



City of Union

Agenda

Council Special Meeting Meeting
Monday, March 17, 2025 @ 6:00 PM
Leonard Almquist Council Chambers, 342 S. Main St,
Union, OR 97883

Page

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL:**

Mayor: Hawkins
Councilors: Cox, Middleton, Seale, Black, George
and Boyer-Davis

2. **NEW BUSINESS:**

Public comment is welcome on each subject addressed under the public comment rules stated below.

2.1. Buffalo Flats Project: Little Creek
[Letter in Opposition](#)

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3. **PUBLIC COMMENT**

Audience members may bring any concern before the Council at this time.

Public comment rules:

All public comment is subject to 3 minutes per individual and time may be cut short by the Mayor if the information addressing the Council becomes redundant. All persons addressing the Council must speak at the lectern and prior to speaking must state their name and address.

4. **ADJOURNMENT:**

Opposition to Buffalo Flats Project: Little Creek

On behalf of concerned residents of the City of Union and surrounding areas, The City of Union City Administrator submits this letter opposing the Buffalo Flats Project. On March 15, 2025, the City of Union hosted a committee meeting to discuss the Buffalo Flats Project: Little Creek and afford the public the opportunity to be informed as to the status of the project and give input. Over 60 citizens attended and all expressed opposition to the project.

Citizens expressed many areas of concern:

1. Six goals of the Little Creek Buffalo Flats Restoration Project
 - a. ***“Enhance and restore aquatic habitat conditions and increase habitat diversity and complexity for salmonids.”***
 - i. This goal is unachievable due to three diversion dams preventing Steelhead, Salmon, and Bull Trout from reaching the project area.
 - b. ***“Improve water quality conditions (temperature and sediment) for salmonids.”***
 - i. The water quality may improve but, the impact on salmonids will be minimal/non-existent due to the 3 diversion dams blocking the path of the migratory fish listed above.
 - c. ***“Promote conditions for restoring ecological function and improving soil health within the project area.”***
 - i. This project may improve ecological function and soil health. There is no evidence that this state is being restored as there is no historical data to support the claim.
 - d. ***“Raise the water table within the project reach to support the establishment and growth of a diverse mosaic of herbaceous and woody riparian vegetation.”***
 - i. Completion of this project will raise the water table within the project area. This will also increase the amount of water seeping into the aquifer below and increase water flows through underground channels that have not been studied. In addition, with the growth of herbaceous and woody riparian vegetation, additional water will be lost to that very vegetation and will not be available to water right owners downstream from the project area.
 - e. ***“Reconnect Little Creek with its floodplains and expand quality floodplain habitat availability for salmonids within the project boundaries.”***

- i. There is no historical data to support claims that the floodplain has changed. Without such data, reconnecting Little Creek “to its floodplain” is unjustified. See points 1.a and 1.b above for comment on salmonids.
 - f. **“Increase the temporary floodplain storage of water, ice and woody debris during flood events.”**
 - i. While it is agreed that this project will increase the temporary floodplain storage capacity, it is not agreed that this will result in a no-rise condition. There have been similar projects performed in other areas where the ice and woody debris was overcome by water flow and washed downstream causing excessive property damage as well as degrading the capacity of the stream itself.
- 2. Future impacts on the neighboring landowners have not been thoroughly evaluated.
 - a. Pag 30, Paragraph 2 Appendix A outlines the model limitations and data gaps in hydraulic modeling.
 - i. ***The current version of HEC-RAS does not compute infiltration losses associated with surface water flow, or any other subsurface water flow***
 - ii. The hydraulic modeling version used does not consider the effects of the subsurface system. This could cause flooding in areas that would not flood if the stream had not been modified.
 - b. The currently released 80% plan shows the effects of the proposed change to Little Creek within the project area but does not sufficiently evaluate possible effects on neighboring property owners. While the project is based on “no rise condition”, the study doesn’t appear to consider the long-term effects on subsoil channels and the water table.
 - c. FEMA is considering modifications to the NFIP (National Flood Insurance Program) to further compliance with ESA (endangered Species Act). Potential implications of these modifications have not been sufficiently evaluated regarding impact on downstream landowners.
- 3. Impacts on water rights are not evaluated.
 - a. Downstream landowners have senior water rights. However, the 80% plan mentions 'water rights' only once, failing to address potential impacts on those rights.
 - b. Water right owners have concerns that due to the lack of control of water flows through the project area, the project area will get an uncontrolled amount of water and water right holders downstream will not get their legally allotted water.

4. Landowners of project area have historically displayed a lack of noxious weed and mosquito control
 - a. Mr. and Mrs. Malmberg own property on the South end of the City of Union and has demonstrated a lack of weed and mosquito control on that property.
 - b. On the project property, Mr. and Mrs. Malmberg have demonstrated no effort to control weeds, raising concerns about long-term land management.
 - c. Mr. Malmberg practices “holistic management” and has a published book, “Green Grass in the Spring: A Cowboy’s Guide to Saving the World”.
 - i. In this book, He states, **“If you overgraze, spray a weed, buy nitrogen fertilizer, or discount a woman’s voice, you reduce life”**.
 - ii. Throughout the book, he explains that proper grazing management, new plants and perennials will replace weeds.
 - d. Mr. Malmberg has not exhibited any proper grazing management on either property that he owns in the area. He does not have a significant herd of cattle and weeds are out of control on both properties.
 - e. The Malmberg’s property on South Main have neighbors on the South, East and West sides of the property that have complained about weeds ingress onto their properties and mosquitoes on the Malmberg property wetland areas. This property has an emergent wetland as well as forested/shrub wetland.
5. Lack of documentation showing a need for change
 - a. On Page 6, Para 2 of the BOR (Bureau of Reclamation) 80% Basis of Design Report state **“Goals for the project include restoring historical creek and floodplain processes of Little Creek to maximize salmonid habitat benefits and ecological function while allowing private ranching to continue in a way that is compatible and supportive of long-term ecological function. Historically, Little Creek within the project area has been adversely affected by historical modifications associated with transportation infrastructure and land use. The channel has been straightened, leading to floodplain disconnection and reduced in-stream complexity. Project designs have been developed to support these multiple goals that ultimately will benefit endangered species act (ESA) listed salmonids in the Columbia Basin.”**
 - i. No data supports claims of historical modifications to Little Creek. A 1913 map shows the stream in its current course.
 - ii. No plan of protecting completed stream work and planted vegetation from livestock. Mr. Bliesner stated on Feb 15, 2025, that there would be no deterrents used to protect the completed work from livestock.

If the landowner is allowed to graze livestock within the project area without a riparian exclusion zone, there is concern that the cattle will cause excess sediment transfer downstream as well as damage the viability of the vegetation.

- iii. No data has been released showing evidence that the stream has been modified by transportation infrastructure OR land use. Where the stream is claimed to have been straightened, there is not, and has not had, any transportation infrastructure. If the stream was modified by land use, the opinion is that such work was completed prior to 1913 and therefore would have to have been completed due to very dire circumstances. It has been theorized that either the stream has naturally changed the channel(s) many years prior to human settlement, or the land was a substantial wetland (which historically was very common in the Grande Ronde Valley) and the stream was straightened to allow for drainage to alleviate flooding of the town site. Either way, the true history of Little Creek is not documented.
- iv. While it is not debated that this project could benefit salmonids, what is debated is the extent of the benefit. Currently, fish cannot migrate upstream due to multiple diversion dams blocking access. While UCSWCD states they have plans to replace the diversion dams with dams that have integrated fish ladders, they have not stated a timeline to perform this work. There is no historical data, current data or future forecast of fish types, quantity or quality that will benefit from this project.

6. The method of funding is questionable.

- a. It has been documented in the 80% plan that BPA (Bonneville Power Administration) and OWEB (Oregon Watershed Enhancement Board) will be the funding agencies for this project.
 - i. BPA funds are intended for habitat restoration. However, no evidence shows that habitat existed previously or that fish will access the area due to existing migration barriers. To restore infers there was once a fish habitat in that location. There is no historical data to support that. Since Steelhead, Salmon and Bull Trout cannot migrate up Little Creek, the habitat that is created cannot be used by the fore named fish species.
 - ii. The goal of BPA funds is to restore streams with a goal to mitigate federal hydropower system development and operation on fish and

wildlife. Little Creek has not been affected by federal hydropower system development.

7. Landowner Conservation Agreement

- a. Paragraph 2 on Page 1 states ***“The purpose of this agreement is to promote sound resource management and implement conservation practices that will achieve benefits for fish and wildlife habitat, water quality and soil and water conservation on the owner property, within the project area”***
 - i. As stated, prior, there are no benefits for fish habitat without fish having access from Catherine Creek.
- b. RECITALS section, Paragraph 1 on Page 1 states ***“The Project will include several components with intent to restore and protect habitat critical to the survival of native fish and wildlife species”***
 - i. The project will have no effect on the survival of native fish and wildlife species as the native fish have no access from Catherine Creek.
- c. AGREEMENT section, Paragraph 2 on Page 2 states ***“Implement construction of engineered designs for enhancing and restoring fish and wildlife habitat and floodplain functions with emphasis on habitat conditions for juvenile and adult spring/summer Chinook salmon (Oncorhynchus tshawytscha) and summer steelhead (Oncorhynchus mykiss)”***
 - i. Chinook Salmon and Steelhead are migratory and require access to and from Catherine Creek. Currently access is not available due to the 3 lower diversion dams blocking access.
- d. Section 6, Paragraph E on Page 3 states ***“As part of the rehabilitation effort, for the term of this Agreement be responsible for control of Class A and B weeds, as defined by Union County, Oregon Weed Control (<http://unioncountyweedcontrol.org/index.html>)”***
 - i. As state prior, the landowners have not shown a history of controlling Class A or Class B weeds on this or the property on South Main Street.
- e. Section 6, Paragraph F on Page 3 states ***“Burning, removing or damaging planted or natural vegetation (non-invasive and not on the Union County weed list) in any way, including intentional livestock or domestic animal grazing. Temporary and controlled livestock grazing, livestock impact, fire, and other vegetation management techniques will be allowed based on standards and restrictions described in the Land Management Plan for Buffalo Flats Restoration Project.”***

- i. This is of concern as livestock grazing in the project area without a Riparian Exclusion Zone will contaminate and damage the vegetation and the stream banks.
 - ii. The Land Management Plan has not been released.
- f. Section 14, Paragraph 2, Page 5 states ***“In the event of a breach of this Agreement, the parties may pursue any remedies available at law or in equity.”***
 - i. This agreement does not specify any penalty for breach of contract. This allows either party to breach the contract and gives the other party the option of allowing for a non-penalty for breach.
 - g. This agreement does not address the scenario of the current landowners selling the said property prior to the expiration of this contract.
- 8. Project will negatively impact on the production capacity of the project area.
 - a. This project will remove surface area from grass hay production capacity. A reduction in production capacity will negatively impact on the local economy as well as make it more difficult for ranching operations to sustain the land.
- 9. It does not appear that any of the studies performed have been verified by an independent third party for error, exclusion or omission.
- 10. Federal law requires a NEPA study when federal funds are used. No such study appears to have been conducted, violating federal regulations. NEPA is required as federal fund usage creates a Federal Nexus and is subject to federal laws requiring a NEPA study.
 - a. NEPA is required when federal funds are used as per CWA (Clean Water Act) of 1972, ESA (Endangered Species Act) of 1973, FLPMA (Federal Land Policy and Management Act) of 1976, SDWA (Clean Drinking Water Act) of 1974 and NHPA (National Historic Preservation Act) of 1966
- 11. Federal law requires public meetings for projects using federal funds. No such meetings have been held, violating public participation requirements. Federal meeting laws are applicable as federal funds create a Federal Nexus and this project is subject to federal laws.
 - a. Public meetings are required when federal funds are used as per FACA (Federal Advisory Committee Act) of 1972, OGD (Open Government Directive) of 2009 and NEPA of 1969.

Citizens in and around the City of Union are concerned that The Buffalo Flats Project: Little Creek can and will impact them negatively as well as the project will yield little to know benefits to fish and wildlife habitat or improve the stream flows or alleviate flooding.

There are concerns that a Federal Nexus has been created by using DOR fund for the planning and study of the project area and federal laws have been violated.

Citizens further question the intent of the landowners and are afraid that once the project is completed, the landowners will sell the land and move out of the area. This would either leave the new landowner burdened with the Landowner Conservation Plan or the plan would be abandoned, and the project area is not maintained.

I urge all engaged entities to review the concerns outlined relating to the Buffalo Flats Project. Until a NEPA study is conducted, public meetings are held, and all legal and environmental concerns are addressed and are able to be sufficiently mitigated, this project must not proceed. We also request that all Federal and State funding be withheld until and unless these fundamental issues can be resolved.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Celeste Tate", written over a horizontal line.

Celeste Tate, City of Union City Administrator