

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Oregon Fish Screen Projects, Gravity Screens and Headgate (Fields Creek #4, #8, #9, and John Day River #59)

Project No.: 1993-066-00

Project Manager: Joshua Ashline – EWL-4

Location: Grant County, Oregon

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B 1.8 Screened water intake and outflow structures, B 1.20 Protection of cultural, fish and wildlife habitat

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes to fund Oregon Department of Fish and Wildlife (ODFW) to construct, fabricate, and install fish screens and a headgate as per the National Oceanic and Atmospheric (NOAA) fish screen criteria at five diversions in Grant County, 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 all the Fields Creek sites (Fields Creek #4, #8, #9), replacement gravity fish screens and screen boxes would be installed in existing irrigation ditches typically outside of the irrigation season. The old concrete boxes would be removed and replaced with new pre-fabricated metal boxes that would be installed at or near the old screen box location. New bypass pipes would be installed from the new screen box back to the stream's edge, above the ordinary high water mark. The pipes would range from 50 to 100 feet in length. New pipes would be laid in an excavated trench and then reburied. If there is a need to provide for irrigation or stock water during screen installation (due to water needed for 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.

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

A new headgate would be constructed at John Day River #59 project site within the existing concrete diversion structure. Work would occur typically outside of irrigation season while the

ditch is not operational (dewatered). If a water user is irrigating or providing stock water during the time of installation, water would be bypassed around the construction site and a temporary prefab fish screen would be installed to keep fish from traveling down the ditch during construction. The new headgate would be placed near the confluence of the stream edge and within the irrigation ditch. Extreme caution would be taken so that there would be no or very minimal disturbance below the normal high water mark of the John Day River. Once the installation is complete, the headgate would be opened while keeping the bypass closed for a very short period, which would allow for the initial flush of sediment and debris to go down the conveyance ditch while still providing fish protection from the installed fish screens.

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.

Gravity Screens, the headgate, and water measuring devices are proposed for construction in the following locations:

<i>Stream Name</i>	<i>Lat</i>	<i>Long</i>
Fields Creek #4	44.40382	-119.30584
Fields Creek #8	44.41897	-119.30321
Fields Creek #9	44.42072	-119.30274
John Day River #59	44.48667	-119.55511

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

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/ Catherine Clark

Catherine Clark
Environmental Protection Specialist

Concur:

Katey C. Grange
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: Oregon Fish Screen Projects, Gravity Screens and Headgate (Fields Creek #4, #8, #9, and John Day River #59)

Project Site Description

All project areas are located in Grant County, Oregon within the John Day River Basins. All project areas are located on private lands along the edges of grass fields that are utilized primarily for livestock grazing and 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 historic properties affected. BPA consulted with the Oregon State Preservation Office (SHPO), Nez Perce Tribe (NPT), Burns Paiute Tribe (BPT), the Confederated Tribes of Warm Springs Reservation of Oregon (CTWSRO), and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) on July 7th 2022. Oregon SHPO concurred with BPA's determination on August 22nd 2022. No other responses have been received.

Notes:

- Fields Creek #9 would require an archaeological monitor during implementation.

2. Geology and Soils

Potential for Significance: No

Explanation: Removal and replacement of current fish screens, headgate, 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 wildlife 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 back 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 River steelhead and Columbia River bull trout and their 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 the 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 with groundwater and would have no impact on aquifers. Construction BMPs would be implemented to prevent contamination of groundwater from equipment leaks or spills.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The projects are located on private lands. No change to land use would occur.

9. Visual Quality

Potential for Significance: No

Explanation: Minor changes to visual quality. The new fish screens would be slightly larger than the previously 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.

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 has and will continue to coordinate with land owners to install all gravity screens, the headgate, and flow measuring devices on private land.

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

Signed: <u>/s/ Catherine Clark</u>	<u>October 3, 2022</u>
Catherine Clark	Date
Environmental Protection Specialist	