

FINDING OF NO SIGNIFICANT IMPACT

MILL CREEK FLOOD CONTROL PROJECT OPERATIONS AND MAINTENANCE SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

Walla Walla County, Washington

The U.S. Army Corps of Engineers, Walla Walla District (USACE) has completed a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA) to the Mill Creek Flood Control Project 1975 Operations and Maintenance Environmental Impact Statement (O&M EIS). The purpose of this SEA is the continuation of the O&M of the Mill Creek Project (Project) for the authorized purposes of flood risk management, as required by the original Project authorization (Public Law [PL] 75-761) and applicable regulations, and recreation (P.L. 78-534), while addressing environmental effects and avoiding or minimizing effects to Endangered Species Act (ESA)-listed fish and associated critical habitat and incorporating operational and structural changes. The action is needed to maintain flood risk management and recreational missions, while protecting natural and cultural resources at the Project.

This SEA was prepared as an update to the 1975 O&M EIS, in accordance with 40 Code of Federal Regulations (CFR) § 1502.9(d), which states that Federal agencies are required to supplement existing NEPA documentation if “(i) The agency makes substantial changes to the proposed action. . .; or (ii) There are significant new circumstances or information relevant to environmental concerns[.]” Also, 33 CFR § 230.13(b) recommends supplementation of a final EIS when required under 40 CFR 1502.09 and provides some additional procedural requirements.

The SEA was originally initiated as a Supplemental Environmental Impact Statement (SEIS, or the O&M SEIS), and was originally submitted for public review as an O&M SEIS, but it was later reduced to an SEA after further analysis was performed while developing the Mill Creek Flood Risk Management General Investigation Feasibility and Environmental Assessment Report, completed in September 2021 (GI Study/EA). The O&M SEIS had analyzed varying diversion triggers for the Mill Creek Diversion Dam, but since the Recommended Plan in the subsequent GI Study/EA included a change to the diversion trigger, the scope of the supplemental NEPA analysis was reduced from an O&M SEIS to an SEA.

The GI Study/EA and Finding of No Significant Impact (FONSI) are incorporated herein by reference, including the public input received through scoping and public review engagements for the draft O&M SEIS. USACE did not identify any other potentially significant effects associated with other O&M changes, as discussed below. Measures related to the purpose of the proposed action, including the current O&M actions, were used to develop alternatives. Measures do not need to completely address all aspects of the purpose and need but must reasonably contribute to fulfilling them. Measures considered were actions that could be performed by USACE or by other agencies or individuals. Technical effectiveness and environmental acceptability were also incorporated to identify measures used to formulate alternatives. More detailed information on alternatives considered can be found in Chapter 3 of the SEA.

The USACE Preferred Alternative for the SEA is Alternative 3, Additional Maintenance, Repair, and Minor Improvements/Major Fish Passage Improvements. Alternative 3 allows for better flexibility in flood risk management while still meeting the intent of improved conditions for ESA-listed fish to help offset operational impacts, and no compensatory mitigation is required.

The potential effects of the No Action Alternative and Preferred Alternative were evaluated, as appropriate. A summary assessment of the potential effects of the Preferred Alternative are listed in Table 1.

Table 1: Summary of Potential Effects of the Preferred Alternative 3

Resource	Less than significant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Air Quality	-	-	X
Noise	X	-	-
Aesthetics/Visual Quality	X	-	-
Water Quality	X	-	-
Threatened and Endangered Species	X	-	-
Fish and Aquatic Resources	X	-	-
Terrestrial Wildlife	X	-	-
Cultural and Historic Resources	X	-	-
Recreation	X	-	-
Socioeconomics and Environmental Justice	X	-	-
Climate Change	X	-	-
Cumulative Effects	X	-	-

See Chapter 4 of the SEA for a more detailed evaluation of potential environmental effects associated with the Preferred Alternative, as compared to the No Action Alternative. All practical means identified to avoid or minimize adverse environmental effects were analyzed and incorporated into the proposed action.

The ESA (16 USC 1531-1544) established a national program for the conservation of threatened and endangered species of fish, wildlife, and plants and the habitats upon which they depend. Section 7(a) of the ESA requires Federal agencies to consult with the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries (NMFS), as appropriate, to ensure actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their critical habitats. USFWS determined that the proposed action would not jeopardize the continued existence of bull trout or adversely modify their critical habitat and provided their Biological Opinion (Opinion) dated October 9, 2020. NMFS provided their Opinion on December 3, 2020, also determining that the proposed action would not jeopardize the continued existence of mid-Columbia steelhead or adversely modify their critical habitat.

Several USACE staff members met with representatives of the Confederate Tribes of the Umatilla Indian Reservation (CTUIR) on May 4, 2017, in Mission, Oregon, to discuss the NEPA process and fish passage issues. The CTUIR prepared the Lower Mill Creek Habitat and Passage Assessment and Strategic Action Plan to assess existing conditions in the Mill Creek watershed. From their assessment they came up with a list of proposed actions for improving conditions for fish while maintaining and/or reducing flood risks. USACE addressed the key issues, concerns, and visions that the CTUIR Action Plan provided and incorporated them in the SEA where feasible.

Section 106 of the National Historic Preservation Act (16 USC 470 et seq.) requires that Federal agencies evaluate the effects of Federal undertakings on historic properties and afford the

Advisory Council on Historic Preservation opportunities to comment on the proposed undertaking. Actions covered under this SEA will require individual reviews and approvals for Section 106 compliance, which at some point may be covered under a Programmatic Agreement with the Washington State Historic Preservation Office and Tribes to facilitate review and approval of recurring O&M activities that do not need to be reviewed under Section 106.

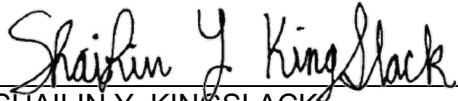
Pursuant to the Clean Water Act of 1972 (CWA), the Preferred Alternative was determined to contribute passively to water quality problems in Mill Creek, mainly with temperature. Water temperature upstream of the project frequently exceeds the Washington State standard for Mill Creek of 63.5° F, and the wide, shallow stabilized channel can further increase water temperature within the project footprint, especially during the summer months. USACE has determined that there may be seasonal impacts to water quality, but no longer-term impacts. Some of the actions covered under the SEA will require individual reviews and approvals for CWA compliance.

USACE published a Notice of Intent to prepare an O&M SEIS for the Project in the Federal Register on February 17, 2017. The SEA incorporated previous public input received during the O&M SEIS scoping and public review engagements. USACE initiated scoping and notified potentially interested individuals on May 11, 2017, by email. Public notifications were emailed to agencies and individuals who expressed interest on Project actions in the past. A notification about scoping was also published in the Walla Walla Union Bulletin on May 21, 2017. A scoping meeting was held in the Walla Walla Regional Airport community conference room on May 24, 2017. Attendees included representatives from USFWS, the CTUIR, and the City of Walla Walla Public Works, as well as other members of the public. The public and agencies were invited to provide scoping comments related to the O&M of the Project until June 12, 2017. Scoping comments were received from 11 individuals and 5 agencies. Comments, concerns, and questions identified during scoping have been considered and addressed where appropriate. USACE conducted a 46-day Public Comment period, June 8 through July 23, 2018, for the draft O&M SEIS. A total of 140 comments were received from one Tribe, three agencies, and one individual. Public comments are addressed in appendix D and were incorporated into the SEA where appropriate.

While preparing the SEA, USACE did not identify any impacts that would significantly affect the quality of the human environment. Full compliance with NEPA will be achieved when this FONSI is signed. No further public review will occur. However, the SEA and the final signed FONSI will be posted to the USACE website at: www.nww.usace.army.mil/Missions/Environmental-Compliance.

All applicable laws, executive orders, and regulations were considered in the evaluation of alternatives. Based on the SEA, 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 Preferred Alternative (Alternative 3) would not significantly affect the quality of the human environment and, therefore, preparation of an Environmental Impact Statement is not required. USACE will implement Alternative 3 at the earliest opportunity and subject to the availability of funding.

Date


SHAILIN Y. KINGSLACK
Lieutenant Colonel, EN
Commanding