

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Oregon Department of Fish and Wildlife Gravity Screen Installation (07-0111, 06-0067)

Project No.: 1993-066-00

Project Manager: Allan Whiting, EWL-4

Location: Umatilla and Wheeler counties, Oregon

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.8 Screened water intake and outflow structures, B1.20 Protection of cultural, fish, and wildlife habitat

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes to fund the Oregon Department of Fish and Wildlife (ODFW) to construct, fabricate, and install fish screens, water measuring devices, and headgates as per the National Oceanic and Atmospheric (NOAA) fish screen criteria at two diversions in Wheeler and Umatilla counties, Oregon. ODFW identified the screen replacement sites in the John Day subbasin based on many considerations, including priorities identified in the subbasin plan, irrigation schedules, fish presence and population status, and current passage conditions.

At both project sites, gravity fish screens and screen boxes would be installed in existing irrigation ditches typically outside the irrigation season. The old concrete box at project site 07-0111 was destroyed in a flood event in 2020 and would be rebuilt with a prefabricated metal rotary drum fish screen that would be installed at or near the old screen box location using heavy equipment. The old concrete box at project site 06-0067 is located on Bureau of Land Management land and would be decommissioned. The new concrete screen box and dual bay rotary fish screens would be installed at the new legal point of diversion on private land. This location would require a concrete truck and heavy equipment onsite to set the screen box forms at grade within the existing ditch. New bypasses would be installed from the new screen box back to the stream's edge, above the ordinary high-water mark. The bypass pipes would range from 50 to 100 feet in length. New pipes would be laid in an excavated trench and then reburied.

Water measuring devices would be incorporated into the new screen boxes. A sharp crested weir insert would be placed behind the fish screens in the screen boxes. Water measuring devices that are installed on existing screens would be installed in the fish screen box to not impede flows on the screen drum, which can affect submergence. This would be coordinated with the Oregon Water Resources Department (OWRD) local Watermaster to ensure the water measuring control device is fully functional upon completion.

Work would occur typically outside of irrigation season while the ditch is not operational (dewatered). Once the installation is complete, the headgate would be opened while keeping the bypass closed for a very short period, which would allow the flush of sediment and debris to go down the conveyance ditch while still providing fish protection from the installed fish screen.

ODFW would utilize pre-existing roads and two-tracks to access all sites. All work would result in about 0.5 acre or less of ground disturbance at each site and very limited amounts of material (typically less than a cubic yard) removed from each work site. Work would be done within the Oregon Department of State Lands (ODSL) and Army Corp of Engineers permit exemption stipulations by providing maintenance to an existing diversion/fish passage structure. An ODFW fish district biologist would conduct a site inspection upon completion. If there is need to provide for irrigation or stock water during screen installation (due to water needed crop rotation, agriculture harvest, stock water needs, weather, site constraints, irrigation practices, etc.), the irrigation ditch would be dewatered, and water would be bypassed around the construction site. Prior to diverting water, ODFW would install a temporary portable prefabricated fish screen. The temporary fish screens would ensure that fish would be protected during construction and would keep fish from traveling down the irrigation ditch. The conveyance headgate and the bypass headgate would typically stay closed during replacement or maintenance. Extreme caution would be taken so that there would be no or very minimal disturbance below the normal high-water mark of the creek.

Gravity screens, headgates, and water measuring devices are proposed for construction in the following locations:

Stream Name	Project Number	Lat	Long
Walla Walla Creek	07-0111	45.89156	-118.23799
Bridge Creek	06-0067	44.65182	-120.2475

Funding the proposed activities would support conservation of ESA-listed species considered in the 2020 ESA consultation with National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) on the operation and maintenance of the Columbia River System, and BPA's 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 1021.410(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.

Catherine Clark
Environmental Protection Specialist

Concur:

Sarah T. Biegel
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.

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Project Site Description

Project site location 07-0111 is located in Umatilla County, Oregon south of Milton-Freewater approximately 3.6 miles above the confluence of the north and south forks of the Walla Walla River. The screen would be located on private land that is primarily used for cattle grazing and hay production. The vegetation adjacent to the diversion consists of native grasses.

Project site location 06-0067 is located in Wheeler County, Oregon approximately 10 miles northwest of Mitchell. The project site is located on Bridge Creek, which is a tributary of the John Day River, with its confluence approximately 6.5 miles north of the project area. The screen would be located on private land that is primarily used for hay production.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No with Conditions

Explanation: BPA determined that the implementation of the proposed undertaking would result in no adverse effect, provided construction monitoring occurred at Bridge Creek (06-0067). BPA consulted with the Oregon State Preservation Office (SHPO), Burns Paiute Tribe (BPT), the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Confederated Tribes of the Warm Springs (CTWS), and the Nez Perce Tribe (NPT) on July 7, 2022. Oregon SHPO concurred with the determination of no adverse effect on August 22, 2022. No additional responses were received from the consulting parties.

Notes:

- Bridge Creek (06-0067) would require an archaeological monitor during implementation.

2. Geology and Soils

Potential for Significance: No

Explanation: Removal and replacement of current fish screens, headgates, and water measuring devices would cause approximately 0.5 acres or less of ground disturbance at each site. Erosion control measures would be implemented to minimize increased turbidity entering creeks or streams downstream of the diversions.

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

Potential for Significance: No

Explanation: No ESA-listed or special-status plant species are known to exist on the site. All areas disturbed during construction within the footprint of the irrigation ditch would be filled with concrete to ensure stability of the structure. Any vegetation disturbed outside the footprint of the ditch would be reseeded.

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

Potential for Significance: No

Explanation: No ESA-listed or special-status species or habitat are known to exist on the project sites; therefore, there would be no impact from the installation of the fish screens and their associated parts. Wildlife may be temporarily displaced by construction noise during implementation but would return to the project area once there is no more human presence.

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

Potential for Significance: No

Explanation: Project impacts to ESA-listed species would be covered under the Habitat Improvement Program (HIP) Biological Opinion (BiOp). Listed fish species present in the project areas include Middle Columbia steelhead, Chinook salmon, and Columbia River bull trout and their designated critical habitat. A series of conservation measures would be implemented to ensure that the project would benefit ESA-listed fish species. Other fish species, including non-ESA-listed sensitive species and their habitat would have minimal impact from elevated turbidity as proposed activities would be occurring within preexisting diversion ditches largely in the dry.

These projects would be exempt from the Department of State Lands removal of fill permit under OAR 141-085-0530 Exemption: "Fish Passage and Fish Screening Structures in Essential Indigenous Anadromous Salmonid Habitat (ESH). Less than 50 cubic yards of removal-fill for construction or maintenance of fish passage and fish screening structures that are constructed, operated or maintained under ORS 498.306, 498.316, 498.326, or 509.600 to 509.645". This exemption includes removal of material that inhibits fish passage or prevents fish screens from functioning properly.

These projects are exempt from permits under Section 404 of the Clean Water Act, "The construction and maintenance of irrigation ditches are exempt under the Clean Water Act, Section 404."

6. Wetlands

Potential for Significance: No

Explanation: There are no designated wetlands located in the project areas.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: Ground-disturbing activities are not likely to intersect groundwater and would have no impact on aquifers. Construction BMPs would be implemented to prevent contamination of groundwater from equipment leaks and spills.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The projects are located on private lands. No changes to land use, including to irrigation users, would occur.

9. Visual Quality

Potential for Significance: No

Explanation: Minor changes to visual quality would occur. New fish screens would be larger than the previous installed fish screens. However, they would be consistent with other fish screens in the John Day River basin and would not be located in a visually sensitive area.

10. Air Quality

Potential for Significance: No

Explanation: Temporary increase in emissions and dust from vehicles accessing the sites during construction activities would occur.

11. Noise

Potential for Significance: No

Explanation: Temporary increase in ambient noise during construction would occur. Any noise emitted from construction equipment would be short term and temporary during daylight hours and would cease following project completion.

12. Human Health and Safety

Potential for Significance: No

Explanation: The proposed activities are not considered hazardous nor would result in any health or safety risks to the general public.

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: Activities would be implemented within irrigation ditches on private lands. ODFW would coordinate with the landowners to install gravity screens, headgates, and water measuring devices on private lands.

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