

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Upper Malheur Brook Trout Electrofishing, Gillnetting, and Research

Project No.: 1997-019-00

Project Manager: Lee Watts, EWM-4

Location: Grant County, OR

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.20 Protection of Cultural Resources, Fish and Wildlife Habitat; B3.1 Site characterization and environmental monitoring

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes to fund the Burns Paiute Tribe (BPT) to undertake activities intended to improve the viability of bull trout (*Salvenius confluentus*) and reduce resource competition and hybridization from non-native brook trout within the Upper Malheur basin. Actions would include trapping, electrofishing, and eDNA sampling of non-native, invasive brook trout (*Salvelinus fontinalis*), focusing on areas known to contain high densities of brook trout, especially those areas with few native salmonids present. These actions would take place within the Strawberry Mountain Wilderness of the Malheur National Forest. These actions would support conservation of ESA-listed species considered in the 2020 ESA consultation with U.S. Fish and Wildlife Service on the operations and maintenance of the Columbia River System and also support 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 (Northwest Power Act) (16 U.S.C. (USC) 839 et seq.).

BPT would electrofish in Lower Lake Creek and gillnet in High Lake to capture, remove, and euthanize brook trout in and above bull trout spawning habitat. Particular focus would be given to areas of high brook trout densities and/or low native fish densities to maximize efforts and reduce stress on native fish. Gillnetting and/or angling to remove brook trout from High Lake would be done in tandem to maximize the time of crews in the field and may be completed from June-October depending on weather and wildfire access restrictions. Brook trout caught by mechanical means would be removed and euthanized to reduce competition and hybridization with bull trout and competition with other native fish species. All native fish and brook trout caught by electrofishing would be recorded. Any data collected on native fish distribution may inform fish salvage efforts prior to further eradication efforts. Field personnel would be thoroughly trained in National Marine Fisheries Service's guidelines for electrofishing practices and safety, and fish handling practices to minimize stress to native taxa.

BPT would also collect field data to characterize and evaluate the condition of bull trout habitat including, but not limited to, stream temperature and flow, presence of fish barriers, seeps and springs, and macroinvertebrate and amphibian distribution and abundance. Thermographs would be deployed annually at between 10 and 40 locations coordinated with the U.S. Forest Service to develop a long-term temperature dataset for the Malheur and North Fork Malheur River basins.

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/ Carolyn A. Sharp

Carolyn A. Sharp
Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel January 20, 2022

Sarah T. Biegel 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: Upper Malheur Brook Trout Electrofishing, Gillnetting, and Research

Project Site Description

Brook trout removal activities would take place in the Lake Creek watershed. High Lake is a shallow, 5.8-acre lake located in the Strawberry Mountain Wilderness in the Malheur National Forest at an elevation of 7,500 feet. Except for a spring that delivers a small amount of perennial water, all stream flow into High Lake is ephemeral. An outlet at the south end of the lake flows year-round; however, flow is low during summer months. The breeding population of brook trout in High Lake is a recognized source for downstream recruitment to brook trout populations found in the bull trout habitat in the middle reaches of Lake Creek.

Lake Creek, High Lake's outflow, flows approximately 12.5 miles from High Lake to its confluence with Big Creek where the two form the Upper Malheur River. Much of the stream section upstream of the falls is characterized by channel widths of 1-2 m and moderate gradients (2-5%) with intermittent steep reaches (15-20%).

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: This project does not involve ground disturbance of any kind. There is no potential to affect cultural resources.

2. Geology and Soils

Potential for Significance: No

Explanation: There is no ground disturbance associated with these actions, and therefore, no potential to affect geology and soils.

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

Potential for Significance: No

Explanation: The proposed action does not include any vegetation management, ground disturbance, or actions that would impact vegetation. Therefore, there is no potential to affect plant communities.

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

Potential for Significance: No

Explanation: There would be temporary disturbance and displacement of wildlife in the immediate area of the proposed actions due to noise and human presence. However, the actions are short-term (hours/days) and habitat would not be altered (no ground or vegetation disturbance). There would be no long-term effect on wildlife or their habitat. No ESA-listed or Forest Service special-status wildlife species are present in the project areas.

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

Potential for Significance: No with Conditions

Explanation: Native fish would be trapped and handled, and some would be measured, adipose fin-clipped, or pit-tagged. Non-native fish (brook trout) would be intentionally removed. Non-target, native fish captured during any of these actions would be immediately released to maximize survival.

ESA-listed bull trout are present in the Upper Malheur watershed (though not in High Lake or above Lake Creek Falls), and may be present in the creeks proposed for electrofishing, trapping, or gillnetting. Electrofishing in occupied bull trout habitat would only occur between June 15 and August 15 to remain in compliance with state and Federal take permits and to avoid disturbance to redband/bull trout spawning. All project locations are above the reach of anadromous salmonids.

Notes:

- BPT would conduct project activities in accordance with a Section 10 recovery permit (Permit Number ES844503 (PER0011444), expiration March 14, 2026). Authorized activities include survey, capture, handling, biosampling, PIT tagging, release, and salvage of bull trout within the Upper Malheur River and North Fork Malheur River basins.

6. Wetlands

Potential for Significance: No

Explanation: The project would not take place within or around wetlands, and therefore, no potential to affect wetlands.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: No groundwater withdrawal would occur, and no discharge of pollutants. There would be no effect on groundwater or aquifers.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: Project activities would occur within the Strawberry Mountain Wilderness in the Malheur National Forest. There would be no changes to land use or impacts to specially-designated areas, and no potential to affect land use or specially-designated areas. Non-native fish removal is an activity that is allowed within Wilderness.

9. Visual Quality

Potential for Significance: No

Explanation: Occupancy of the site by trucks and people may temporarily intrude on what would otherwise be a natural landscape. Effect would be for hours or days only. There would be no change to the vegetation or landform, and no erection of new structures and thus, no change to visual quality.

10. Air Quality

Potential for Significance: No

Explanation: There would be minor and temporary generation of emissions associated with motor boat use and vehicular traffic to the action locations.

11. Noise

Potential for Significance: No

Explanation: Minor and temporary intermittent noise would occur during removal actions which would be during daylight hours only. Noise type and level would be consistent with the surrounding setting.

12. Human Health and Safety

Potential for Significance: No

Explanation: All proposed actions involve working in and around water, which poses some risk to human health and safety. But all actions are standard and customary fisheries management activities that would follow accepted practices that ensure safe working conditions and would mitigate for the risks inherent in outdoor work and work on the water (gloves and boots in the woods, protective gear when electrofishing, life-jackets when boating, etc.).

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: Actions are located on USFS-managed land within the Strawberry Mountain Wilderness of the Malheur National Forest. BPT would coordinate removal and survey activities with Forest Service staff.

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

Signed: /s/ Carolyn A. Sharp January 20, 2022
Carolyn A. Sharp, ECF-4 Date
Environmental Protection Specialist