

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Wiwaanaytt Creek #2 Fish Screen and Passage

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

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

**Location:** Grant 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 Oregon Department of Fish and Wildlife (ODFW) to construct fish passage improvements and install a fish screen, headgate, and water measuring device at the Wiwaanaytt Creek #2 site in Grant County, Oregon. The project would be constructed on private land where an irrigation ditch seasonally diverts flow from Wiwaanaytt Creek, a headwater tributary of the Middle Fork John Day River.

The project would install six V-shaped rock weirs and pools in the creek to provide fish passage at the point of diversion for the irrigation ditch, where a former diversion structure (a brick dam) was removed by the landowner. The rock weirs are designed to have jump heights no greater than six inches at low flows to provide passage for juvenile and adult salmonids, while allowing water to enter the irrigation ditch per existing water rights.

A new prefabricated steel fish screen box would be installed within the irrigation ditch, which currently is unscreened. The proposed screen is a gravity paddle wheel system with an 18-inch diameter, 3-foot-wide self-cleaning drum screen. A 95-foot length of 10-inch diameter polyvinyl chloride bypass pipe would be positioned to safely transport fish reaching the front of the drum screen back to Wiwaanaytt Creek. A water measuring device consisting of a sharp-crested weir would be installed below the fish screen drum at the downstream end of the screen box. A new prefabricated steel headgate would be installed at the point of diversion to allow control of flows into the irrigation ditch from the creek.

Work within the Wiwaanaytt Creek channel for the installation of the fish passage elements would occur during the July 15<sup>th</sup> to August 15<sup>th</sup> in-water work window. Uplands work in the irrigation ditch to install the fish screen, bypass pipe, and headgate would occur in the dry, prior to in-stream construction. It is expected that the creek will be dry during the summer construction period; however, temporary isolation measures to route flows around the active work area would be used if needed. Existing roads, two-track access routes, and an agricultural field 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 trout (*Oncorhynchus mykiss*). The design of the proposed

fish screen and passage improvements recognizes criteria in the National Marine Fisheries Service (NMFS) *Anadromous Salmonid Passage Facility 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 proposed activities also fulfill commitments specified in the 2020 U.S. Fish and Wildlife Service Columbia River System BiOp (2020 FWS CRS BiOp). These actions also support BPA's 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 the current *DOE National Environmental Policy Act (NEPA), Implementing Procedures*, 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.

John Vlastelicia  
Environmental Protection Specialist

Concur:

Sarah T. Biegel  
NEPA Compliance Officer

Attachment(s): Environmental Evaluation

# Categorical Exclusion Environmental Evaluation

This evaluation 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:** Wiwaanaytt Creek #2 Fish Screen and Passage

## **Project Site Description**

The project site is located approximately five miles east of Austin, Oregon. It is situated on Wiwaanaytt Creek about two miles upstream of the creek's confluence with the Middle Fork John Day River. An irrigation ditch receives flow that is seasonally diverted from Wiwaanaytt Creek in the project area, with the diverted water used for irrigation by the private landowner for hay production and livestock watering. The private subject property is surrounded by U.S. Forest Service (USFS) land that is part of the Malheur National Forest. There is no Federal Emergency Management Agency-mapped floodplain for Wiwaanaytt Creek in the project area. Access to the project site is from U.S. Highway 26, which runs in an east-west direction through the property about 700 feet north of the irrigation diversion.

## **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 this and several other ODFW fish screen projects on July 13, 2023 (BPA CR Project No. OR 2023 107). BPA subsequently completed field surveys and presented the results in a cultural survey report that was submitted to the consulting parties on April 25, 2024, along with a letter that documented BPA's *No Historic Properties Affected* determination. BPA did not receive any comments from the consulting parties during the 30-day comment periods for the initiation or determination submittals.

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 soil during construction due to the grading required to install the rock weirs in the creek and install the fish screen, headgate, and bypass pipe on the irrigation ditch. The total volume of excavation and fill required to construct the project is estimated to be about 400 cubic yards, with a total excavation/fill footprint of less than 0.1 acre. Erosion and sediment control best management practices (BMPs) would be implemented to minimize the physical extent, severity, and duration of soil disturbance and to contain potential sediment runoff. A native seed mix would be applied to temporary disturbance areas after construction, to help re-establish vegetation cover and provide soil stability.

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

Potential for Significance: No

Explanation: Construction of the fish passage improvements, headgate, and fish screen would involve some vegetation disturbance of mostly grasses and some shrubs adjacent to the creek and ditch, from grading and equipment access. Tree removal is not proposed. Temporary disturbance areas would be reseeded with native grasses at the completion of construction. The site is not within the geographic range of any ESA-listed plant species, and there are no documented occurrences of state-listed 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 wildlife from the work area, due to noise, ground disturbance, and visual disturbance from equipment operation and human activity. Some small animals (e.g., mice and moles) could be killed by equipment operation. The project area is part of a private property that is used for grazing and hay production, and grassy habitat similar to the project site is available on surrounding portions of the property. Higher value wildlife habitat is present on the surrounding Malheur National Forest land.

The project area is within the geographic range of the Federal ESA-listed North American wolverine (*Gulo gulo luscus*). However, as part of a private property actively used for grazing and hay production, the project site does not provide suitable denning habitat for wolverine, and there are no documented occurrences of wolverine in or near the project area. While wolverine may travel long distances over a variety of terrain between suitable habitats, their extremely limited numbers in Oregon and lack of previous activity in the project area make it extremely unlikely they would be encountered during construction of the proposed project. The project would therefore have no effect on North American wolverine.

There are no documented occurrences of state-listed 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: Wiwaanaytt Creek is a tributary of the Middle Fork John Day River that contains spawning and rearing habitat and is designated critical habitat for Federal ESA-listed Middle Columbia River steelhead trout (*Onchorynchus mykiss*). The stream is also identified as rearing habitat for Chinook salmon (*O. tshawytscha*) and provides year-round habitat for resident redband trout. Wiwaanaytt Creek is within the historic range of bull trout (*Salvelinus confluentus*), but there are no known populations of bull trout currently using the creek, and the creek is not designated critical habitat for bull trout.

The project would involve excavation and fill placement within the creek to construct the rock weir and pool fish passage improvements for the irrigation diversion. Weir construction would involve placing a mix of imported boulders and excavated streambed material (fines, cobbles, large rock). The six rock weirs would be spaced along an approximately 75-foot length of the creek within a total stream footprint of about 2,500 square feet.

The proposed weirs and pools, with low-flow jump heights of no greater than six inches, would benefit adult and juvenile salmonid passage in the creek at a location where there is currently a vertical barrier of greater than 12 inches, where a former irrigation diversion structure was removed. The addition of a fish screen to the currently unscreened irrigation ditch would benefit fish by preventing access to, and entrapment within, the irrigation ditch.

The project section of the creek may be dry during the summer construction period. If there is flow in the stream, the work area would be dewatered by installing a temporary check

dam at the upstream end of the work area and diverting flow into the irrigation ditch, where it would then be routed back to the creek downstream of the work area through the fish screen bypass pipe.

BPA reviewed plans for the fish passage and screen improvements and determined them to be consistent with activities authorized under the NMFS Biological Opinion issued for BPA's Habitat Improvement Program (HIP; BPA HIP No. 2026055). Excavation and fill placement for the fish passage improvements would be done under a Clean Water Act Section 404 permit issued by the U.S. Army Corps of Engineers (USACE), a 401 Water Quality Certification issued by the Oregon Department of Environmental Quality (DEQ), and a Removal-Fill Permit issued by the Oregon Department of State Lands (DSL).

## 6. Wetlands

Potential for Significance: No

Explanation: The project does not propose fill placement outside of Wiwaanaytt Creek that would result in the loss or degradation of wetlands. Excavation and fill activities within the stream (below ordinary high water) would be done under the regulation of a USACE Section 404 permit and a DSL Removal-Fill Permit.

Work within the irrigation ditch to install the fish screen would be performed in the dry. The fish screen elements in the ditch are exempt from USACE Section 404 permitting requirements as an exempt category of activity that includes "construction or maintenance of irrigation ditches" and associated elements. Additionally, Oregon DSL has determined that irrigation ditches are not jurisdictional waters of the state 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 fish passage improvements and fish screen installation would have no impact on groundwater and aquifers. The project is associated with a surface water diversion (with surface water rights), and does not involve withdrawals of, or discharges to, groundwater. The project 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 agricultural use of the site. The proposed fish-passable diversion (rock weirs), headgate, and fish screen installation would support controlled delivery of irrigation water in an existing ditch to existing agricultural land in a manner that is protective of ESA-listed fish.

## 9. Visual Quality

Potential for Significance: No

Explanation: The proposed rock weirs in Wiwaanaytt Creek would resemble a natural stream step-pool system and would not substantially change the visual character of the stream. The proposed fish screen and headgate in the irrigation ditch would be visible from the adjacent areas. These small structures would be located on private property, would not interfere with public views, and would not substantially alter the visual quality of the area.

## 10. Air Quality

Potential for Significance: No

Explanation: The fish passage improvements and screen installation would not introduce new 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 and location of the work area within a stream and irrigation ditch. The project site is not located in an area designated by the Oregon DEQ as a Non-Attainment 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 from equipment operation would be expected during construction. Noise-generating construction equipment could include a backhoe or excavator, 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 fish passage improvements, fish screen, or related project elements. Temporary safety hazards typical of construction activities would be expected from the operation of heavy equipment and hand tools.

### 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: ODFW has been in communication with the landowner regarding the project. 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