

ATTACHMENT 6
Wetland Assessment



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TECHNICAL MEMORANDUM

To: Linnea Eng, CH₂M Hill
From: Jonathan Russell, Ecology & Environment
Date: May 6, 2011
Subject: Wetland Attachment for Amendment 3 to the Site Certificate for the Klamath Generation Facility

Introduction

The original Klamath Generation Facility (KGF or Project) was a proposed 500-MW natural gas fired generation project. An Application for Site Certificate (ASC) was submitted to the Oregon Energy Facility Siting Council in December 2001. Exhibit J [OAR 345-021-0010(1) (j)] of the ASC was based primarily on wetland field studies conducted in July 1995 for the Klamath Cogeneration Project. However, On May 13-15, 2002, field assessments were conducted at the KGF site and within a 5-mile radius surrounding the Project area. The purpose of the field reconnaissance was to update the data provided in the ASC as well as to contribute new information where appropriate. A Site Certificate was issued for the KGF on September 27, 2005. The Site Certificate was subsequently amended in 2007 and 2009.

During the 2002 wetland field assessments seven wetland areas were evaluated in the Project area. Five of the wetlands would be subject to U.S. Army Corps of Engineers (USACE) jurisdiction under Section 404 of the Clean Water Act and the other two wetland areas were determined to be non-jurisdictional detention ponds. The proposed location of Project facilities would not have resulted in direct impacts to these wetlands. It was determined at the time that indirect impacts may result where construction activities occur in close proximity to the wetlands. With the proposed mitigation described in the original Exhibit J and Exhibit P, no significant adverse effects to wetlands would have occurred. Furthermore, no wetlands would have been filled as part of the propose Project so no permits would have been required from the USACE or the Oregon Division of State Lands (DSL).

Wetland Addendum

To update the information for this addendum, current literature was reviewed and information was gathered from recent National Wetland Inventories. On April 28, 2011, biologists walked the site and

identified water bodies/wetlands outside the Project site, but did not identify potential wetlands within the site. When weather and growing conditions improve a more thorough wetland investigation will be undertaken.



The photo above is facing NE from a dirt road running through the site. There are no wetlands in this area; most of this portion of the site is disturbed. Vegetation is mostly unidentifiable, although it appears *Bromus tectorum*, *Taeniatherum caput-medusae*, and *Brassica sp.* are present.

Much of the site is highly disturbed, but it appears the site is generally unchanged from its previously described state. During the site visit the biologist did not conduct a wetland investigation because of a recent snow event and the cold wet spring season (2011) has inhibited plant growth. Based on aerial photography of the site it appears that small areas of wetlands lie to the east of the Project site near the Klamath River. Based on the 2002 wetland investigation these small wetland areas were described as small (one acre or less) and of low quality due to the industrial activity near them. One wetland is located near an outfall culvert under the railroad, and will continue to receive water drainage from the surrounding area via the culvert. Two other wetlands east of the Project site are low-quality wetlands (i.e., drainage ditch) and would also continue to receive water drainage from the surrounding area after the Project is completed. The man-made detention pond was designed to capture storm water and, would continue to receive stormwater drainage. In summary, the Project would not impact these wetlands and would not interrupt the flow of normal water drainage to these wetlands.

The following conditions of the EFSC 2005 Final Order and Site Certificate relative to the wetlands are applicable to the proposed amendment:

(88) The certificate holder shall mitigate possible impacts to fish and wildlife and their habitat by measures including but not limited to the following:

(d) Using best management practices to prevent erosion of soil into wetlands or the Klamath River

(93) The certificate holder shall avoid impact to wetlands identified in the Council's Final Order on the Site Certificate and shall avoid any impact that would remove, fill or alter 50 cubic yards or more of material within any waters of the state.

Additional protections from indirect impacts on wetlands are found in Conditions 89, 90, 91, and 93.

Removal and Fill Permit Requirements

The Oregon Removal-Fill Statutes (ORS 196.795 to .990) and regulations (OAR 141-085-0500 to -0785) adopted by DSL require a Removal/Fill Permit if 50 cubic yards or more of material is removed, filled, or altered within any "waters of the state" at the proposed site. The Council must determine whether a permit is needed. In addition to the DSL regulations, the USACE administers Section 404 of the Clean Water Act, which regulates the discharge of fill into waters of the United States (including wetlands). Under Section 404, a federal Nationwide or Individual fill permit may be required if waters of the United States are affected by project construction or operation.

Based on the layout for the proposed modified KGF, no direct impacts such as a discharge of dredged or fill material will occur to wetlands or waterways near the proposed Project. Therefore a Section 404 permit and a DSL Removal/Fill Permit are not required.

References

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