

## **FINDING OF NO SIGNIFICANT IMPACT**

### **LOWER SNAKE RIVER CHANNEL MAINTENANCE IMMEDIATE NEED DREDGING FOR COMMERCIAL NAVIGATION ENVIRONMENTAL ASSESSMENT**

#### **Tiered From the 2014 Lower Snake River Programmatic Sediment Management Plan Final Environmental Impact Statement**

#### **Section 2 of the River and Harbor Act of 1945 (Public Law 79-14)**

#### **PASCO and CLARKSTON, WASHINGTON; LEWISTON, IDAHO**

The U.S. Army Corps of Engineers, Walla Walla District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended. The July 2022 *Lower Snake River Channel Maintenance Immediate Need Dredging for Commercial Navigation Environmental Assessment* (EA), identifies and evaluates the potential environmental effects associated with the Corps' proposed action of dredging, and related in-water disposal of accumulated sediment from specified areas in or adjacent to (e.g., port berthing areas) of the federal navigation channel. The proposed dredging-disposal action is planned in accordance with the 2014 *Lower Snake River Programmatic Sediment Management Plan* (PSMP), and this EA is tiered to the associated Final Environmental Impact Statement (FEIS), both of which are incorporated herein by reference<sup>1</sup>. The specified areas of the federal navigation channel to be dredged are located below the Ice Harbor Lock and Dam navigation lock near Pasco, Washington, and at the confluence of the lower Snake and Clearwater Rivers near Clarkston, Washington, and Lewiston, Idaho, and associated berthing areas at the Port of Clarkston and the Port of Lewiston, at the Ports' expense. The Corps is proposing to accomplish the dredging and disposal action during the next winter in-water work window of December 15, 2022, to March 1, 2023, or during the next available in-water work window, subject to any delays and available funding/resources.

The lower Snake River Dam and Reservoir Projects (Ice Harbor, Lower Monumental, Little Goose, and Lower Granite) ("Projects" or "LSRP") were authorized by Congress under Section 2 of the River and Harbor Act of 1945 (Public Law [PL] 79-14), and substantially in conformance with House Document 704, 75th Congress, 3rd Session. The Flood Control Act of 1962 (PL 87-874) established the navigation channel within the LSRP at 14-feet-deep by 250-feet wide at the lowest operational water elevation of the reservoirs, or minimum operating pool (MOP) level. 33 U.S.C. 562 authorizes the Corps to maintain wider areas for bends, sidings, and turning places as may be necessary to allow for the free movement and maneuvering of boats and barge tows. Additionally, Section 109 of the Water Resources Development Act of 1992 (PL 102-580) provides limited authority to maintain navigation access and berthing areas at port

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<sup>1</sup> <https://www.usace.army.mil/Missions/Projects/Programmatic-Sediment-Management-Plan/>

facilities using the federal navigation channel on the Columbia, Snake, and Clearwater rivers. Corps policy (Engineer Regulation [ER] 1130-2-520, Section 8-2) allows one foot of advanced maintenance to reduce the reoccurrence of dredging and one foot of over-depth to account for general inaccuracies in dredging methods.

The purpose of the proposed immediate need dredging action is to reestablish the federal navigation channel to the congressionally authorized dimensions of 250 feet wide by 14 feet deep, incorporating any recommended or necessary additions allowed by federal law, implementing regulations and policy. The proposed dredging depth consists of the authorized 14 feet, plus one foot for advanced maintenance, and up to an additional foot for over dredging, to account for any depth inaccuracy. Additionally, the federal navigation channel at the Port of Lewiston (Clearwater River) has been increased in width to provide for a vessel turning area, as it is the terminus of the lower Snake River federal navigation channel. The proposed action is needed to restore safe and effective navigation in the federal channel through the lower Snake River to Lewiston, Idaho because accumulated sediment is interfering with navigation (see EA Section 1.1.3 and Section 3.3.2.1 of the PSMP FEIS for more details regarding the purpose and need). The EA evaluates the No Action Alternative (Alternative 1) and Alternative 2 - Immediate Need Dredging. Alternative 2 is the proposed action and has been identified as the preferred alternative, which includes:

- The proposed dredging sites in Lower Granite Reservoir include the federal navigation channel (Snake River Mile (RM) 138 to Clearwater RM 2; ≈162,040 cubic yards (cy)), two access channels between the Port of Clarkston docks and the dredged federal navigation channel (≈67,740 cy) and the berthing areas for the Port of Lewiston (Clearwater RM 1-1.5; ≈4,380 cy) and Port of Clarkston (Snake RM 137.9 and 139; ≈21,600 cy). The Ports are responsible for funding berthing area maintenance and obtaining necessary permits.
- Another proposed dredging site is the downstream navigation lock approach for Ice Harbor Dam (Snake RM 9.5; ≈2,150 cy). Sedimentation in the Ice Harbor Dam navigation lock approach is interfering with the ability of barge traffic to safely maneuver when entering or exiting the navigation lock.
- All collective dredged material (≈257,910 cy) would be disposed in-water near Bishop Bar at RM 118 in the lower Snake River in Washington State.
- The proposed action includes water quality monitoring and biological surveys (Appendix A) as well as impact minimization measures and best management practices (BMPs), including work within the established/adopted winter in-water work window (December 15 to March 1).

More detailed information on alternatives considered can be found in Section 2 of the EA. In addition to a “No Action Alternative”, only dredging in combination with 12 other disposal options alternatives were evaluated. The disposal options were evaluated in detail in the Clean Water Act (CWA) Section 404(b)(1) Evaluation, Appendix B of the EA. The PSMP/FEIS determined that dredging is the only option for immediate need sediment management (i.e., once sediment has accumulated and is interfering with

navigation) and the Corps' new analysis determined that Bishop Bar was the only disposal measure that met these required screening criteria:

- Alternative satisfies the Corps and the Ports disposal purpose.
- Alternative is practicable/available for Corps and/or Ports (cost, technology, logistics).
- Alternative is environmentally acceptable (CWA Section 404(b)(1) Guidelines).
- Alternative is the least cost after consideration of the first 3 criteria (Federal Standard).

For Alternative 2, the potential effects to the following resources are shown here:

Resource	Less than significant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Sediment	X	-	-
Water Quality	X	-	-
Aquatic Resources, with Threatened and Endangered Species	X	-	-
Recreation	X	-	-
Terrestrial Resources, with Threatened and Endangered Species	X	-	-
Socioeconomics and Environmental Justice	X	-	-
Historic and Cultural Resources	X	-	-
Cumulative Effects	X	-	-

All practical means identified to avoid or minimize adverse environmental effects were analyzed and incorporated into the proposed action, and no compensatory mitigation is required. Monitoring and surveys will be employed as described in Sections 2.2.6 and 2.2.7 of the EA. Biological surveys will be conducted prior to dredging, and real-time water quality monitoring will be conducted during dredging and disposal operations. BMPs and impact minimization measures, detailed in Sections 2.2.9 and 2.2.10 of the EA, will be implemented to avoid and minimize impacts, such as monitoring for water quality and complete pre-dredging surveys for specified biological resources, such as salmon redds, larval lamprey, and native mussels. See Table 3-1 in the EA for a list of environmental resources not evaluated in detail and the associated explanation.

Pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, the Corps prepared a Biological Assessment (Appendix D to the EA) and determined that the proposed action/preferred alternative may affect and is likely to adversely affect ESA-listed fish species. Formal consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) (Services collectively) has

been conducted. The Corps received the USFWS Biological Opinion (Appendix F of the EA) on August 24, 2022. The USFWS concluded the proposed action would not likely jeopardize the continued existence of bull trout or adversely modify or destroy associated critical habitat. The Corps received the NMFS Biological Opinion (Appendix E of the EA) on September 26, 2022. The NMFS concluded the proposed action would not likely jeopardize the continued existence of any ESA-listed anadromous salmonid species or adversely modify or destroy their designated critical habitat.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, the Corps analyzed the potential effects of the alternatives on historic/cultural properties and resources in the proposed action area in the EA (see Section 3.7) and prepared a Cultural Resources Review that was sent to the Idaho and Washington State Historic Preservation Officers (SHPO) and five area Tribes on May 12, 2022, for a 30-day review. The Corps determined that the proposed action/preferred alternative would not have an adverse effect on Traditional Cultural Properties at Ice Harbor or Lower Granite as the proposed work is only maintenance of an existing facility (the navigation channel) and adjacent port berthing areas, which would not result in any changes to the use of that facility that might adversely affect historic properties. Letters of Concurrence from the Idaho and Washington SHPO have been received and are attached to the EA as Appendix G and Appendix H.

The Corps consulted with the tribes having treaties: the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. The Corps received comments about Treaty rights and resources from the Nez Perce Tribe in August 2022, during the public review period and the Corps' responses to their comments are included in the attached comment response document. In addition, the Nez Perce Tribe requested formal government-to-government consultation with the Corps to review pre-dredge lamprey survey results and discuss mitigation actions. The Corps will accommodate their request and government-to-government consultation will be conducted prior to the start of any dredging or disposal activity.

Pursuant to the Clean Water Act of 1972 (CWA), as amended, the discharge of dredged material associated with the proposed action/preferred alternative was evaluated under the substantive requirements of Corps Section 404 regulations (33 CFR Part 335-338) and the Environmental Protection Agency's (EPA) CWA Section 404(b)(1) Guidelines (40 CFR Part 230) (Guidelines). The Section 404(b)(1) evaluation is Appendix B of the EA. The dredged material disposal alternatives evaluated in the Section 404(b)(1) Evaluation focus on the appropriate disposal location and method for the proposed immediate need dredging action. The Corps is also required by policy to identify and choose the least cost, technically feasible, and environmentally acceptable disposal method (i.e., the Federal Standard). In-water disposal at River Mile 118 (Bishop Bar) was identified as the appropriate disposal option for all dredged material.

Identification of a long-term (future forecast need) sediment management solution for the confluence will be evaluated under a tiered NEPA analysis, in accordance with the 2014 PSMP. The long-term sediment management solution analysis would determine

the most cost-effective, technically feasible, and environmentally acceptable action(s) to manage the sediment depositing in that area. It may take several years to complete the analysis and accompanying environmental compliance and implement the recommended action, subject to authority and funding. While that analysis is being conducted, the Corps may need to go through one or more instances of interim operations with possible immediate need dredging and disposal action(s).

The Corps began coordination with the Washington State Department of Ecology (Ecology) early and requested a water quality certification (WQC) pursuant to Section 401 of the CWA on May 24, 2022 and issued Public Notice on July 18, 2022. The Corps received Section 401 WQC from Ecology on August 30, 2022. All conditions of the WQC will be implemented to minimize adverse impacts to water quality. In an email to the Corps dated September 9, 2022, EPA informed the Corps a neighboring jurisdiction determination would not be issued as EPA found that the Corps' proposed dredging/disposal action would not affect water quality in neighboring jurisdictions in accordance with 40 CFR 121.12 (a). Because the Corps would not be disposing of any dredged material in waters of the U.S. in Idaho, CWA Section 401 WQC from the Idaho Department of Environmental Quality (IDEQ) was not required. However, the Corps communicated and coordinated with the IDEQ for the dredging activity that would occur in Idaho and IDEQ was given the opportunity to comment during the 30-day review period.

Since berthing areas at the Port of Clarkston and the Port of Lewiston would be dredged, the Ports must also apply for CWA permits and coordinated with the appropriate Corps of Engineers Regulatory Offices for Section 404 Permits. The Port of Clarkston submitted a Joint Aquatic Resources Permit Application (JARPA) and received a Section 404 permit from the Seattle District Corps of Engineers Regulatory Office on or about 28 September 2022. The Port of Clarkston requested Section 401 WQC from Ecology and received it on September 7, 2022. In an email dated September 7, 2022, EPA informed the Seattle District Corps of Engineers Regulatory Office a neighboring jurisdiction determination associated with port permitting would not be issued, in accordance with 40 CFR 121.12(a).

The Port of Lewiston submitted a Joint Application for Permit and received a Section 404 permit from the Walla Walla District Corps of Engineers Regulatory Office in Idaho on or about 28 September 2022. On August 8, 2022, the Port of Lewiston received Section 401 WQC from the Idaho Department of Environmental Quality and in compliance with 40 CFR 121.12, the Walla Walla District Corps of Engineers Regulatory Office notified EPA of the Port of Lewiston's receipt of WQC and requested EPA to provide their determination for a neighboring jurisdiction. EPA did not respond within the required 30 days; therefore, it is assumed that there are no concerns or issues with neighboring jurisdiction associated with the proposed action. The Port of Lewiston was not required to obtain Section 401 WQC from Ecology in Washington State.

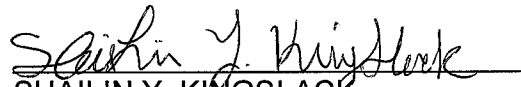
Because the Corps prepared a Section 404(b)(1) evaluation and issued a Public Notice that provided an opportunity for interested parties to review and comment on the proposed action, the Corps has met the requirements of the River and Harbor Act

(RHA) Section 10. As the four lower Snake River dam and reservoir projects were originally authorized under the RHA of 1945 (PL 79-14), they do not require separate Section 10 permitting for operation and maintenance actions. The Port of Clarkston submitted their JARPA and applied for the RHA Section 10 Permit from the Seattle District Corps of Engineers Regulatory Office which they received on or about 28 September 2022. The Port of Lewiston submitted their Joint Application for Permit and applied for the RHA Section 10 Permit from the Walla Walla District Corps of Engineers Regulatory Office in Idaho which they received on or about 28 September 2022.

The public, elected representatives, other state and federal agencies and area Native American tribal governments were afforded multiple opportunities to provide comments regarding the proposed action/preferred alternative. In addition to the historic/cultural property review and CWA public notices described above, the Corps provided an early (scoping) opportunity from February 7, 2022 through March 7, 2022 for interested persons and entities to provide comments regarding important issues to be analyzed in depth in the EA. Several commenters wrote to express their support for the proposed action. Other comments referred to potential impacts to ESA-listed species, aquatic resources including lamprey, and air and water quality which have been assessed in the EA and have informed biological surveys. Some comments focused on the footprint of the proposed action, sediment disposal, and the need to consider a broader range of alternatives. In compliance with NEPA, the draft Finding of No Significant Impact, EA, and all supporting appendices were made available for a 30-day review and comment period from July 18, 2022, through August 18, 2022. Twenty-three comment documents were received. Fourteen of the commenters were in support of the proposed dredging action. Four commenters expressed opposition to the proposed dredging action. The remaining commenters provided recommended edits to the documents under review, or asked questions about some of the information in the documents. The comment response document is attached hereto and incorporated herein and provides summaries of the comments received and the Corps' responses.

All applicable laws, executive orders, and regulations were considered in the evaluation of alternatives. Based on the 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 the proposed action/preferred alternative would not significantly affect the quality of the human environment and, therefore, preparation of an Environmental Impact Statement is not required. The Corps will implement Alternative 2, Immediate Need Dredging-Disposal, at the earliest opportunity and subject to the availability of funding.

27 September 2022  
Date

  
SHAILIN Y. KINGSLACK  
Lieutenant Colonel, EN  
Commanding