



DRAFT FINDING OF NO SIGNIFICANT IMPACT

Confederated Tribes of the Umatilla Indian Reservation & City of Umatilla

Joint Pump and Pipeline Project

McNary Lock and Dam Project, Umatilla County, Oregon

March 2025

The U.S. Army Corps of Engineers (USACE) Walla Walla District, as the lead agency, proposes to issue the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the City of Umatilla (COU) a 2-year construction license and corresponding 50-year easement for the construction, operation, and maintenance of a new water pump station and improved conveyance infrastructure on USACE property. Although, the issuance of a temporary construction license and easement would only pertain to project components on USACE property, the scope of the environmental analysis was expanded to include interconnected and dependent project components that would impact resources within the action area. This would include construction of a new approximately 3,460-foot-long water pipeline to the COU Water Treatment Facility, a new 4,550-foot-long water pipeline to the Wanaket Wildlife Area (WWA), and a connection to the COU water system for the purpose of delivering raw and treated water to the CTUIR Wanapa Industrial Site, and other COU customers.

The purpose of the Proposed Action is to develop an efficient, reliable, and adequate water delivery system to address infrastructure inefficiencies and meet future demands. Objectives include replacing the existing CTUIR pump station with a modernized facility to improve diversion capacity, enhance fish screening, and minimize environmental impacts. The project also seeks to replace the deteriorating water conveyance infrastructure with a system that reduces water losses, ensures effective delivery to the WWA, and supports economic development, including enhanced water supply for the CTUIR Wanapa Industrial Site. Additionally, the modernized system aims to improve operational efficiency, reduce energy consumption, and incorporate environmental improvements, such as fish-friendly intake screens and eliminating the open ditch. This action is needed to replace outdated and inefficient water facilities that cause excessive transmission losses, increased maintenance costs, and limit the ability to meet growing water demands. Upgrading the system would ensure reliable, cost-effective, and environmentally responsible water delivery for wildlife, economic development, and municipal use.

The Draft Environmental Assessment (EA), incorporated herein by reference, is not held to the same rigorous standard as that of an Environmental Impact Statement (EIS); an EA requires only a reasonable range of alternatives sufficient to support a Finding of No Significant Impact (FONSI), whereas an EIS mandates a more detailed and exhaustive evaluation of all reasonable alternatives.



Therefore, only two alternatives were considered and carried forwards for consideration and environmental analysis. Those alternatives would include the No Action (Alternative 1) and the New Pump Station and Pipeline (Alternative 2). The No Action Alternative sets the baseline from which other alternatives are compared. The Proposed Action Alternative represents USACE's decision to issue the CTUIR and the COU a 2-year construction license and 50-year easement for the replacement of an existing water pump station and conveyance infrastructure, while considering the environmental implications of the project components outside of USACE property.

Alternative 1: No Action

Under this alternative, the USACE would not issue the COU and CTUIR a 2-year temporary construction license and 50-year easement for the implementation, operation, and maintenance of a new pump station, and associated conveyance infrastructure, on USACE property. The existing outdated pump station and conveyance infrastructure would remain in its current state, and there would be no actions undertaken to improve its operational capacity or efficiency. Without action, the area would remain consistent existing operations and baseline conditions.

Alternative 2: New Pump Station and Pipeline

Under this alternative, USACE would issue the COU and CTUIR a 2-year temporary construction license and 50-year easement for the implementation, operation, and maintenance of a new pump station, and associated conveyance infrastructure, on USACE property. In addition, scope of analysis would include construction of the new approximately 3,460-foot-long water pipeline to the COU Water Treatment Facility, the new 4,550-foot-long water pipeline to the WWA, and a connection to the COU water system for the purposes of delivering raw and treated water to the CTUIR Wanapa Industrial Site and to other COU customers.

For more detailed breakdown of the components of work for the Alternative 2: New Pump Station and Pipeline refer to section 2.4 of the Draft EA.

For the two alternatives, the potential environmental impacts to various resources effects were evaluated, as appropriate. A summary assessment of the potential effects of the Proposed Action alternative are listed in Table 1:

Table 1. Summary of Impacts of the Proposed Action Alternative.

Resource	Less than significant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Geology and Soils	X	-	-
Noise	X	-	-
Water Quality	X	-	-
Terrestrial Resources	X	-	-



Fish and Aquatic Resources	X	-	-
Treaty and Cultural Resources	X	-	-
Visual Resources	X	-	-
Social Effects	X	-	-
Atmospheric Pollutants (APs) and Long-term Weather Patterns	X	-	-
Cumulative Impacts	X	-	-

The analysis conducted within the draft EA determined the Proposed Action would result in less than significant effects to the all the resources considered for environmental analysis. Best management practices (BMPs), as detailed in the draft EA, would be implemented, if appropriate, to minimize impacts. Those BMPs are outlined within Section 2.5 of the draft EA and summarized within the Table 2-1 therein.

Based on this analysis, Alternative 2 (New Pump Station and Pipeline) was selected as the Preferred Alternative, and is referred to as such for the remainder of this draft FONSI document.

Endangered Species Act

The Endangered Species Act (ESA) established a national program for the conservation of threatened and endangered fish, wildlife, and plants and the habitat upon which they depend. Section 7(a)(2) of the ESA requires federal agencies to consult with the U.S Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their critical habitats. Section 7(c) of the ESA and the federal regulations on endangered species coordination (50 CFR §402.12) require that federal agencies prepare biological assessments of the potential effects of major actions on listed species and critical habitat. A Biological Assessment (BA), drafted by Kleinschmidt Associates and prepared on behalf of the COU and CTUIR, was submitted to USACE for review (Appendix B). USACE biologists reviewed the BA and determined that the information contained therein is accurate and meets USACE's requirements for analysis. USACE intends to accept this BA and submit to the Services for formal consultation. Notification of Section 7 consultation was submitted to the Services on 19 February 2025. The outcome of the consultation between USACE and the Services, to include any biological opinions and stipulations for the Preferred Alternative, would be fully documented within the final version of this EA document.

Clean Water Act

The Federal Water Pollution Control Act (33 U.S.C. §1251 et seq., as amended) is more commonly referred to as the Clean Water Act (CWA). This act is the primary legislative vehicle for federal water pollution control programs and the basic structure for regulating discharges of pollutants into waters of the United States (WOTUS). The act was established to "restore and maintain the chemical, physical, and biological integrity of the



nation's waters." The CWA sets goals to eliminate discharges of pollutants into navigable water, protect fish and wildlife, and prohibit the discharge of toxic pollutants in quantities that could adversely affect the environment.

Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into WOTUS. The Columbia River is considered a navigable WOTUS. The Preferred Alternative, more specifically the new pump station and associated features, would require shoreline and in-water work below the ordinary high-water mark (OHWM) of the Columbia River. The permanent placement of structures within the Columbia River would constitute the placement of fill material within a WOTUS, and therefore would require the issuance of a Section 404 permit from USACE Portland District Regulatory Division. The acquisition of a 404 permit, by the COU and CTUIR, is required prior to the use of USACE property and implementation of the Preferred Alternative.

Section 401 of the CWA requires that any activity that may result in a discharge of pollutants into WOTUS must first receive a water quality certification from the state in which the activity would occur. Typically, actions requiring the issuance of a 404 permit also require 401 Water Quality Certification (WQC) from the state certifying authority. The state certifying authority for the Preferred Alternative would be the Oregon Department of Environmental Quality (ODEQ). The COU and CTUIR would be required to obtain a 401 WQC from ODEQ, which typically requires the submittal of a 404(b)1 Evaluation, a Joint Aquatic Resources Permit Application (JARPA), a Biological Assessment (BA), and National Environmental Policy Act (NEPA) document. Depending on the needs of ODEQ to make their certification decision, a water quality monitoring plan and suitability determination may be included within the submittal package.

Section 402 of the CWA establishes the framework for the National Pollutant Discharge Elimination System (NPDES). This section regulates the discharge of pollutants into WOTUS. This section is triggered if an action results in greater than one acre of ground disturbance and has the potential for stormwater runoff into WOTUS, or if an action results in the discharge (point or non-point source) of pollutants into WOTUS. The Preferred Alternative would require Section 402 compliance because it would require greater than one acre of ground disturbance and would have the potential for stormwater runoff into the Columbia River, the nearest WOTUS. However, the Preferred Alternative would not constitute a point or non-point discharge of pollutants into WOTUS. The COU and CTUIR would be required to obtain a Construction General Permit (CGP) from ODEQ prior to implementation of their Preferred Alternative. This would typically require the creation of a Storm Water Pollution Prevention Plan (SWPPP) to mitigate and minimize the potential for stormwater runoff into WOTUS. The submission of a Notice of Intent (NOI) to the ODEQ would start the application process. The ODEQ would review the application, and make modifications as needed, and issue the CGP and NPDES permits. These permits would be obtained by the COU and CTUIR prior to use of USACE property and the implementation of the Preferred Alternative.

National Historic Preservation Act



Section 106 of the National Historic Preservation Act (NHPA) requires agencies to consider the potential effect of their actions on properties that are listed, or are eligible for listing, on the National Register of Historic Places (NRHP). The NHPA implementing regulations, 36 CFR Part 800, requires that the federal agency consult with the State Historic Preservation Officer (SHPO), Tribes and interested parties to ensure that all historic properties are adequately identified, evaluated, and considered in planning for proposed undertakings. The consulting parties for this undertaking included the Oregon SHPO and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

A Cultural Resources Review (USACE 2025) was sent to consulting parties on 26 February 2025, for a 30-day review. The Cultural Resources Review documents the effects of the Preferred Alternative to any historic properties within the APE. The USACE determined that the Preferred Alternative would result in No Adverse Effect to Historic Properties, and the results of this consultation would be fully documented with the final EA and FONSI. The potential effects of the alternatives on cultural resources have been examined in detail within Section 3.6 of draft EA.

Rivers and Harbors Act

The Rivers and Harbors Act (RHA) refers to a conglomeration of many pieces of legislation and appropriations passed by Congress since the first such legislation in 1824. The Rivers and Harbors Act of 1899 was the first federal water pollution act in the U.S. It focuses on protecting navigation, protecting waters from pollution, and functioned as a precursor to the CWA. Section 10 of the RHA of 1899 regulates the construction of structure, excavation/deposition of materials, and other works affecting the course, location, conditions, or capacity of a waterway. Section 13 prohibits the discharge of refuse into navigable WOTUS. The permitting authority has been effectively subsumed under the Environmental Protection Agency's NPDES permitting authority under Section 402 of the CWA. Section 14 mandates obtaining USACE permission for activities impairing the usefulness of any Civil Works project. Section 408 pertains to the authority of USACE to grant permission for modifications to existing federally constructed projects.

The Preferred Alternative would trigger the requirement for Section 10 of the RHA because it would require the placement of in-water structures, and in-water work, which would alter the characteristics of the Columbia River, a navigable WOTUS. Section 10 compliance is typically managed through a joint permitting process between USACE Portland District Regulatory (Regulatory) and the ODEQ. The issuance of a Section 10 permit would require compliance with NEPA and associated federal and state environmental laws and regulations. The COU and CTUIR would be required to obtain a Section 10 permit from Regulatory prior to implementation of the Preferred Alternative.

In compliance with the National Environmental Policy Act (NEPA), the draft version of the EA and FONSI were written to comply with the latest CEQ NEPA regulations, the Act itself, and the USACE supplemental NEPA regulation at 33 CFR Part 230. The draft EA, FONSI, and all supporting appendices will be made available for a 30-day public review and comment period beginning on or around March 21, 2025. Comments submitted during this



period would be responded to either as an attachment to or addressed directly within the final EA.

All applicable laws, regulations, and Executive Orders were considered in the evaluation of alternatives and potential environmental effects. Based on the draft EA, 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 implementation of the COU and CTUIR's proposed pump station and pipeline project would not significantly affect the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required. USACE, Real Estate Division, would issue the COU and CTUIR a 2-year construction license to implement components of the Preferred Alternative on lands owned by USACE. Following completion of work, the USACE would issue the applicants a 50-year easement for the operation and maintenance of the newly constructed conveyance infrastructure. These actions would be completed by USACE at the earliest time subject to available funding and resources.

Date

KATHRYN A. WERBACK,
PE, PMP LIEUTENANT
COLONEL, Corps of
Engineers, Walla Walla
District Commander