

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Pine Creek 1B Fish Screen

Project No.: 1993-066-00

Project Manager: Allan Whiting, EWL-4

Location: Grant 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 install a fish screen, headgate, and water measuring device at the Pine Creek 1B site in Grant County, Oregon. The project elements would be installed on private land within an irrigation ditch that seasonally diverts flow from Pine Creek, which is a tributary of the Upper Mainstem John Day River.

The proposed fish screen is a gravity paddle wheel system with a 2-foot wide by 2-foot diameter drum screen within a prefabricated steel screen box. A water measuring device consisting of a sharp-crested weir insert would be installed below the fish screen drum in the downstream end of the screen box. A 10-inch diameter high density polyethylene bypass pipe would be installed to allow fish reaching the front of the screen to safely return to Pine Creek. An existing 18-inch diameter culvert would be removed and replaced with a new 18-inch diameter culvert with a headgate in the ditch upstream of the fish screen, to convey and manage flows from a Pine Creek side channel to the irrigation ditch.

An excavator and/or backhoe would be used to grade the ditch to the correct elevations for the prefabricated fish screen structure to be installed and function properly. Construction would occur when the ditch is dry, with flows to the ditch blocked at an existing 24-inch diameter culvert from Pine Creek, which is the existing point of diversion. Existing roads and two-track access routes would provide construction access to the site.

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 fish including steelhead (*Oncorhynchus mykiss*) and bull trout (*Salvelinus confluentus*). The design of the proposed fish screen recognizes criteria in the National Marine Fisheries Services (NMFS) *Anadromous Salmonid Passage Design Manual* (NMFS, West Coast Region, Portland, Oregon, 2023).

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 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; 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.

Proposed Action: Pine Creek 1B Fish Screen

Project Site Description

The Pine Creek 1B fish screen site is located approximately 13.5 miles southeast of John Day, Oregon. An irrigation ditch receives flow that is seasonally diverted from Pine Creek in the project area, which is on privately owned land that is used for grass hay production. Pine Creek Road provides access to the project property from U.S. Highway 26, which is located approximately 3.5 miles north of the proposed fish screen. A residence and outbuildings are situated on the property. The project irrigation ditch extends through a hay field and is lined with a narrow band of grasses and shrubs.

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, based on background research and site survey completed in 2024 (BPA CR Project No. OR 2024 209). BPA consulted with the Oregon State Historic Preservation Office (SHPO) and affected Tribes on the project as part of a National Historic Preservation Act Section 106 consultation process, and SHPO concurred with BPA's determination on April 18, 2025. No additional responses were received.

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 project would disturb soils during construction due to the grading required to install the fish screen, culvert, and fish bypass pipe. Construction-related ground disturbance is expected to be a quarter of an acre or less. erosion and sediment control best management practices would be followed to minimize the physical extent, severity, and duration of soil disturbance and contain potential sediment runoff.

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

Potential for Significance: No

Explanation: Construction of the fish screen would introduce a permanent steel structure (fish screen box) to an approximately 17-foot length of the existing ditch, and grading and equipment access for structure installation would temporarily disturb vegetation (grasses and shrubs) adjacent to the structure. Equipment access to the site would be via existing roads and a two-track access route. The site is not within the geographic range of any ESA-listed plant species, and there are no documented occurrences of state special-status plant species in the project area.

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

Potential for Significance: No

Explanation: Construction activity could temporarily displace small wildlife from the work area, due to noise, soil and vegetation disturbance, and visual disturbance from equipment operation and human activity. The project work area is an artificially created ditch within a farm field and does not provide high-value wildlife habitat. The project area is not designated critical habitat for terrestrial wildlife, and there are no documented occurrences of federal ESA-listed or state special-status wildlife species in the project area.

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

Potential for Significance: No

Explanation: The fish screen would be installed within an irrigation ditch that receives seasonal flows from the adjacent Pine Creek, a tributary of the Upper Mainstem John Day River. Pine Creek has documented Middle Columbia River (MCR) steelhead use and is designated MCR critical habitat. Additional fish species with potential to occur in the Upper John Day River and/or Pine Creek include ESA-listed bull trout and Oregon sensitive species including Chinook salmon, redband trout, westslope cutthroat trout, and Pacific lamprey.

The proposed fish screen would benefit fish by preventing access to, and entrapment within, the irrigation ditch. Fish screens on irrigation ditches are 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 project. Construction within the ditch would occur when the ditch is dry, with flow to the ditch blocked at the existing point of division on Pine Creek.

The project would not involve net fill in the floodplain and would not otherwise impact flood water surface elevations on surrounding properties. The project is 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.

6. Wetlands

Potential for Significance: No

Explanation: National Wetland Inventory mapping does not identify wetlands outside of Pine Creek in the project area. The project would involve small amounts (less than 50 cubic yards) of excavation and fill within the seasonal irrigation ditch to accommodate the fish screen installation. 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.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: The installation of the fish screen and related project elements would have no impact on groundwater and aquifers. The proposed screen is associated with a surface water

diversion (with surface water rights), and the project does not involve withdrawals of, or discharges to, groundwater. The project site is 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 project would not change the existing agricultural land use of the site or surrounding areas. The fish screen installation would support continued delivery of irrigation water to agricultural land in a manner that is protective of ESA-listed fish.

9. Visual Quality

Potential for Significance: No

Explanation: The proposed fish screen would be installed within an existing ditch in the vicinity of existing farm development. The visual quality of the area would not substantially change.

10. Air Quality

Potential for Significance: No

Explanation: The fish screen installation 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. The project site is not 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 project would not introduce new permanent sources of noise to the project site and would not otherwise change noise levels in the long term. Temporary increases in noise levels at the site would be expected during construction as a result of equipment operation. Noise-generating construction equipment could include a backhoe or excavator, pickup trucks, and personnel vehicles.

12. Human Health and Safety

Potential for Significance: No

Explanation: No permanent public health or safety hazards would be created by the installation of the fish screen. Temporary safety hazards typical of construction activities would be expected from the operation of heavy equipment and hand tools on the project site, 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: The landowner of the ditch where the fish screen installation would occur has already been informed of the project by ODFW. Construction activities and schedule would be coordinated with the landowner prior to beginning work.

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