

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Badger Creek 8, 9, and 10 Fish Screens

**Project No.:** 1993-066-00

**Project Manager:** Allan Whiting, EWL-4

**Location:** Wheeler County, Oregon

**Categorical Exclusion Applied (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 fish screens and water measuring devices at the Badger Creek 8, 9, and 10 sites in Wheeler County, Oregon. The proposed fish screens would replace existing fish screens that were installed at these sites in 2005. The project elements would be installed on private land within irrigation ditches that seasonally divert flows from Badger Creek, which is a tributary of Mountain Creek. Mountain Creek is a tributary of Rock Creek, which flows into the Lower Mainstem John Day River.

Each of the three proposed fish screens is a gravity paddle wheel system featuring a drum screen within a prefabricated steel box. The drum screens at the Badger Creek 8 and 9 sites would be 24 inches in diameter and 4 feet wide, while the drum screen at the Badger Creek 10 site would be 18 inches in diameter and 3 feet wide. A water measuring device consisting of a sharp-crested weir insert would be installed below the fish screen drum in the downstream end of each screen box. A 10-inch-diameter high density polyethylene bypass pipe would be installed to allow fish reaching the front of each screen to safely return to Badger Creek.

An excavator or backhoe would be used to grade each ditch to the correct elevations for the prefabricated fish screen structure to be installed and function properly. Construction would occur when the ditches are dry, with flows to the ditches from Badger Creek blocked by closed headgates. Existing roads and two-track access routes would provide construction access to each 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*). The design of the proposed fish screens recognizes criteria in the National Marine Fisheries Service (NMFS) *Anadromous Salmonid Passage Design Manual* (NMFS, West Coast Region, Portland, Oregon, 2023).

Funding the proposed activities fulfills commitments under the 2020 NMFS Columbia River System Biological Opinion (2020 NMFS CRS BiOp). These actions also support BPA's commitments to the 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 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.<sup>1</sup>

John Vlastelicia  
Environmental Protection Specialist

Concur:

Katey C. Grange  
NEPA Compliance Officer

Attachment(s): Environmental Checklist

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<sup>1</sup> 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 Evaluation

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:** Badger Creek 8, 9, and 10 Fish Screens

## **Project Site Description**

The Badger Creek 8, 9, and 10 fish screen sites are located approximately six miles southeast of Mitchell, Oregon. Badger Creek Road provides access to the sites from U.S. Highway 26, which is located approximately two miles north of the projects. Each site features an irrigation ditch that receives flow that is seasonally diverted from Badger Creek. There are existing fish screens at the project sites that were installed in 2005. There is a Federal Emergency Management Agency (FEMA)-mapped floodplain associated with Badger Creek in the project area. The privately owned property where the projects would occur is used for grazing and hay production. The irrigation ditches extend through fields and are lined with 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 projects 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, with the comment period for the determination closing on April 21, 2025. SHPO concurred with BPA's determination on April 18, 2025. The Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) submitted comments on April 19, 2025, regarding monitoring of work at Badger Creek. BPA sent requests for a meeting with CTWSRO's Tribal Historic Preservation Office on April 24 and May 8, 2025, to discuss the project. No responses to the meeting requests were received from CTWSRO, and no responses from other Tribes were received during the consultation process.

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 screens and bypass pipes. Construction-related ground disturbance is expected to be a quarter of an acre or less at each of the three sites. 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 screens would introduce a permanent steel structure (fish screen box) along an approximately 18-foot length of ditch at each site, and grading and equipment access for the structure installation would temporarily disturb vegetation (grasses and shrubs) adjacent to each structure. Equipment access to each site would be via an existing road and two-track access routes. The sites are not within the geographic range of any federal ESA-listed plant species, and there are no documented occurrences of state special-status plants 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 areas are within artificially created ditches within farm fields and do not provide high-value wildlife habitat. The project area is not designated critical habitat for 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 screens would be installed within irrigation ditches that receive seasonal flows from the adjacent Badger Creek. Badger Creek is designated critical habitat for Mid-Columbia River (MCR) steelhead trout and is also habitat for redband trout.

The proposed fish screens would benefit fish by preventing access to, and entrapment within, the irrigation ditches. Fish screens on irrigation ditches are authorized under a NMFS Biological Opinion issued for BPA's Habitat Improvement Program (HIP). HIP conservation measures for design and construction would be incorporated into the project. Construction within the ditches would occur when the ditches are dry, with flow to the ditches blocked by closed headgates.

The projects would be constructed under a Floodplain Permit issued by Wheeler County for work in the 100-year floodplain of Badger Creek. The fish screens would not impede creek conveyance and would not impact flood water surface elevations on surrounding properties.

The project is exempt from U.S. Army Corps of Engineers 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: The projects would involve small amounts (less than 50 cubic yards) of excavation and fill within the irrigation ditches 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 or 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 screens and related project elements would have no impact on groundwater and aquifers. The proposed screens are associated with surface water diversions (with surface water rights), and the projects do not involve withdrawals of, or discharges to, groundwater. The projects 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 the existing agricultural uses of the site or surrounding areas. The fish screen installations 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 screens would be installed within existing ditches in the vicinity of existing ditch diversion structures, culverts, and screens. The visual quality of the area would not substantially change.

## **10. Air Quality**

Potential for Significance: No

Explanation: The fish screen installations 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 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, 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 screens. 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/existing the sites from the adjacent roadway.

### **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 sites where fish screen installation would occur has been informed of the projects 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