

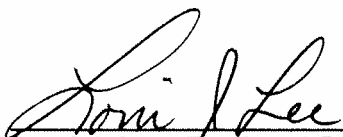
# RECLAMATION

*Managing Water in the West*

## Record of Decision for the Odessa Subarea Special Study Final Environmental Impact Statement

Columbia Basin Project, Washington

Approved:



Lorri J. Lee, Regional Director  
Pacific Northwest Region

APR - 2 2013

Date



U.S. Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
Columbia-Cascades Area

April 2013

# **Mission Statements**

## **U.S. Department of the Interior**

Protecting America's Great Outdoors and Powering Our Future

The U.S. Department of the Interior protects America's natural resources and heritage, honors our cultures and tribal communities, and supplies the energy to power our future.

## **Bureau of Reclamation**

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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# 1.0 Introduction

The Odessa Subarea aquifer located in eastern Washington is experiencing significant declines in groundwater levels. Domestic, commercial, municipal and industrial uses, as well as water quality, are also affected. Many of the groundwater wells in the area currently are drilled to a depth of 800 to 1,000 feet, with some as deep as 2,100 feet. To date, some wells in the area have been reported out of production, and the solution has generally been to drill a deeper well. However, studies show that deeper water may not be available, may be potentially unusable, and/or be too expensive to access in the future. As a result of this decline, the ability of farmers to irrigate their crops is at risk.

Those irrigating with wells, even of shallower depth, live with uncertainty about future well production. In the near term, the output from these wells in the Odessa Ground Water Management Subarea (Odessa Subarea) will continue to decrease. If no action is taken, it is estimated that at the current rates of decline, up to 35 percent of the wells in the Odessa Subarea could cease production by 2020. A 2005 regional economic study estimated lost potato production and processing due to continued aquifer decline to be about \$630 million annually in regional sales, 3,600 lost jobs, and \$211 million in lost regional income. There are approximately 170,000 groundwater-irrigated acres in the Odessa Subarea, of which about 102,600 acres are eligible to receive Columbia Basin Project (CBP) surface water.

In the 1960s and 1970s, the Washington State Department of Ecology (Ecology) issued temporary permits to the groundwater irrigators in the Odessa Subarea assuming that development of the CBP would continue and that CBP surface water would eventually serve most of these lands. Since that time, the State of Washington (State), CBP irrigation districts—East Columbia Basin Irrigation District (ECBID), South Columbia Basin Irrigation District (SCBID), and Quincy-Columbia Basin Irrigation District (QCBID)—and local constituents have advocated that Reclamation investigate providing CBP water to groundwater irrigators to help reduce demands on the aquifer.

From 2002 to 2004, the Columbia River Initiative (CRI) was developed under Washington's former Governor Gary Locke to meet the water needs of growing communities and their rural and agricultural economies along the mainstem of the Columbia River in a manner that reduces the risk to fish resulting from out-of-stream use of water. In the CRI, the State recognized the imperative needs within the CBP to address the declining Odessa Subarea aquifers.

As part of the CRI, the State, Reclamation, and the three CBP irrigation districts signed a Memorandum of Understanding (CRI MOU) in December 2004. The CRI MOU describes the studies and activities needed to explore opportunities for delivery of water to additional existing groundwater-irrigated lands within the Odessa Subarea.

In 2005, Congress funded Reclamation to investigate these opportunities. The State agreed to partner with Reclamation and, in December 2005, provided \$4 million to cost-

share the Odessa Subarea Special Study (Study) through an agreement between Ecology and Reclamation.

In 2006, the Washington State Legislature passed the Columbia River Basin Water Resource Management Act (Act), which set up the Columbia River Basin Water Supply Development Account. Expenditures from this account may be used to assess, plan, and develop new storage, improve or alter operations of existing storage facilities, implement conservation projects, develop pump exchanges, or implement any other actions designed to provide access to new water supplies within the Columbia River Basin for both instream and out-of-stream uses (Revised Code of Washington [RCW] 90.90.010 [2][a]). In response, Ecology created the Office of Columbia River to manage development of new water supplies. RCW 90.90.020(3)(a) directs Ecology to focus its efforts to develop water supplies for the Columbia River Basin including alternatives to groundwater for agricultural users in the Odessa Subarea aquifer. Under the direction provided through this Act, Ecology has participated in and cost-shared Reclamation's efforts to evaluate replacement options for current groundwater irrigation.

In 2006, Reclamation released the *Initial Alternative Development and Evaluation, Odessa Subarea Special Study*, a preappraisal-level investigation of water delivery and supply options for the Study Area, completed through a Project Alternative Solutions Study (PASS). This was the first stage of alternative formulation and evaluation by Reclamation. The PASS was conducted over a 7-month period with the assistance of two teams—the Objectives Team and the Technical Team. Four water delivery alternatives and six water supply options were evaluated and carried forward through an appraisal-level study in March 2008, which resulted in a report entitled, *Appraisal-Level Investigation Summary of Findings*.

The appraisal-level study covered the same Study Area as the Odessa Subarea Special Study. Alternatives from the *Summary of Findings* were carried into feasibility-level analysis and evaluated in the *Draft Environmental Impact Statement—Odessa Subarea Special Study, Columbia Basin Project, Washington* (Draft EIS), which was released October 2010.

The *Final Environmental Impact Statement – Odessa Subarea Special Study, Columbia Basin Project, Washington* (Final EIS), dated August 2012 (INT-FES 12-40), and this Record of Decision (ROD) have been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500 through 1508), Department of the Interior Policies, and the Bureau of Reclamation's NEPA handbook. As the lead agency for the purposes of compliance with NEPA, Reclamation prepared the EIS for the Odessa Subarea Special Study jointly with Ecology, which served as co-lead agency for the EIS. The Bonneville Power Administration (BPA) served as a cooperating agency in preparation of the EIS.

The Federal decision to be made is the selection of an alternative for delivery of surface water from the CBP to irrigated lands that currently rely on groundwater supply from the

Odessa Subarea aquifer. This ROD documents the U.S. Department of the Interior, Bureau of Reclamation's selection of the Modified Partial-Replacement—Banks Alternative (Alternative 4A), identified in the Final EIS, for implementation. The Regional Director for Reclamation's Pacific Northwest Region is the responsible official for the decision made in this ROD.

## 2.0 Background

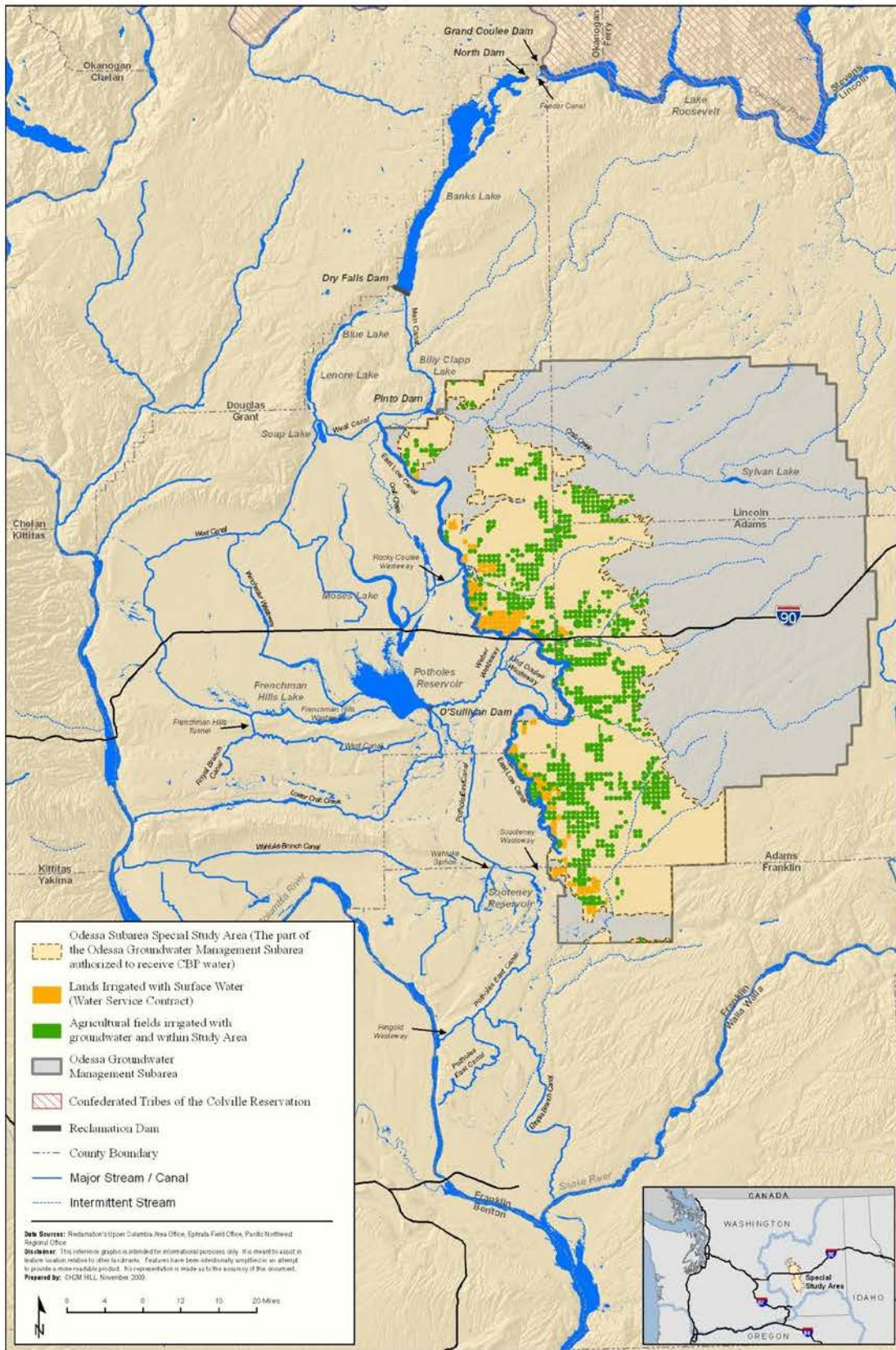
The Columbia Basin Project in Washington is the largest reclamation project in the United States. Located in Grant, Adams, Walla Walla, Franklin, and Douglas counties, the CBP is the irrigation network linked to the Grand Coulee Dam located on the mainstem of the Columbia River.

The CBP is a multipurpose project having as its purposes control of floods, improvement of navigation, regulation of streamflow, provision of storage and for delivery of stored waters for reclamation of lands, and other beneficial uses and the generation of electric energy as a means of financially aiding and assisting in carrying out of such purposes. Currently, about 671,000 acres of the total 1,029,000 acres authorized to receive CBP water are irrigated and more than 70 different crops are grown in the CBP, including apples, cherries, wine grapes, potatoes, onions, alfalfa and Timothy hay, wheat, sweet corn, green peas, and carrots.

The CBP is located in a vast, arid region in east-central Washington. The land of the CBP is fertile due to its loess soils, but large portions receive less than 10 inches of rain per year. After much debate regarding where the project should be and how large it should be, President Franklin D. Roosevelt authorized the CBP beginning with the Act of August 30, 1935, and the Columbia Basin Project Act of 1943, as amended. Construction of Grand Coulee Dam began in 1933 and was completed in 1942. When it was built, it was the largest dam in the world, but it was only part of the irrigation project. In 1945, the Secretary of the Interior approved a plan of development for the multipurpose CBP, known as House Document No. 172, to irrigate a total of 1,029,000 acres with development to occur in phases. Reclamation has developed the CBP in phases since its authorization, with most development occurring primarily in the 1950s and 1960s, with acreage added as recently as 1985.

In 1967, due to declining groundwater levels, Ecology closed an area of approximately 1,100-square-miles to the drilling of large-producing water wells and designated the area known as the Odessa Ground Water Management Subarea (Washington Administrative Code [WAC] 173-128A, Odessa Ground Water Management Subarea). The Odessa Subarea comprises a region of deep groundwater and overlaps the eastern boundaries of the CBP. A portion of the Subarea is within the CBP where Reclamation is authorized to deliver water (Study Area) (see Figure 1).

Odessa Subarea Special Study



Odessa Subarea Special Study  
 Columbia Basin Project, Washington

Location Map

Figure 1. Location map



In the 1970s, the State of Washington permitted groundwater irrigation wells in the Odessa Subarea, anticipating continued development of the CBP such that surface water would eventually be delivered to most of these lands. However, further development of the CBP has not occurred, and the Odessa Subarea aquifer is now declining to such an extent that wells devoted to agriculture, industry, and municipal uses are at risk of becoming unusable. Twenty-five communities in Eastern Washington depend on municipal wells, which are becoming less productive with each passing year. Many local farmers have drilled as deep as they can afford to.

The need to address declining groundwater supply in the Odessa Subarea and avoid economic loss to the region's agricultural sector led Reclamation and Ecology to conduct the Odessa Subarea Special Study. The purpose identified by Reclamation and Ecology to guide the proposed action is: “. . . to maintain economic viability by providing surface water from the CBP to replace groundwater from declining wells currently used for irrigation in the Odessa Subarea.” This purpose is consistent with the intent of the Columbia Basin Project Act by encouraging “settlement and development of the project, and for other purposes.” Surface water would be provided as part of the continued phased development of the CBP and would come from existing CBP diversion and storage water rights from the Columbia River.

### **3.0 Environmental Impact Statement**

Reclamation and Ecology are proposing to replace groundwater currently used for irrigation in the Study Area with surface water by constructing or modifying distribution systems and appurtenant structures. There are approximately 102,600 acres of currently groundwater-irrigated lands within the Study Area that are eligible to receive CBP water as part of the continued phased development of the CBP. The surface water would be provided by further developing existing CBP water rights held by the United States for diversion and storage of Columbia River water.

Reclamation and Ecology prepared the EIS to satisfy the requirements of both NEPA and the State Environmental Protection Act (SEPA). Reclamation published a Notice of Intent to Prepare an EIS and to Conduct Public Scoping Meetings in the *Federal Register* on August 21, 2008 (73 Fed. Reg. 49487), and two public scoping meetings were held in September 2008. Additionally, approximately 65 collaborative meetings were held with interested parties throughout the course of the Study and EIS development.

In October 2010, the Draft EIS was published and distributed. This began a 60-day public review and comment period, which was followed by a 30-day extension ending in January 2011. As part of the process, Reclamation and Ecology held public hearings in mid-November 2010, to inform the public and interested parties and receive oral and written comments. Upon completion of the extended review period and, as part of preparing the Final EIS, Reclamation and Ecology responded to the more than 1,000 comments that were received from the public, various agencies, local governments, and Tribes (see Volume 2 of the Final EIS). Comments raised during the Draft EIS public

comment period and addressed in the Final EIS fit into the following general areas of concern:

- Columbia River Treaty – The Draft EIS analysis did not contain enough detail and explanation of the Columbia River Treaty (CRT). Also, a few comments stated that the CRT was not considered in the Cumulative Impacts analysis of the Draft EIS and asked for more information regarding the CRT.
- Tiered Review Process – The Draft EIS analysis did not contain enough detail regarding specific policy, design, location, and other particulars associated with the alternatives.
- Climate Change – Request that the EIS contain a more robust analysis of climate change and the resulting impacts associated with the action alternatives.
- Columbia River Downstream – Several comments on the Draft EIS expressed an interest in the impacts associated with the action alternatives and potential impacts to the Columbia River downstream of the Grand Coulee Dam to fisheries and activities associated with flows and water quality.
- Economic Analysis Guidance – Concern regarding the methodologies used to determine the cost-benefit ratios. There is considerable concern about the breadth of benefits to be included and the extent of the cost of development.

Other public comments received on the Draft EIS included concerns about potential environmental impacts and added project cost associated with the proposed Rocky Coulee reservoir seasonal water storage facility. The proposed Rocky Coulee reservoir was a central element of four of the action alternatives that were considered in the Draft EIS. The proposed reservoir would have inundated almost 3,000 acres and impacted roads, farms, wildlife, and power delivery systems. In addition, it was estimated to cost over \$300 million. Thus, in response to comments received and after further review, Alternatives 2C: Partial—Banks + Rocky; 2D: Partial—Combined, 3C: Full—Banks + Rocky; and 3D: Full—Combined were determined not to be reasonable or viable; they were then eliminated from further consideration in the Final EIS.

Numerous public comments on the Draft EIS expressed concerns regarding the partial groundwater replacement alternatives and requested modifying these alternatives in an effort to make them more efficient and more cost-effective. Suggestions included attempts to maximize the use of existing delivery systems and infrastructure, as well as reexamining the irrigated lands that would be served in order to focus delivery of CBP water to lands closer to the existing canals that could be served more economically. In response to these comments and in consultation with the ECBID, Reclamation and Ecology developed two modified partial groundwater irrigation replacement alternatives for consideration in the Final EIS, Alternatives 4A and 4B.

The six action alternatives advanced for detailed study in the Final EIS fall into three categories:

- Two partial-replacement alternatives (2A and 2B), that would replace groundwater supplies south of Interstate-90 (I-90);
- Two full-replacement alternatives (3A and 3B), that would replace groundwater supplies throughout the Study Area, both north and south of I-90; and
- Two modified partial-replacement alternatives (4A and 4B), that would replace groundwater supplies in the western portion of the Study Area both north and south of I-90.

Surface water for the action alternatives would be supplied through diversion from the Columbia River using Reclamation's existing water rights for the CBP and using storage in Banks Lake and/or Lake Roosevelt to shape timing of water withdrawal from the river. The initial alternative in each of the three replacement categories (2A, 3A, and 4A) would rely solely on storage in Banks Lake reservoir. The second alternative in each of the three categories (2B, 3B, and 4B) would use a combination of storage in Banks Lake and Lake Roosevelt reservoirs.

Two diversion scenarios were evaluated for each of the action alternatives in the Final EIS. The scenarios, Spring Diversion and Limited Spring Diversion, differ on the timing of when the water is diverted from the Columbia River.

The Spring Diversion Scenario would divert water from the Columbia River three times during the year. In October, the scenario would divert 164,000 acre-feet, on average, into Banks Lake at full development. The 164,000 acre-feet was modeled as a 2,700-cfs monthly average in the Final EIS. For diversions in November through March, the scenario would allow for an average monthly diversion of 350 cfs (21,000 acre-feet). Diversions in April through June would be allowed only if three conditions were met:

- Adequate pump capacity at the John W. Keys III Pump-Generating Plant,
- Flows on the Columbia River at Priest Rapids Dam are greater than 135,000 cfs, and
- Flows on the Columbia River at McNary Dam are greater than 260,000 cfs.

No diversions from the Columbia River would be allowed under the Spring Diversion Scenario in July, August, or September.

The Limited Spring Diversion Scenario would divert water from the Columbia River twice during the year. In October, the scenario would divert 164,000 acre-feet, on average, into Banks Lake. The 164,000 acre-feet was modeled as a 2,700-cfs monthly average in the Final EIS. Average monthly diversions of up to 350 cfs in November through March would only occur in rare instances. During informal ESA consultation with the National Marine Fisheries Service (NMFS) during the fall of 2012, it was agreed that there would be no diversions from April through June for the Limited Spring Diversion Scenario. This is a revision from the scenario described in the Final EIS and will be referred to in this document as the "revised" Limited Spring Diversion Scenario.

These scenarios, including the revised Limited Spring Diversion Scenario, are within the range of diversions evaluated in both the Draft and Final EIS.

On August 28, 2012, Reclamation filed the Final EIS with the Environmental Protection Agency (EPA). Reclamation published a Notice of Availability in the *Federal Register* (77 Fed. Reg. 53231) and released the Final EIS to the public on August 31, 2012. The EPA published its *Federal Register* notice on September 7, 2012. On October 9, 2012, Reclamation received a letter from the EPA in accordance with their responsibilities under NEPA. In their letter, EPA stated that their previous environmental concerns regarding feasibility of alternatives, water availability, water conservation practices, and mitigation measures that were raised in the course of their review of the Draft EIS were resolved through the additional information and responses to comments provided in the Final EIS.

## **4.0 Alternatives Considered**

Reclamation considered a No Action Alternative and a range of action alternatives intended to meet the purpose of the proposed action; that is, to maintain economic viability by providing surface water from the CBP to replace groundwater from declining wells currently used for irrigation in the Odessa Subarea. The need is to address declining groundwater supply in the Study Area and avoid economic loss to the region's agricultural sector.

Federal actions addressed by this ROD include those actions required to permit delivery of CBP surface water to lands currently irrigated by wells as described in the Final EIS. This includes, but is not limited to, water contract(s), land inclusions and exclusions, land classification and reclassification, application(s) for water rights by Reclamation, and other measures consistent with Reclamation law and policy.

### **4.1. No Action Alternative (Alternative 1)**

Under the No Action Alternative, Reclamation and Ecology would not replace existing groundwater supplies with CBP surface water. Irrigated agriculture in the Study Area that currently relies on groundwater would continue drawing upon the Odessa Subarea aquifer for as long as it was accessible and economically feasible. Currently, farmers use groundwater to irrigate about 102,600 farmland acres in the Study Area.

### **4.2. Partial-Replacement Action Alternatives (Alternatives 2A and 2B)**

The two partial-replacement alternatives, Alternatives 2A: Partial—Banks and 2B: Partial—Banks + FDR, would provide CBP surface water to replace existing groundwater supply on approximately 57,000 acres of lands in the Study Area south of I-90. The total volume of water diverted from the Columbia River with partial groundwater replacement is estimated at 138,000 acre-feet. A small portion of lands currently irrigated with groundwater north of I-90 nearest the East Low Canal (ELC) also

would be served in these alternatives. As the surface water supply system is brought online and this water becomes available to eligible lands, superseding State water rights would be issued and the wells currently used for irrigation would be placed in standby status, remaining operational only for use in an emergency (such as an interruption of the Federal surface water delivery system). The water delivery system would include the following:

- Enlarging the capacity of the 43.3 miles of the ELC south of I-90, including adding a second barrel to all five existing siphons.
- Extending the ELC about 2.5 miles at its southern end.
- Creating a pressurized pipeline distribution system involving 161.3 miles of pipeline fed by 6 pumping plants along the ELC and a gravity-feed turnout at mile 89 and 5 relift pumping plants. This system would require numerous meter and equipment stations along the pipeline routes, primarily at farm delivery points, as well as 84 miles of electric transmission lines.

### **4.3. Full-Replacement Action Alternatives (Alternatives 3A and 3B)**

The two full-replacement alternatives, Alternatives 3A: Full—Banks and 3B: Full—Banks + FDR, would provide CBP surface water to replace existing groundwater supply for most lands in the Study Area currently irrigated with groundwater (approximately 102,600 acres) both north and south of I-90. The total volume of water diverted from the Columbia River would be approximately 273,000 acre-feet. As the surface water supply system is brought online and this water becomes available to eligible lands, superseding State water rights would be issued and the wells currently used for irrigation would be placed in standby status, remaining operational for use in an emergency.

The water delivery system would require development of all facilities for the partial-replacement alternatives to serve acreage south of I-90. To serve acreage north of I-90, the following additional facilities would be developed:

- 78.4 miles of new canal (including associated siphons and tunnels), comprised of the 44.8-mile-long East High Canal and the 26.8-mile-long Black Rock Branch Canal.
- Four new wasteway channels, each approximately 2.8 miles long, to manage canal flow.
- A reregulating reservoir in Black Rock Coulee, including a pumping plant to lift water from the reservoir to the Black Rock Branch Canal.
- Creating a pressurized pipeline distribution system involving 187.3 miles of pipeline fed by 15 pumping plants and 3 gravity turnout facilities along the East High and Black Rock Branch Canals, and 3 relift pumping plants (two associated with the East High Canal and one associated with the Black Rock

Branch Canal). This system would require numerous meter and equipment stations along the pipeline routes, primarily at farm delivery points, as well as an extra 127 miles of electric transmission lines.

#### **4.4. Modified Partial-Replacement Action Alternatives (Alternatives 4A and 4B)**

The two modified partial-replacement alternatives, Alternatives 4A: Modified Partial—Banks (Preferred Alternative) and 4B: Modified Partial—Banks + FDR, would provide CBP surface water to approximately 70,000 acres of lands north and south of I-90. Alternative 4A with the revised Limited Spring Diversion Scenario is the alternative selected in this ROD for implementation by Reclamation and the State.

The average volume of water diverted from the Columbia River under the modified partial-replacement alternatives is estimated at 164,000 acre-feet. As the surface water supply system is brought online and this water becomes available to eligible lands, superseding State water rights would be issued and the wells currently used for irrigation would be placed in standby status, remaining operational for use in an emergency.

The two alternatives include a provision allowing some groundwater irrigators in areas distant from the ELC to move their farming operations to previously disturbed lands which are closer to the canal so surface water could be delivered. Relocation would require an acre-per-acre exchange; that is, one acre of currently groundwater-irrigated land would be retired for each acre of relocated irrigated land served with replacement CBP surface water. The superseding water right would reflect the relocation of the place of use. The water delivery system would include the following:

- Enlarging 43.3 miles of the ELC south of I-90, including adding a second barrel to all five existing siphons.
- Creating a pressurized pipeline distribution system to get the water to farmlands, consisting of 8 canal-side pumping plants, 3 relift pumping plants, regulating tanks, and about 150 miles of buried pressurized pipeline systems both north and south of I-90. This system would require numerous meter and equipment stations along the pipeline routes, primarily at farm delivery points, as well as approximately 150 miles of electric transmission lines.
- Acquiring additional easement width along the constructed portion of the existing Weber Wasteway south of I-90 and constructing a gravity turnout at the southern end of the ELC.

The modified partial-replacement alternatives involve facilities, diversions, operations, and lands that were either evaluated in the Draft EIS or are within the range of alternatives considered in that document; therefore, these alternatives did not substantially change the proposed action relative to environmental concerns, or present significant new circumstances or information relative to environmental concerns and bearing on the proposed action and its impacts. See 40 CFR § 1502.9.

## 5.0 Environmentally Preferable Alternative

The CEQ regulations require the ROD to identify one or more environmentally preferable alternatives (40 C.F.R. § 1505.2[b]). Ordinarily, an environmentally preferable alternative is one that causes the least damage to the biological and physical environment and that best protects, preserves, and enhances historic, cultural, and natural resources. The Final EIS identified the Modified Partial-Replacement—Banks Alternative 4A with Limited Spring Diversion Scenario as environmentally preferred. After considering and balancing the full range of environmental consequences and benefits of all alternatives examined in the Final EIS, Reclamation reaffirms that Alternative 4A with the revised Limited Spring Diversion Scenario is environmentally preferable.

As discussed in Chapter 4 of the Final EIS, many of the adverse effects that are associated with Alternative 4A can be minimized with a suite of environmental commitments and mitigation measures to lessen impacts and still meet the purpose and need. Unavoidable adverse effects are related primarily to vegetation and wetlands, including native plant communities; wildlife and wildlife habitat, including intact shrub-steppe habitat and special status species; fisheries and aquatic resources at Banks Lake; threatened and endangered species, including chum salmon spawning areas in the lower Columbia River; land use and shoreline resources; recreation at Banks Lake, including boating access, fishing, swimming, and upland activities; energy, including energy reserves, reliability, and diurnal load shifting capabilities at John W. Keys III Pump-Generating Plant; and cultural and historic resources. Reclamation will continue to work with other Federal and State agencies to explore opportunities to reduce adverse effects still further.

The primary benefits of implementing Alternative 4A are conserving groundwater, slowing decline in aquifer levels, preserving approximately 70,000 acres of irrigated agriculture, contributing to employment during construction, reducing losses in farm income, and reducing or avoiding adverse social consequences on communities within the Odessa Subarea.

## 6.0 The Decision

The Federal decision to be made is the selection of an alternative for delivery of surface water from the CBP to irrigated lands that currently rely on groundwater supply in the Study Area. Based on the analyses contained in the Final EIS, including comments received on the Draft EIS, the Pacific Northwest Regional Director has decided to select the Preferred Alternative, Alternative 4A: Modified Partial-Replacement—Banks with the revised Limited Spring Diversion Scenario for phased implementation in cooperation with Ecology and the CBP irrigation districts. The anticipated approach to the phased implementation is discussed in the ROD section titled, “Implementation of the Decision.” This decision does not guarantee or commit current or future Federal appropriated funds.

## 6.1. Tiered Process

Reclamation has presented the Final EIS as the initial environmental analysis within a “tiered” process under NEPA. Tiering refers to the process of addressing a broad, general program, policy, or proposal in an initial analysis followed by analyses of a more precisely defined, site-specific proposal related to the initial program, policy, or proposal when that proposal is ready to be carried forward.

Reclamation expects that some projects or actions advanced out of this first-tier EIS will be subject to subsequent second-tier, site-specific, environmental analysis under NEPA before being approved for implementation. Any subsequent site-specific NEPA analysis could include a combination of environmental documentation, such as: EIS(s), supplemental EIS(s), environmental assessments(s), and/or categorical exclusion(s), depending on the proposed action, phasing of implementation, and potential for adverse impacts.

Actions described in the Final EIS that are analyzed in full, including, but not limited to, the general scope of the selected alternative, acreages, water supply, site locations, and canal expansion, will not undergo a second-tier NEPA review unless new information or changed circumstances indicate that additional review is necessary consistent with CEQ regulations. Further discussion of implementation of the decision is provided in Section 10.

## 6.2. Rationale for the Decision

The decision to advance Alternative 4A for phased implementation is based on how well the No Action and action alternatives address the purpose and need for the proposed action, their beneficial and adverse environmental and economic effects, and other factors related to implementation.

In summary, Alternative 4A with the revised Limited Spring Diversion Scenario was selected for implementation for the following reasons:

- Alternative 4A is the environmentally preferable action alternative. Alternative 4A’s environmental performance is discussed in the previous ROD section titled, “Environmentally Preferable Alternative,” as well as in Chapter 4 of the Final EIS.
- Alternative 4A provides more benefits to the Odessa Subarea aquifer with less overall impact to other environmental resources as compared to the partial- and full-replacement alternatives. When the groundwater is replaced by CBP surface water with each phase of implementation, the rate of decline in aquifer levels is expected to slow due to decreased pumping. If fully implemented, Alternative 4A would provide important long-term beneficial effects to deep groundwater, as groundwater would no longer be pumped to approximately 70,000 acres of irrigated farmland. Alternative 4A delivers water to the most acreage possible using the existing delivery system infrastructure to its fullest extent.



Approximately 70,000 acres would be served north and south of I-90 from the ELC, requiring enlargement of the 43.3 miles of the ELC south of I-90.

- Alternative 4A has the most favorable cost per acre of substituting CBP surface water for groundwater for irrigation. The modified partial-replacement alternatives provide CBP water to the Odessa Subarea lands for an estimated cost of \$11,800 per acre irrigated. Based on this analysis, the modified partial-replacement alternatives are the most cost effective because they make maximum use of existing infrastructure to supply water to the irrigation distribution points that are more feasibly served in the Odessa Subarea.

## 7.0 Public Response to Final EIS

Four comment letters were received concerning the Final EIS. Several of the issues raised by the commenters were similar to issues raised during review of the Draft EIS. Those issues, such as the treatment of the Columbia River Treaty, assessment of impacts to outmigrating salmon and steelhead, entrainment of fish into Banks Lake, adequacy of the climate change analysis, development of a benefit/cost ratio, and impacts to power generation, were addressed in the Final EIS. Based on the information provided in the comment letters, treatment of those issues in the Final EIS appears adequate for all, but one issue, providing compensation to the Confederated Tribes of the Colville Reservation (CCT), deserves clarification here.

Reclamation is aware that the State of Washington will address in a separate agreement with CCT the expected slight loss (<1%) of power revenue the CCT receives annually pursuant to their 1994 Grand Coulee Dam Settlement Act (Settlement Act) which authorizes and requires the Bonneville Power Administration (BPA) to annually compensate the CCT for use of reservation land in the generation of electric power at Grand Coulee Dam. The amount of compensation provided pursuant to the Settlement Act is based partially upon the preceding fiscal year's total generation in megawatt (MW) hours at Grand Coulee Dam. A decrease in flow through Grand Coulee Dam will likely decrease total generation. Thus, implementing the Preferred Alternative will slightly reduce total generation at Grand Coulee and CCT's annual power revenue payment from BPA. Reclamation interprets the Settlement Act as intending to provide to the CCT a fair share of the total hydropower revenue generated at Grand Coulee but does not require Reclamation or BPA to provide a guaranteed minimum total generation at Grand Coulee. Likewise, the Settlement Act also does not require that CCT be compensated by Reclamation or BPA for any U.S. decisions that would have the effect of reducing total generation. The State decision to provide compensation to CCT for expected power revenue loss is not binding on Reclamation or BPA for any future actions that might impact total generation or CCT power revenue from Grand Coulee.

Several additional concerns were raised that dealt with potential impacts to resources, primarily fish, from fluctuations in reservoir elevations at Lake Roosevelt and from reductions in flow in the Columbia River. The Preferred Alternative selected in this document, Alternative 4A with the revised Limited Spring Diversion Scenario, eliminates

all potential project impacts to Lake Roosevelt, since Lake Roosevelt would not experience fluctuations from implementation of Alternative 4A or Columbia River spring/summer diversions.

Other concerns dealt with issues associated with the implementation of the environmental compliance commitments in Final EIS, in particular those associated with cultural resources and water rights. With respect to cultural resources, Reclamation provided an *Assessment of Effects to Cultural and Historic Resources from Implementation of Alternative 4A* (October 2012), to the affected Tribes and the State Historic Preservation Officer by letter dated November 2, 2012, which begins the environmental compliance commitment process and addresses the issues raised by the Tribes. That report recommends a programmatic agreement (PA) which will outline approaches and recommendations on how to comply with the National Historic Preservation Act on actual project work associated with the selected alternative. The PA will be developed in consultation and coordination with affected Tribes prior to any construction activities.

Concerning water rights, the diversions for the project would be included in the measurements made by Reclamation at Grand Coulee Dam/Banks Lake where CBP waters are diverted. Measurements will also be made at each pump station that delivers water to the distribution systems for the Odessa development. The water right used to supply the preferred alternative will relate back to the 1938 Columbia Basin Project, Columbia River water right certificate, in Franklin D. Roosevelt Reservoir; with a 1938 priority date. If and when the CCT pursues adjudication and quantification of its reserved water rights in the Columbia River, we anticipate such rights would have an earlier priority date than 1938.

Two of the comment letters raised a new issue that was not identified during review of the Draft EIS. It concerns the potential impacts of the action on the aquatic ecosystem in the Columbia River estuary. The commenters indicated that impacts to the estuary have occurred as a result of many actions, some which involve the loss of habitat as a result of draining and filling actions. Other impacts stem from the construction of water storage facilities on the Columbia River and the changes in the flow patterns and discharge levels. Since the proposed action would have no effect on draining or filling in the estuary and would not involve any new storage, those impact pathways are not a relevant issue in regard to this proposed project.

Alternative 4A would, however, alter discharge levels, almost exclusively in the month of October. The issue of concern in October appears to be the impact of changes in flow on access to habitat in the estuary as a result of changes in water surface elevation or river stage.

River stage in the estuary is strongly influenced by tidal action. The influence of the tide in the lower river is such that reversal in flow occurs during incoming tidal cycles and during outgoing tidal cycles measured river discharge in the estuary can greatly exceed river flows measured above the tidal zone. The tides cause elevation changes in the river of several feet at Portland (COE 2004 as cited in NOAA 2013) and over ten feet in the

estuary (Kukulka and Jay 2003 as cited in NOAA 2013). The commenters identified several models that they felt might be useful in identifying impacts. The U.S. Army Corps of Engineers (Corps), in coordination with NMFS as part of the ESA consultation, determined that a 2,700-cfs flow reduction was below the sensitivity of its model, but estimated such a flow reduction would change river stage by only a couple hundredths of a foot at Portland, Oregon, and only during short intervals in the tidal cycle. This suggests that any changes to habitat access due to changes in river stage as a result of this action would be insignificant.

This is consistent with conclusions in the Final EIS which state that, given the river discharge in October, the slight reductions in flow on the order of about 2.5 to 3 percent would not affect resources in the estuary.

## **8.0 Environmental Impacts and Environmental Commitments**

### **8.1. Environmental Impacts**

Alternative 4A will result in benefits to groundwater resources, irrigated agriculture, and socioeconomics as compared to taking no action. There would be no adverse impacts to Indian Trust Assets (ITA).

Alternative 4A would have minimal to no effects related to the following resources and elements of the human environment after all regulatory requirements and best management practices (BMPs) are fully implemented:

- Surface water quantity;
- Water quality;
- Water rights;
- Geology;
- Fisheries and aquatic resources;
- Air quality;
- Transportation;
- Public services and utilities;
- Noise;
- Public health (hazardous materials); and
- Environmental justice.

Resources and elements of the human environment that would experience unavoidable adverse impacts under Alternative 4A, even after application of reasonably practicable opportunities for avoidance and other mitigation measures, include the following:

- Soils;
- Vegetation and wetlands;
- Wildlife and wildlife habitat;

- Threatened and endangered species;
- Land use and shoreline resources;
- Recreation;
- Energy (including operation of the John W. Keys III Pump-Generating Plant);
- Visual resources; and
- Cultural and historic resources.

## 8.2. Environmental Commitments

Reclamation has committed to implement a number of mitigation and BMPs involving avoidance, minimization, reduction, compensation, and/or monitoring for Alternative 4A. These commitments will be included within an array of documents including, but not limited to, construction contracts, management agreements with resource agencies, water contracts, and management plans, where they are appropriate to implementation of the selected Alternative 4A. Together, BMPs and the identified mitigation measures represent Reclamation's adoption of all practicable means to avoid or minimize environmental harm for the selected Alternative 4A.

Best management practices as outlined in the Final EIS will be implemented, when appropriate, to enhance resource protection and avoid additional, potential effects to surface and groundwater quality, geology, soils, fish, wildlife, and their habitats, as well as on the human environment.

The following are the mitigation commitments adopted for implementation of Alternative 4A. Reclamation will be responsible for ensuring their completion. Ecology and/or other agencies may also have a role in accomplishing these commitments.

1. Prior to initiation of each phase of design and construction, Ecology, the Washington Department of Fish and Wildlife (WDFW), and the U.S. Fish and Wildlife Service (Service) will consult to determine if terrestrial, plant, and fisheries surveys will need to be conducted along proposed alignments for pipelines, facilities, roads, and distribution and transmission lines.
2. Hold preconstruction meetings with all contractors to ensure that there is clear understanding of all environmental commitments associated with the construction activity.
3. Acquire lands in geographic lows (coulees), when appropriate and financially feasible, to enhance wildlife habitat.
4. Establish a "Banks Lake Grebe Management" area in consultation with Ecology and WDFW.
5. Install clusters of artificial burrowing owl nesting boxes in the banks of the ELC expansion, where appropriate, in consultation with Ecology and WDFW.
6. Reduce impacts and identify adequate mitigation on agricultural infill lands in coordination with Ecology and WDFW.

7. Develop wetland projects to mitigate wetland impacts at Banks Lake in coordination with Ecology and WDFW.
8. Coordinate/communicate flow management with the Columbia National Wildlife Refuge to the extent possible.
9. Incorporate *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994* into construction designs and powerline siting in coordination with Ecology and WDFW.
10. Prior to construction of a given feature, conduct an intensive cultural resources survey of the Area of Potential Effect (APE) of each phase of design and construction to specifically identify any cultural resources that may be affected by this action. If an action is planned that could adversely affect a National Register of Historic Places (NRHP) -eligible archeological, historical, or traditional cultural property site, then Reclamation would investigate options to avoid the site. If avoidance is not possible, protective or mitigative measures would be developed and considered. Cultural resources management actions would be planned and implemented consistent with consultation requirements defined in 36 CFR 800, using methods consistent with the Secretary of the Interior's Standards and Guidelines.
11. Reduce soil compaction by methods such as ripping prior to reseeding following construction, as necessary.
12. Replant soils disturbed during construction as soon as construction activities have ended in a particular area.
13. Reestablish native species on disturbed areas that supported native vegetation before disturbance.
14. Minimize acquisition of agricultural land by reducing the proposed width of facilities or realigning the improvements where feasible.
15. Implement a wetland monitoring program to assess if wetland communities respond favorably to fluctuations in reservoir levels and local soil characteristics. If wetlands do not respond favorably, a restoration program will be implemented to promote and maintain the health of the wetland ecosystem.
16. Restore areas of degraded shrub-steppe habitat and will reestablish disturbed sites that formerly supported shrub-steppe habitat types, as feasible.
17. Restore vegetation types disturbed during pipeline construction with in-kind vegetation types.
18. Adjust facility alignments to avoid displacement of residences to the extent feasible.
19. Adjust facility alignments and sites to avoid or minimize long-term disruption of adjacent irrigation systems to the extent feasible.
20. Ensure that designs accommodate existing agricultural uses within easement or acquisition areas to the extent possible.

21. Extend or otherwise modify the main, high-capacity boat launch facilities that would experience periods of unavailability due to Banks Lake reservoir drawdowns to restore full season-wide availability in all geographic sectors of the reservoir.
22. Designate new swimming areas near affected recreation sites to reduce the loss of organized, protected swimming opportunities.

## **9.0 Coordination and Consultation**

### **9.1. National Historic Preservation Act**

Reclamation, in consultation with the State Historic Preservation Officer (SHPO), has determined there are adverse effects to cultural resources posed by the implementation of Alternative 4A and has established an APE with the initiation of consultation [SHPO; 36 CFR 800.4(a)(1)]. The APE is defined as the area within which direct and indirect impacts to cultural resources would occur. Input in refining the APE and conducting the appropriate level of investigation will be sought from the SHPO, affected Tribes, or other agencies as each phase of design and construction is better defined. Consultation with the SHPO and Tribes will be carried out for the duration of the planning and permitting stages. Because of the scale and complexity of the proposed action and, since the exact effects on historic properties cannot be fully determined at this time, Reclamation, in consultation with the SHPO, has determined that a programmatic agreement (PA) will be negotiated to resolve the adverse effects [36 CFR 800.14(b)]. No actions that have adverse effects to cultural resources will be undertaken until the adverse effects are resolved through processes as outlined in the PA.

Reclamation's policy is to seek to avoid impacts to historic resources whenever possible. Prior to construction of a given feature, an intensive cultural resources survey of the APE would be conducted to specifically identify any cultural resources that may be affected by the action. If an action is planned that could adversely affect an NRHP-eligible archeological, historical, or traditional cultural property site, then Reclamation will investigate options to avoid the site. If avoidance is not possible, protective or mitigative measures will be developed and considered. These requirements are addressed in greater detail in Section 4.22.9 of the Final EIS. Cultural resources management actions would be planned and implemented consistent with consultation requirements defined in 36 CFR 800, using methods consistent with the Secretary of the Interior's Standards and Guidelines.

If mitigation is necessary, Reclamation—working in coordination with other involved parties as appropriate (depending on the level of mitigation and kinds of resources affected), such as Indian Tribes, the SHPO, and the Advisory Council on Historic Preservation—would develop measures that would detail any requirements needed to mitigate and resolve adverse effects to eligible cultural resources that may result from the implementation of the selected alternative.

A monitoring program for addressing erosion of Banks Lake already exists. In addition, mitigation could include monitoring and stabilization when and if needed in areas where erosion is likely to occur and potentially expose cultural resources around Banks Lake as a result of this action.

To minimize anticipated impacts to significant cultural resources, the following measures would be implemented as appropriate:

- Because of the potential size and variable land ownership of the APE, Reclamation may enter into a PA with the affected Tribes, SHPO, and other interested parties in order to meet cultural resource protection goals and objectives, per applicable laws. The PA would establish a process to ensure the identification, protection, proper treatment, and management of all cultural resources, both documented and yet undiscovered, and to ensure that cultural resources are not inadvertently impacted during implementation to the extent feasible. The PA would include periodic monitoring of identified sites and an “unanticipated discovery” plan, and set forth protocols to be initiated if cultural resources are inadvertently discovered during construction and into the operational phase. The plan would also describe the legal requirements and regulatory protocols to be followed if human remains are encountered during any phase.
- To the extent feasible, new facility options would be selected, designed, or modified to avoid identified cultural resources as defined in the Final EIS.
- Inventories would be conducted for sited facilities, and any identified resources would be evaluated to determine if they are eligible to the NRHP. If this process results in SHPO/Tribal concurrence, and the cultural properties are determined eligible for inclusion in the NRHP, then additional measures would be required to avoid or mitigate adverse effects. Depending on the resource type, mitigation may include additional historic research or subsurface testing, possible data recovery, large format black-and-white photographic documentation, an ethnographic study, or other measures.
- Prior to the notice to proceed with construction, the following actions will occur:
  - Conduct informational cultural resource sensitivity training with construction and operations personnel to alert them to the appropriate treatment and protocols for cultural resources encountered during implementation.
  - Require that personnel and equipment be excluded from access to any identified cultural resources.
  - Place protective fencing and other exclusion measures around identified cultural resources to ensure their protection.
- For cultural resource areas or known historic properties that have a potential to be adversely impacted, conduct monitoring on a periodic basis during ground-disturbing activities. Archaeological monitors would be trained in identifying,

documenting, and properly treating cultural resource discoveries, and would be able to direct construction personnel away from sensitive areas.

If cultural resources are inadvertently discovered during project implementation, a plan would be developed in coordination with the SHPO to establish a protocol for responding.

## 9.2. Tribal Consultation

During the course of the Odessa Subarea Special Study process, multiple meetings have been held with the affected Tribes—the Spokane Tribe of Indians, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Confederated Tribes of the Umatilla Indian Reservation—to provide information, answer questions, and discuss the status of the Study and analyses conducted for the EIS process. The Tribes’ concerns expressed in the meetings were also identified in comment letters on the Draft EIS and are contained in Volume 2 of the Final EIS.

The Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Nation, Spokane Tribe of Indians, and the Columbia River Inter-Tribal Fish Commission also provided comment letters on the Final EIS, which are discussed in the Section “Public Response to Final EIS” of this ROD. Consultations with the affected Tribes are ongoing.

## 9.3. Endangered Species Act

Reclamation has worked closely with the Service, NMFS, and WDFW to minimize the impacts of Alternative 4A on endangered and threatened species. In 2006, Reclamation began coordination with these agencies during the development of alternatives for the Study. Reclamation initiated informal consultation with both NMFS and the Service on the proposed action in early 2012, leading to the development of the revised Limited Spring Diversion Scenario, as recommended by NMFS, to reduce potential effects on listed salmon and steelhead. This revision eliminated diversions in the April-through-June period entirely but remained within the range of diversions evaluated in both the Draft and Final EIS. Reclamation submitted biological assessments evaluating effects to those species which may be affected by Alternative 4A to the Service and NMFS in October and November 2012, respectively. In this process, Reclamation initiated formal consultation with NMFS for minor, yet adverse, effects to Columbia River chum salmon (*O. keta*).

On October 10, 2012, Reclamation received a letter of concurrence from the Service with the determination that the proposed action may affect, but is not likely to adversely affect, bull trout (*Salvelinus confluentus*) and its designated critical habitat, pygmy rabbit (*Brachylagus idahoensis*), and Ute ladies’-tresses (*Spiranthes diluvialis*).

On January 11, 2013, Reclamation received a biological opinion from NMFS concluding Alternative 4A with the revised Limited Spring Diversion Scenario was not likely to jeopardize affected Columbia River salmon and steelhead or adversely modify their designated critical habitats. The opinion also concurred that Alternative 4A may affect,



but was not likely to adversely affect, the Southern Green Sturgeon (*Thaleichthys pacificus*), Pacific Eulachon (*Thaleichthys pacificus*), or the Southern Resident Killer Whale (*Orcinus orca*) or those species designated critical habitats. NMFS' biological opinion also included an incidental take statement (ITS). The ITS concluded that through implementation of the revised Limited Spring Diversion Scenario, Reclamation had minimized the potential for take that could result from implementation of Alternative 4A. The only term and condition required by the ITS is that Reclamation monitor and report on diversions of water resulting from implementation of Alternative 4A.

After review of the biological opinion and consultation record, Reclamation concludes the opinion and ITS conform with the requirements of the ESA and Alternative 4A is not likely to jeopardize any listed species or adversely modify any critical habitat. Reclamation and its implementation partners are committed to implementing the ITS' terms and conditions in addition to the other environmental commitments identified in this ROD. Reclamation will also continue to monitor and review potential effects of Alternative 4A on threatened and endangered species and will reinitiate consultation, if necessary, pursuant to the requirements of 50 C.F.R § 402.16.

As part of its ESA consultation, Reclamation also consulted with NMFS under the Magnuson Stevens Fishery Conservation and Management Act (MSA) for effects of Alternative 4A on essential fish habitat (EFH). NMFS provided one EFH conservation recommendation that "[I]n the event that daily average discharge at Priest Rapids Dam falls below 40,000 cfs, from the first Sunday after October 15 through March 31, pumping to supply irrigation water to lands served by the Odessa subarea project or to refill Banks Lake, be curtailed." This recommendation falls within the analysis performed in the FEIS. Reclamation agreed to accept and implement the EFH conservation recommendation above with respect to withdrawal of flows from the Columbia River that are associated with the operation of the Odessa Project.

## **9.4. Fish and Wildlife Coordination Act Report**

The Fish and Wildlife Coordination Act (FWCA) of 1934, as amended 1946, 1977 (16 U.S.C. 661-667e), requires Federal agencies to coordinate with Service and state wildlife agencies when planning new projects or modifying existing projects so that wildlife resources receive equal consideration and are coordinated with other project objectives and features. The recommendations provided in the Coordination Act Report (CAR) and Reclamation's responses are included in Appendix D of the Final EIS. The recommendations to which Reclamation agreed that apply to Alternative 4A are considered mitigation commitments and are listed below under their corresponding resource area. In July 2012, Reclamation, WDFW, and Ecology entered into an MOU to address many of these recommendations. The MOU is provided in the Final EIS as Appendix C.

### **9.4.1 Mitigation of the Effects to Fish and Aquatic Habitats**

Reclamation will continue to work with the Service and WDFW to monitor the effects of Alternative 4A as part of implementation. Fish structures that meet NMFS and WDFW

compliance standards will be provided to the extent practicable and appropriate for facilities within the Odessa Subarea. Reclamation will continue to collaborate with the Service on options for documenting use of the conveyance system by fish and invasive species and report invasive species and fish species by size and life stage. A monitoring program will be developed and implemented in coordination with WDFW to evaluate fish species' response to operational changes related to implementation of Alternative 4A. In coordination with WDFW, Reclamation will evaluate changes to wetland habitat and species within the Odessa Subarea, in association with water use changes.

Reclamation administers a water quality monitoring program developed for the CBP. Current efforts will continue and incorporate additional monitoring requests for areas within the Study Area. Existing and future facilities constructed as part of Alternative 4A will be included in monitoring efforts. Water conservation programs will continue to be implemented in the Study Area.

#### **9.4.2 Mitigation of the Effects to Wildlife and Vegetation**

Reclamation will work with the Service and WDFW to identify and protect any existing Federal and State endangered, threatened, or candidate species; species of concern and their associated habitats; and State-sensitive plant species that may occur within the Study Area. Reclamation will work with the Service to survey all suitable pygmy rabbit habitat prior to beginning construction and will coordinate with the Service if pygmy rabbits are found in the Study Area. Reclamation and Ecology will consult with WDFW to establish a "Banks Lake Grebe Management Area" and provide and maintain floating nesting structures in an effort to avoid additional significant impacts to grebes.

Reclamation will work cooperatively with WDFW to assist them in developing and implementing, in consultation with the Service, a Northern Leopard Frog Monitoring and Habitat Enhancement Plan for northern leopard frog habitat within the Study Area. Reclamation will provide artificial burrowing owl nesting structures along the ELC and coordinate with WDFW on the placement, design, and installation of the nesting structures.

Reclamation will coordinate with WDFW to locate construction staging areas that would avoid or minimize disturbance to wildlife and damage to priority habitats, including aquatic resources. All staging areas will be located in such a manner as to preclude water and soil contamination from solvents, fuels, and lubricants. Also, all staging areas will be adequately equipped to deal with hazardous material spills, spill prevention, and cleanup. As part of the project, an integrated pest management plan will be developed and implemented, as needed.

Reclamation will work to find mitigation land for disturbed shrub-steppe within the CBP area and monitor and manage disturbed areas post-construction to prevent the introduction and spread of nonnative plants. In consultation with the Service and WDFW, Reclamation will develop and implement a Native Plant Restoration and Conservation Management and Monitoring Plan for documenting performance criteria,

establishing clear goals and objectives, a schedule, and annual reports to evaluate the success of Reclamation's efforts to avoid permanent impacts to native vegetation.

## **10.0 Implementation of the Decision**

### **10.1. Federal Action**

This ROD documents the Federal action to implement Alternative 4A: Modified Partial-Replacement-Banks with the revised Limited Spring Diversion Scenario for implementation in stages. Actions described in the Final EIS that are analyzed in full including, but not limited to, the general scope of Alternative 4A, acreages, water supply, site locations, and canal expansion, will not undergo a second-tier NEPA review unless new information or changed circumstances indicate that additional review is necessary consistent with CEQ regulations.

As an example, the following canal expansion and water supply related activities are expected to be implemented as funding becomes available for the first phase of the project: enlarging East Low Canal; installing siphons; acquiring easements for Weber Wasteway; and executing water contracts. Construction of facilities is expected to proceed in phases from north to south consistent with expected distribution system requirements. Other activities as described in this section and the FEIS may also be undertaken in the first phase.

The locations of pumping plants, canal side plants, re-lift plants, and distribution pipelines are dependent upon participation of local landowners and ECBID. As the project features, locations, and level of participation with respect to these matters are finalized, Reclamation will review whether additional authorizations or environmental compliance may be needed where Federal actions are involved. In addition, as the project proceeds, if additional proposed Federal actions arise that were not evaluated in the Final EIS, such actions will undergo appropriate environmental compliance review prior to their authorization.

### **10.2. Secondary Use Permit from Washington State**

Reclamation has applied for a secondary-use water right permit from the State for the beneficial use of 216,300 acre-feet of water from Reclamation's 1938 Storage Right in Lake Roosevelt. The average annual diversion from Lake Roosevelt for Alternative 4A will be 164,000 acre-feet of water. The remainder of the water supply for beneficial use is provided through implementation of on-Project conservation measures and Project return flows.

### **10.3. Water Contracts**

To protect the interests of the United States, general Reclamation law requires contracts for the delivery and storage of project and nonproject water, for the use of Federal facilities, and for the recovery of reimbursable project costs. Contracts are always

required, unless a superseding Federal authority dictates otherwise, and must be executed pursuant to appropriate authority, whether found in general Reclamation law, project-specific legislation, or other congressional authorization.

Reclamation's water-related contracts must protect the Federal investment and ensure that repayment of the reimbursable capital cost is made in accordance with Reclamation law. Subsections 9(c), (d), and (e) of the Reclamation Project Act of 1939 (1939 Act) require repayment of all reimbursable costs [Public Law 76-260; 43 U.S.C. § 485h(c), (d), and (e).] The methods used in recovering these costs vary.

#### **10.4. Financing of the Decision**

The State and the irrigators anticipate moving forward with non-Federal funding for the project. The expected scenario would consist of the State funding construction of conveyance infrastructure (such as widening canals, siphons, and appurtenant structures) and irrigators funding distribution systems from the canal to the farm through local improvement districts, loans, or other funding mechanisms.

In future phases of implementation of the project, Reclamation may elect to request Federal funding for some aspect of the project. If this does occur, Reclamation would take all necessary steps to evaluate the financial and economic justification for such a request and conduct a close review of conditions at that time to determine if existing environmental compliance is adequate or if additional evaluation is necessary due to a change in conditions or available information. Currently, no Federal funding is committed or expected for implementing this project. It is possible that no Federal funding will be needed or available for full implementation of all phases of Alternative 4A.

## References

- NMFS 2013 National Marine Fisheries Service. 2013. *Endangered Species Act Section 7(a)(2) Biological Opinion, Section 7(a)(2) “Not Likely to Adversely Affect” Determination, Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) Consultation. Odessa Subarea Partial Groundwater Replacement Project. NMFS Consultation Number: NWR-2012-9371.* National Oceanic and Atmospheric Administration, National Marine Fisheries Service. January 2013. Portland, Oregon.