

DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)

**ST. HILAIRE COLUMBIA RIVER PUMP STATION EXPANSION AND EAST IMPROVEMENT
DISTRICT NEW PUMP STATION**

U.S. ARMY CORPS OF ENGINEERS REAL ESTATE AMENDMENT AND NEW EASEMENT

MCNARY LOCK AND DAM

UMATILLA COUNTY, OREGON

FEBRUARY 2018

I. Introduction/Background Information

St. Hilaire Brothers Hermiston Farm, LLC (St. Hilaire or JSH Farms) currently owns and operates an existing irrigation pump station located at River Mile 301.7 on the middle Columbia River in Umatilla County, Oregon. Their existing station consists of seven 800 horsepower pumps and has a total water withdrawal capacity of approximately 27,600 gallons per minute (gpm) [61.4 cubic feet per second (cfs)]. From the river station a 30-inch cement-mortar lined steel discharge pipe runs south approximately 9,200 feet to the farm's main booster pump station. JSH Farms operates their irrigation system starting in March, peaking in June through July, and shutting down in October.

In 1972, the U.S. Army Corps of Engineers, Walla Walla District (Corps) issued an easement to Joanne Kosmos for the initial construction of, and subsequent operation and maintenance of, an irrigation pump station at this location. The pump station easement was transferred to St. Hilaire in August 2007. Then in 2013, the Corps issued an easement amendment to St. Hilaire to expand the original easement area by approximately .32 acre (submerged area) and to extend the irrigation water intake pipeline and its appurtenant facilities 180 feet further into the Columbia River. Therefore, the total area in the St. Hilaire easement is currently .6 acre.

Over the last decade, the State of Oregon has given support and committed resources to addressing the water shortage issue in the Lower Umatilla Basin, and specifically in the critical groundwater areas. Only about a third of the permitted groundwater has been allowed to be pumped by the Oregon Water Resource Department (OWRD) in the critical groundwater areas. The latest effort supported by the Oregon Governor's Office and state legislature, and partially funded through grant monies from OWRD, would be to bring water from the Columbia River to those areas and farmlands impacted by the water shortage.

II. Purpose and Need

The purpose of the proposed action is for St. Hilaire and the East Improvement District (EID) to consolidate the transfer of existing, and issuance of new, "mitigated" Columbia River water rights to a centralized point of diversion for irrigation purposes. The project is needed due to

an ongoing and critical groundwater shortage issue in the Lower Umatilla Basin, which is detrimental to farming practices. Alternatives considered must: (1) adequately address critical groundwater shortage in the Lower Umatilla Basin basalt aquifers, (2) be technically feasible, and (3) be environmentally acceptable.

III. Description of the Federal Action

The Environmental Assessment (EA) evaluates a number of Federal actions (approvals/permits) associated with the proposed expansion of the St. Hilaire pumping station, and construction of a new pumping station to be owned and operated by the EID, on the middle Columbia River (Lake Wallula), as described in detail below.

The Corps is proposing to amend St. Hilaire's existing pump station Real Estate easement to allow for the expansion of their existing irrigation pump station. The Corps is also proposing to issue a new easement to the EID for the construction of a new pumping station within St. Hilaire's existing easement area/footprint. The new, adjacent pumping station would be owned and operated by EID. The Corps also intends to issue St. Hilaire a Clean Water Act (Section 404), and a River and Harbor Act (Section 10), permit for in-water actions associated with expansion and construction of the pump stations, as well as a short-term real estate license for the removal of a section of old Highway 30 in Boardman, Oregon as compensatory mitigation associated with the issuance of such Regulatory permits. The US Fish and Wildlife Service (USFWS) is proposing to issue St. Hilaire and EID separate rights-of-way for pipelines associated with the pump stations, where such pipelines would cross through/over the McNary National Wildlife Refuge (MNWR) at two (2) locations.

IV. Scope of the Proposed Federal Action

The EA does not assess potential effects associated with water intake withdrawals. The Corps and USFWS are not granting St. Hilaire/EID any right to use/withdraw water from the Columbia River. St. Hilaire/EID's right to withdraw water is the result of state issued/recognized water rights. The State of Oregon decides where (and for what purpose) water within the state will be put to beneficial use, not the Corps or USFWS. Additionally, the proposed Federal action would not increase water withdrawals, as the intent of the St. Hilaire pump station expansion, and construction of the EID pump station, is to consolidate the transfer of existing and new "mitigated" (bucket-for-bucket) Columbia River water rights to a single point of diversion.

The Federal action described above in Section III is associated with a larger private irrigation project (LPIP). The expansion of the St. Hilaire pump station and new 42-inch upland discharge pipe would provide an additional 38.6 cfs of irrigation water to the existing St. Hilaire-owned farmland. The EID consists of nine farms whose membership is based on commitment to pay a portion of the development costs based on water usage. The proposed EID pump station would provide water to an additional 29 existing farms representing a change in irrigation water source for 19,000 acres. Potential water users would install necessary infrastructure at delivery points along the EID pipeline to convey their water allocation to their properties. Secondary

systems necessary for infrastructure including booster pump stations and pipelines would be the sole responsibility of the individual farms.

The LPIP is not, however, being evaluated as (1) a connected action, or (2) an indirect effect of the proposed Federal action. Federal actions generally include all actions which are potentially subject to Federal control and responsibility (40 C.F.R. § 1508.18). The scope of a NEPA document should consider connected, cumulative, and similar actions (40 C.F.R. § 1508.25(a) (1) and (40 C.F.R. § 1502.4(a)), but if one of the actions might reasonably be completed without the existence of the other, the two actions have independent utility and are not “connected” for NEPA purposes. In this case, the proposed action and the LPIP have independent utility and are not “connected” for NEPA purposes. Additionally, the LPIP is not considered an indirect effect of the proposed federal action as the proposed federal action is not the “but for” or proximate cause of the LPIP. The proposed federal action is, more reasonably considered a link in a larger corridor type project.

V. Alternatives Considered

The National Environmental Policy Act (NEPA) and 33 CFR Part 230 *Procedures for Implementing NEPA* require a reasonable range of alternatives be considered during the planning process. Alternatives considered under NEPA must include, at least, the proposed action and the “No Action” Alternative, which provides a baseline from which to compare other alternatives. The alternatives identified below were evaluated to determine if they satisfy the purpose and need of the Federal Project (Section 1.2 of the EA):

- (1) Alternative 1: The No Action Alternative (No Change).
- (2) Alternative 2: The Proposed Action. The Corps would issue an amendment to St. Hilaire to expand their pump station and issue a new easement to EID for construction and operation of a new pump station to be located immediately adjacent to St. Hilaire’s pumping station and within St. Hilaire’s existing easement footprint.
- (3) Alternative 3: The Corps would issue a new easement to Superior Farms to expand their existing irrigation pump station.
- (4) Alternative 4: USFWS would issue an easement to the EID for the installation of a new irrigation pumping station at Cold Springs Reservoir in Umatilla County, Oregon.
- (5) Alternative 5: U.S. Bureau of Reclamation (BoR) or USFWS would issue an easement to the EID for the installation of a new irrigation pumping station at McKay Reservoir in Umatilla County, Oregon.
- (6) Alternative 6: Groundwater Recharge.

However, in order for any alternative to be acceptable for further evaluation it must meet certain objectives, or screening criteria. Screening criteria help eliminate those alternatives that could not reasonably or practically meet the project purpose and need. In this case, alternatives must: (1) adequately address critical groundwater shortage in the Lower Umatilla Basin basalt aquifers, (2) be technically feasible, and (3) be environmentally acceptable (see Table 2-1 on page 22 of the EA for the screening process).

ALTERNATIVES ELIMINATED FROM FURTHER CONSIDERATION:

Alternative 4 (Cold Springs Reservoir), Alternative 5 (McKay Reservoir), and Alternative 6 (groundwater recharge) were not carried forward because they would not adequately address the purpose and need and screening criteria.

VI. Environmental Effects

The following environmental resources were identified as being relevant to the project: Aesthetics/Visual Resources, Aquatic Resources, Water Quality, Threatened and Endangered Species, Terrestrial Resources/Wildlife, Vegetation, Cultural Resources, Noise, Climate Change, Socioeconomics, Environmental Justice, Recreation, Land Use, Geology and Soils, and Cumulative Effects. Environmental analysis and effects of the No Action Alternative, Alternative 2 (the proposed action), and Alternative 3 (a lease to Superior Farms) are detailed in Section 3 of the EA. The analysis concluded there would be no significant impacts to the environment resulting from implementation of any alternative.

VII. Public Comment/Involvement

This draft FONSI and EA have been made available to potentially interested members of the public, Tribes, and local, state, and Federal agencies for a 15-day review and comment period from February 23 through March 9, 2018. [Add a description here of any comments received and the Corps responses thereto, or a statement that no comments were received, before the Final FONSI is signed, if it is determined that signing a FONSI is appropriate].

VIII. Compliance with Other Laws and Regulations

See Section 4 of the EA for a discussion of compliance with other laws and regulations. The proposed action complies with other Federal laws and applicable regulations.

IX. Findings and Decision

Having reviewed the EA for Walla Walla District's real estate actions associated with the St. Hilaire Columbia River Pump Station Expansion, and construction of the East Improvement District New Pump Station, I find that the document provides sufficient discussions on the purpose and need for the proposed action, alternatives, the potential environmental effects of the proposed action and the alternatives, and a listing of agencies and persons consulted. I have taken into consideration the technical aspects of the project, best scientific information

available and public comments received. These documents provide sufficient evidence and analysis to meet the Corps requirements pursuant to the National Environmental Policy Act. Based on this information, I find that implementation of the proposed action would not result in significant impacts on the quality of the human environment and that an environmental impact statement is not required. The Corps will implement Alternative 2 – issue an amendment to St. Hilaire and an easement to East Improvement District, the preferred alternative, at the earliest opportunity.

DAMON A. DELAROSA
Lieutenant Colonel, EN
Commanding

Date

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