

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Elmer Dam Fish Passage

Project No.: 1992-026-01

Project Manager: Tracy Hauser, EWL-4

Location: Union 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 Union County Soil and Water Conservation District (UCSWCD) and Trout Unlimited to replace a fishway and modify Elmer Dam and its irrigation systems on Catherine Creek. This project would stabilize water conditions and provide passage for adult and juvenile spring and summer Chinook salmon, summer steelhead, and bull trout. Funding the proposed activities fulfills ongoing commitments under the 2020 National Marine Fisheries Service Columbia River System Biological Opinion (2020 NMFS CRS BiOp) and commitments specified in the 2020 U.S. Fish and Wildlife Service Columbia River System BiOp (2020 FWS CRS BiOp), 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.).

Project activities would include the below actions:

Fishway and Dam Modifications: Modifications to the existing structures would include replacing an ineffective weir fishway with a vertical slot fishway, replacing a support wall of the dam with an overshot gate auxiliary spillway, and retrofitting the spillway access platform to accommodate the dam modifications. The disturbance area would be approximately 0.6 acres, much of the work would occur in the existing weir fishway and dam footprint.

Reservoir and Irrigation Modifications: Two existing irrigation pumps would be relocated to function as off-channel pump stations, and the intakes would be upgraded with ODFW- and NMFS-compliant fish screens. Two concrete wet wells, approximately 20 feet deep and 60 inches in diameter, would be constructed for the irrigation pump wet wells. Three off-channel ox-bow reservoirs, adjacent to Catherine Creek, would be interconnected via pipeline to operate as a single reservoir. Approximately 1,500 linear feet of 24-inch-diameter pipeline would be trenched roughly 15 feet below ground level. The interconnected reservoir would then be connected to one of the relocated irrigation pumps and the existing reservoir water diversions would be decommissioned. The disturbance area of these modifications would occur on approximately 5 acres of previously-disturbed agricultural land in the footprint of the existing man-made levee. Existing infrastructure would be repurposed or modified when possible to reduce disturbances.

These modifications would decrease in-stream pumping, stabilize water conditions, and would reduce the entrainment risk of ESA-listed and non-ESA-listed fish.

The proposed project would be implemented in stages, off-channel work would be completed as weather conditions permit and all in-channel work would occur during an approved ODFW work window. An ODFW approved fish passage plan would be utilized during in-water-work. The site would be accessed via existing farm roads. Staging areas would be located 150 feet from the channel on adjacent agricultural land. Construction equipment would include, but is not limited to, dump trucks, excavators, jack hammers, power tools, welding equipment, and hand tools. All construction debris would be removed and disposed of at an off-site location. Vegetation would be protected or salvaged, when possible, topsoil would be replenished as needed where the soil is compacted, and disturbed soils would be reseeded with native vegetation.

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.

Lindsey Arotin
Environmental Protection Specialist

Concur:

Katey C. Grange
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: Elmer Dam Fish Passage

Project Site Description

The proposed Elmer Dam fish passage is located on Catherine Creek (RM 13.1), a tributary to the Grand Ronde River approximately 5 miles northwest of Cove in Union County, Oregon. The project would occur on approximately 17 acres of private land primarily used for agriculture. However, the total disturbances area is estimated to be approximately five to six acres. The main channel has been over-widened and deepened to accommodate reservoir storage. Alongside the channel, segmented ox-bow meanders are used as irrigation water reservoirs. The project reach is dominated by levees on both sides, much of the historical floodplain has been developed into agriculture, and very little riparian habitat remains. The project area is approximately 5 miles west of the Whitman National Forest.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: BPA made a determination of no historical properties affected on July 12, 2021 (BPA CR Project No.: OR 2021 072, SHPO Case No.: 21-0408). Oregon State Historic Preservation Office (SHPO) concurred with the determination on August 27, 2021. BPA received no response from the other consulting parties, Confederated Tribes of the Umatilla Indian Reservation (CTUIR) or the Nez Perce Tribe (NPT), within the 30-day consultation period.

2. Geology and Soils

Potential for Significance: No

Explanation: Construction during the Elmer Dam and fishway modifications and irrigation pipeline installation would permanently disturb soil by compaction and some erosion. The HIP Conservation Measures and Oregon Department of Environmental Quality Standard Erosion and Sediment Controls would be used to prevent soil from eroding outside of the worksites during demolition and construction activities. Compacted areas may be replenished with topsoil and denuded soils would be seeded with native vegetation.

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

Potential for Significance: No

Explanation: There are no known ESA-listed or special-status plant species at the project site. Further, the project site is agricultural and there is very little native vegetation or riparian vegetation. Given the lack of vegetation, the project would have little to no impact on vegetation conditions.

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

Potential for Significance: No

Explanation: There are no known ESA-listed, state-listed, or sensitive wildlife species within or near the project area. The fish passage construction activities may temporarily displace wildlife due to human activity; however, displacement would be temporary. Additionally, presences of wildlife is unlikely as the project area is used for agriculture and habitat is limited.

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

Potential for Significance: No

Explanation: ESA-listed Snake River Chinook, Snake River steelhead, bull trout, and designated critical habitats are present in the project area. Impacts to ESA-listed species would be covered under the BPA's programmatic Habitat Improvement Program (HIP) biological opinion with the USFWS and NMFS. Dam and fishway construction activities would have temporary effects such as: increased turbidity, habitat disturbances, and increased physiological stress to aquatic life. The project would be constructed during low flow conditions and BMPs would be implemented to minimize impacts such as soil erosion, excess sediment downstream, and turbidity. Work area isolation methods and a temporary fish passage plan would be implemented. Overall in the long term, the project would result in stabilized water elevations and temperatures, reduce entrainment, and improved passage for ESA-listed and non-listed species.

UCSWCD obtained the following permits:

- Clean Water Act (CWA) Section 401 Water Quality Certification from the Oregon Department of Environmental Quality (DEQ) on November 22, 2023 – Permit No.: 2023-239
- Removal-Fill Permit from the Oregon Department of State and Lands (DSL) on May 31, 2024 – Permit No.: 64463-RF
- Clean Water Act (CWA) Section 404 permit under the Regional General Permit (RGP) 6 from the U.S. Army Corps of Engineers (USACE) on January 18, 2024.– Corps No. NWP-2023-239

6. Wetlands

Potential for Significance: No

Explanation: Wetlands are present in the project area and ground disturbances would occur which would disturb wetland vegetation and soils. Wetlands would be avoided or salvaged when possible and much of the wetland in the project area would be unaffected by the project.

UCSWCD has obtained Sections 404 and 401 permits for the proposed work, please see Section 5 above.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: Although there would be ground disturbance as a result of the Elmer Dam and fish passage project, the work is not expected to substantially affect groundwater and aquifers. Groundwater recharge and water table levels would potentially improve as a result of

upgraded irrigation water management methods. The proposed project would either have no effect or a positive effect on groundwater and water tables.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: No change in land use or specially-designated areas would occur as a result of the proposed project. The project is located on private agricultural land and the dam and surrounding infrastructure is used for irrigation. The landowner would maintain water rights and continue the use of the irrigation system.

9. Visual Quality

Potential for Significance: No

Explanation: Temporary and permanent visual changes would occur during the Elmer Dam and fish passage construction. Short-term changes to the landscape would occur during construction, such as work zone conditions, vehicles, and equipment. The new fishway and upgrade dam would appear different but would be visually consistent with the existing structures. Overall, lasting changes would be comparable to current conditions.

10. Air Quality

Potential for Significance: No

Explanation: A temporary increase in emissions and dust from vehicles accessing the Elmer Dam project site. Disturbances would be minor and short-term during construction but would resume to normal conditions immediately once the project is completed.

11. Noise

Potential for Significance: No

Explanation: The proposed restoration work would result in a temporary increase in ambient noise. 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. There would be no soil contamination or hazardous conditions and no CERCLA sites. The existing levee is not designated a 408 hardened levee, and the pipeline installation is not anticipated to degrade the structural integrity of the levee. The existing levee is hardened and substantial in size. Furthermore, pipelines would be installed appropriately spaced from each other and each trench would be backfilled to restabilize the levee to pre-construction conditions.

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: UCSWCD, Trout Unlimited, and River Structures Consulting, Inc developed and agreed upon the proposed actions collaboratively with the landowner.

Signed:

Lindsey Arotin, ECF - 4
Environmental Protection Specialist