

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Pine Creek Passage and Screen Project

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

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

**Location:** Grant County, Oregon

**Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021):** B1.8 Screened water intake and outflow structures, B1.20 Protection of cultural, 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, fabricate, and install a fish screen, water measuring device, and headgate on an unscreened diversion per the National Oceanic and Atmospheric Administration (NOAA) fish screen criteria, remove a channel spanning rock dam, and replace it with rock weirs and splash pools to provide fish passage on private land in Grant County, Oregon.

At the project site, a new irrigation ditch would be created to reduce the approach water velocity to the existing ditch. Within this new ditch, a prefabricated metal rotary drum fish screen and screen box would be installed. A prefabricated steel headgate would be installed at the head of the irrigation ditch at the legal point of diversion (POD) while the rock weirs are installed to avoid working in the wetted channel. Approximately 130 feet of 12 inch PVC pipe would be placed behind the headgate approximately 15 feet in front of the prefabricated drum screen to normalize flow. Two clean out boxes would be placed on the 12 inch PVC pipe bends at approximately 27.5 feet and 54.5 feet respectively below the headgate for maintenance access. A PVC bypass pipe would be installed to transport fish back to Pine Creek.

A water measuring device would be prefabricated and incorporated into the new screen box. A sharp crested weir water measuring device insert would be placed behind the fish screen in the screen box to not impede flows on the screen drum, which can affect submergence. This design would be provided by the Oregon Water Resources Department (OWRD) local Watermaster to ensure the water measuring control device meets the needs of OWRD and the water user.

A channel spanning rock dam would be removed and replaced with five rock weirs of three different shapes. One U-shaped-weir, three A-shaped-weirs, and one W-shaped-weir. The proposed weirs would be placed at elevations to create passage for salmonid fish species at low flows while also allowing continued use of the irrigation diversion during irrigation season.

Project implementation would occur using a backhoe and excavator to grade the site to the correct elevation for the headgate and fish screen to function appropriately. This equipment would be used to remove the rock dam and place the weirs. In-stream work would be completed after the work area has been isolated and stream flow piped around the work area; all screen work

would occur within the new irrigation ditch in the dry. ODFW would utilize pre-existing routes of travel to access the site.

Funding the proposed activities would support conservation of ESA-listed species considered in the 2020 ESA consultation with National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) on the operation and maintenance of the Columbia River System, and 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 1021.410(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), 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.

Catherine Clark  
Environmental Protection Specialist

Concur:

Sarah T. Biegel  
NEPA Compliance Officer

Attachment(s): Environmental Checklist

# 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 Passage and Screen Project

## **Project Site Description**

The project site would be located approximately five miles east of John Day near river mile 4.3 on Pine Creek, in Grant County, Oregon. The project site would be within a canyon bottom with vegetation consisting of coniferous forest and riparian 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 undertaking would result in no adverse effect. BPA consulted with the Oregon State Historic Preservation Office (SHPO), Burns Paiute Tribe (BPT), the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Confederated Tribes of Warm Springs (CTWS), and the Nez Perce Tribe (NPT) on July 7, 2022. Oregon SHPO concurred with the determination of no adverse effect on August 22, 2022. No additional responses were received from the consulting parties.

### **2. Geology and Soils**

Potential for Significance: No

Explanation: Removal of the rock dam, and installation of the weirs and fish screen, and its components, would cause approximately 0.5 acres of ground disturbance at the site. Erosion control measures would be implemented to minimize increased turbidity entering the stream when rewatering occurs.

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

Potential for Significance: No

Explanation: No ESA-listed or special-status plant species are known to exist on the site. All areas disturbed during construction within the footprint of the irrigation ditch would be replaced with screen components. Any vegetation disturbed outside the footprint of the irrigation ditch during construction of screen or habitat components would be reestablished by reseeding.

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

Potential for Significance: No

Explanation: No ESA-listed or special-status species or habitat are known to exist on the project site; therefore, there would be no impact from the installation of the fish screen and rock

weir installation and their associated parts. Wildlife may be temporarily displaced by construction noise during implementation but would return to the project area once there is no more human presence.

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

Potential for Significance: No

Explanation: Project impacts to ESA-listed species would be covered under the Habitat Improvement Program (HIP) Biological Opinion (BiOp). Listed fish species present in the project area include Middle Columbia steelhead, and Columbia River bull trout and their habitats. A series of conservation measures would be implemented to ensure that the project would benefit ESA-listed fish species. Other fish species, including non-ESA-listed sensitive species and their habitat would have minimal impact from elevated turbidity as proposed activities would be occurring within the preexisting diversion and within a section of dewatered stream. Minimal turbidity would occur once project construction has been completed and rewatering of stream has occurred.

This project received authorization from the Department of State Lands in accordance with ORS 196.800 to 196.990 for removal of fill permit under permit number 64449-RF. ODFW is working with the U.S. Army Corps of Engineers and the Department of Environmental Quality for Clean Water Act (CWA) permitting. All associated CWA permits would be obtained prior to any in-water work.

## **6. Wetlands**

Potential for Significance: No

Explanation: There are no designated wetlands located in the project area.

## **7. Groundwater and Aquifers**

Potential for Significance: No

Explanation: Ground-disturbing activities are not likely to intersect groundwater and would have no impact on aquifers. Construction BMPs would be implemented to prevent contamination of groundwater from equipment leaks and spills.

## **8. Land Use and Specially-Designated Areas**

Potential for Significance: No

Explanation: The project is located on private land. No change to land use, including irrigation user, would occur.

## **9. Visual Quality**

Potential for Significance: No

Explanation: Minor changes to visual quality would occur. New fish screen components would stand out on the irrigation ditch and replacement of push up dam with rock weirs would be within the ordinary high water to mimic natural stream pools. However, it would be consistent with other fish screens and habitat projects in the John Day River basin and would not be located in a visually sensitive area.

## 10. Air Quality

Potential for Significance: No

Explanation: Temporary increase in emissions and dust from vehicles and heavy equipment accessing the site during construction would occur.

## 11. Noise

Potential for Significance: No

Explanation: Temporary increase in ambient noise during construction would occur. Any noise emitted from construction equipment would be short term and temporary during daylight hours and would cease following project completion.

## 12. Human Health and Safety

Potential for Significance: No

Explanation: The proposed activities are not considered hazardous nor would result in any health or safety risks to the general public.

### 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: Activities would be implemented on private land. ODFW would coordinate with the landowners to obtain their permission to install all project components.

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