



**US Army Corps
of Engineers**
Portland District

Willamette Basin Review Feasibility Study

APPENDIX O

Draft Finding of No Significant Impact

December 2019



FINDING OF NO SIGNIFICANT IMPACT

WILLAMETTE BASIN REVIEW FEASIBILITY STUDY - INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT

WILLAMETTE RIVER BASIN, OREGON

The U.S. Army Corps of Engineers, Portland District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated **11 December 2019**, for the Willamette Basin Review Feasibility Study addresses use of existing storage to provide future supply for in-stream and out-of-stream water uses opportunities and feasibility in the Willamette River Basin. The final recommendation is contained in the report of the Chief of Engineers, dated **18 December 2019**.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would provide sources of water for instream and out-of-stream needs in the study area. The recommended plan is the National Economic Development (NED) Plan and includes:

- Reallocation of storage in the USACE WVP reservoirs to meet Municipal and Industrial (M&I) water supply, Fish and Wildlife (F&W) water supply, and Agricultural Irrigation (AI) water supply needs. M&I would be allocated 159,750 acre-feet of conservation storage, and 327,650 acre-feet of conservation storage would be allocated to AI. The remaining 1,102,600 acre-feet of conservation storage would be allocated to F&W.
- Water management strategy during times of water shortage, all sectors would be reduced.

In addition to a “no action” plan, three alternatives were evaluated.¹ The alternatives included meeting out of stream needs through three different approaches: 1) non-federal sources of water, 2) combination of non-federal sources and stored water, and 3) stored water from the federal reservoirs. Alternatives development and plan selection is discussed in detail in Sections 4 and 5 of the FR/EA.

The U.S. Army Corps of Engineers, Portland District (Corps), conducted an environmental assessment in accordance with the National Environmental Policy Act of 1969, as amended. The Corps assessed the effects of the Agency Recommended Plan as documented in the draft *Integrated Willamette Basin Review Feasibility Report and Environmental Assessment*, dated July 2019.

This study was conducted to formulate a recommendation to the Chief of Engineers on the potential allocation of storage in the Corps’ Willamette Valley reservoirs, referred to collectively as the Willamette Valley Project (WVP). Currently, the conservation storage pool in these reservoirs is allocated for joint uses: flood risk management, irrigation, navigation, hydropower

¹ 40 CFR 1505.2(b) requires a summary of the alternatives considered.



production, water quality, recreation, supporting fish and wildlife, and municipal and industrial water supply. The feasibility study evaluated the potential for reallocation of conservation storage from these reservoirs to respond to current and future water supply needs in the Willamette River basin. Municipal and industrial water supply (M&I), agricultural irrigation (AI), and supporting fish and wildlife (F&W) are among the authorized uses of stored water; however, reservoir space was not specifically allocated to these uses when the dams were first authorized by Congress. The combined conservation storage capacity of the WVP is approximately 1,590,000 acre-feet, and currently it is all allocated as joint use and not protected for any specific use, such as in-stream flows for endangered species.

The Recommended Plan was chosen over other alternatives because it provides an equitable distribution of conservation storage and is supported by the Oregon Water Resources Department (OWRD), the non-federal sponsor.

The scope of the environmental effects analysis evaluates the reasonably foreseeable direct, indirect, and cumulative effects of the Recommended Plan. For the Recommended Plan, the area of potential influence for the analysis of effects consists of: the WVP’s reservoirs, the riverine reaches downstream of the reservoirs, and the geographic area within which water supply could be utilized for AI and M&I use. Implementing the Corps decision to reallocate WVP conservation storage would not trigger any direct or immediate effects on the environment (i.e., effects caused by the reallocation decision, and occurring at the same time and place). Significant adverse effects are not expected. With a conversion of WVP stored water releases to in-stream water rights, releases for the benefit of ESA-listed fish would be protected and not available for consumptive use by existing water right holders per Oregon water law. In addition, the Corps would continue to operate the WVP to meet mainstem and tributary flow objectives as often as possible as described in the 2008 Biological Opinion (National Marine Fisheries Service, 2008). Therefore, no compensatory mitigation is required.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened/Endangered species/critical habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Hydrology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Because of the overt inability of the ARP to effect change to the physical environment at the reservoirs that would be different from the range of conditions currently observed, effects to vegetation, aquatic habitats, wetlands, non ESA-listed fish and wildlife, aesthetics, cultural resources, and erosion have been eliminated from detailed consideration. Because implementation of the ARP does not require construction or ground disturbing actions by the Corps and does not have reasonably foreseeable construction actions by future users of WVP stored water, the following additional resources characteristically assessed because of construction actions have been eliminated from detailed consideration: air quality; geology; hazardous, toxic, and radioactive waste; noise; occupational safety; soils; topography; traffic; race, poverty, and environmental justice.

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. There was no identified need for best management practices (BMPs) to minimize impacts.²

No compensatory mitigation is required as part of the recommended plan.

Public review of the draft IFR/EA and FONSI was completed on 5 January 2018. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI. A 30-day state and agency review of the Final IFR/EA was completed on 12 November 2019. Comments from state and federal agency review did not result in any changes to the final IFR/EA.

ENDANGERED SPECIES ACT

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, the Corps submitted a Biological Assessment (BA) to National Marine Fisheries Service (NMFS) on 2 July 2018 requesting formal consultation. The BA proposed action included the full reallocation and M&I

² 40 CFR 1505.2(C) all practicable means to avoid and minimize environmental harm are adopted.



water supply agreements up to 2030 demand levels. AI users are currently able to access stored water for irrigation up to 95,000 acre-feet without this project. Contracts for AI water supply above 95,000 acre-feet will be considered in future consultations. NMFS issued a biological opinion, dated 28 June 2019, that determined that the proposed action will jeopardize the continued existence of Upper Willamette River Chinook salmon and Upper Willamette River steelhead, and will adversely modify designated critical habitat of the following species as indicated:

Affected Species and NMFS’ Determinations:

ESA-Listed Species	Status	Is Action Likely to Adversely Affect Species?	Is Action Likely To Jeopardize the Species?	Is Action Likely to Adversely Affect Critical Habitat?	Is Action Likely To Destroy or Adversely Modify Critical Habitat?
Upper Willamette River Chinook salmon	T	Yes	Yes	Yes	Yes
Upper Willamette River steelhead	T	Yes	Yes	Yes	Yes
Lower Columbia River Chinook salmon	T	Yes	No	Yes	No
Upper Columbia River spring-run Chinook salmon	E	Yes	No	Yes	No
Snake River spring/summer run Chinook salmon	T	Yes	No	Yes	No
Snake River fall-run Chinook salmon	T	Yes	No	Yes	No
Columbia River chum salmon	T	Yes	No	Yes	No
Lower Columbia River coho salmon	T	Yes	No	Yes	No
Snake River sockeye salmon	E	Yes	No	Yes	No
Lower Columbia River steelhead	T	Yes	No	Yes	No
Middle Columbia River steelhead	T	Yes	No	Yes	No
Upper Columbia River steelhead	T	Yes	No	Yes	No
Snake River Basin steelhead	T	Yes	No	Yes	No
Southern Resident killer whale (<i>Orcinus orca</i>)	E	No	No	No	No

The 28 June 2019 Biological Opinion included a Reasonable and Prudent Alternative (RPA) that, if implemented, would offset these impacts. The Reasonable and Prudent Alternative included five Measures outlining several features of implementation:

RPA 1: The Portland District will recommend the Corps will retain sufficient local authority to modify the reallocation without further congressional action.

RPA 2: The Corps will defer entering into any new water storage contracts for municipal and industrial (M&I) use beyond an agreed upon cap at projected 2025 deficit demands of 11,000 acre-feet until in-stream flows are protected by the state.

RPA 3: When the Corps enters into a new water storage supply agreement for M&I uses in the WVP, the agreement will specify restrictions that are consistent with the 2008 BiOp requirements for new and renewed water use contracts issued by the Bureau of Reclamation (BOR).



RPA 4: The Corps will work to meet 2008 BiOp flows and in the event that forecasts indicate that flows won't be met, the Flow and Water Quality Management Team (FWQMT) will convene to adaptively manage the system and determine how curtailment may occur.

RPA 5: The Corps will prepare an annual "Willamette Basin Year in Review Report" to document its accomplishment of the Willamette Basin Project Conservation Release Season Operating Plan (the Annual Conservation Plan) for the previous water year. The Corps will also participate in an annual coordination meeting with NMFS to discuss the annual report before finalizing an Annual Conservation Plan for the next water year.

Per RPA 1, Section 11 of the FR/EA included a recommendation that USACE retain discretion to modify the allocations for each of the three specific purposes as necessary to ensure compliance with biological opinions associated with reinitiation of the 2008 Endangered Species Act (ESA) consultation and future ESA consultations related to the storage and release of water from the WVP

The Corps will implement the ARP consistent with WBR Biological Opinion.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat bull trout (*Salvelinus confluentus*), Fender's blue butterfly (*Icaricia icarioidesfenderi*), Bradshaw's desert parsley (*Lomatium bradshawii*), and Nelson's checker-mallow (*Sidalcea nelsoniana*). The U.S. Fish and Wildlife Service (FWS) concurred with the Corps' determination by letter on 26 July 2019.

NATIONAL HISTORIC PRESERVATION ACT

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that the recommended plan has no effect on historic properties. The Corps consulted with the Oregon SHPO and affected Tribes, including the Cow Creek Band of Umpqua Indians, the Confederated Tribes of the Grand Ronde Communities of Oregon, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Siletz Indians. The Cow Creek Band of Umpqua Indians and the Confederated Tribes of the Warm Springs Reservation of Oregon indicated no concerns with the project. No additional responses were received.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

FINDING

Technical, environmental, and cost effectiveness criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local



government plans were considered in evaluation of alternatives.³ Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.⁴

Date

Aaron L. Dorf
Colonel, Corps of Engineers
District Commander

³ 40 CFR 1505.2(b) requires identification of relevant factors including any essential to national policy which were balanced in the agency decision.

⁴ 40 CFR 1508.13 stated the FONSI shall include an EA or a summary of it and shall note any other environmental documents related to it. If an assessment is included, the FONSI need not repeat any of the discussion in the assessment but may incorporate by reference.