

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Catherine Creek #8102 and Lostine River #8007 Fish Screen Replacement

Project No.: 1993-066-00

Project Manager: Allan Whiting, EWL-4

Location: Union County and Wallowa 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: Bonneville Power Administration (BPA) proposes to fund the Oregon Department of Fish and Wildlife (ODFW) to replace fish screens at two sites shown in the table below.

Location Name	ODFW Project No.	Water Body	County	Latitude/ Longitude
Catherine Creek #8102	S-08-8102	Catherine Creek	Union	45.20892/ -117.85402
Lostine River #8007	S-08-8007	Lostine River	Wallowa	45.46881/ -117.42470

Each site currently supports an aging fish screen structure that would be replaced with a new structure. For the Catherine Creek #8102 project, the deteriorated concrete screen structure on the Prescott Ditch would be replaced with an updated steel gravity screen system. For the Lostine River #8007 project, the concrete screen structure on the Haun Ditch #1 would be replaced with a new concrete structure, and the screen components would be re-used. A 10-inch-diameter high-density polyethylene (HDPE) pipe would be added to the Haun Ditch #1 screen system to allow fish at the front of the screen to safely return to the Lostine River.

An excavator and/or backhoe would be used to remove the existing concrete screen structures at each site and to place the new steel screen structure at the Catherine Creek #8102 site. A concrete truck would be used at the Lostine River #8007 site to pour the replacement concrete screen structure. The footprint of construction activity for each screen structure replacement site would be approximately 0.25 acre or less. Existing roads and two-track access routes would provide access to each site's construction area. Construction would be performed outside of the irrigation season, behind closed headgates, so that work would be completed when there are no flows in the ditches.

Fish screens are structures that prevent fish entrapment in irrigation ditches or irrigated fields, and BPA's purpose in funding them is to prevent entrapment and mortality of Endangered Species Act (ESA) listed Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*), and bull trout (*Salvelinus confluentus*). Each structure has been designed according to criteria in the National Marine Fisheries Services (NMFS) "Anadromous Salmonid Passage Design Manual

(NMFS, West Coast Region, Portland, Oregon, 2022) and would be installed according to the relevant criteria in the NMFS Habitat Improvement Program (HIP) Biological Opinion (NMFS 2020).

The Proposed Action fulfills commitments under the 2020 NMFS Columbia River System Biological Opinion and would support conservation of ESA-listed species considered in the 2020 ESA consultation with the U.S. Fish and Wildlife Service on the operation and maintenance of the Columbia River System. These actions also support ongoing efforts to mitigate for the 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; 89 FR 34074, April 30, 2024), 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.¹

John Vlastelicia
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 DOE's own regulations implementing NEPA at 10 C.F.R. Part 1021, to meet its obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

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

The Catherine Creek #8102 project site is located on the Prescott Ditch approximately 0.5 mile southeast of the city of Union. The existing screen structure and the proposed screen replacement work area are on the south side of Medical Springs Highway (Highway 203). Catherine Creek is located on the north side of the highway in the project vicinity, with bypass and return pipe connections to the Prescott Ditch. The project site is on private land used for cattle grazing, hay production, and irrigation for the Buffalo Peak Golf Course. Vegetation in the project area consists predominantly of native grasses.

The Lostine River #8007 project site is located on the Haun Ditch #1 approximately 1.25 miles south of the city of Lostine. The existing screen structure and the proposed screen replacement work area are on the west side of Lostine River Road, between the road and the Lostine River. The project site is on private land used for cattle grazing and hay and alfalfa production. Vegetation in the project area consists predominantly of native grasses.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: BPA determined that the implementation of the proposed project would result in no historic properties affected. BPA initiated consultation with the Burns Paiute Tribe, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Oregon State Historic Preservation Office (SHPO; Case No. 23-1826) for the ODFW 2024 Fish Screen Projects on July 13, 2023 (BPA CR Project No. OR 2023 107). The consultation request included an Area of Potential Effects (APE) map that identified the Catherine Creek #8102 and Lostine River #8007 projects addressed in this CX Determination, in addition to other ODFW fish screen projects addressed in separate NEPA documents. No comments were received.

BPA subsequently completed field surveys and documented the results in a Cultural Survey Report that was submitted to the consulting parties on April 25, 2024, as part of a letter that documented BPA's *No Historic Properties Affected* determination for the action. BPA did not receive any comments from the consulting parties on the determination within the 30-day comment period.

Notes:

- Protocols would be in place requiring that, if cultural material is inadvertently encountered during construction, work must be stopped until the findings can be assessed by BPA in coordination with the appropriate consulting parties.

2. Geology and Soils

Potential for Significance: No

Explanation: The projects would disturb soils during construction due to the excavation and grading required to replace the screen structures. Construction-related ground disturbance is expected to be a quarter of an acre or less at each site and would occur within areas previously disturbed for the original construction of the existing screen structures. BPA Habitat Improvement Program (HIP) conservation measures for erosion and sediment control would be followed to minimize the physical extent, severity, and duration of soil disturbance.

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

Potential for Significance: No

Explanation: Construction activity would involve minor vegetation disturbance along the ditches at each site to replace the existing screen structures. Equipment access to the sites would be via existing roads and two-track access routes. The Catherine Creek #8102 site is not within the geographic range of any ESA-listed plant species. The Lostine River #8007 site is within the general geographic range of the ESA-listed Threatened Spalding's catchfly (*Silene spaldingii*) plant, but there are no documented occurrences of this species within several miles of the project site; the ditch work areas do not contain the bunchgrass grassland or shrub-steppe habitat conditions typically associated with this plant. There are no documented occurrences of state special-status plant species at either project site.

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

Potential for Significance: No

Explanation: Construction of the screen replacements could temporarily displace wildlife, including birds and small mammals, from the project area, due to noise and visual disturbance from equipment operation and human activity. The existing screens would be replaced within their existing footprint. Tree removal is not proposed, and there would be no long-term effects to wildlife or habitat once construction is complete and vegetation reestablishes. Neither project site is within designated Critical Habitat for terrestrial wildlife. There are no documented occurrences of state special-status wildlife species at either project site.

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

Potential for Significance: No

Explanation: The screen replacement work would occur within irrigation ditches with connections to adjacent streams. The Prescott Ditch receives flows from Catherine Creek, and the Haun Ditch #1 receives flows from the Lostine River. Catherine Creek and the Lostine River are designated critical habitat for federal ESA-listed bull trout and Snake River ESU Chinook salmon and steelhead. Both streams also provide habitat for redband trout, and Catherine Creek is identified as habitat for Pacific lamprey.

The screens benefit fish by preventing their access to and entrapment within irrigation ditches or irrigated fields. Screen replacement work is authorized under NMFS and USFWS Biological Opinions issued for BPA's Habitat Improvement Program (HIP). HIP conservation measures for design and construction would be incorporated into the projects, including compliance with NMFS fish screen criteria. Construction of the screen replacements would occur outside of the irrigation season, behind closed headgates when flows are not being diverted into the ditches.

The screen structure replacements would not involve net fill in the floodplain and would not otherwise impact flood water surface elevations on surrounding properties. The projects are exempt from U.S. Army Corps of Engineers (USACE) Section 404 Clean Water Act permitting requirements as an exempt category of activity that includes “construction or maintenance of irrigation ditches” and associated elements. Additionally, the Oregon Department of State Lands (DSL) has determined that irrigation ditches are not jurisdictional under Oregon’s Removal-Fill Law if they are operated and maintained for the primary purpose of irrigation and are dewatered for the non-irrigation season, as is the case for the Prescott Ditch and the Haun Ditch #1.

6. Wetlands

Potential for Significance: No

Explanation: The projects would not result in loss of wetland area or permanent impacts to wetland functions. Replacing the existing fish screen structures would involve small amounts of excavation and fill within the Prescott Ditch (Catherine Creek #8102 site) and the Haun Ditch #1 (Lostine River #8007 site). At the Catherine Creek #8102 site, approximately 6 cubic yards of concrete for the existing screen box and an additional 10 cubic yards of material around the box will be excavated to make room for the placement of the new, pre-fabricated steel screen box. At the Lostine River #8007 site, approximately 30 cubic yards of concrete for the existing screen structure and an additional 20 cubic yards of material around the structure will be excavated to make room for the concrete forms for the new screen structure.

The USACE has determined that discharges of dredged or fill material from construction or maintenance of irrigation ditches – and associated elements such as diversion structures and other such facilities – are exempt from regulation under Section 404 of the Clean Water Act and do not require a Section 404 permit. Additionally, Oregon DSL has determined that irrigation ditches are not jurisdictional under Oregon’s Removal-Fill Law if they are operated and maintained for the primary purpose of irrigation and are dewatered for the non-irrigation season, as is the case for the Prescott Ditch and the Haun Ditch #1.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: The replacement of the fish screens would have no impact on groundwater and aquifers. The screens are associated with surface water diversions (with surface water rights), and the projects do not involve withdrawals of, or discharges to, groundwater. The project sites are not located within a Groundwater Restricted Area designated by the Oregon Water Resources Department or within a U.S. Environmental Protection Agency-designated Sole Source Aquifer.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The projects would not change existing land uses of the fish screen sites or surrounding areas. The screen replacements would support continued delivery of irrigation water to primarily grazing and agricultural lands in a manner that is protective of ESA-listed fish using the streams from which the water is diverted.

9. Visual Quality

Potential for Significance: No

Explanation: The projects would replace existing fish screen structures in their current ditch locations and would not substantially change the visual quality of these areas.

10. Air Quality

Potential for Significance: No

Explanation: The fish screen replacements would not introduce new operational sources of air emissions or otherwise affect air quality in the long term. Minor temporary increases in site emissions from gasoline and diesel-powered construction equipment and vehicles would occur during construction. Dust emissions from construction activities would be minor based on the small area of ground disturbance. Neither of the project sites are located in an area designated by the Oregon Department of Environmental Quality (DEQ) as a Non-Attainment Area or Maintenance Area with current or historic issues meeting air quality standards.

11. Noise

Potential for Significance: No

Explanation: The projects would not introduce new permanent sources of noise to the project sites and would not otherwise change noise levels in the long term. Temporary increases in noise levels at the sites would be expected during construction as a result of equipment operation. Noise-generating construction equipment could include a backhoe or excavator, dump truck, boom truck, concrete truck, and personnel vehicles.

12. Human Health and Safety

Potential for Significance: No

Explanation: No permanent public health or safety hazards would be created by replacing the fish screens at the project sites. Temporary safety hazards typical of construction activities would be expected from the operation of heavy equipment and hand tools on the project sites, and from construction vehicles and equipment entering/exiting the site from adjacent roadways.

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: Landowners and water users associated with the irrigation diversions at which these screens are located have already been informed by ODFW of these replacements. Construction would proceed following notification of, and in cooperation with, the affected landowners and irrigation water users.

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

Signed:

John Vlastelicia
Environmental Protection Specialist