

FINDING OF NO SIGNIFICANT IMPACT
Westland Irrigation District Boundary Adjustment
PN-FONSI-04-07

Introduction

The Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA) for adjusting the federally recognized boundaries of the Westland Irrigation District (Westland). This adjustment would include lands that Westland has irrigated in past years under a series of Temporary Water Service Contracts (TWSC) with Reclamation. The lands included in Westland's petition for boundary adjustment are all currently farmed and irrigated.

The requested boundary adjustment would not increase the amount of irrigated land nor the quantity of water available for diversion by Westland. Diversions quantities used in the analysis included Westland's historic live flow and McKay Reservoir storage diversions which included all diversions made under Westland's existing Federal contract.

The lands to be included within the Federal boundaries are lands identified as Category I, II, and III lands. By definition, Category I lands are lands with primary (decreed or permitted) and secondary (McKay Reservoir permit 7400) water rights which are being assessed but which the districts report were inadvertently omitted from the district boundaries. Category II lands are lands outside the district boundaries to which water rights were transferred, pursuant to Oregon law, from lands which were included within the district boundaries. Category III lands are lands which have water delivery contracts with the irrigation district and which lie outside the district boundaries.

Alternatives Considered

Three alternatives were developed and evaluated in the Draft and Final EAs: No Action (as required by the National Environmental Policy Act), Full Boundary Adjustment, and Partial Boundary Adjustment. The Full Boundary Adjustment Alternative provided for the full 10,337.8 acre adjustment requested by Westland while the Partial Adjustment Alternative considered only 1,482.3 acres to be included into the district boundaries.

The Recommended Alternative

Reclamation has selected the Full Boundary Adjustment as the recommended alternative for implementation.

Proposal

Reclamation proposes to adjust the federally recognized boundaries of Westland to include the Category I, II, and III lands. This proposal would adjust Westland boundaries to allow for McKay water service by Westland to an additional 10,337.8 acres; of which only 5,759 acres of Category III lands would be eligible to receive McKay water in any given irrigation season. This action will bring the total amount of land eligible to receive McKay water in Westland to about 17,774 acres; of which only 14,680 acres would actually receive McKay water in any given year. The proposal would adjust the federally recognized boundaries to make them consistent with the State boundaries.

Consultation, Coordination, and Public Involvement

Reclamation found that the proposed action may affect, but was not likely to adversely affect species listed under the Endangered Species Act (ESA). Informal consultations under Section 7 of the ESA have been completed with the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA)-Fisheries for the proposed action, and each agency has concurred with Reclamation's determination.

Public scoping meetings, held in November of 1993 and January of 1994, addressed proposed boundary adjustments by all the irrigation districts in the Umatilla Project. Approximately 57 comments were received from the public scoping meetings. The comments received were broken down into various categories: Water Resource Issues, General Issues and Concerns, Fisheries Issues, Land Use Issues, Suggestions for Alternative Analysis and Mitigating Measures, and Other Related Comments. These issues were considered in the analysis sections of the Draft and Final EAs.

Reclamation staff also met with Westland, Oregon Water Resources, Bureau of Indian Affairs, and Confederated Tribes of the Umatilla Indian Reservation (CTUIR) staffs in various individual meetings to discuss the proposed project.

Summary of Significant Review Comments and Reclamations Responses

The significant review comments are summarized below along with Reclamation's responses.

Comment:

What effect does the irrigation of these additional lands have on the West Extension Irrigation District?

Response:

The RiverWare model identified an effect on the West Extension Irrigation District (West Extension) because West Extension's irrigation water is, in part, based on return flows from upstream irrigators. Based on the hydrologic modeling done for the EA, the preferred alternative would reduce flows at Threemile Falls Dam during the irrigation season. This would reduce the amount of water available for diversion at Threemile Falls Dam by West Extension in July, August, and the first half of September by 450 acre-feet. It should be noted that the impacts estimated by the model are smaller than the errors in the actual streamflow measurements used as input of the model. Because Westland will address this concern by obligating 500 acre-feet of McKay water as part of the proposed action for use by West Extension any potential impact to West Extension is alleviated. The 500 acre-feet accounts for conveyance losses from McKay to Threemile Falls Dam. Allocation and distribution of this water will comply with Oregon State Water laws.

Comment:

The proposed mitigation/enhancement allows for water to stay in McKay Reservoir and be available for fisheries. Why isn't this water available to West Extension Irrigation District?

Response:

Based on RiverWare model results, 895 acre-feet of water is being provided as mitigation to instream flow impacts. Westland has also committed to the CTUIR that they will provide an additional 605 acre-feet of water from their McKay allocation as a fishery enhancement measure. Both quantities of water would be released from McKay Reservoir at the request of the fishery managers (CTUIR and Oregon Department of Fish and Wildlife) and would be protected from diversion to the mouth of the Umatilla River.

Comment:

With projected lower flows in September above Westland's diversion dam, the amount of suitable habitat area would be reduced from both a temperature and wetted-area perspective.

Response:

Irrigation releases under the Full Boundary Adjustment alternative would cease in the last week of September, potentially reducing flows above Westland's diversion dam compared to the No Action alternative, under which releases for irrigation continue until early October. Storage releases from McKay for instream flow purposes, however, are already underway by the last week of September. Consequently, releases for irrigation and releases for instream flows overlap by several days which ensures that the cessation of irrigation releases doesn't result in changes to suitable habitat. In 2003, when this overlap occurred, releases from McKay Reservoir rose in the period of overlap from about 80- 130 cfs to around 200 cfs and then fell to around 150 cfs when irrigation releases ceased. The instream flow releases are made in September to augment flows all the way to the mouth of the river.

Comment:

Since fish augmentation water must be released during this period to maintain rearing habitat, this water is unavailable to fish when they need it during passage periods, which causes lower flows during spring and/or fall fish migration.

Response:

The fish augmentation water, to maintain rearing habitat, would not need to be released until after McKay Reservoir releases for Westland end. In the past Westland has foregone use of up to about 6,300 acre-feet of McKay storage water as mitigation under the Temporary Water Service Contracts (TWSC). Because of that mitigation commitment, Westland has not had enough water to irrigate past the middle of September. The fish augmentation water has been used by fisheries managers after Westland had stopped irrigating but before McKay releases were needed to augment flows for fish migration. With Westland providing 1,500 acre-feet of water for instream flow augmentation, 895 acre-feet as mitigation for the boundary adjustment and, as an additional commitment to the CTUIR, 605 acre-feet as a fishery enhancement measure, instead of 6,300 acre-feet, they can continue to divert water into the latter part of September. Consequently, storage releases to augment flows for fish migration will already be underway before Westland stops irrigating, so releases to maintain habitat conditions above Westland's diversion dam wouldn't be needed.

Comment:

Page 8 – Provides that “[c]ategory III are lands that lie outside Westland’s boundaries and consist of 8,855.5 acres of which 5,759 would be irrigated in any given year.” The Draft EA, however, does not provide any discussion of how the BOR intends to monitor this and similar limitations on water use provided in the document, how will the agency assure that these limitations are carried out?

Response:

Since 2001, Reclamation has implemented an effort to identify unauthorized use by implementing a district review process. In implementing this review process, Reclamation has committed to periodic on-site reviews to determine whether the annual use of water is in accordance with existing contract terms. During these reviews, Reclamation staff will travel to the irrigation district office to make an onsite review of a number of items related to the use of project water, including the acres of lands served, water delivery records and water-master records. If it is found that the district is not complying with the contract terms, then Reclamation will advise the district of the actions required to bring them into compliance.

Findings

Based on the environmental analysis presented in the Final EA and the comments received from the Draft EA, Reclamation concludes that implementation of the preferred action and associated environmental commitments would have no significant impact on the quality of the human environment or the natural resources in the affected area. With respect to the most significant issue, impacts to Umatilla River stream flows, the average impacts, as determined by the RiverWare model on an annual basis are about 895 acre-feet. To address that impact Westland will provide 895 acre-feet from McKay Reservoir to augment instream flows for fish. Westland has also committed to the CTUIR that they will provide an additional 605 acre-feet of water from their McKay allocation as a fishery enhancement measure. This water will be managed by both the CTUIR and Oregon Department of Fish and Wildlife for anadromous species.

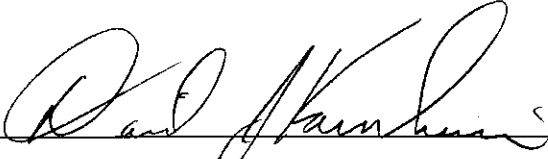
Impacts demonstrated by the Riverware model runs to return flow indicate that during the months of July, August to mid-September, irrigation supplies are reduced by about 450 acre feet. Westland will address this concern by obligating 500 acre-feet of McKay Reservoir water for release during the July through mid-September period to eliminate the impact to return flows. The 500 acre-feet accounts for conveyance losses from McKay to Threemile Falls Dam. Allocation and distribution of this water will comply with Oregon State Water laws.

Proposed Boundary Adjustment, Westland ID EA

This Finding of No Significant Impact has therefore been prepared and submitted to document the environmental review and evaluation accomplished by the Final EA in compliance with the National Environmental Policy Act of 1969, as amended.

The EA is available at (<http://www.usbr.gov/pn/>).

Recommended:

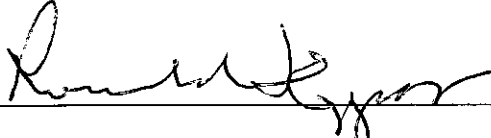


Upper Columbia Area Environmental Manager

JUN 07 2004

Date

Concurred:

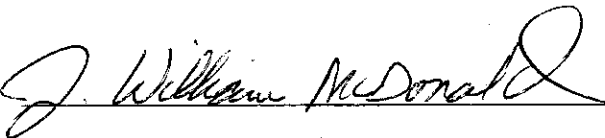


Lower Columbia Office Area Manager

JUN 07 2004

Date

Approved:



Regional Director, Pacific Northwest Region

JUN 07 2004

Date

