Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy

Proposed Action: Catherine Creek River Mile 42.5 Fish Passage Improvements

Project No.: 1992-026-01

Project Manager: Tracy Hauser, EWL-4

Location: Union County, Oregon

Categorical Exclusion Applied (from 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 Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to improve fish passage at the Catherine Creek River Mile 42.5 (CC42.5) weir and collection facility. Funding would support conservation of Endangered Species Act (ESA)-listed species considered in the 2020 ESA consultations with both the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) on the operations and maintenance of the Columbia River System (CRS) while also supporting ongoing efforts to mitigate for the effects of the CRS 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. § 839 *et seq*.).

The CC42.5 facility consists of a channel spanning pool-and-chute fish ladder with a picket weir in the main Catherine Creek channel, along with a smaller Denil-style fish ladder and adult fish collection facility on the river right-side (northeastern) bank. A parking lot and control structures for the weir and capture facility sit to the east of the structure on a spur of land roughly 10 to 15 feet higher than the Catherine Creek channel. Side channels and ponds which branch from the creek upstream of the facility line the far side of the parking lot. The facility was constructed in 2002 and is used each spring by CTUIR staff to collect fish for hatchery broodstock and transport. The pickets are raised during collection, guiding salmonids migrating upstream into the Denil ladder and collection facility. Although it currently functions for its purpose of fish collection, the Denil ladder and collection facility does not meet passage criteria set by either NMFS or the Oregon Department of Fish and Wildlife (ODFW) for depth and velocity.

CTUIR would improve fish passage at the CC42.5 facility by building a new fish ladder structure around the existing structure. The new fish ladder would be roughly 150 feet long, compared to the roughly 45-foot length of the current Denil ladder. The new fish ladder would be located in a portion of the existing parking lot. The downstream entrance would be adjacent to the existing Denil ladder entrance, and the upstream exit of the fish ladder would be into the existing adult fish collection facility. The ladder chute would be built out of cast-in-place concrete. The existing Denil ladder would not be removed but would be blocked with stoplogs at the upper entrance when the new fish ladder is in operation.

In addition to the new fish ladder, CTUIR would improve the fish trap structure. To improve safety and working conditions in the collection facility, CTUIR would add a roof to the concrete bay at the top of the Denil ladder, as well as a new hand-operated winch lift for lifting fish out of the bay. The new roof would be constructed of corrugated metal and provide shelter from rain and snow during

springtime fish capture operations to improve safety for staff. The new winch would have a spring-loaded cable mechanism to automatically raise fish placed in a transport bag in the collection bay to make fish collection quicker and safer for staff.

Associated infrastructure around the CC42.5 facility would also be improved. The parking lot adjacent to the facility would be used as the material and equipment staging area during construction and would be expanded by about 1,000 square feet to make room for trucks to turn around. Two ramps from the parking lot to the stream would be constructed, one at the upstream end of the CC42.5 facility and one at the downstream, to allow for safer access to the stream channel when CTUIR staff needs to remove debris and sediment from the ladder entrance and exit. The permanent access ramps would improve the safety of staff during these activities.

Mobilization would begin in the late autumn of 2025. Out-of-water construction would proceed through the early spring of 2026. Once the spring salmon runs have begun, typically around late March to early April, construction would cease as the facility would be used for annual broodstock collection via the existing Denil ladder. Work would start again after collection activities are complete, no earlier than July 1, 2026. All work is expected to be completed by the late autumn of 2026.

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]

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Attachment(s): Environmental Checklist

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[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 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: Catherine Creek River Mile 42.5 Fish Passage Improvements

Project Site Description

The CC42.5 facility is located roughly two miles southeast of the city of Union, Oregon. Catherine Creek is the largest tributary of the Grande Ronde River, draining a basin of nearly 500 square miles from the Wallowa-Whitman National Forest to its confluence with the Grande Ronde just northwest of Union. As with most free-flowing streams on the Columbia Plateau, the Catherine Creek watershed is highly seasonal and driven largely by winter and spring precipitation and snowmelt. Flows at the CC42.5 facility range from an average peak of 300 cubic feet per second (cfs) during spring to as low as 18 cfs in late autumn.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: A BPA archaeologist reviewed the proposed actions. Following background research and an intensive site survey, BPA determined that no historic properties would be affected by the proposed actions. Consulting parties were the Oregon State Historic Preservation Office (SHPO) and CTUIR. BPA submitted its determination to the consulting parties on July 16, 2025. SHPO confirmed receipt of the determination on July 16 but provided no further comments. CTUIR responded on August 13 requesting additional information on effects outside of the immediate floodplain. Following further discussion with BPA cultural staff, CTUIR concurred with BPA's determination. The consultation period ended on August 15, 2025, with no other responses received.

2. Geology and Soils

Potential for Significance: No

Explanation: Excavation for the new fish ladder would be limited to the proposed footprint of the ladder. Erosion and sediment mitigation measures, such as sandbag cofferdams lined with impermeable polyethylene sheeting, would reduce impacts on local geology. The fish ladder would be located largely in the disturbed footprint of the current parking lot. While there would be necessary earthmoving for the construction of the new ladder structure, the effects would be localized and cause no impacts to geology and soils outside of the fish ladder footprint. Expansion of the parking lot would not require extensive excavation or soil disturbance, as construction of the expanded footprint would only involve additional gravel and fill on top of the ground. The new access ramps are in locations along the bank which are currently covered in rock riprap. Minor excavation in these areas would be necessary and some of the riprap would be removed, but most of the construction would merely require the addition of fill and gravel to the existing banks. Overall effects would therefore be mild.

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

Potential for Significance: No

Explanation: No ESA-listed plant species are present at or near the CC42.5 site (USFWS Information for Planning and Consultation (IPaC)). There would be no effect on ESA-listed plant species.

Oregon state-listed Howell's spectacular thelypody (*Thelypodium howelli*) and Oregon semaphore grass (*Pleuropogon oregonus*) are present in Union County (Oregon Department of Agriculture). No known populations of these plants have been found on or near the CC42.5 site. There would be no effect on Oregon state-listed species. Effects on non-listed plants would be mild. The footprint of the new fish ladder is largely located within the current parking lot with limited vegetation. CTUIR would re-seed any disturbed areas following construction with native grasses and forbs as appropriate. Overall effects on vegetation would be limited in scope and therefore mild.

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

Potential for Significance: No

Explanation: ESA-listed North American wolverine (*Gulo gulo luscus*) is present in northeastern Oregon (USFWS IPaC). The closest known population of wolverine is in the uplands of the Wallowa range to the east of the CC42.5 site. The CC42.5 site is also far below the typical elevations which wolverines occupy. The proposed actions would therefore have no effect on wolverines.

There are no separately listed Oregon state-listed wildlife species present in Union County (ODFW).

Effects on non-listed wildlife would be mild. Wildlife on the CC42.5 site would be disturbed by human presence and noise caused by machinery. These effects would be temporary and persist no longer than the time required to construct the new fish ladder. No wildlife would be killed or captured as part of the proposed actions. Overall effects on wildlife would therefore be mild.

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

Potential for Significance: No

Explanation: ESA-listed Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*O. mykiss*), and bull trout (*Salvelinus confluentus*) are present in Catherine Creek (USFWS IPaC, StreamNet). There would be temporary effects on these fish from human presence, noise, and construction adjacent to the Catherine Creek channel during construction. While most of the construction would be outside of the stream channel, some segments, such as the entrance to the new fish ladder, would be constructed in the stream. CTUIR would isolate these areas prior to construction and dewater them to reduce potential impacts to fish. Additionally, construction of these segments would be scheduled for the autumn when Catherine Creek's flows are at their lowest and there are fewer fish in the area. The long-term effects of the proposed actions would also be positive for these species by making upstream passage through the facility easier. Overall effects would therefore be mild, consistent with the BPA's Habitat Improvement Program (HIP4) programmatic ESA consultation.

There are no separately listed Oregon state-listed fish species in Union County (ODFW). Effects on non-listed fish species would be functionally identical to those on listed species. CTUIR would isolate work areas in the Catherine Creek channel prior to work adjacent to the stream. Most of the construction would be outside of the channel and would not have any effect on the water quality nearby. CTUIR would also employ conservation measures, such as silt screens and cofferdams, to reduce the potential for impacts to water quality. The new fish ladder would not substantially alter the total water flowing through the system, nor would it have major effects on local water quality. Overall effects on water bodies would therefore be low.

6. Wetlands

Potential for Significance: No

Explanation: While there are mapped wetlands directly upstream of the CC42.5 facility (USFWS National Wetlands Inventory), no actions are proposed in this area. There would be no effect on wetlands.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: No new wells or water withdrawals are proposed. The new fish ladder would not substantially alter the hydrology of Catherine Creek. There would be no effect on groundwater and aquifers.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: The CC42.5 facility is maintained and operated by CTUIR. No changes in ownership or operational control are proposed. Construction would cease during annual fish capture operations to ensure that project actions would not substantially affect the normal operations of the facility.

9. Visual Quality

Potential for Significance: No

Explanation: The new fish ladder structure at the CC42.5 facility would be substantially larger than the existing Denil ladder. However, the CC42.5 facility is not open to the public nor readily visible from the closest public roadway, Oregon Highway 203. Effects on the public's aesthetic appreciation of the area would therefore be negligible.

10. Air Quality

Potential for Significance: No

Explanation: Exhaust generated by machinery and equipment during construction would affect the local air quality. However, no long-term emissions would be produced, and all impacts would be short in duration. Overall effects on air quality would therefore be mild.

11. Noise

Potential for Significance: No

Explanation: Noise generated by machinery and equipment would affect the local noise levels. However, no long-term noise increases would be produced, and all impacts would be short in duration. Overall effects on local noise levels would therefore be mild.

12. Human Health and Safety

Potential for Significance: No

Explanation: All personnel would use best practices to ensure human health and safety. All equipment and machinery would be operated solely by trained and licensed (when applicable) personnel.

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 CC42.5 facility is operated and maintained by CTUIR. Access to the facility is via a private maintenance road which runs to the local public highway. No outside coordination would be required.

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

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