FINDING OF NO SIGNIFICANT IMPACT (FONSI)

U.S. ARMY CORPS OF ENGINEERS
WALLA WALLA DISTRICT

WATER INTAKE FACILITY EASEMENT RENEWALS

I. Introduction/Proposed Action

The U.S. Army Corps of Engineers (COE), Walla Walla District (Corps), proposes to renew easements for twenty three (23) water intake (intake) facilities which are presently expired or due to expire in the near future. The intake facilities are located in the McNary (Washington and Oregon) and Ice Harbor Reservoirs (Washington).

II. Background Information

Large sections of Corps-managed Federal land are located immediately adjacent to and on both sides of the Columbia and Snake Rivers. This has resulted in the Corps' Real Estate (RE) Division issuing multiple easements for the installation of water intake facilities along the shoreline. Currently, the Corps has 23 water intake easements which are now expired or set to expire within the near future and which need to be renewed.

III. Statement of Purpose and Need

The Corps proposes to renew 23 water intake facility easements which are either expired or set to expire in the near future. The 23 easement renewals are similar actions which involve only the extension of the term of the easement (i.e., do not grant any additional authority to the grantee). The purpose of the proposed action is to effectively process applications for renewal of the 23 water intake facility easements, in accordance with the Corps' real estate rules/policies and other applicable statutes and regulations. The action is needed to address the backlog of expired water intake facility easements in an efficient and cost-effective manner for both the Corps and applicants.

IV. Project Alternatives

The following alternatives were identified and considered for this project.

Alternative 1 (No Action (No Change) Alternative): Under the no action alternative, the Corps would not issue renewals for the 23 intake facility easements. Easements already expired would remain in that status and easements nearing expiration would eventually expire. The intake facilities

would remain in an acknowledged hold-over tenancy situation, still governed by the expired easements. The holdover tenancy is contrary to Corps real estate rules/policies and could be subject to termination at some point. Although the "no action" alternative does not meet the project purpose and need, under Council on Environmental Quality guidelines it serves as the project baseline for comparing alternatives and therefore was carried forward for analysis.

Alternative 2 (Proposed Alternative): Under this alternative, the Corps would issue renewals for all 23 intake facility easements. The renewals would be done collectively as they are similar actions which involve only the extension of the term of the easement. The alternative provides an effective means for processing the applications in accordance with the Corps' real estate rules/policies and other applicable statutes and regulations. It also provides an efficient and cost-effective way to address the current backlog of expired water intake facility easements for both the Corps and applicants.

Alternative 3: Under this alternative, the renewal of all 23 easements would be done on an individual basis. The steps/processes used for Alternative 3 would be the same for Alternative 2. The primary difference between an individual and combined approach (i.e. Alternative 2) to renewing the easements would be time and cost. The Corps estimates it could take an additional 6 months or longer to complete all 23 individual easement renewals beyond the time it would take to do a single, "combined" easement renewal (i.e. Alternative 2). Alternative 3 was eliminated from further consideration because it does not address the backlog of expired water intake facility easements in an efficient and cost-effective manner as recommended by National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS) and supported by the applicants, and delays the Corps' ability to comply with the Army Corps of Engineers' real estate rules/policies.

Preferred Alternative: Alternative 2 was selected as the preferred alternative as it most effectively and efficiently met the identified project purpose and need.

V. Environmental Effects: The following environmental resources were identified as being relevant to the project – biological (including Endangered Species Act (ESA)), water quality, cultural resources, visual quality, environmental justice, noise, climate change, and air quality. Environmental analysis and effects of the preferred and "no action" alternatives are detailed in the project Environmental Assessment (EA). The EA analysis concluded there would be no significant impacts to the environment resulting from implementation of the preferred alternative.

The Corps divided the 23 water intake facilities into two categories - 11 pumping plants which currently meet screen mesh size criteria (Category 1) and 12 pumping plants which currently do not meet screen mesh size criteria (Category 2). Category 1 facilities received a *"Not Likely to Adversely Affect"* (NLAA)

determination on all ESA-listed fish species while for Category 2, the Corps' determination was *"Likely to Adversely Affect"* (LAA) – i.e. specifically applied to Snake River fall Chinook (fry) and NLAA for all other fish species. The Corps determined the proposed action (both Category 1 and Category 2 water intake facilities) would have "No Effect" on all other ESA listed species. It further determined the proposed project would result in no "take" of species listed under the Migratory Bird Treaty Act, and no "take" or disturbance under the Bald and Golden Eagle Protection Act. The Corps determined there would be "No Effect" to designated critical habitat that may occur in the project area and "No Adverse Effect" to essential fish habitat. The Corps also addressed lamprey eel in the project EA. The Corps initiated consultation with NMFS and USFWS. NMFS concurred with the Corps' determinations and provided the following conservation recommendation:

> Require immediate upgrade of the existing 1/8-inch screen mesh size to the current 3/32-inches to protect fall Chinook salmon fry in the Hanford Reach.

USFWS has not yet responded. Its comments will be included in the final FONSI if a FONSI is determined appropriate.

The Corps undertook a cultural resources review and assessment of each proposed intake facility easement renewal site. Because the preferred alternative would maintain existing conditions and avoid ground disturbing activities, the Corps made a determination of "no potential to affect historic properties". No further action was required.

Category 1 and 2 intake facilities would continue to undergo routine cleaning and maintenance that could include some minor dredging. In addition, Category 2 intake facilities would require the replacement of existing fish screens. It is anticipated that all these activities would be minor in nature and covered by Nationwide Permit Number 3 (i.e. Maintenance) under the Clean Water Act.

VI. Coordination

The project has been coordinated with both the appropriate U.S. and state (Washington and Oregon) congressional delegates (i.e. senators and representatives); NMFS; USFWS; Environmental Protection Agency; Washington Department of Fish and Wildlife; Washington Department of Ecology; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes and Bands of the Yakama Nation; Nez Perce Tribe; Washington Department of Archaeology and Historic Preservation; Kennewick Irrigation District; Franklin County Irrigation District No. 1; Badger Mountain Irrigation District; Oregon Department of Environmental Quality; and the cities of Pasco, Kennewick and Richland.

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The project EA was released for a 30-day public comment period. Notice of the proposed project along with the draft FONSI and EA was made available on the Corps' website for viewing.

VII. Conclusion/Finding

I have taken into consideration the technical aspects of the project, best scientific information available, public comments, and the information contained in the EA. Based on this information, I have determined that the preferred alternative would not significantly affect the quality of the human environment, and an Environmental Impact Statement is not required.

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Timothy R. Vail Date
Lieutenant Colonel, Corps of Engineers
District Commander

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