

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Peterson Dam Removal

Project No.: 1987-100-01

Project Manager: Ryan Ruggiero, EWM-4

Location: Umatilla 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 Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to improve fish passage at the Peterson Dam Removal Project (Project), located in Birch Creek, a tributary of the Umatilla River, approximately three miles upstream of the confluence and Reith in Umatilla County, Oregon. The site includes an abandoned, degraded concrete water diversion structure which would be removed and includes approximately four acres of total disturbance. The dam is a potential barrier to passage of Endangered Species Act (ESA)-listed Middle Columbia River steelhead (*Oncorhynchus mykiss*). The Project would be completed in 2024.

These actions would support conservation of ESA-listed species considered in the 2020 ESA consultations with NMFS on the operation and maintenance of the Columbia River System. These actions also support Bonneville's commitments to the Confederated Tribes of the Umatilla Indian Reservation in the Columbia River Fish Accord, as amended, while also supporting ongoing efforts to mitigate for 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.*).



Figure 1. Peterson Dam Project Location

The project includes flagging and staging; excavation of floodplain alluvium; isolation, dewatering and bypassing of work site; passage barrier removal; channel bed regrading and creating roughened riffle; installation of habitat structure (wood structures and boulders); and installation of riparian plantings. A 350-foot roughened riffle would be installed with rock weirs spaced approximately 150 feet apart for additional stability. Three channels spanning Large Woody Debris (LWD) structures would be added downstream for habitat and to further encourage bed aggradation. The LWD structures and rock weirs would minimize the risk of a headcut.

Excavation materials would be reused and vegetation salvaged where possible, all other excavation material (including concrete from dam and associated structures) disposed of offsite. Whole trees for LWD would be imported from an offsite source. All access would be along existing roadways. All disturbed areas would be treated by seeding and planting of native grasses, shrubs, and trees.

Staging may begin as early as July. All in-water-work activities would be completed during the approved dates (July 1 – September 30). Although work is expected to be completed in 2024, there may be additional work needed to address issues identified after construction that would be considered in accordance with the Project's adaptive monitoring and management plan to maintain project success and include additional vegetation plantings if needed.

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.

Israel Duran
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: Peterson Dam Removal

Project Site Description

Birch Creek has a drainage area of approximately 285 square miles with a maximum elevation of 3,020 feet and a minimum elevation of 951 feet with a relatively wide and flat valley, and meets the Umatilla River at Reith, Oregon. Lower Birch Creek is disconnected from its floodplain and historical alluvial fan, lacks woody material, has limited riparian vegetation and recruitment, has compromised longitudinal connectivity from physical and flow passage barriers, and has inadequate water quality and quantity. It is not uncommon for flows to be disconnected during the dry summer periods.

This Project is approximately three miles upstream of the mouth of Birch Creek at the site of an old dam built to divert water from Birch Creek to irrigation ditches watering two adjacent properties and is currently used to divert water for livestock and wildlife purposes. The dam to be removed is a basic concrete channel-spanning diversion dam including a 3-foot concrete sill approximately 18 feet wide with concrete wing walls that flank both sides of the main span (Figure 2). The structure was built in approximately 1950 or later and reinforced in approximately 1960. Sometime later a piece was removed, creating a singular 2.3-foot vertical drop in water surface elevation. Located just downstream of a bend, the structure creates sediment accumulation on the upstream side and scouring on the downstream. This portion of Birch Creek is constrained by agricultural lands on the right bank as well as Birch Creek Road and a railroad line running on the left bank of the creek.



Figure 2. Current conditions at Peterson Dam.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: BPA identified an area of potential effects (APE) and initiated consultation with the Oregon State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation starting February 13, 2024. On July 12, 2024, BPA submitted an inventory report and determined that the proposed undertaking would result in no adverse effect to historic properties. The consultation period ended on August 13, 2024. No responses were received from the consulting parties regarding the contents of the report during the consultation period.

Notes: In the unlikely event that cultural material is inadvertently encountered during the implementation of this project, BPA would require that work be halted in the vicinity of the finds until they can be inspected and assessed by BPA and in consultation with the appropriate consulting parties.

2. Geology and Soils

Potential for Significance: No

Explanation: Minor and temporary ground disturbances would occur as part of the project. Removal of the diversion structure, creating the riffle, installing wood structures, and regrading the bank of the river would require excavation and shifting of soil. Construction equipment and human presence would also disturb the top layer of soil. However, the effects would be localized to the project areas and the long-term effect of the project would be to restore the creeks to their historical profiles. Disturbed areas would be seeded and planted with vegetation to reduce erosion and restore current conditions following construction. The overall effects on soils in the project area would therefore be minor.

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

Potential for Significance: No

Explanation: There are no reports of ESA-listed or Oregon state-listed plant species within the project area. Non-listed plants would be impacted by project actions, such as ground disturbance and human presence. Following construction activities, disturbed areas would be seeded and planted with species native to the area to restore site conditions. Restoring the historical planform would benefit local plants and improve the quality of local vegetation. The long-term effects of project activities on vegetation in the project area would therefore be minimal to positive.

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

Potential for Significance: No

Explanation: The gray wolf (*Canis lupus*), an ESA-listed endangered species, and monarch butterfly (*Danaus plexippus*), an ESA candidate species and a state Conservation Status Species, has the potential to be present in the project area, but there is no critical habitat designated for any species (IPaC, 2024). There are no other federally-listed or state special-status wildlife species or their habitats known to occur in the project area. Wildlife may be temporarily disturbed by crews accessing sites during work hours and from the noise of the equipment used to remove the dam and regrade terrain. It is unlikely the project would result in long-term displacement of wildlife. Some aquatic invertebrates or amphibians may be displaced or killed during installation, but rapid reoccupation of these

areas by the same or other members of the same classes of animals following the project would be likely.

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

Potential for Significance: No

Explanation: ESA-listed winter steelhead trout are present in the Project area. No critical habitat is designated within the Project site. While project actions would take place within the in-water work window and outside of spawning season, there is potential that some juvenile ESA-listed fish would be in the project area during the proposed construction period. Prior to beginning project activities, each creek would be diverted and the project area dewatered. Fish salvage would be conducted prior to complete dewatering. Despite short-term adverse impacts from activities such as salvage, dewatering, construction, and rewatering, the overall impacts would be beneficial to the ESA-listed species. Other species present include resident redband trout (*O. mykiss gairdneri*), and Oregon Conservation Strategy Species Pacific lamprey (*Entosphenus tridentatus*). Lamprey were considered extirpated from the Umatilla River basin following rotenone treatments by the Oregon Department of Fish and Wildlife in 1967 and 1974, until CTUIR started reintroduction efforts in 2000. Effects to non-listed fish present in the project area during implementation would be consistent with those outlined above for listed species. The project was reviewed and consulted on under the Habitat Improvement Program (HIP) Biological Opinion (BO) under Section 7 of the ESA.

Conditions within the project area would be improved by project actions. Removing passage impediment allows passage to upstream habitat. In-stream roughness would reduce flow velocity and improve habitat. Vegetation planting and habitat structures would improve conditions for resident and migratory fish and wildlife. Despite the short-term effects on fish in the area, the long-term effects of the project on fish and waterbodies would be beneficial.

Notes:

All fish salvage, dewatering, and other actions that would have the potential to impact ESA-listed fish species would conform to the HIP BO.

To minimize impacts to spawning and rearing fish species, all in-water project activities would occur during the in-water work window (July 15 to September 30). No work would be conducted within the river footprint outside of this time without first consulting with Oregon Department of State Lands and BPA environmental compliance staff.

The project would acquire U.S. Army Corps of Engineers approved Clean Water Act coverage through a Regional General Permit #6 prior to groundbreaking.

6. Wetlands

Potential for Significance: No

Explanation: Wetlands are not present; thus, the action does not have the potential to impact wetlands.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: No new wells or groundwater use are proposed. Project activities would have little to no effect on the water table in the area. The changes would be merely restoring the historical conditions and therefore minor. Therefore, the changes would not affect groundwater recharge.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: Access to field sites is on existing road networks and all activities are compatible with local land use. Land use would not change. No changes to existing land use are proposed. All project actions and staging would occur on private land and the use of this land would not change following construction. The project is not located in a specially-designated area or Wild and Scenic River.

9. Visual Quality

Potential for Significance: No

Explanation: Temporary and permanent changes would occur during construction and would be visible from Birch Creek Road. Short-term changes to the landscape would occur during construction, such as work zone conditions, vehicles, and equipment. Birch Creek and surrounding habitat would be permanently changed and restored to natural conditions which would improve visual quality overall. Therefore, the proposed action would not have a permanent impact on visual quality.

10. Air Quality

Potential for Significance: No

Explanation: A temporary increase in emissions and dust from vehicles accessing the project site would be very minor and short-term during construction. A negligible amount of temporary dust and vehicle emissions could be generated during project activities. Emissions and dust levels would return to normal conditions immediately once the project is completed.

11. Noise

Potential for Significance: No

Explanation: The proposed work would result in a temporary increase above ambient noise levels. 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 work is not considered hazardous, nor does it result in any health or safety risks to the general public. Personnel are trained in proper equipment management techniques, and all applicable safety regulations would be followed. There would be no soil contamination or hazardous conditions and no CERCLA sites within the project area.

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 has provided approval prior to accessing project areas and performing work.

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

Signed:

Israel Duran
Environmental Protection Specialist