Uma-Birch Floodplain Reconnection Project

Finding of No Significant Impact
Bonneville Power Administration
DOE/EA-2215
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INTRODUCTION

Bonneville Power Administration (BPA) announces its environmental findings for its proposal to provide funding to the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to enhance fish and wildlife habitat as part of the Uma-Birch Floodplain Reconnection Project in Umatilla County, Oregon.

BPA developed an Environmental Assessment (EA) evaluating the Proposed Action and the No Action Alternative. The EA was released for a 30-day public comment period in April 2023. BPA received four unique comments on the draft to which BPA provided responses in the final EA.

BPA hereby adopts the EA, and based on its analysis and public comments received, BPA has determined that the Proposed Action is not a major federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [USC] 4321 *et seq*.). Therefore, the preparation of an environmental impact statement (EIS) is not required and BPA is issuing this Finding of No Significant Impact (FONSI) for the Proposed Action. The Proposed Action is not the type of action that normally requires preparation of an EIS and is not without precedent.

Attached is a Mitigation Action Plan that lists all the mitigation measures that BPA as well as CTUIR and its project contractors are committed to implementing.

PUBLIC AVAILABILITY

The FONSI will be posted on BPA's project website: https://www.bpa.gov/nepa/uma-birch.

PROPOSED ACTION

Under the Proposed Action, BPA would fund CTUIR to complete the Uma-Birch Floodplain Reconnection Project. The project would involve various restoration activities within a project area of about 241 acres along about a one-mile-long stretch of the Umatilla River (between river mile 47.8 and 49.9) and along Birch Creek (river mile 0.0 to 0.7) at its confluence with the Umatilla River.

Project activities would remove most of the US Army Corps of Engineers' (Corps) certified Pendleton 2a levee as well as artificial berms to restore natural hydrology and reconnect the historic floodplain. A new set-back levee would be constructed that would maintain the existing level of flood protection.

Restoration activities would include realigning and restoring the main channels of Birch Creek and the Umatilla River; restoring side channels and the floodplain area with habitat-forming in-stream woody structures as well as installing a new second bridge along Taylor Lane to increase floodplain access for Birch Creek; constructing wetland and side channels throughout the floodplain; and planting native upland and riparian vegetation. To facilitate restoration activities along Birch Creek, existing cattle feedlot infrastructure including a manure processing pit and effluent pond would be decommissioned and removed. In addition, to protect fish and wildlife habitat that the project would restore, Bonneville

would fund and acquire a conservation easement held by Blue Mountain Trust and hold third-party rights of enforcement under that easement.

NO ACTION ALTERNATIVE

Under the No Action Alternative, BPA would not fund the Uma-Birch Floodplain Reconnection Project and CTUIR would not construct the project. The area would remain in its current state, including the current Umatilla River and Birch Creek channel alignments. The feedlot and effluent pond would remain in place and could resume operations in the future with a change in ownership or landowner objectives.

SIGNIFICANCE OF POTENTIAL IMPACTS OF THE PROPOSED ACTION

To determine whether the Proposed Action has the potential to cause significant environmental effects, BPA analyzed the potential impacts of the proposal on human and natural resources and presented them in Chapter 3 of the EA. The potential impacts associated with the Proposed Action are summarized below. The Proposed Action, with implementation of certain mitigation measures, would have no significant impacts. The following discussion provides a summary of the Proposed Action's potential impacts and the reasons these impacts would not be significant.

Geology and Soils

Short- and long-term impacts to geology and soils would range from low adverse to moderate beneficial:

- There would be short-term adverse impacts to soil occurring due to construction, which would result in a low impact to soils and geology. These impacts would not be significant because compacted and excavated soils would likely return to their pre-construction productivity and function in the years following the completion of construction activities.

- Long-term beneficial effects of restoration actions would ultimately improve soil quality and productivity, which would result in a moderate beneficial impact.

Vegetation

Short- and long-term impacts to vegetation would range from moderate adverse to high beneficial:

- There would be short-term moderate adverse impacts to vegetation from construction and the resulting changes to plant communities. About 77 acres of vegetation would be turned over, uprooted, buried, and torn apart with construction equipment. Construction of the new Taylor Lane Bridge would damage vegetation during excavation and construction activities. These impacts would not be significant because the project area would be replanted with native vegetation after construction, which would restore a native riparian plant community.

- Long-term high beneficial impacts would result from restored floodplain function and revegetation of native plant communities.

Water Resources (Water Quantity and Quality, Groundwater)

There would be moderate short-term adverse impacts and low-to-high long-term beneficial impacts to water resources:

- *Water Quantity:* Instream flows in the Umatilla River and Birch Creek would increase due to the transfer of a portion of water rights previously held for irrigation, stock, and domestic use.

Under the conservation easement, an estimated 3.535 cubic feet per second rate of primary surface water rights would be permanently transferred instream. This would result in a low beneficial impact to water quantity.

- *Water Quality:* Construction activities and removal of existing riparian vegetation associated with major restoration elements involving in-water work would result in short-term moderate water-quality impacts due to increases in sedimentation, turbidity, and temperature. These impacts would not be significant because in-water work would be carefully monitored, with any resulting impacts mitigated consistent with the conservation measures in the Habitat Improvement Program Endangered Species Act Biological Opinions and any applicable Clean Water Act permit conditions. Long-term water-quality impacts would be positive as riparian vegetation matures and temperatures decrease to preconstruction levels. Beneficial water-quality impacts would be moderate to high.

- *Groundwater*: In the short term, restoration activities would not affect groundwater from construction activities because they would generally occur at and near surface level and not penetrate deep enough to affect the current groundwater level. Long term, moderate beneficial groundwater impacts would result from the improved groundwater connection due to channel complexity, expanded floodplains, and added wetlands.

Wetlands and Floodplains

There would be moderate beneficial impacts to wetlands, and a short-term moderate adverse impact with a long-term moderate beneficial impact to floodplains:

- *Wetlands:* The Proposed Action would not affect existing delineated wetlands. It would create an estimated 43 acres of wetlands. This would result in a beneficial moderate impact to wetlands.

- *Floodplains*: Short-term adverse moderate impacts to the floodplain would result from construction activities disturbing the surface of the floodplain area such as side-channel excavations, staging areas, and temporary access roads. Removing the Pendleton 2a levee would increase inundation levels comparable to those in the historical 290-acre floodplain. The new setback levee would protect against flooding on the properties located to the east of the project area across Birch Creek Road because its design provides height and freeboard comparable to protection from the Pendleton 2a levee. On balance, none of these impacts would be significant due to the short-term nature of the construction disturbances, the improved floodplain function resulting from the removal of the levee, and the maintained flood protection from the new setback levee.

Fish and Aquatic Species

The Proposed Action would result in short-term moderate adverse impacts and long-term moderate beneficial impacts to fish and aquatic species:

- A short-term adverse impact to fish and aquatic species would result from increased sediment from construction and the potential for effects from operating construction equipment in water. This impact would not be significant because sedimentation and turbidity levels would be carefully monitored and controlled with minimization and mitigation measures such as turbidity controls for in-water work and the requirement to stop work if turbidity levels exceed the acceptable range.

- Impacts to fish could result due to handling or removing them from dewatered areas within in-water work areas. These impacts would not be significant because they would be carefully monitored, minimized, and mitigated consistent with the conservation measures in BPA's Habitat Improvement Program Endangered Species Act Biological Opinions.

- Because the project would substantially improve habitat conditions for fish and aquatic species, including improved flow, there would be a moderate beneficial impact.

Wildlife
There would be a short-term adverse low impact and a beneficial moderate impact to wildlife:

- Impacts would result from construction-related physical and noise disturbances and vegetation removal. However, because restoration activities under the Proposed Action would focus on existing low-quality habitat, and improve habitat conditions and result in long-term benefits for local wildlife species, these impacts would not be significant.

- Surveys did not record the presence of special-status wildlife species. The nearest possible active golden eagle nest is about a half mile from the project area, although recent observations suggest that it is unoccupied. If it is deemed active based on observations or another active golden or bald nest is discovered, construction activities would halt within 0.5 mile of nests during breeding season and avoid snag and large tree removal to the extent practicable.

- Long term, there would be a beneficial impact from improved habitat conditions resulting from habitat restoration.

Cultural Resources
There would be a moderate adverse impact to cultural resources:

- Restoration activities would result in the removal of two historic built resources (Pendleton 2a levee and feedlot maintenance yard) eligible for listing on the National Register of Historic Places. These adverse impacts would not be significant because they would be mitigated in accordance with the Memorandum of Agreement that BPA entered with the Oregon State Historic Preservation Office on November 14, 2023.

Land Use
There would be a low-to-moderate adverse impact to land use:

- There would be limited changes to the current land uses. Land previously used for agricultural and feedlot activities would be dedicated to floodplain habitat and a new hydrologic regime. While some land uses would no longer occur in the project area, there would not be a significant impact to land use because the overall degree of change in land use would not fundamentally change the character of the landscape and would not substantially reduce the overall amount of land locally available for agricultural use.

Air Quality
There would be low adverse impacts to air quality:

- Impacts would primarily occur from short-term emissions of criteria pollutants and dust from construction vehicles. Because these emissions impacts would be temporary and localized in nature, there would not be a significant impact to air quality.

Climate Change
There would be low-level adverse and beneficial impacts with climate change implications:

- *Greenhouse Gases:* Emissions from construction vehicles would contribute 940 tons in carbon-dioxide equivalent, which would be equivalent to driving 184 gasoline-fueled passenger cars for one year. Because this represents a comparatively minor contribution to atmospheric greenhouse gas levels the Proposed Action would not substantially contribute to global climate change and therefore not result in a significant impact.

- *Climate Change Adaptation:* The Proposed Action would contribute to the amelioration of global climate change and its adverse warming effects through restoring functional riparian, wetland, and floodplain habitats, enhancing riparian tree cover to cool water temperatures, and creating wetland soils that sequester atmospheric carbon. This would result in a low beneficial impact.

Visual Quality
There would be a negligible-to-low adverse impact on visual quality:

- Visual quality impacts in construction areas would be temporary. Although all equipment and materials would be removed after construction, there could be short-term low adverse visual impacts during construction. Overall, because the existing views of the project area would not substantially change, there would not be a significant impact to visual quality.

Noise
Adverse impacts to noise levels would be low and short term in nature.

- Noise generated by the Proposed Action would be minimal due to the relatively short duration of construction; although on a short-term basis, construction activities would elevate noise levels well above natural levels within the project area. Overall, due to the short duration of these construction-related elevated noise levels, there would not be a significant noise impact.

Public Health and Safety
Impacts to public health and safety could be low and adverse; however, these impacts would not be significant for the following reasons:

- Constructing a new set-back levee maintains the existing level of flood protection and ensures the Proposed Action does not increase flood risk. This new setback levee maintains existing flood protection for public and private infrastructure outside the project area during the 100-year flood event, which would be built consistent with Corps and Federal Emergency Management Agency (FEMA) standards.

- A new hydrologic regime may change or reduce the current access to the project area because the Umatilla River and Birch Creek may form new channels and seasonally overtop previously channelized banks; however, this would not be expected to substantially reduce or eliminate existing access. In addition, a new bridge would improve existing access on Taylor Lane. For these reasons, there would not be a significant impact to access in the project area.

- Construction activities along Birch Creek Road, and Taylor Lane for new bridge construction, may hinder traffic flow for short durations. This impact would be reduced by ensuring adequate alternative access, proper flagging, and signage to safely direct traffic and emergency vehicles.

- The potential health and safety risks to workers and the public during construction would have short-term low effects during construction comparable to a standard construction project. Adequate signage and other safeguards for worker and public safety would minimize these risks.

Socioeconomics
There would be low-to-moderate beneficial impacts to socioeconomics:

- Short-term beneficial economic impacts to local communities from an estimated $10-15 million in direct project spending and temporary employment for about 20 construction workers.

- There would be no impact to environmental justice populations. The Proposed Action focuses on a private landowner allowing altered land use on their property to accommodate restoration actions in a rural, sparsely populated area and would therefore not create a unique pathway for environmental justice populations to experience disproportionate and adverse human health and environmental effects (and risks) and hazards.

DETERMINATION

Based on the information in the EA, as summarized here, BPA determines that the Proposed Action is not a major federal action significantly affecting the quality of the human environment within the meaning of NEPA (42 USC 4321 *et seq*.). Therefore, an EIS will not be prepared, and BPA is issuing this FONSI for the Proposed Action.

Finally, consistent with Department of Energy's regulations in 10 Code of Federal Regulations (CFR) § 1022 *et seq.* (*Compliance with Floodplain and Wetland Environmental Review Requirements*), the Proposed Action would not result in significant impacts to any wetlands as referenced above and presented in Chapter 3 of the EA. Consistent with 10 CFR § 1022.12 and 1022.13, all impacts to floodplains from the project have been assessed and proper notification provided. As discussed in 10 CFR § 1022.14, Chapter 2 of the Uma-Birch Floodplain Reconnection Project Final EA includes a description of the Project Action, including a map identifying the location of the floodplain reconnection actions; the alternatives; how the new levee conforms with Corps and FEMA standards; and proposed mitigation measures to avoid and mitigate any potential impacts from these actions.

Issued in Portland, Oregon.

SCOTT ARMENTROUT

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Scott Armentrout
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