

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Pine Creek Conservation Area

Project No.: 1998-022-00

Project Manager: Corrie Veenstra

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 operation and management (O&M) as part of the MOA between the Tribes and BPA. Funding the proposed activities fulfills ongoing commitments under the 2020 National Marine Fisheries Service Columbia River System Biological Opinion (2020 NMFS CRS BiOp). 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 for 2020 would include the following:

1) Backcountry Road Maintenance:

The proposed activity would use a bulldozer with a blade to grade approximately 30 miles of backcountry maintenance roads authorized for 4x4 pickup truck use in the Pine Creek Conservation Area. Existing road aggregate would be graded to smooth, drainage contours added where necessary, and washout spots, deep ruts, and other problem areas corrected to ensure access and drivability for patrols and maintenance. Large boulders which have rolled onto the maintenance road would be removed and placed adjacent to maintenance roads. Road maintenance work would be completed by a dozer contractor. Transport of the dozer and tractor would be by flatbed and staged at the Robinson Campsite using the campsite access road. The operator would drive the bulldozer and tractor starting from Jennies Peak Rd Robinson Campsite gate to identified backcountry trouble spots to complete grading work. The Area of Potential Effect incorporates portions of Jennies Peak Rd (16.17mi), Rhodes Canyon Rd (4.06mi), and portions of Divide Route Rd (0.5mi), Rattlesnake Canyon Rd (3.92mi), and Amine Rd (3.14mi) totaling approximately 28 miles. Backcountry roads are approximately 15 feet left and right of center line

2) Double Vault Waterless Restroom Installation

Proposal is to install a permanent self-contained double vault waterless restroom at Robinson Campsite to replace existing porta-johns. An estimated 20x20 foot pit approximately 8 feet deep would be excavated to install 2 underground vault containers for the restroom. The soil and rock material extracted would be backfilled where possible once vaults are set and other material placed adjacent to the project site. The building would be constructed directly above vaults. A cement slab would be poured at ground level on which to place the building. The project would be contracted out with a backhoe utilized for digging the pit. The building material would be transported to the project site location utilizing a flatbed and unloaded utilizing the backhoe. The building would be constructed on location by two to five contractors. Robinson Campsite Rd would be used for accessing the project site and equipment staged within the campsite area.

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:

/s/ Sarah T. Biegel

Sarah T. Biegel
NEPA Compliance Officer

November 9, 2020

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: Continued BPA funding for Operations & Maintenance (O&M) for the Pine Creek Conservation Area to protect, manage, and restore habitat for fish and wildlife.

Project Site Description

Activities would occur on CTWS-owned property within the Pine Creek Conservation Area, a 34,300-acre property. The project activities would be located in the front country and backcountry that is made up of high desert scrub habitat uplands within the John Day Basin in Wheeler County, OR.

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 November 6, 2020. The Confederated Tribe of Warm Springs concurred on October 27, 2020, as long as avoidance measures are followed. BPA did not receive additional correspondence from OR SHPO or CTUIR within the 30-day consultation period beginning October 6, 2020; therefore, concurrence with determination can be assumed.

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: There are no critical soil types or geologic features at the activity sites. The site is denuded and compacted by heavy recreational use. Excavation for the vault and erection of the toilet would have limited, if any effect, on soil and geology.

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

Potential for Significance: No

Explanation: There are no Federal/state special-status species in the project area or on the PCCA property. There are no plants to be disturbed at the construction sites for the toilet and unimproved road system. The site is denuded and compacted by heavy recreational use.

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

Potential for Significance: No

Explanation: There are no federal/state special-status species present. The current level of recreational activity at the site has already displaced native wildlife that might otherwise

use this upland habitat. Construction of the toilet and maintenance of the unimproved roads would neither increase nor reverse this impact. Equipment use would be stopped during nesting and breeding season to minimize effects. No known eagle nests are in the project site.

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. The proposed activities would not involve any in-water work or handling of fish. The installation of this toilet would be along an improved road adjacent to a paved highway road in a denuded upland site in what would otherwise be high desert scrub habitats. This toilet installation would have no effect on waterbodies, floodplains, or fish.

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. No use of groundwater proposed. No deep digging proposed. This is an installation of a sealed vault toilet, which would be pumped on a regular basis. There would be no open pit. There would be no potential to impact groundwater.

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. 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. Sign-in kiosks are posted at all property access points with information about Conservation Area programs and activities. Guest visitation and hunting access can 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 bathrooms and road infrastructure. Construction repair would generally improve appearance of existing PCCA grounds and infrastructure from the proposed enhancements. This is not inconsistent with the long-term ongoing land use operations through use of maintaining property roads for the public and providing facilities underscoring health and human safety through opportunities for better hygiene.

10. Air Quality

Potential for Significance: No

Explanation: There are short-term effects of vehicle and equipment generating dust only for short durations and not inconsistent with the long-term ongoing land use operations of surrounding properties through road maintenance and small scale construction.

11. Noise

Potential for Significance: No

Explanation: There are short-term effects of heavy 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 make up 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. Standard Operating Procedures (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

Lindsey Arotin, ECF-4
Environmental Protection Specialist

November 9, 2020

date