

FINDING OF NO SIGNIFICANT IMPACT

Confederated Tribes of the Umatilla Indian Reservation & City of Umatilla

Joint Pump and Pipeline Project

McNary Lock and Dam Project, Umatilla County, Oregon

December 2025

The U.S. Army Corps of Engineers Walla Walla District (USACE), as the lead agency, proposes to issue the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the City of Umatilla (COU) a 2-year construction license and corresponding 50-year easement for the construction, operation, and maintenance of a new water pump station along the Columbia River and improved pipeline conveyance infrastructure. Although only part of the Proposed Action would take place on USACE property, the geographic scope of the environmental analysis was expanded to include interconnected and dependent project components that would impact resources within the project's overall footprint. This would include construction of a new approximately 3,460-foot-long water pipeline to the COU Water Treatment Facility, a new 4,550-foot-long water pipeline to the Wanaket Wildlife Area (WWA), and a connection to the COU water system for the purpose of delivering raw and treated water to the CTUIR Wanapa Industrial Site, and other COU customers.

The purpose of the Proposed Action is to develop an efficient, reliable, and adequate water delivery system to address infrastructure inefficiencies and meet future demands. Objectives include replacing the existing CTUIR pump station with a modernized facility to improve diversion capacity, enhance fish screening, and minimize environmental impacts. The project seeks to replace the deteriorating water conveyance infrastructure with a system that reduces water losses, ensures effective delivery to the WWA, and supports economic development, including enhanced water supply for the CTUIR Wanapa Industrial Site. Additionally, the modernized system aims to improve operational efficiency, reduce energy consumption, and incorporate environmental improvements, such as fish-friendly intake screens and eliminating the existing open-air ditch. This action is needed to replace outdated and inefficient water facilities that cause excessive transmission losses, increased maintenance costs, and limit the ability to meet growing water demands.

The *Confederated Tribes of the Umatilla Indian Reservation and the City of Umatilla Joint Pump and Pipeline Project Environmental Assessment (EA)* (Attachment A), dated December 2025, is the NEPA document associated with this FONSI, and is incorporated herein by reference. Two alternatives were considered and evaluated within the EA, including the No Action (Alternative 1) and the New Pump Station and Pipeline (Alternative 2). The No Action Alternative sets the baseline from which other alternatives are compared. The Proposed Action Alternative represents USACE's decision to issue the CTUIR and the COU a 2-year construction license and 50-year easement for the replacement of an existing water pump station and conveyance infrastructure, while

considering the environmental implications of the project components outside of USACE property.

Alternative 1: No Action

Under this alternative, the USACE would not issue the CTUIR and the COU a 2-year temporary construction license or a 50-year easement for the implementation, operation, and maintenance of a new pump station and associated conveyance infrastructure on USACE property. The existing, outdated pump station and conveyance infrastructure would remain in its current state, with no improvements made to enhance operational capacity or efficiency. As a result, the area would continue to operate under the existing conditions, with no changes to baseline operations.

Alternative 2: New Pump Station and Pipeline

Under this alternative, USACE would issue the COU and CTUIR a 2-year temporary construction license and 50-year easement for the implementation, operation, and maintenance of a new pump station, and associated conveyance infrastructure, on USACE property. In addition, scope of analysis would include construction of the new approximately 3,460-foot-long water pipeline to the COU Water Treatment Facility, the new 4,550-foot-long water pipeline to the WWA, and a connection to the COU water system for the purposes of delivering raw and treated water to the CTUIR Wanapa Industrial Site and to other COU customers.

Please refer to Section 2.4 of the EA (Attachment A) for complete details of Alternative 2.

For both alternatives, the potential environmental impacts to various resources effects were evaluated, as appropriate. A summary assessment of the potential effects of the Proposed Action alternative are listed in Table 1:

Table 1. Summary of Impacts of the Proposed Action Alternative.

Resource	Less than significant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Geology and Soils	X	-	-
Noise	X	-	-
Water Quality	X	-	-
Terrestrial Resources	X	-	-
Fish and Aquatic Resources	X	-	-
Treaty and Cultural Resources	X	-	-
Visual Resources	X	-	-
Social Effects	X	-	-
Air Quality	X	-	-

The analysis conducted within the EA determined the Proposed Action would result in less than significant effects to the all the resources considered for environmental analysis. Best management practices (BMPs), as detailed within Section 2.5 of the EA, would be implemented, if appropriate, to minimize impacts. Those BMPs are outlined within Section 2.5 of the EA and summarized within the Table 2-1 therein.

Based on this analysis, the action alternative, (Alternative 2: New Pump Station and Pipeline) was selected as the Preferred Alternative.

Endangered Species Act

The Endangered Species Act (ESA) established a national program for the conservation of threatened and endangered fish, wildlife, and plants and the habitat upon which they depend. Section 7(a)(2) of the ESA requires federal agencies to consult with the U.S Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their critical habitats. Section 7(c) of the ESA and the federal regulations on endangered species coordination (50 CFR §402.12) require that federal agencies prepare biological assessments of the potential effects of major actions on listed species and critical habitat. A Biological Assessment (BA), drafted by Kleinschmidt Associates and prepared on behalf of the COU, was submitted to USACE for review (Attachment B). USACE biologists reviewed the BA and determined that the information and determinations contained therein are accurate and meet USACE's requirements for analysis. Refer to Sections 3.4, 3.5, and 6.2 for more details on effects analysis to ESA-listed species.

USACE accepted the BA and submitted to the Services for formal consultation on 19 February 2025. Through coordination with the USFWS, USACE revised the Biological Assessment to a "may affect, not likely to adversely affect" determination for bull trout and designated critical habitat, and received a Letter of Concurrence on August 18, 2025, concluding USFWS ESA consultation contingent on implementation of agreed-upon conservation measures. On December 15, 2025, NMFS issued a Biological Opinion finding the proposed action would be not likely to jeopardize ESA-listed salmonids and steelhead or adversely modify their critical habitat. NMFS nonetheless recognized the potential for incidental take of juvenile fish from multiple listed populations within the action area. As a result, the BiOp includes an Incidental Take Statement with Reasonable and Prudent Measures and associated Terms and Conditions to minimize impacts. Compliance with these measures, along with the project's conservation commitments, satisfies ESA requirements for the proposed action. The BA, correspondence documentation, Letter of Concurrence, Biological Opinion, and other associated documentation are located within Attachment B.

Clean Water Act

The Federal Water Pollution Control Act (33 U.S.C. §1251 et seq., as amended) is more commonly referred to as the Clean Water Act (CWA). This Act is the primary legislative

vehicle for federal water pollution control programs and provides the basic structure for regulating discharges of pollutants into waters of the United States (WOTUS). The Act was established to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The CWA sets goals to eliminate discharges of pollutants into navigable waters, protect fish and wildlife, and prohibit the discharge of toxic pollutants in quantities that could adversely affect the environment.

Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into WOTUS. The Columbia River is considered a navigable WOTUS. The Preferred Alternative, more specifically the new pump station and associated features, includes shoreline and in-water work below the ordinary high-water mark (OHWM) of the Columbia River. The permanent placement of structures within the Columbia River constitutes the placement of fill material within a WOTUS. The U.S. Army Corps of Engineers (USACE) Regulatory Division has determined that the Preferred Alternative is authorized under Nationwide Permit (NWP) No. 58. A 404 Permit shall be issued to the COU and CTUIR by Portland District Regulatory Division, either concurrently or upon finalization of the NEPA process, and prior to the implementation of the preferred alternative

Section 401 of the CWA requires that any activity that may result in a discharge of pollutants into WOTUS receive water quality certification from the state in which the activity occurs. Actions requiring authorization under Section 404 typically also require Section 401 Water Quality Certification (WQC). The state certifying authority for the Preferred Alternative is the Oregon Department of Environmental Quality (ODEQ). On March 27, 2025, ODEQ issued a Section 401 Water Quality Certification for the Preferred Alternative and determined that the project qualifies for expedited 401 WQC associated with authorization under NWP 58, subject to applicable conditions. This certification satisfies state water quality requirements for the Preferred Alternative. In accordance with 40 CFR §121.12, USACE notified the U.S. Environmental Protection Agency (EPA) on March 27, 2025, regarding a neighboring jurisdiction determination for the Preferred Alternative. EPA reviewed the project application and issued Section 401 Water Quality Certification and determined that the action does not result in a "may affect" finding for neighboring jurisdictions. EPA authorized USACE to proceed with permit processing for the Preferred Alternative. Documentation related to the Section 401 WQC is provided in Attachment D.

Section 402 of the CWA establishes the framework for the National Pollutant Discharge Elimination System (NPDES). This section regulates the discharge of pollutants into WOTUS, including stormwater associated with construction activities. Section 402 is triggered when a project disturbs one acre or more of land and has the potential for stormwater runoff into WOTUS. The Preferred Alternative includes greater than one acre of ground disturbance and has the potential for stormwater runoff into the Columbia River. Accordingly, the City of Umatilla (COU) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) are required to obtain coverage under the Oregon Construction General Permit (CGP) administered by ODEQ prior to implementation of the Preferred Alternative. Compliance with the CGP includes preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and submittal of a Notice of Intent (NOI).

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires agencies to consider the potential effect of their actions on properties that are listed, or are eligible for listing, on the National Register of Historic Places (NRHP). The NHPA implementing regulations, 36 CFR Part 800, requires that the federal agency consult with the State Historic Preservation Officer (SHPO), Tribes and interested parties to ensure that all historic properties are adequately identified, evaluated, and considered in planning for proposed undertakings. The consulting parties for this undertaking included the Oregon SHPO and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

A Historic Resources Review (USACE 2025) was sent to consulting parties on 26 February 2025, for a 30-day review. The Historic Resources Review documents the effects of the Preferred Alternative to any historic properties within the APE. Historic properties would include archaeological resources, traditional historic properties, tribal treaty resources, and architectural resources. USACE determined that the Preferred Alternative would result in No Adverse Effect to Historic Properties. On March 24, 2025, USACE received concurrence letters from the Oregon SHPO, supporting USACE's findings and effects determinations. Consultation with the Tribal Historic Preservation Officer (THPO) of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) was conducted in accordance with applicable laws and has been concluded. The potential effects of the alternatives on historic resources have been examined in Section 3.6 of this EA. Cultural resources documentation can be found within Attachment C.

Rivers and Harbors Act

The Rivers and Harbors Act (RHA) refers to a conglomeration of many pieces of legislation and appropriations passed by Congress since the first such legislation in 1824. The Rivers and Harbors Act of 1899 was the first federal water pollution act in the U.S. It focuses on protecting navigation, protecting waters from pollution, and acted as a precursor to the CWA. Section 10 of the RHA of 1899 regulates the construction of structure, excavation/deposition of materials, and other works affecting the course, location, conditions, or capacity of a waterway. Section 13 prohibits the discharge of reuse into navigable WOTUS. The permitting authority has been effectively subsumed under the EPA's NPDES permitting authority under Section 402 of the CWA. Section 14 mandates obtaining USAE permission for activities impairing the usefulness of a USACE civil works project. Section 408 pertains to the authority of USACE to grant permission for modifications to existing federally constructed projects.

The Preferred alternative would trigger the requirement for Section 10 of the RHA because it would require the placement of in-water structures, and in-water work, which would alter the characteristics of the Columbia River, a navigable WOTUS. Section 10 compliance is typically handled through a joint permitting process between USACE Portland District Regulatory and Oregon Department of Environmental Quality. The issuance of a Section 10 permit would require compliance with NEPA and associated federal and state

environmental laws and regulations. As with the CWA Section 404 Permit, USACE Portland District Regulatory would issue a Section 10 Permit to the COU and CTUIR concurrently or upon finalization of the NEPA process, and prior to construction of the preferred alternative.

In compliance with the National Environmental Policy Act (NEPA), the draft version of the EA was written to comply with the CEQ NEPA regulations, the Act itself, and the USACE supplemental NEPA regulation at 33 CFR Part 230. These regulations that guided the draft EA have since been rescinded but were used as interim guidance in accordance with CEQ Memo dated February 19, 2025. USACE followed NEPA itself (43 USC 4331 et seq.) and DoD NEPA Implementing Guidance to finalize the EA and prepare the FONSI. The draft EA, FONSI, and all supporting appendices were made available for a 30-day public review and comment period beginning on March 21, 2025. One comment was received from the CTUIR Tribal Historic Preservation Office, emphasizing adjustments to be made regarding USACE’s analysis of historic and cultural resources within the APE. Those recommendations were incorporated into the finalized version of the EA. No other comments were received during this period.

All applicable laws, regulations, and Executive Orders were considered in the evaluation of alternatives and potential environmental effects. Based on the analysis within the EA, the reviews by other federal, state, and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that implementation of the COU and CTUIR’s proposed pump station and pipeline project would not significantly affect the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required. USACE, Real Estate Division, would issue the COU and CTUIR a 2-year construction license to implement components of the Preferred Alternative on lands owned by USACE. Following completion of work, the USACE would issue the applicants a 50-year easement for the operation and maintenance of the newly constructed conveyance infrastructure. These actions would be completed by USACE at the earliest time subject to available funding and resources.

Date

KATHRYN A. WERBACK,
Lieutenant Colonel, EN
Commanding

Attachment A: *Confederated Tribes of the Umatilla Indian Reservation and the City of Umatilla Joint Pump and Pipeline Project*, Environmental Assessment, dated December 2025.

Attachment B: Biological Documentation (Appendix B).

Attachment C: Cultural Correspondence and Documentation (Appendix C).

Attachment D: Clean Water Act Documentation (Appendix D).