Campground. Funding the proposed activities would support BPA's commitments to the CTWSRO in the Columbia River Fish Accord, as amended, while also supporting ongoing efforts to mitigate for effects of the Federal Columbia River Power System (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).

Project activities would include the below actions:

Water Development: Two existing spring troughs would be replaced, and two new guzzler troughs would be installed in separate back country locations in the conservation area. The two existing above-ground troughs would be replaced with similar sized troughs in the same location. The troughs would be removed and replaced with a backhoe on an existing road, no ground disturbances would occur. The two new water guzzlers would be installed at ground level using a backhoe. Ground disturbance areas would be approximately 96 inches long, 64 inches wide, and 35 inches deep. To increase rainwater collection, a sheet metal apron, about as long and approximately twice the width as the guzzler, would be installed at an angle overhanging the guzzler. The apron would be secured using t-post that would be driven in the ground about 2 feet. Upon completion, the sites would be monitored and maintained as needed to ensure adequate water quality.

Huntly Homestead: A chain link fence would be installed around the perimeter of the Huntly Warehouse to secure equipment and lumber. The fence would be set with post approximately 2-3 feet deep and the ground would be graveled as needed. At the Huntly Trailhead, the parking area would be graveled, and fences and gates would be installed to create parking zones and public access roads boundaries. Fences and gates would be set using wooden posts and T-post which would be driven up to approximately 3 feet deep.

Eagle's Nest Campground: A disbursement camp area recently acquired from the Bureau of Land Management (BLM) in a land exchange would be converted to a habitat conservation area. To restrict access, CTWSRO would remove an access road, de-compact the ground in camping zones, and place boulders as needed. Work would be completed using an excavator or bulldozer and herbicides would be applied in disturbance areas to prevent spread of invasive species and prep for seeding.

Wildlife Surveillance: Multiple methods would be used to collect a wide range of wildlife data to produce species inventories, assessments, and habitat mapping. Methods would include but are not limited to ground, water, and aerial surveillance, net and release of pollinators and bats, acoustic recordings, and collaring and tracking mammals such as mule deer. The majority of surveys would be conducted on foot or by vehicle on existing roads. Aerial surveillance would be conducted via small craft or helicopter in coordination with other over-reservation flights.

The projects would occur when weather and conditions permit. All the project sites are located on or near established roads and no access route or staging area development would be necessary.

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.

Lindsey Arotin
Environmental Protection Specialist

Concur:

Katey C. Grange and 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: Pine Creek Conservation Area Wildlife Water Development and Operation and Maintenance

Project Site Description

The Pine Creek Conservation Area (PCCA) is a 34,000 acre designated fish, wildlife, and watershed mitigation site in the John Day basin near Fossil, in Wheeler County, OR. The property is a fee-owned tribal land owned and managed by the CTWSRO. The region is characterized by canyons and ridges with elevations ranging from 1,360 to 4,028 feet. The water development sites and the Huntly Homestead activities would occur in higher elevation areas adjacent to established roads. The Eagle's Next Campground is off an established road adjacent to the John Day River. Wildlife surveillance would occur throughout large areas of the PCCA. All sites have sparse vegetation coverage consisting of shrubs, brush, grasses, and mixed conifers and, although, the Eagle's Next Campground is near a river there is little to no riparian vegetation.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: Water Development and O&M: BPA identified an area of potential effects (APE) and initiated consultation with the Oregon State Historic Preservation Office (SHPO) and the Confederated Tribes of the Warm Springs Reservation of Oregon on December 15, 2023. Simultaneously, BPA submitted an inventory report and determined that the proposed undertaking would result in no adverse effect to historic properties. The consultation period ended on January 14, 2023. A response acknowledging receipt of the report and initiation/determination letter was received from Oregon SHPO, but no further response was received from their office. Confederated Tribes of the Warm Springs concurred with BPA's determinations of eligibility and effect, and requested that an Inadvertent Discovery Plan be implemented and the work crew be briefed on its contents prior to project implementation.

In the unlikely event that cultural material is inadvertently encountered during the implementation of this project, BPA will require that work be halted in the vicinity of the finds until they can be inspected and assessed by BPA and in consultation with the appropriate consulting parties.

Water Trough Replacement and Wildlife Surveillance: BPA determined the proposed water trough removal and wildlife surveillance would have no potential to cause effect to historical properties. The proposed activities would not result in ground disturbances that could potentially impact archaeological resources. No modifications to existing historic built resources are proposed.

2. Geology and Soils

Potential for Significance: No

Explanation: Minor ground-disturbance would occur during water development and O&M activities, and no ground disturbances would occur during wildlife surveillance. All disturbance would occur in previously disturbed areas or areas with compacted soil due to human activity. Some activities would improve conditions by restricting vehicle or public access and reconditioning compacted soil.

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

Potential for Significance: No

Explanation: No Endangered Species Act (ESA)-listed or sensitive plant species are present in the proposed project areas according to the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool. Therefore, project activities would have no effect on ESA-listed or sensitive plants.

Vegetation is sparse in the project areas due to high desert conditions and human use. However, minor ground and vegetation disturbance would occur as a result of the water development sites, O&M activities, and wildlife surveillance. Some areas may benefit from herbicide treatments to suppress invasive species and re-vegetating with native species. Overall, project activities would have minimal or a positive impact.

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

Potential for Significance: No

Explanation: According to IPaC and the PCCA Wildlife Habitat and Watershed Management Plan, no ESA-listed species are known or expected to be present in the PCCA. However, according to ODFW's "Compass Oregon Conservation Strategy Reporting Tool" and the PCCA Wildlife Habitat and Management Plan, several Oregon Conservation Strategy Species and species of concern¹ either have been observed or are expected to be present in the PCCA. PCCA is enrolled in the Wildlife Habitat Conservation and Management Program through ODFW which insures the property is being managed to support and protect fish and wildlife. CTWSRO employees are aware of the existing sensitive species and have been educated on conservation management practices and recommended actions outlined by the Conservation Strategy if interactions with these species occur.

Installation of the water guzzlers and replacement of existing water troughs could potentially increase risk of disease due to poor water quality, of entrapment mortalities of small mammals and birds, and of predation. Guzzlers would be monitored and maintained to reduce water quality issues and they would be equipped with escape ramps to prevent entrapment. While predation may remain a concern, there is limited available data documenting increased predation at water development site and these impacts are considered speculative. Wildlife water developments water in arid climates have been shown to increase health, distribution, and abundance of wildlife populations.

¹ OR Conservation Strategy Species and species of concern include: Columbia Spotted Frog, Western Toads, Bald Eagle, Burrowing Owl (western), Chipping Sparrow, Common Night Hawk, Ferruginous Hawk, Flammulated Owl, Lewis's Woodpecker, Long-Billed Curlew, Northern Goshawk, Olive-sided Flycatcher, Peregrine Falcon, Short-eared Owl, Swainson's Hawk, Western Bluebird, Western Meadowlark, White-headed Woodpecker, Yellow-breast Chat, White tailed Jack Rabbit, Townsend's big-eared bat, Pallid bat, California myotis, Fringed myotis, Long-legged myotis, Hoary bat, Silver-haired bat, Spotted bat, Western bumble bee.

Some species may be temporarily impacted as a result of wildlife surveillance. Mule deer would be baited and captured in large cages then possible chemically immobilized to attach tracking collars. A veterinarian would be present to conduct chemically immobilization and no long-term effects would occur. Since this action would take place on tribal land, only tribal approval would be required and no ODFW permit would be necessary. Pollinators and bats would be netted, recorded, photographed, identified, then released. ODFW would provide resources and education on safe and humane surveillance techniques.

Overall, project activities would not impact ESA-listed species, but activities may impact some species of concern. Some short-term displacement of wildlife may occur due to human presence and implementation activity. Lasting negative effects are unlikely to result from O&M activities or surveillance. Installation of barrier fences to restrict human access, and decommissioning a campground, and water developments would provide long-term benefits wildlife.

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

Potential for Significance: No

Explanation: Water development and O&M activities would not involve any in-water work or impact to water bodies or fish. Wildlife surveillance may occur near bodies of water and water parameters may be collected using various instruments. Short-term minor effects may occur due to human presence, no lasting effects are anticipated.

6. Wetlands

Potential for Significance: No

Explanation: No wetlands are present in or near the proposed project areas.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: Water development, O&M activities, and wildlife surveillance would not impact groundwater or aquifers. Rainwater collection in Oregon is legal without a permit for collection systems less than 5,000 gallons. The proposed guzzlers and spring trough replacement would hold up to only 500 gallons which is below the state limits.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: Land uses would be changed in one of the project areas. Due to frequent littering, property destruction, and lack of public waste facilities an existing disbursement campground and access road would be converted to wildlife habitat. Other campgrounds accessible by vehicle are available and primitive backcountry camping is permitted within the PCCA. Wildlife surveillance and developments in other projects areas, such as installing fences and water developments, and parking lot maintenance would not change the existing land use.

9. Visual Quality

Potential for Significance: No

Explanation: Proposed water developments, O&M activities, and wildlife surveillance would temporarily and permanently change the landscape of the project area. Changes to the landscape during implementation due to human presence, vehicles or equipment would be short-term and temporary. Permanent changes would include converting a campsite to wildlife habitat and, barriers, fence, and water guzzler installation. The permanent changes would overall benefit wildlife habitat development.

10. Air Quality

Potential for Significance: No

Explanation: A temporary increase in emissions and dust from vehicles accessing the field site would be very minor and short-term during water developments, O&M activities, and wildlife surveillance. Air quality would resume to normal condition immediately upon project completion.

11. Noise

Potential for Significance: No

Explanation: The proposed water developments and O&M activities would result in temporary increase in ambient noise due to vehicle traffic, power equipment, and human presence. Any noise emitted from construction equipment would be short-term and temporary during daylight hours and would cease following project completion. Noise levels would return to post construction conditions upon completion.

12. Human Health and Safety

Potential for Significance: No

Explanation: The water developments, O&M activities, and wildlife surveillance are not considered hazardous, nor would they result in any health or safety risks to the general public. There would be no soil contamination or hazardous conditions as a result of the project.

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 PCCA Project Leader and surrounding landowners.

Signed:

Lindsey Arotin, ECF - 4
Environmental Protection Specialist