

**DRAFT FINDING OF NO SIGNIFICANT IMPACT
LONG-TERM RELEASE OF ADDITIONAL 1,000 ACRE-FEET (TOTAL 3,500 ACRE-
FEET) SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT TO THE LONG-TERM
WITHDRAWAL OF IRRIGATION WATER WILLOW CREEK LAKE, MORROW
COUNTY, OREGON, MARCH 2008, FINAL ENVIRONMENTAL ASSESSMENT**

U.S. Army Corps of Engineers, Portland District

I find the proposed action, as described in the Long-Term Release of an Additional 1,000 acre-feet (AF) (Total 3,500 AF) Supplemental Environmental Assessment (SEA) to the Long-Term Withdrawal of Irrigation Water Willow Creek Lake Morrow County, Oregon, March 2008, Final Environmental Assessment will not significantly affect the quality of the human environment and that an environmental impact statement is not required. The SEA was prepared by the U.S. Army Corps of Engineers, Portland District (Corps).

This Finding of No Significant Impact (FONSI) has been prepared pursuant to the National Environmental Policy Act (NEPA) in accordance with the Council on Environmental Quality regulations in Title 40 Code of Federal Regulations (C.F.R.) Parts 1,500 to 1,508 and the Corps' procedures for implementing NEPA found at 33 C.F.R. Part 230.

PROJECT PURPOSE AND NEED

The purpose of the Corps' proposed action at the Willow Creek Project (Project) is to release the full amount of water stored for the authorized purpose of irrigation (3,500 AF). The Proposed Action will increase the amount of stored water released for irrigation by 1,000 AF, from 2,500 to 3,500 AF. The need for the increase is to provide the irrigation district, Willow Creek District Improvement Company (Company), with a more reliable, annual, long-term source of additional irrigation water, as stored water is considered more reliable than groundwater sources. The Company submitted a request to the U.S. Bureau of Reclamation (Reclamation) to amend its contract for access to the full amount of water stored for irrigation in June 2015.

BACKGROUND

The Corps is responsible for operating the project in support of multiple Project purposes, including irrigation. The authorized capacity for irrigation storage is 3,500 AF. Reclamation is responsible for administering contracts for the use of water stored at the Project for irrigation. Currently, Reclamation has a 40-year contract (beginning in 2012), with the Company for the use of up to 2,500 AF of stored water, and the Corps also has completed the NEPA documentation (2008, EA and FONSI) to release up to 2,500 AF annually of stored water for irrigation. In 2015, the Company requested that its contract be amended to access the full amount of water stored for irrigation. This additional 1,000 AF would provide the Company with a more reliable annual long-term source of irrigation water and would be used in lieu of groundwater which is in decline in the Willow Creek watershed. The Oregon Water Resource Department (OWRD) objectives for groundwater uses in the Willow Creek Basin are to manage groundwater resources for protection of municipal groundwater supplies by limiting and restricting future groundwater uses (Oregon Administrative Rule (OAR) (690) 507-0090).

The Corps' Proposed Action is to release the additional 1,000 AF of irrigation water over the period April 16 through October 31 above the baseline releases. For a median type year, the major effect would be lowered reservoir levels from May through January attributed to increased daily releases during the irrigation period. The Proposed Action will not change the flood risk management operations of the project, and will increase the amount of storage capacity available during the rest of the year.

Reclamation is a Cooperating Agency in the development of the SEA, and will adopt the Corps' final SEA and findings to support Reclamation's analysis under NEPA.

PROPOSED ACTION

The Corps' Proposed Action is to release an additional 1,000 AF in support of the Project's irrigation purpose and to meet the need for a more reliable, annual, long-term source of irrigation water in the Willow Creek Basin.

FINAL DETERMINATION

Under NEPA, the Corps must determine if the effects of the Proposed Action are significant. The 40 C.F.R. § 1508.27 lists ten tests of significance, to test whether effects rise to the level of "significantly affecting the human environment":

Are the impacts both beneficial and adverse?

The Corps has assessed and concludes that there would be little to no incremental effects of the Proposed Action compared to the No Action Alternative on groundwater, air quality, noise, light, vegetation, wildlife, species listed as threatened or endangered under the Endangered Species Act (ESA), cultural resources, farmlands, socio-economic resources, and real estate. The Corps also found that there would be little to no effect on climate change or climate change effects on the Proposed Action or No Action Alternative. Water quality, recreation, and fish and wildlife (including sportfishing) are the most relevant resources, and effects to those resources are described within the SEA, Section 4 Environmental Effects and Section 7 Conclusion.

Can the Proposed Action be reasonably expected to have substantial adverse impacts on public health and safety?

As determined in the SEA Sections 4.2 Water Quality, 4.5 Biological Environment, and 4.9 Recreation, the Corps concluded that water quality will not significantly worsen, temperature and pH releases to the river will be managed, water quality in the lake will be monitored, and access to the lake for recreation will not be negatively affected by the proposed action. The Corps concludes that the action will not have substantial adverse effect to public health and safety.

Are there unique characteristics of geographic area?

The action area for the Proposed Action includes the lake, dam and river gage 0.2 miles downstream from the dam. All components are owned and operated by the Corps.

The Corps has assessed and concluded (within SEA Sections 4 and 7) that no significant effects will occur within the geographic area or to its resources; specifically there are no significant effects to unique characteristics in the area.

Are the effects on the quality of the human environment likely to be highly controversial?

Information and data derived during the analysis and Government to Government communications did not indicate that there are any major objections to the Proposed Action. The Confederated Tribes of the Umatilla Reservation (CTUIR) discussed its intention to re-introduce steelhead into Willow Creek at some future time and provided a report on the issue. However the Tribe did not provide any specific objections to the action of increasing irrigation releases by an additional 1,000 AF at this time. Therefore, the Corps concluded that the proposed action is not likely to be highly controversial.

Are the effects highly uncertain or involve unique or unknown risks?

The release of the additional 1,000 AF of irrigation water will have positive effects for the Company by providing a more reliable, annual, long-term source of irrigation water. The release will support the ORWD objectives for groundwater uses for protection of municipal groundwater supplies. There are no known risks associated with the Proposed Action.

Does the action establish a precedent for future actions with significant effects or represent a decision in principal about a future consideration?

The Corps is required to operate the Project to meet multiple purposes, including irrigation. The Corps is authorized to release up to 3,500 AF of water for irrigation. This Proposed Action supports an authorized Project purpose, and does not set a precedent for future actions with significant effects or represent a decision in principal about a future consideration.

Are the impacts individually insignificant but cumulatively significant?

In Section 4.12 of the SEA, the Corps analyzed the cumulative effects of actions in the past, present, and reasonably foreseeable future, and for those actions' effects on Project resources and the community. The SEA places a high emphasis in the analysis on studying effects to wetlands, fish, water quality, and recreation. The Corps concludes that individually insignificant impacts for any resource will not cumulatively reach a significant level of effect in the future.

Does the action adversely affect entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?

National Historic Preservation Act (NHPA) Section 106 consultation will be concluded prior to finalization of the SEA. A cultural resource monitoring plan for the area of potential effect will be required for the drawdown of the reservoir and effects caused by wave action on future exposed areas of reservoir shore lands. The Corps concludes that

the proposed action will not cause loss or destruction of significant scientific, cultural or historic resources, and will not adversely affect listed or eligible properties.

Does the action adversely affect endangered or threatened species or their critical habitat as define under the Endangered Species Act of 1973 Act?

Currently there are no identified Threatened, Endangered or Candidate Species and/or critical habitat as defined by the Endangered Species Act (ESA) in the action area. All currently endangered salmon fisheries found in eastern Oregon were extirpated from the Willow Creek drainage prior to construction of the Project. The CTUIR has discussed the potential for reintroducing steelhead into Willow Creek but has communicated that fish passage is blocked by the Project and a large number of other diversion structures. Fish passage facilities and releasing water on behalf of downstream anadromous fish are not authorized Project purposes. Congress would need to authorize the construction of any fish passage facilities or releases of water on behalf of downstream fish before the Corps could engage in these types of activities. The Corps concludes that the Proposed Action will not adversely affect endangered or threatened species or critical habitat.

Are there significant social or economic impacts interrelated with significant natural or physical environmental effects?

Natural or physical environmental effects resulting from the Proposed Action would be lowering of the pool earlier in the irrigation season due to higher releases for irrigation compared to current operations. Lowering of the pool may incur slight economic losses in the local area because of a slight reduction in water-based recreation use and reduction in tourism however, this would only be likely in very dry years. The Corps concludes that there may be small, positive social and economic effects to irrigators due to reduced pumping costs and more reliable irrigation water source and crop production with the Proposed Action. These economic effects are considered to be very small if not immeasurable, therefore, there are no significant social or economic impacts associated with the physical effects of the Proposed Action.

CONCLUSION

Based upon the effects analysis contained in the subject SEA and the information discussed above, I have determined that the Proposed Action to release an additional 1,000 AF of stored water for irrigation (allowing for the full authorized release of 3,500 AF annually) from the Willow Creek Dam and Lake Project would not have a significant effect on the human environment; therefore, this Proposed Action does not require the preparation of an EIS.

Aaron L. Dorf
Colonel, Corps of Engineers
District Commander