

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Yakama Nation's Lawrence Ditch Screening Project

Project No.: 1996-035-01

Project Manager: Chad Baumler, EWL

Location: Yakima County, Washington

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: The Bonneville Power Administration (BPA) proposes to fund the Confederated Tribes and Bands of the Yakama Nation (YN) Fisheries to construct a new fish screen and water control structure within the YN Reservation on the Lawrence Ditch. The Lawrence Ditch diverts water from the Toppenish Creek, a tributary of the Yakima River. Lawrence Ditch is a 15-foot to 20-foot-wide ditch that was excavated during the 1970's from Toppenish Creek to private lands within the YN Reservation, to support and enhance multiple duck hunting ponds. Water is currently conveyed through this ditch without any flow control or fish screening device.

The proposed project would install a fish screen, with its associated components, to reduce entrainment and mortality of the native fish community. A water control structure would be installed to control the amount of flow through the ditch to maintain appropriate flows in Toppenish Creek.

One access route would be utilized for this project. An existing two-track access road would be extended to access the project work area. The existing section of the access route would be graded and improved. The road would also be extended with grading and brush clearing for approximately 600 feet to the project work area. At the end of the extended section of road, a 100 foot by 60 foot area would be cleared for the screen location. Construction activity for the screen installation and access route would disturb less than 0.5 acres of land in total.

Construction would require the use of a backhoe and excavator. The backhoe would be used for clearing and grubbing of the new screen site. The excavator would be utilized to prepare the site for the screen structure by creating new ditch alignments, a sediment basin, preparing the subgrade, installing and backfilling a new concrete structure to house the vertical fish screen components. The excavator would also be used for trenching to install the bypass pipeline to connect the structure back to the creek. Construction would occur behind a cofferdam placed once the lowest summer flows are reached in the ditch so that work would be completed when there are little to no flows in the ditch.

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 steelhead (*Oncorhynchus mykiss*), bull trout (*Salvelinus confluentus*), and resident fish. The fish screen has been designed according to criteria in the National Marine Fisheries Service (NMFS) “Anadromous Salmonid Passage Facility Design Manual” (last updated February 2023) and would be installed according to all relevant criteria in BPA’s Habitat Improvement Program (HIP) biological opinions.

Funding the proposed activities supports commitments under the 2020 NMFS Columbia River System Biological Opinion (2020 NMFS CRS BiOp) and the 2020 U.S. Fish and Wildlife Service (USFWS) Columbia River System Biological Opinion (2020 FWS CRS BiOp). These actions also support BPA’s commitments to the YN Fish Accord, as amended, while also supporting 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 1021.102 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; 90 FR 29676, July 3, 2025 [Interim Final Rule]) and *DOE National Environmental Policy Act (NEPA), Implementing Procedures* (dated June 30, 2025), BPA has determined the following:

- 1) The proposed action fits within a class of actions listed in Appendix B of 10 CFR 1021;
- 2) The proposal has not been segmented to meet the definition of a categorical exclusion; and
- 3) There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal (see attached Environmental Evaluation).

Based on these determinations, BPA finds that the proposed action is categorically excluded from further NEPA review.¹

Catherine Clark
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 the interim final rule to revise DOE NEPA regulations implementing NEPA at 10 C.F.R. Part 1021 and NEPA Implementing Procedures (dated June 30, 2025), 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 proposed project is located approximately 10 miles southwest of Toppenish, WA and 5 miles south of Harrah, WA, in Yakima County. This property is managed by the YN wildlife program; therefore, the land is primarily reserved for terrestrial and avian species habitat. At the project site the property is managed to divert water from Toppenish Creek to both private and tribal lands to the east. Additionally, grazing is utilized to control non-native weeds and restore native vegetation.

The current dominant vegetation type throughout the project area is reed canary grass (*Phalaris arundinacea*) and willow species (*Salix spp.*), with sporadic sections of Japanese brome (*Bromus japonicus*).

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: On May 8, 2024, BPA received and reviewed a letter from the YN Tribal Historic Preservation Office (THPO) summarizing the archaeological survey and the Committee Action documentation for the proposed project, in which YN THPO concurred with the YN Fisheries archaeologist's recommended determination of no historic properties affected. BPA submitted a combined initiation and determination consultation under Section 106 (WA 2024 190) of the National Historic Preservation Act (NHPA) on the proposed project on June 3rd, 2024, to the YN and YN THPO, in which BPA determined that the proposed project would result in no historic properties affected. No responses were received within 30 days.

2. Geology and Soils

Potential for Significance: No

Explanation: The project would disturb soils during construction due to excavation and grading required to install the new screen structure, water control structure, and access route. Construction-related ground disturbance is expected to be less than 0.5 acre at the project site. BPA 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 about 0.5 acre of vegetation removal along the proposed access route, water control structure, and screen structure site. The project site is not within the geographic range of any ESA-listed plant species. There are no documented occurrences of state special-status plant species at the project site.

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

Potential for Significance: No

Explanation: No ESA-listed or special-status wildlife species are present in the project area. Wildlife may be temporarily disturbed and displaced by construction noise and human presence during implementation, but wildlife is anticipated to access the abundant habitat and to return quickly after project completion.

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

Potential for Significance: No with Conditions

Explanation: The project is covered under the HIP Biological Opinions (BiOp) under Section 7 of the ESA. Listed species present in the project area includes middle Columbia River steelhead, bull trout and their designated critical habitat. The project plans were reviewed by BPA engineering technical services and a series of conservation measures in accordance with the HIP consultations would be implemented to ensure that the project would benefit ESA-listed fish species and adhere to HIP consultations terms and conditions. The project work would occur during the in-water work window. Short term negative effects, such as displacement due to project actions, to local fish are expected; however, the project is anticipated to result in long term improvement to fish habitat and complexity.

Notes:

- Project sponsor would adhere to all applicable site-specific conservation measures identified in the HIP conservation measures.

6. Wetlands

Potential for Significance: No

Explanation: The USFWS National Wetlands Inventory identifies the project area as freshwater emergent and freshwater forested/shrub wetlands. The project would conduct excavation and fill activities in a section of a wetland. Overall, about 840 square feet of wetlands would be impacted by the proposed project. The project obtained a permit issued by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act (Nationwide Permit No. 27; project number NWS-2025-191) and would adhere to all requirements, conditions, and prescriptions set forth. Activities would likely improve wetland quality within the project reach.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: Fish screens have no potential to impact groundwater on aquifers since they would not withdraw water from either surface or groundwater sources. The operation and construction equipment activities may have short term potential to impact ground water quality slightly from possible fuel or other fluid drips or spills, but conservation measures from BPA's HIP ESA consultation would be applied that would prevent or minimize this potential.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: There would be no change to land use. The fish screen would be constructed on YN reservation irrigated lands and are intended to support continued irrigation activities by protecting ESA-listed fish during delivery of irrigation water.

9. Visual Quality

Potential for Significance: No

Explanation: The project is not proposed to occur within a visually sensitive area. The newly installed fish screen would appear visually consistent with other agricultural irrigation infrastructure on YN reservation.

10. Air Quality

Potential for Significance: No

Explanation: The fish screen 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 construction equipment and vehicles would occur during construction. Dust emissions from construction activities would be minor based on the small areas of ground disturbance.

11. Noise

Potential for Significance: No

Explanation: Noise sources would be from trucks and construction equipment. Noise would be consistent with that produced by local agricultural activities and vehicles would be short term. These impacts would occur during daylight hours.

12. Human Health and Safety

Potential for Significance: No

Explanation: No permanent public health or safety hazards would be created by installing fish screens at the project site. 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 and exiting the site.

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 project is within the boundaries of Yakama Nation reservation lands. Yakama Nation Fisheries would obtain necessary approvals to conduct work on reservation 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