

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Enterprise Ditch Fish Exclusion Barrier

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

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

**Location:** Grant County, Oregon

**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:** Bonneville Power Administration (BPA) proposes to fund the Oregon Department of Fish and Wildlife (ODFW) to install a fish exclusion barrier on the Enterprise Ditch in Grant County, Oregon. The project site is located on private land along the Enterprise Ditch tailrace, where irrigation return flows are routed to the John Day River.

The proposed project would install in the ditch a prefabricated steel structure consisting of a ballasted top-hinge flap gate with a 16-foot-long inclined chute below it. The flap gate would maintain a closed position when ditch return flows are low, with a small gap to allow low-flow seepage and ditch drainage. When ditch flows increase, the water forces the gate partially open, creating high-velocity flows exiting the bottom of the gate and proceeding down the steel chute. The design creates a velocity and depth barrier to upstream fish passage and is intended to prevent juvenile and adult salmonids, including ESA-listed steelhead (*Oncorhynchus mykiss*) and bull trout (*Salvelinus confluentus*), from entering the irrigation ditch where they could become trapped. The design for the barrier recognizes criteria in the National Marine Fisheries Service (NMFS) "Anadromous Salmonid Passage Design Manual" (NMFS, West Coast Region, Portland, Oregon, 2023).

An excavator and/or backhoe would be used to grade the ditch to the correct elevations for the prefabricated flap gate and chute to be installed and function properly. Construction would occur when the project section of the ditch is dry, above the water level of the John Day River and downstream of a concrete check dam in the ditch that can be fitted with boards to prevent ditch flows from reaching the project area. Existing roads and grave driveways would provide access to the project construction area.

The Proposed Action fulfills commitments under the 2020 NMFS Columbia River System Biological Opinion and would support conservation of ESA-listed species considered in the 2020 ESA consultation with the U.S. Fish and Wildlife Service on the operation and maintenance of the Columbia River System. These actions also support ongoing efforts to mitigate for the effects of the FCRPS 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; 89 FR 34074, April 30, 2024), 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.<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 DOE's own regulations implementing NEPA at 10 C.F.R. Part 1021, 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.

**Proposed Action:** Enterprise Ditch Fish Exclusion Barrier

## **Project Site Description**

The project site is located approximately three miles west of John Day on the Enterprise Ditch tailrace, where irrigation return water flows into the John Day River. The ditch in the project area is on private land that is used for grass hay production. A gravel road provides access to the site from U.S. Highway 26, which is located approximately 0.5 mile south of the proposed fish exclusion barrier. A barn is located adjacent to the project area, and a gravel driveway crosses the ditch through a 30-inch diameter culvert approximately 30 feet upstream of the proposed barrier structure. A narrow band of grasses and riparian shrubs line the ditch in the project area.

## **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, based on background research and site survey completed in 2015 (BPA CR Project No. OR 2015 079). BPA consulted with the Oregon State Historic Preservation Office (SHPO) and affected Tribes on the project, and SHPO concurred with BPA's determination on August 3, 2015 (SHPO Case No. 14-1734), completing the National Historic Preservation Act Section 106 consultation process. A BPA archaeologist confirmed that the 2015 determination and consultation remain valid for the proposed 2025 activities, based on the fact that the landscape has not changed since the 2015 consultation and the existing levels of disturbance have been in place for over 50 years.

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 excavation and fill required to install the fish exclusion barrier. Construction-related ground disturbance is expected to be a quarter of an acre or less. BPA Habitat Improvement Program (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 of the fish exclusion barrier would introduce a permanent steel structure (flap gate and chute assembly) to an approximately 18-foot length of the existing ditch, and grading and equipment access for structure installation would temporarily disturb

vegetation (grasses and shrubs) adjacent to the structure. Equipment access to the site would be via existing roads and a gravel driveway. The site is not within the geographic range of any ESA-listed plant species, and there are no documented occurrences of state special-status 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 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 area is an artificially created ditch adjacent to farm development and does not provide high-value wildlife habitat. The project area is not designated Critical Habitat for terrestrial 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 exclusion barrier would be installed within an irrigation return water ditch that flows into the John Day River adjacent to the project area. The John Day River is designated critical habitat for federal ESA-listed Middle Columbia River steelhead and bull trout. It also provides habitat for Chinook salmon, redband trout, and Pacific lamprey.

The proposed fish exclusion barrier would benefit fish by preventing their access to and entrapment within the Enterprise Ditch system. Fish exclusion barriers on irrigation ditches are authorized under NMFS and USFWS Biological Opinions issued for BPA's Habitat Improvement Program (HIP). HIP conservation measures for design and construction would be incorporated into the project. Construction within the ditch would occur when the project section of ditch is dry, above the John Day River level and below a ditch check dam that would be closed to divert ditch return flows (if there are any) to the adjacent fields while the exclusion barrier is installed.

The fish exclusion barrier would not involve net fill in the floodplain and would not otherwise impact flood water surface elevations on surrounding properties. The project is exempt from U.S. Army Corps of Engineers (USACE) 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 project would involve small amounts (less than 50 cubic yards) of excavation and fill within the seasonal irrigation return water ditch to accommodate the fish exclusion barrier 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 and 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 exclusion barrier would have no impact on groundwater and aquifers. The barrier is associated with a surface water diversion (with surface water rights), and the project does not involve withdrawals of, or discharges to, groundwater. The project site 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 existing agricultural land use of the site or surrounding areas. The fish exclusion barrier installation would support continued delivery of irrigation water to agricultural land and allow irrigation return flows to the John Day River in a manner that is protective of ESA-listed fish.

## **9. Visual Quality**

Potential for Significance: No

Explanation: The proposed fish exclusion barrier would be installed within an existing ditch in the vicinity of existing farm development that includes an adjacent culverted driveway crossing of the ditch and a nearby concrete check dam in the ditch. The visual quality of the area would not substantially change.

## **10. Air Quality**

Potential for Significance: No

Explanation: The fish exclusion barrier installation 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 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 at the site 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 exclusion barrier. 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/exiting the site from adjacent roadways.

### **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 ditch where the fish exclusion barrier would be installed has already been informed of the project 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