

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Yakama Nation's Wapato Property Trespass Rehabilitation

Project No.: 1992-062-00

Project Manager: Daniel Newberry, EWU

Location: Yakima County, Washington

Categorical Exclusion Applied (from 10 C.F.R. Part 1021): B1.3 Routine maintenance; B1.20 Protection of cultural resources, fish, and wildlife habitat

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes to fund the Confederated Tribes and Bands of the Yakama Nation (YN) to conduct wildlife area rehabilitation activities due to trespass on the Wapato Property that is part of the YN wildlife area in the Columbia River basin. Proposed activities would include fence installation, decommissioning a parking lot and five off-road access points, vegetation management, and installation of trespass deterrents.

Fence installation

YN would construct a new 0.75-mile-long section of fence along a portion of the perimeter of the Wapato property to deter continued trespass. The fence would be constructed using metal t-posts and wooden railroad posts. The metal t-posts would be driven into the ground by hand approximately 2 feet deep. The wooden posts would be buried into the ground approximately 3 feet deep using a shovel or backhoe. Light excavation would occur during fence construction. Along the fence line signs would be installed to note Yakama Nation Wildlife Area property line and access limitations. This fencing would be routinely inspected to monitor damage caused by trespass, wildlife, and the elements. Any damaged segments would be repaired or replaced with like-for-like fencing at the same location.

Parking Lot

YN would decommission an approximately 0.2 acre parking lot that has been utilized for unauthorized access to the wildlife area. The existing parking lot would be de-compacted with a backhoe scraper or attached tiller. Once the ground is de-compacted, the ground would be seeded to restore to similar conditions to grass lands adjacent to the parking lot. The fence line around the parking lot would be extended to deter parking and a smaller gate would be installed to only allow foot access. This area would be routinely maintained via vegetation management,

fence inspection and repair, and inspection for trespass. Any damaged sections would be repaired, replaced, or reseeded at the same location.

Off-road access points

YN would decommission five off-road access points (two-track) that have been created due to continued trespass. Approximately 260 feet of two-track road would be decommissioned. The existing two-track roads would be scraped or tilled to break up the compacted layer of soil from consistent use. Once the soil is broken up, a seeder would seed the two-track roads to match native vegetation adjacent to these areas.

YN would install six tank traps (traps) at each access point along the property boundary as a form of trespass deterrent. The traps would consist of excavated ditches to impede vehicle access to the wildlife area. Each trap would be 4 to 5 feet in depth and 4 to 5 feet by up to 10 feet (based on width of two-track). All excavated materials would be used on site and placed on the inside edge of the traps to create a tall point to impede vehicle access. Approximately 250 cubic yards of material would be excavated to create traps.

Vegetation management

YN would remove woody vegetation at three locations along the property boundary to install the fence. Once the fence is installed, all disturbed areas would be seeded with native seed mix to revegetate. YN would also target invasive vegetation species on the Wapato property like cheatgrass (*Bromus tectorum*), Scotch thistle (*Onopordum acanthium*), and Russian knapweed (*Rhaponticum repens*) via herbicide treatment. Herbicide applications would be done by licensed applicator in accordance with label instructions, and all applications would adhere to BPA's Habitat Improvement Program's (HIP) biological opinions.

These actions would support BPA's commitments to the Yakama Nation in the Columbia River Fish Accord, as amended, while also supporting ongoing efforts to mitigate for effects of the Federal Columbia River Power System 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 1021.102 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; 89 FR 34074, April 30, 2024; 90 FR 29676, July 3, 2025 [Interim Final Rule]) and *DOE National Environmental Policy Act (NEPA), Implementing Procedures* (dated June 30, 2025), BPA has determined the following:

- 1) The proposed action fits within a class of actions listed in Appendix B of 10 CFR 1021;
- 2) The proposal has not been segmented to meet the definition of a categorical exclusion; and
- 3) There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal (see attached Environmental Evaluation).

Based on these determinations, BPA finds that the proposed action is categorically excluded from further NEPA review.¹

Catherine Clark
Environmental Protection Specialist

Concur:

Katey C. Grange
NEPA Compliance Officer

Attachment(s): Environmental Checklist

¹ BPA is aware that the Council on Environmental Quality (CEQ), on February 25, 2025, issued an interim final rule to remove its NEPA implementing regulations at 40 C.F.R. Parts 1500–1508. Based on CEQ guidance, and to promote completion of its NEPA review in a timely manner and without delay, in this CX BPA is voluntarily relying on the CEQ regulations, in addition to the interim final rule to revise DOE NEPA regulations implementing NEPA at 10 C.F.R. Part 1021 and NEPA Implementing Procedures (dated June 30, 2025), to meet its obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

Categorical Exclusion Environmental Evaluation

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: Yakama Nation's Wapato Property Trespass Rehabilitation

Project Site Description

The project area is located within the YN's wildlife area in Yakima County, Washington. The project would take place entirely on YN Reservation and tribally-managed lands. The wildlife area is comprised of managed waterways (including creeks, ponds, and wetlands) for waterfowl habitat. The wildlife area provides access to hunting and fishing for tribal members.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: On July 16, 2025, BPA completed a combined initiation and determination consultation (WA 2025 180) under Section 106 of the National Historic Preservation Act (NHPA) on the proposed project. Consulting parties for the proposed project included the Confederated Tribes and Bands of the Yakama Nation and the Yakama Nation Tribal Historic Preservation Office (THPO). BPA determined that the proposed project would result in no historic properties affected. No responses were received within the 30 day consultation period.

2. Geology and Soils

Potential for Significance: No

Explanation: The proposed trap excavation would cause soil disturbance at a depth of approximately five feet, and the proposed fence installation would require light excavation to install fence posts and remove vegetation; these actions would be minor and localized to the property boundary. The proposed soil decompaction of the parking lot and two track roads would cause minor soil disturbance of the top layer of soil, but the effects would be minimal and the areas would be revegetated to prevent soil erosion.

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

Potential for Significance: No

Explanation: No ESA-listed or state special-status plant species are within the project sites. Proposed activities would remove established woody plant species along the property boundary and would break up compacted soil to encourage vegetation growth. All disturbed areas would be reseeded with native vegetation to the area. Project activities would have a beneficial long-term effect.

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

Potential for Significance: No

Explanation: ESA-listed, yellow-billed cuckoo (*Coccyzus americanus*) may be present on the Wapato property of the YN Reservation wildlife area; however, they have not been seen within the project area. There would be no negative effect on ESA-listed wildlife species, and long term effect of maintaining and enhancing degraded sections of the wildlife area would have long term positive impacts on ESA-listed wildlife species.

There would be mild negative impacts to non-listed wildlife from some of the proposed project activities. Wildlife would potentially be disturbed by human presence and noise. The effects would be temporary and consistent with typical wildlife area activities that have been carried out in these areas. There would be no long term negative effect on wildlife, and long term effects of maintaining and enhancing the wildlife area would have long term positive impacts on local and migratory wildlife in the area.

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

Potential for Significance: No

Explanation: The Yakima River contains ESA-listed bull trout (*Salvelinus confluentus*), Chinook salmon (*Oncorhynchus tshawytscha*), Coho salmon (*Oncorhynchus kisutch*), and steelhead (*Oncorhynchus mykiss*) and their critical habitat. The proposed actions would not physically alter any aquatic habitat that listed species occupy and would not involve any in-water work. Therefore, there would be no adverse impacts to water bodies, floodplains, or fish.

6. Wetlands

Potential for Significance: No

Explanation: There are mapped wetlands located within the wildlife area (USFWS National Wetlands Inventory), but there are no wetlands in the upland areas where project activities would occur, so there would be no impacts to wetlands.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: No new wells or use of groundwater are proposed. All tank trap excavation would avoid groundwater levels. The proposed activities would have no long-term impact to groundwater or aquifers.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: There would be no change to land use and no impact to specially-designated areas. YN manages the land where the proposed project would take place. Opportunities for tribal use would continue to be available for the property. In the long term, the installation of the trespass prevention measures would support the intended uses of the property.

9. Visual Quality

Potential for Significance: No

Explanation: The proposed work would have little effect on visual quality. Minor changes such as fence installation, vegetation removal, parking lot and two-track decommissioning, and tank traps would occur. Overall, the project would be returning the area to a more natural vegetative state by removing sections of unauthorized access points.

10. Air Quality

Potential for Significance: No

Explanation: There would be a minor temporary effect to the air quality of the environment from exhaust due to vehicle use for project activities as a result of this project. Normal conditions would return upon project completion.

11. Noise

Potential for Significance: No

Explanation: The proposed work would result in a minor, temporary increase in ambient noise due to human presence, and use of vehicles and equipment. Normal conditions would return upon project completion.

12. Human Health and Safety

Potential for Significance: No

Explanation: The proposed work is not considered hazardous, nor does it result in any health or safety risks to the general public. There would be no soil contamination or hazardous conditions and no CERCLA sites.

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: Project activities proposed by the YN would be implemented by employees on land managed by the tribe. Wildlife area staff would work with appropriate personnel to get project approval.

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

Signed: _____
Catherine Clark
Environmental Protection Specialist