

# Categorical Exclusion Determination

Bonneville Power Administration

Department of Energy



**Proposed Action:** Malheur River Wildlife Mitigation Project Window Replacement

**Project No.:** 2000-027-00

**Project Manager:** Siena Lopez-Johnston

**Location:** Malheur County, OR

**Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021):** B1.3 – Routine Maintenance

**Description of the Proposed Action:** BPA proposes to fund the Burns-Paiute Tribe's proposal to install new energy efficient windows at the manager's residence at the Malheur River Wildlife Mitigation Project. The current residence was built in the 1970s and the original windows have deteriorated. Installation of new windows will reduce heating and cooling costs. There will be no surface disturbance, soil removal, or vegetation clearing needed in order to install the windows.

The Malheur Wildlife Mitigation Area a 31,781 acre parcel located between U.S. Highway 20 and the Malheur River, 11 miles east of Juntura, OR. The land is owned by the Burns-Paiute Tribe, and was purchased with BPA funds in November, 2000 to compensate for the loss of fish and wildlife resources in the Columbia and Snake River Basins. The manager's house at the Area is located directly to the north of U.S. Highway 20.

**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, July 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/ Dave Goodman

Dave Goodman  
Environmental Protection Specialist

Concur:

/s/ Stacy L. Mason

Stacy L. Mason

NEPA Compliance Officer

Date: July 8, 2016

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:** Malheur River Wildlife Mitigation Project Window Replacement

---

### Project Site Description

All work will take place at the manager’s residence of the Malheur River Wildlife Mitigation Project. . There will be no surface disturbance, soil removal, or vegetation clearing needed in order to install the windows.

### Evaluation of Potential Impacts to Environmental Resources

Environmental Resource Impacts	No Potential for Significance	No Potential for Significance, with Conditions
1. <b>Historic and Cultural Resources</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> Per communications with Nicole Hurley, ECC, the house was constructed in the 1970s and is not eligible for the National Register of Historic Places. The project will not involve any disturbance of previously undisturbed lands or soils.		
2. <b>Geology and Soils</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> The project will not involve any disturbance of previously undisturbed lands or soils.		
3. <b>Plants</b> (including federal/state special-status species)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> The project will not involve disturbance or removal of any plants, including special-status species plants.		
4. <b>Wildlife</b> (including federal/state special-status species and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> The project will not impact any wildlife on or near the project area. Canada lynx is the only ESA-listed species with the potential to occur in the project area. There has never been a sighting of a Canada Lynx on the property, and it is highly unlikely that the species would occur in this habitat type.		
5. <b>Water Bodies, Floodplains, and Fish</b> (including federal/state special-status species and ESUs)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> The manager’s house is located outside of the floodplain, and installation of the windows would not involve in-water work, riparian vegetation removal, or result in erosion.		
6. <b>Wetlands</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> The manager’s house is located outside of delineated wetlands within the property, and would avoid any impacts to adjacent wetlands within the wildlife area.		

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| 7. <b>Groundwater and Aquifers</b>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <u>Explanation:</u> No ground disturbance proposed.  |                                     |                                     |
| 8. <b>Land Use and Specially Designated Areas</b>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <u>Explanation:</u> All work would occur at the existing manager's house and would not impact any existing land uses.  |                                     |                                     |
| 9. <b>Visual Quality</b>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <u>Explanation:</u> New windows would not look noticeably different than original windows.   |                                     |                                     |
| 10. <b>Air Quality</b>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <u>Explanation:</u> Small amount of dust and vehicle emissions due to trucks carrying windows to property.   |                                     |                                     |
| 11. <b>Noise</b>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <u>Explanation:</u> Temporary noise during daylight hours during installation of the windows.  |                                     |                                     |
| 12. <b>Human Health and Safety</b>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <u>Explanation:</u> Possible that asbestos is found within the putty used to seal the windows. Installing contractor will follow applicable laws and regulations associated with asbestos removal and abatement. |                                     |                                     |

### 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, if necessary:

- Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.

Explanation, if necessary:

- 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, if necessary:

- 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, if necessary:

---

**Landowner Notification, Involvement, or Coordination**

Description: The Burns-Paiute Tribe is both the landowner and the project proponent.

---

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

Signed: /s/ Dave Goodman

Dave Goodman

Environmental Protection Specialist

Date: July 8, 2016