



RECORD OF DECISION

Adoption of the Odessa Subarea Special Study Final Environmental Impact Statement

Columbia Basin Project, Washington

Summary

In accordance with 40 CFR § 1500–1508 and 7 CFR § 650, this Record of Decision (ROD) documents that

- U.S. Department of Agriculture Natural Resources Conservation Service – Washington (NRCS-WA) has adopted the Odessa Subarea Special Study Final Environmental Impact Statement (FEIS) published in 2012 by U.S. Bureau of Reclamation (Reclamation) and State of Washington Department of Ecology (Ecology).
- NRCS-WA selects the same preferred alternative, Alternative 4A, as that identified in Reclamation and Ecology’s FEIS.
- The NRCS-WA action is to implement Alternative 4A, which will construct pump station and distributions systems that will deliver 164,000 acre-feet of new Columbia River diversions to 70,000 acres of lands.

This ROD outlines the rationale that enabled NRCS-WA to arrive at these decisions.



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DECISION

The U.S. Bureau of Reclamation (Reclamation) and Washington State Department of Ecology (Ecology) completed the Final Environmental Impact Statement-Odesa Subarea Special Study, Columbia Basin Project, Washington (FEIS) in 2012. The 2013 amended Record of Decision (ROD) documented Reclamation’s selection of Alternative 4A, identified in the FEIS, for implementation. To provide financial assistance to non-federal partners, as appropriate and available, within the Odesa Subarea through its Watershed Protection and Flood Prevention Program (Pub. L. 83-566), the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service – Washington (NRCS-WA) needs to prepare a Watershed Plan-Environmental Impact Statement (EIS) to authorize funding for Alternative 4A implementation. NRCS-WA determined that the environmental consequences of Alternative 4A were previously adequately analyzed in the FEIS, thus, NRCS-WA is issuing this decision to adopt the 2012 FEIS prepared by Reclamation and Ecology. This ROD documents that NRCS-WA selects the same preferred alternative, Alternative 4A, as that identified in Reclamation and Ecology’s FEIS.

In the Notice of Intent (NOI) to adopt the FEIS,¹ NRCS-WA detailed its review of the FEIS. In summary, NRCS-WA concurs with the analysis and findings identified in the FEIS and with the finding that Reclamation’s Selected Alternative (Alternative 4A: Modified Partial-Banks, with Limited Spring Diversion Scenario [2012])² and Alternative 4A as it is currently envisioned in 2024 (Alternative 4A [2024])³ will not result in new environmental concerns from those already discussed in the 2012 FEIS. Therefore, NRCS-WA determined that a supplemental or stand-alone EIS will not be required to implement Alternative 4A.

Consistent with National Environmental Policy Act (NEPA) regulations (40 CFR § 1506.3) and as detailed in the NOI, NRCS-WA recirculated the FEIS by re-filing it with the U.S. Environmental Protection Agency (EPA) that provided its associated Notice of Availability (NOA) on November 3, 2023 (88 FR 75589; *EIS No. 20230153*). The comments received and responses provided are discussed in the Public Involvement section of this ROD.

NRCS-WA reviewed the information and analyses contained in the 2012 FEIS regarding the potential environmental effects of the Odesa Subarea Special Study. All applicable laws, Executive Orders, regulations, and local government plans were considered in the evaluation of the alternatives. Based on that review and evaluation of public comments received then and since, NRCS-WA concludes that there have been no significant new circumstances or information identified since completion of the 2012 FEIS that are relevant to environmental concerns and bearing on the proposed action or its impacts. Alternative 4A of the FEIS is determined to be the

¹ Both the NOI and FEIS can be found at <https://www.ogwrp-programs.org/watershed-plan>.

² Alternative 4A (2012) refers to Alternative 4A: Modified Partial-Banks, with Limited Spring Diversion Scenario analyzed in the FEIS and selected by Reclamation in the amended 2013 ROD.

³ Alternative 4A (2024) refers to Alternative 4A as it is currently envisioned in 2024 and as is described in the NOI; it reflects current infrastructure technology and engineering and the needs of irrigators on the ground as of 2024.



environmentally preferable and preferred alternative. The NRCS-WA action is to implement Alternative 4A (2024), which will construct pump stations and distribution systems that will deliver 164,000 acre-feet of new Columbia River diversions to 70,000 acres of lands. Details about the specific project measures that will be implemented can be found in Appendix A of this ROD.

The NRCS-WA action incorporates all practicable means of avoiding or minimizing adverse environmental effects and adequately compensates for unavoidable impacts to significant resources. These measures are described in the Environmental Commitments section of this ROD.

DECISION RATIONALE

NRCS-WA weighed several factors in its decision to adopt Reclamation's 2012 FEIS. Below is a summary of these factors.

1. The Council for Environmental Quality (CEQ) released guidance directing agencies to consider adopting another agency's environmental assessment (EA) or EIS when the EA or EIS, or a portion thereof, addresses the proposed action and meets the standards for an adequate analysis under NEPA, CEQ regulations (40 CFR § 1500–1508), and the adopting agency's NEPA implementing procedures. NRCS-WA has determined that the 2012 FEIS meets both criteria of addressing the proposed action and meeting the standards of an adequate analysis under NRCS requirements in 7 CFR § 650.
2. NRCS-WA reviewed the FEIS to determine if it adequately analyzed impacts to the environment per NEPA and NRCS requirements, if there was sufficient public involvement that was appropriately incorporated, if any changes within the NRCS-WA project warranted the preparation of a supplement to the FEIS, and if there had been "significant new circumstances or information relevant to the environmental concerns and bearing on the proposed actions or its impacts" since the preparation of the FEIS that would warrant the preparation of a supplement. As part of the review process, NRCS-WA completed an internal checklist, NEPA Supplementation Review and Documentation Checklist, as required by the National Environmental Compliance Handbook (NRCS Directives Title 190 part 610.134). Based on NRCS-WA review, it has been determined that the 2012 FEIS meets NRCS criteria for NEPA compliance and no supplement to the FEIS is needed for its adoption by NRCS.
3. Alternative 4A, the Selected Alternative, is the environmentally preferable alternative. It will provide 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 groundwater is replaced by Columbia Basin Project (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 will provide important long-term beneficial effects to deep groundwater, as groundwater will no longer be pumped to approximately 70,000 acres of irrigated farmland. Alternative 4A



will deliver water to the most acreage possible using the existing delivery system infrastructure to its fullest extent. Approximately 70,000 acres will be served north and south of Interstate 90 (I-90) from the East Low Canal.

4. Alternative 4A has the most favorable cost per acre of substituting CBP surface water for groundwater use for irrigation. In the original 2012 FEIS analysis and its amended ROD, Reclamation identified that the modified partial-replacement alternatives will provide CBP water to the Odessa Subarea lands for an estimated cost of \$11,800 per acre irrigated. NRCS-WA concurs with these findings. 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.
5. This action is consistent with existing NRCS authorities.

BACKGROUND

The CBP in Washington, authorized in 1943, is the largest Reclamation project in the United States. The CBP is the surface water irrigation network linked to the Grand Coulee Dam located on the main stem of the Columbia River. Covering Grant, Adams, Walla Walla, Franklin, and Douglas counties in east-central Washington, the CBP land base is characterized as fertile due to its loess soils, but large portions receive less than 10 inches of rain per year. 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 area, including fruits, vegetables, and grains.

The Odessa Subarea comprises a region of deep groundwater and overlaps the eastern boundaries of the CBP. A portion of the Odessa Subarea is within the CBP area where Reclamation is authorized to deliver water. There are approximately 170,000 groundwater-irrigated acres in the Odessa Subarea, of which about 102,600 acres are eligible to receive CBP surface water. The Odessa Subarea aquifer is experiencing significant declines in groundwater levels. Domestic, commercial, municipal, and industrial uses, as well as water quality, are affected. Many of the wells in the area are drilled to a depth of 800 to 1,000 feet, with some as deep as 2,400 feet. As stated in Reclamation's 2013 amended ROD, some wells in the area were out of production, and the solution was generally to drill a deeper well. However, studies indicate deeper water may not be available, may be potentially unusable, and/or be too expensive to access in the future. Due to this decline, the ability of producers to irrigate their crops is at risk.

Water users irrigating with wells, even of shallower depth, live with uncertainty about future well production. In the near term, output from wells in the Odessa Subarea will continue to decrease. As of 2024, ongoing well monitoring efforts indicate that some monitored wells have reached static levels that are not economically feasible to maintain. More readily observed, however, is that the inability to access groundwater, particularly in the latter portion of the growing season due to groundwater level decline, is causing irrigators to shift their cropping patterns. As of



2015, the region was and continues to be one of the most concentrated potato growing areas in the Pacific Northwest and generates more than \$119 million from the sale of over 934,000 tons of potatoes, which is then converted into over \$367 million in potato products. The export of those resulting potato products brings in money that is shown to ripple throughout the region, bringing an additional 56 cents of local economic activity for every dollar.⁴ Inability to access water would, therefore, be consequential to the area's economic vitality.

The Secretary of Interior approved a plan of development of the CBP in 1945 that anticipated that this development would occur in phases over a 70-year period. In the 1960s and 1970s, Ecology issued temporary permits to the groundwater irrigators in the Odessa Subarea assuming development of the CBP would continue as anticipated under the 1945 plan 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 advocated that Reclamation investigate providing CBP water to groundwater irrigators to help reduce demands on the aquifer.

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 was, "...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 was 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.

Reclamation and Ecology completed the FEIS in 2012. The 2013 amended ROD documents Reclamation's selection of Alternative 4A (2012), identified in the FEIS, for implementation. The regional director for the Reclamation Pacific Northwest Region is the Responsible Federal Official for the decision issued in that ROD.

SELECTED ALTERNATIVE

Alternative 4A will provide CBP surface water to approximately 70,000 acres of lands north and south of I-90. Surface water for the Selected Alternative will be supplied through diversion from the Columbia River using Reclamation's existing water rights for the CBP and using storage in Banks Lake. The total annual volume of water newly diverted from the Columbia River under Alternative 4A 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 will be

⁴ Nadreau T.P. and Fortenbery T. R. (2020). "Odessa Sub-area Potato Production & Processing Impacts Under an Irrigation-Water Shortage," Western Economics Forum, Western Agricultural Economics Association, vol. 18(2), December.



issued and the wells currently used for irrigation will be placed in standby status, remaining available for emergency use.

Alternative 4A includes a provision allowing some groundwater irrigators in areas distant from the East Low Canal to move their farming operations to previously disturbed lands which are closer to the canal so surface water could be delivered. Relocation will require an acre-per-acre exchange (one acre of currently groundwater-irrigated land to be retired for each acre of relocated CBP surface water-irrigated land). The superseding water right will reflect the relocation of the place of use. For Alternative 4A (2024), some project elements have been partially or fully completed since the issuance of the amended ROD in 2013. In addition, advances in engineering and technology rendered some project elements analyzed in Alternative 4A as no longer being needed. A full description of the NRCS-WA proposed action, Alternative 4A (2024), is contained in Appendix A of this ROD.

ALTERNATIVES CONSIDERED

The FEIS considered a No Action Alternative and six action alternatives intended to meet the purpose and need of the proposed action. For all action alternatives in the FEIS, the agencies proposed to replace groundwater used for irrigation in the Odessa Subarea (also referred to as the Study Area) with surface water by constructing or modifying distribution systems and appurtenant structures. The six action alternatives⁵ advanced for detailed study in the FEIS fell into three categories:

- Two partial-replacement alternatives (2A and 2B) that would replace groundwater supplies south of 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.
- 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. Alternative 4A was selected as the Preferred Alternative in the FEIS and is described above in the Selected Alternative section of this ROD.

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.

⁵ A thorough description of each alternative can be found in the 2012 FEIS and 2013 amended ROD; both are available at <https://www.ogwrp-programs.org/watershed-plan>.



Two diversion scenarios were evaluated for each of the action alternatives in the FEIS. The scenarios, Spring Diversion and Limited Spring Diversion, differed on the timing of water diversion from the Columbia River.

Other action alternatives not chosen as the Preferred Alternative in the FEIS are described below.

Partial-Replacement Action Alternatives (Alternatives 2A and 2B)

The two partial-replacement alternatives, Alternatives 2A: Partial-Banks and 2B: Partial-Banks + Franklin Delano Roosevelt Lake (FDR), would provide CBP surface water to replace existing groundwater supply on approximately 57,000 acres in the Study Area primarily 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 would also be served in these alternatives.

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.

Modified Partial-Replacement Action Alternative 4B

Alternative 4B: Modified Partial-Banks + FDR would provide CBP surface water to approximately 70,000 acres of lands north and south of I-90. The average volume of water diverted from the Columbia River under this modified partial-replacement alternative is estimated at 164,000 acre-feet. This alternative includes the same provision as Alternative 4A for allowing some groundwater irrigators in areas distant from the East Low Canal to relocate farming operations to previously disturbed lands which are closer to the canal so surface water could be delivered.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Modified Partial-Replacement Action Alternative 4A

CEQ regulations require the ROD to identify one or more environmentally preferable alternatives (40 CFR § 1505.2). 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 FEIS 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 FEIS, Reclamation reaffirmed in its 2013 amended ROD that Alternative 4A (2012) with the revised Limited Spring Diversion Scenario was environmentally preferable.

NRCS-WA concurs with the decision made by Reclamation in the FEIS and amended ROD that Alternative 4A with the revised Limited Spring Diversion Scenario as envisioned in 2024 is



environmentally preferable. Alternative 4A (2024) provides more benefits to the Odessa Subarea aquifer with less overall impact on other environmental resources as compared to the partial- and full-replacement alternatives. By selecting the environmentally preferable alternative described in the FEIS, NRCS-WA is ensuring that USDA efforts within the Odessa Subarea will continue to promote a technically, economically, and logistically feasible alternative that will also comply with regulatory mandates and authorities.

SUMMARY OF EXPECTED EFFECTS

Environmental Effects

For its action, NRCS-WA determined that the FEIS analyses of environmental effects were comprehensive and did not require supplementing. As discussed in the FEIS, many adverse effects associated with Alternative 4A (2012) 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 native plant communities; wildlife and wildlife habitat including intact shrub-steppe habitat and special status species; anadromous fish species and habitat in the Columbia River (including essential fish habitat); fisheries and aquatic resources in Banks Lake; land use and shoreline resources; recreation at Banks Lake, including boating access, fishing, swimming, and upland activities; energy, particularly energy reserves, reliability, and diurnal load-shifting capabilities at John W. Keys III Pump Generating Plant; and cultural and historic resources (Table 1).

The primary benefits of implementing Alternative 4A (2012) are conserving groundwater, slowing the 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 (Table 1).

Table 1. Summary of impacts to resources and elements of the human environment from Alternative 4A (2012).^{a, b}

| Resource | No Impact or Minimal Impact | Adverse Impact – Not Significant | Adverse Impact – Significant | Beneficial Impact |
|------------------------|-----------------------------|----------------------------------|------------------------------|-------------------|
| Surface Water Quantity | X | - | - | - |
| Groundwater Resources | - | - | - | X |
| Water Quality | X | - | - | - |
| Water Rights | X | - | - | - |
| Geology | X | - | - | - |
| Soils | - | X ^c | - | - |
| Vegetation | - | X | - | - |



| Resource | No Impact or Minimal Impact | Adverse Impact – Not Significant | Adverse Impact – Significant | Beneficial Impact |
|-------------------------------------|-----------------------------|----------------------------------|------------------------------|-------------------|
| Wetlands | X | - | - | - |
| Wildlife and Wildlife Habitat | - | - | X | - |
| Fisheries and Aquatic Resources | - | X | - | - |
| Threatened and Endangered Species | - | X ^d | - | - |
| Air Quality | X | - | - | - |
| Land Use and Shoreline Resources | - | X | - | - |
| Recreation | - | X | - | - |
| Irrigated Agriculture | - | - | - | X |
| Socioeconomics | - | - | - | X |
| Transportation | X | - | - | - |
| Energy | - | - | X | - |
| Public Services and Utilities | X | - | - | - |
| Noise | X | - | - | - |
| Public Health (Hazardous Materials) | X | - | - | - |
| Visual Resources | - | X | - | - |
| Cultural and Historic Resources | - | X | - | - |
| Indian Sacred Sites | - | X ^e | - | - |
| Indian Trust Assets | X | - | - | - |
| Environmental Justice | X | - | - | - |

^a Except where noted in footnotes below, this table is a summary of Table 2-15 of the FEIS. While the FEIS analyzed multiple subtopics under each environmental resource, this table in the ROD provides a high-level summary of the highest level of impact to any subtopic of a particular environmental resource. For illustrative purposes, within wildlife and wildlife habitat, Alternative 4A (2012) under both diversion scenarios was found to have “no impact to minimal impact for barriers to unrestricted movement by wildlife” but to have “significant impact to multiple special status species, including migratory birds.” Therefore, impacts to wildlife and habitat from Alternative 4A (2012) are shown as significant in the ROD table. Please see Table 2-15 of the FEIS for full details.

^b All impacts include implementation of regulatory requirements, best management practices, mitigation measures, and, if feasible, avoidance. Minimal impacts are those where the resource is influenced negatively, but to a barely measurable degree. Adverse impacts are those that negatively affect the resource more than minimally but do not meet the significance criteria identified in the Impact Indicators and Significance Criteria tables developed for each environmental topic in the FEIS. Significant impacts are those that exceed one of the significance criteria identified in the Impact Indicators and Significance Criteria table.



^c In the 2013 amended ROD, Reclamation includes soils as a resource that would experience unavoidable adverse impacts under Alternative 4A (2012). This is due to short-term impacts related to clearing and farmland taken out of production during construction, as well as permanent impacts to 469 acres of soil susceptible to wind or water erosion and 160 acres of agriculturally productive land permanently lost (see Section 4.7.7 in the FEIS). Table 2-15 of the FEIS only includes a summary of soil impacts as related to the Farmland Protection Policy Act significance criteria, for which there was no impact. Table 1 in this ROD reflects the more detailed analysis in the FEIS and the 2013 amended ROD.

^d Reclamation, in its October 2012 Biological Assessment prepared for the National Marine Fisheries Service (NMFS), made effects determinations for 13 ESA-listed salmon and steelhead species. For 12 species, the effect determination was “may affect, not likely to adversely affect,” and for one species (Columbia River chum salmon) the effect determination was “may affect, likely to adversely affect.” NMFS disagreed with Reclamation’s effect determination for all but Columbia River chum salmon and determined the proposed action “may affect, and would likely adversely affect” all 13 salmon and steelhead species. NMFS did note the proposed action would not likely jeopardize the continued existence of these 13 species or destroy or adversely modify their designated critical habitat.

^e Impacts are not yet quantified but are presumed to be adverse if sacred sites are found during preconstruction surveys and cannot be avoided.

Environmental Commitments

Reclamation committed to implement a number of mitigation measures and best management practices involving avoidance, minimization, reduction, compensation, and/or monitoring for Alternative 4A (2012). These commitments will be included within an array of plans, agreements, and contracts where they are appropriate to implement Alternative 4A (2012). Together, best management practices and the identified mitigation measures represent Reclamation’s commitment to all practicable means to avoid or minimize environmental harm for the Selected Alternative 4A (2012). By adopting the FEIS, NRCS-WA also commits to adoption of the same best management practices and mitigation measures for Alternative 4A (2024).

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

The following mitigation commitments are outlined in the Reclamation Biological Assessment of Effects to Threatened Species and Critical Habitat from Implementation of the Modified Partial Groundwater Irrigation Replacement Alternative (Alternative 4A) prepared for the U.S. Fish and Wildlife Service (USFWS),⁶ in the FEIS Appendix D (Reclamation’s Responses to Recommendations in the Odessa Subarea Special Study Final Fish and Wildlife Coordination Act Report), and in the FEIS Appendix C (Memorandum of Understanding No. R12MA13718). These mitigation commitments are adopted by NRCS-WA for implementation of Alternative 4A (2024).

⁶ U.S. Bureau of Reclamation). 2012. Biological Assessment of Effects to Threatened Species and Critical Habitat from Implementation of the Modified Partial Groundwater Irrigation Placement Alternative (Alternative 4A) – Odessa Subarea Special Study, Columbia Basin Project, Washington. Prepared for U.S. Fish and Wildlife Service Washington Fish and Wildlife Office, Central Washington Field Office, 215 Melody Lane #103, Wenatchee, WA 98801.



Reclamation and NRCS-WA 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, Reclamation and Ecology will determine, in consultation with the Washington Department of Fish and Wildlife (WDFW) and USFWS, if terrestrial, plant, and fisheries surveys will need to be conducted along proposed alignments for pipelines, facilities, roads, and distribution and transmission lines. NRCS-WA is also responsible for ensuring the completion of this consultation.
2. Hold preconstruction meetings with all contractors to ensure that there is a 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 East Low Canal 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 and communicate flow management with the Columbia National Wildlife Refuge to the extent possible.
9. Incorporate information from the report *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. Continue to monitor daily flows out of Grand Coulee Dam, the net amount of water pumped from the Columbia River to Lake Roosevelt, and the elevation of Banks Lake. Provide to NMFS a yearly annual record of the last complete water year's operations, including end-of-month elevations of Banks Lake and the net diversions from Lake Roosevelt. As new phases of the proposed action are complete and operational, provide to NMFS notice of the anticipated change in diversion requirements resulting from that phase of the proposed action.
11. Prior to construction of a given feature, conduct an intensive cultural resources survey of the Area of Potential Effects 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—eligible archaeological, historic, 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 will 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.

12. Reduce soil compaction by methods such as ripping prior to reseeding following construction, as necessary.
13. Replant soils disturbed during construction as soon as construction activities have ended in a particular area.
14. Reestablish native species on disturbed areas that supported native vegetation before disturbance.
15. Minimize acquisition of agricultural land by reducing the proposed width of facilities or realigning the improvements where feasible.
16. 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.
17. Restore areas of degraded shrub-steppe habitat and reestablish disturbed sites that formerly supported shrub-steppe habitat types, as feasible.
18. Restore vegetation types disturbed during pipeline construction with in-kind vegetation types.
19. Adjust facility alignments to avoid displacement of residences to the extent feasible.
20. Adjust facility alignments and sites to avoid or minimize long-term disruption of adjacent irrigation systems to the extent feasible.
21. Ensure that designs accommodate existing agricultural uses within easement or acquisition areas to the extent possible.
22. 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.
23. Designate new swimming areas near affected recreation sites to reduce the loss of organized, protected swimming opportunities.



COORDINATION AND CONSULTATION

The adopted FEIS describes the consideration of and compliance with a number of environmental laws and executive orders including NEPA, Fish and Wildlife Coordination Act, Clean Water Act, Clean Air Act, Endangered Species Act (ESA), Land and Water Conservation Fund Act, Farmland Protection Policy Act, National Historic Preservation Act (NHPA), Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), Executive Order 11593 (Protection of the Cultural Environment), Executive Order 13186 (Migratory Birds), and Executive Order 12898 (Environmental Justice in Minority and Low-income Populations).

As part of the FEIS adoption process and as required by the National Environmental Compliance Handbook (7 CFR § 610.134), NRCS-WA completed a NEPA Supplementation Review and Documentation Checklist. The results of this effort indicated that the 2012 FEIS adequately analyzes the environmental effects related to declining groundwater supply in the Odessa Subarea given present day conditions, per 24 CFR § 58.52 (2023). As such, the FEIS is still in compliance with all applicable laws and executive orders.

The assessment conducted to complete the checklist indicated most environmental and social conditions in the Study Area have not changed, nor have project conditions significantly changed based on design, engineering, and implementation to date. The following is a summary of new information obtained since 2012.

National Historic Preservation Act

The adoption of the FEIS and implementation of Alternative 4A (2024) will not increase the potential for effects on historic properties listed in or eligible for listing in the National Register of Historic Places. New information in the form of cultural resource surveys has been obtained, however, and is summarized below.

Since the 2013 amended ROD, ECBID and Reclamation have moved forward with engineering and designs of several delivery systems (EL 22.1, EL 80.6, EL 84.7, and EL 86.4)⁷ and completed one system (EL 47.5) associated with Alternative 4A. Cultural resource surveys are currently underway for EL 11.8, EL 22.1, EL 80.6, EL 84.7, and EL 86.4. Findings for these surveys will be incorporated into the Pub. L. 83-566 watershed planning process. Because engineering and design have not begun for EL 40.2, EL 54.0, or EL 73.3, cultural resource work has not occurred.

Endangered Species Act

Because the Study Area is the same and the project elements associated with Alternative 4A (2024) are similar in type and similar or less in magnitude than those analyzed for Alternative 4A (2012), Alternative 4A (2024) does not add additional effects to ESA-listed species or to critical

⁷ EL 11.8 is a distribution system that is currently included in the Odessa Groundwater Replacement Program that ECBID and Reclamation are implementing. The distribution system is under engineering design. The lands that the distribution system serves were analyzed in the FEIS; however, the lands that the distribution system is planned to cross were not analyzed in the FEIS. The unanalyzed lands and proposed actions of the EL 11.8 distribution system will be considered in future planning efforts by NRCS.

habitat that was analyzed at the time of the 2012 FEIS including the biological assessments and their respective Letter of Concurrence and Biological Opinion (BiOp). The BiOp remains valid for the proposed action, and the terms and conditions of the BiOp will be implemented.

Since the 2012 FEIS, two additional terrestrial species under the jurisdiction of USFWS were listed under the ESA. In 2014, yellow-billed cuckoo (*Coccyzus americanus*) was ESA-listed as threatened by USFWS. A review conducted on March 16, 2023, of the USFWS Information for Planning and Consultation (IPaC) database identified yellow-billed cuckoo as being potentially present in the action area⁸ of the proposed action. However, yellow-billed cuckoo sightings in the state are extremely rare with only a handful of observations made since the early 1900s.⁹ A yellow-billed cuckoo was found dead on a sidewalk in Moses Lake Washington in 1999 approximately 3 miles west of the study area; however, the origin of the specimen was unable to be determined.¹⁰ The closest observation of a living specimen relative to the project action area is more than 65 miles. The 2012 FEIS identified some marginally suitable habitat along Banks Lake, and while this habitat may include vegetation preferred by yellow-billed cuckoo, these forested riparian areas are extremely fragmented and significantly smaller in area than those preferred by yellow-billed cuckoo. For these reasons, no direct or indirect short-term or long-term effects to yellow-billed cuckoo are expected to occur because riparian habitat is not expected to be affected by construction activities.

On May 23, 2013, White Bluffs bladderpod (*Physaria douglasii ssp. tuplashensis*) was ESA-listed as threatened by USFWS. Based on a review of the USFWS IPaC database on March 16, 2023, White Bluffs bladderpod is not present in the action area of Alternative 4A (2024). However, based on initial coordination with USFWS in the spring of 2023, USFWS indicated a White Bluffs bladderpod population and critical habitat occurs along the bluffs above the north side of the Columbia River more than 20 miles southwest of the study area. NRCS, in partnership with the Columbia Basin Conservation District, commissioned a hydrologic and hydrogeologic study in the summer of 2023. The study found that based on horizontal distance, groundwater flow, underlying geology, and topography characteristics, the proposed action under Alternative 4A (2024) would have no direct or indirect short-term or long-term impacts to White Bluffs bladderpod or its designated critical habitat.

NRCS completed a no effect document that analyzed the potential impacts of Alternative 4A (2024) to yellow-billed cuckoo and to White Bluffs bladderpod. The document outlines the rationale that Alternative 4A (2024) would have no effect on these species or their related designated critical habitats.

NRCS-WA was added as a late-arriving action agency to the National Marine Fisheries Service (NMFS) 2013 BiOp issued for Alternative 4A (2012), and the 2013 BiOp remains valid for

⁸ This refers to the action area as described in the Reclamation 2012 Biological Assessment.

⁹ eBird. 2023. eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, New York. Available: <http://www.ebird.org>. Accessed November 2023.

¹⁰ Washington State Department of Fish and Wildlife. 2023. PHS on the Web: An interactive map of WDFW priority habitats and species information for project review. Accessed June 2023. <http://apps.wdfw.wa.gov/phsontheweb/>.



Alternative 4A (2024). NRCS-WA is jointly responsible for the terms and conditions outlined in the associated take permit.

Environmental Justice in Minority and Low-Income Populations

The 2012 FEIS relied on 2010 U.S. Census data to assess the presence of minority and low-income populations for the purpose of environmental justice analysis and found that there will be no short- or long-term disproportionately high or adverse impacts to environmental justice populations. As part of the NEPA Supplementation Review and Documentation Checklist completed by NRCS-WA for adoption of the 2012 FEIS, an assessment was conducted using 2020 U.S. Census data to determine if the environmental justice conditions are substantially the same with respect to the potential for adverse impacts.

Because the 2020 data show three of the counties include Hispanic or Latino populations considered to be environmental justice populations, this affected environment condition is substantially the same as described in 2010. In 2020, all four counties within the Study Area have a lower median family income and lower per capita income than the state as a whole. In addition, the percentages of families and individuals living below the poverty level are significantly higher in Adams and Franklin counties than in the state. In the 2010 data, the percentage of families and individuals living below the poverty level was also significantly higher in Grant County than in the state. Because there are still two counties with low-income populations considered to be environmental justice populations, this affected environment condition is substantially the same as described in the 2012 FEIS. Therefore, Alternative 4A (2024) will not increase the potential for disproportionately high and adverse effects on low-income or minority populations.

Climate Change

Climate change was considered in the FEIS for Alternative 4A (2012). The FEIS used climate change and hydrology datasets that were developed and coordinated through the River Management Joint Operating Committee (RMJOC) and adopted by the Bonneville Power Administration (BPA), U.S. Army Corps of Engineers, and Reclamation.¹¹ These datasets were used to conduct climate change simulations along with the current global climate circulation models that were available at the time and as directed by RMJOC. As identified in Section 4.26 of the FEIS, a range of future climate conditions for two future periods (2010 to 2039 and 2030 to 2059) were evaluated relative to a simulated historical period from 1950 to 1999 in the RMJOC study. These future periods were “centered around” the 2020s and 2040s, respectively, and were referred to as such in the FEIS. To develop updated hydrology datasets for the Odessa Subarea study, the 2040s dataset was selected as well as three ranges of temperature and precipitation, and the results were fed into the BPA reservoir simulation model, HYDSIM. The

¹¹ U.S. Bureau of Reclamation, U.S. Army Corps of Engineers and Bonneville Power Administration, 2010. Climate and Hydrology Datasets for Use in the RMJOC Agencies’ Longer-Term Planning Studies: Part I – Future Climate and Hydrology Datasets. <https://www.usbr.gov/pn/climate/planning/reports/part1.pdf>

resulting hydrology datasets from the HYDSIM model were evaluated for three locations along the Columbia River including the Priest Rapids, McNary, and Bonneville dams.

Compared to ESA flow objectives at the time of developing the 2012 FEIS, the updated analysis suggests that Columbia River flows will be higher in the winter and early spring and lower in the late summer. Additionally, higher winter flows resulted in higher spring outflow and higher reservoir elevations compared to historical operations.¹² According to the FEIS, the results from the HYDSIM model are consistent with the Pacific Northwest trends identified in the RMJOC study¹¹ which indicates more available water in the winter months and less available water in the late spring and summer months because of climate change.

A two-part, second edition study (RMJOC-II) was finalized in 2018¹³ and 2020.¹⁴ In this study, the ranges of future climate conditions were updated to a 2030s period (2020 to 2049) and a 2070s period (2060 to 2089), and the simulated historical period was updated to encompass water years 1976 to 2005. To the knowledge of NRCS, studies have not been completed to apply the results of the RMJOC-II to the Odessa Subarea as was done in the FEIS. However, the RMJOC-II indicates that, in general, spring snowmelt runoff will shift earlier, summer flows will be lower, and winter precipitation will see increased rainfall and less snow accumulation. Alternative 4A (2012) includes the parameters that new diversions from Lake Roosevelt to Banks Lake may occur at a rate of 2,700 cubic feet per second (cfs) in October. If additional diversions are needed for storage, diversions may occur at a rate of 350 cfs from November through March. Diversions in the spring (April through June) are limited to direct delivery to the Odessa Subarea Special Study area during periods when the Columbia River streamflow exceeds 200,000 cfs immediately downstream of the Grand Coulee Dam and when there is adequate pumping capacity to pump water from Lake Roosevelt to Banks Lake. Diversion parameters have not changed for Alternative 4A (2024). The RMJOC-II study suggests that earlier runoff could lead to higher elevations of Lake Roosevelt during April and May. Together, these data indicate that water delivery and meeting Banks Lake storage demands to implement Alternative 4A (2024) may become more reliable.

Government-to-Government Engagement

In an effort to facilitate early and meaningful government-to-government engagement with tribes that may be interested in the NRCS-WA adoption of the Reclamation and Ecology 2012 FEIS, NRCS-WA initiated collaboration in September 2023 with the four Columbia Plateau Treaty Tribes (the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama

¹² Note that the study did not account for changes to evaporation, irrigation demand, cropping patterns, evapotranspiration, or return flows in the Columbia Basin. The study focused on the changes to water supply and its impact on reservoir operations.

¹³ U.S. Bureau of Reclamation, U.S. Army Corps of Engineers and Bonneville Power Administration, 2018. Climate and Hydrology Datasets for RMJOC Longer-Term Planning Studies: Second Edition RMJOC-II: Part I: Hydroclimate Projections and Analyses. <https://usace.contentdm.oclc.org/digital/collection/p266001coll1/id/9938/>

¹⁴ U.S. Bureau of Reclamation, U.S. Army Corps of Engineers and Bonneville Power Administration, 2020. Climate and Hydrology Datasets for RMJOC Longer-Term Planning Studies: Second Edition RMJOC-II: Part II: Columbia River Reservoir Regulation and Operations – Modeling and Analyses. <https://usace.contentdm.oclc.org/digital/collection/p266001coll1/id/9936/>



Nation). Two other Tribes that had been engaged during the 2012 FEIS (Spokane Tribe of Indians and the Confederated Tribes of the Colville Reservation) were contacted in October 2023. NRCS-WA also contacted the Columbia River Inter-Tribal Fish Commission at the request of the Confederated Tribes and Bands of the Yakama Nation and representatives from the Confederated Tribes of the Colville Reservation. The Confederated Tribes and Bands of the Yakama Nation submitted comments during the 2023 public review and comment period (see the Public Involvement section below regarding the substance of comments received).

PUBLIC INVOLVEMENT

2012 Final Environmental Impact Statement

Reclamation and Ecology prepared the 2012 FEIS to satisfy the requirements of both NEPA and the State Environmental Protection Act. Reclamation conducted an extensive public outreach effort that began with a published Notice of Intent to Prepare an EIS and to Conduct Public Scoping Meetings in the Federal Register on August 21, 2008 (73 FR § 49487). Two public scoping meetings were held in September 2008, and approximately 65 collaborative meetings were held with interested parties throughout the course of the Odessa Subarea Special Study and EIS development.

In October 2010, the Draft EIS was published and distributed. That 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 FEIS, Reclamation and Ecology responded to the more than 1,000 comments that were received from the public, various agencies, local governments, and tribes. Comments raised during the Draft EIS and FEIS public comment periods fell into the following general areas of concern:

- Columbia River Treaty
- Tiered Review Process
- Climate Change
- Columbia River Downstream (fisheries, flows, water quality)
- Economic Analysis Guidance (cost/benefit)
- Proposed Rocky Coulee Reservoir
- Groundwater Replacement
- Power Generation and Revenue
- Cultural Resources
- Water Rights



2024 NRCS Adoption of the 2012 Final Environmental Impact Statement

EPA published its NOA of the recirculated FEIS in the Federal Register on November 3, 2023 (EIS No. 20230153, 88 FR § 75589) for 39 days. Simultaneously, NRCS-WA published its NOI to adopt the FEIS and the materials for public review on the project's website at <https://www.ogwrp-programs.org/watershed-plan>. Announcements of the review period were published on the NRCS-WA website, the ECBID website, and three times over the review period in five local and regional news outlets. Postcards were also sent to ECBID patrons notifying them of the review period. Forty-one comments were received in response to the public notice. Thirty-eight comments were in support of NRCS-WA adopting the FEIS. Supportive comments were received from a variety of stakeholders including private citizens, Washington State Legislators, Ecology, local and county government representatives, and agriculture interests. Comments expressing concern were received from the Confederated Tribes of the Colville Reservation (two separate comments) and the Confederated Tribes and Bands of the Yakama Nation.

In their response to comments dated December 4, 2023, regarding adoption of the 2012 FEIS by NRCS-WA, the Confederated Tribes of the Colville Reservation expressed the Tribes' desire for continued collaboration with NRCS-WA to address cultural resources that may be affected by implementation of Alternative 4A. They also requested assurances that funded projects approved by this ROD are consistent with those outlined in the 2013 amended ROD and that there would be no additional water impacts or withdrawals beyond those identified in the 2012 FEIS.

The Confederated Tribes and Bands of the Yakama Nation reiterated comments they submitted during the 2012 FEIS planning process. Those comments pertain to fishing rights and impacts to Columbia River instream flows, including potential impacts to potential impairment of Treaty instream flow water rights. The Confederated Tribes and Bands of the Yakama Nation believe these issues were not adequately addressed in the 2012 FEIS.

In response to the comment letters from the Confederated Tribes of the Colville Reservation and Confederated Tribes and Bands of the Yakama Nation, NRCS-WA initiated informal meetings with both tribal entities to further collaboration regarding cultural resource and other concerns. As part of the 2012 FEIS adoption and with issuance of this ROD, NRCS-WA commits to continued collaboration with the Confederated Tribes of the Colville Reservation, Confederated Tribes and Bands of the Yakama Nation, other area tribes, and other interested parties regarding implementation of Alternative 4A (2024) and related cultural resource concerns.

The comments received in 2023 were evaluated, and it was determined that no substantive changes to the FEIS or this ROD were necessary based on the comments received. All who commented on the NOI/NOA will be notified of the NRCS-WA decision and availability of this ROD.

For a table of all comments received and the NRCS-WA responses to them, refer to Appendix B.

AUTHORIZING SIGNATURE

NRCS has reviewed the information and analyses contained in the Reclamation FEIS regarding the potential environmental effects of replacing irrigated groundwater with surface water in the



Odessa Subarea Special Study area. All applicable laws, Executive Orders, regulations, and local government plans were considered in the evaluation of the alternatives. Based on my consideration of this information, I agree with the conclusions presented in the Reclamation FEIS (Odessa Subarea Special Study [2012]) and find that this project is environmentally acceptable. Accordingly, based on that review and evaluation of public comments received then and since, NRCS-WA adopts the findings and conclusions of the Odessa Subarea Special Study FEIS and will assist, as defined in the NRCS-WA NOI, this ROD, and to the extent NRCS-authorized funds and other resources allow, with complementary project implementation of the Odessa Subarea Special Study.

This ROD was prepared in accordance with (1) NEPA, (2) CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR § 1500–1508) and (3) NRCS Regulations Implementing NEPA (7 CFR § 650).

Approving Official:

Roylene Comes At Night, Washington State Conservationist
USDA Natural Resources Conservation Service

Date: 5/22/2024



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Appendix A. Proposed Action Project Measures

Since the issuance of the FEIS and the subsequent amended ROD issued by Reclamation in April 2013, ECBID and Reclamation have made progress implementing Alternative 4A (2012). ECBID has partially or fully constructed some project elements of Alternative 4A (2012) as described in the FEIS. However, engineering design and available technology has progressed, and some project elements—such as relift pumping plants and regulating tanks analyzed in Alternative 4A (2012)—are no longer needed. Project elements related to the Alternative 4A (2012) and their respective statuses are summarized below.



STATUS OF ALTERNATIVE 4A PROJECT MEASURES

Conveyance From Banks Lake to Diversions

Table A-1. Elements to Convey Water From Banks Lake to Diversions.

| Project Element | Status | Notes |
|--|---------------------|---|
| Enlarge 43.3 miles of the East Low Canal south of I-90 | Completed | ECBID completed canal widening projects in 2019. |
| Add second barrel to all five existing siphons | Completed | All second barrels were added to the existing five siphons by 2020. |
| Bridge replacement | Partially Completed | ECBID has addressed capacity restrictions for two bridges that cross the East Low Canal. An additional eight bridges need to be replaced or removed to alleviate capacity restrictions that could affect deliveries. Bridge replacement will occur outside of Pub. L. 83-566 funding and will not be an NRCS undertaking. |
| Radial gates and hoists | Partially Completed | Five of seven radial gates and hoists have been installed. Installation for the two remaining radial gates and hoists will be completed in the winter of 2023–2024. |



Pressurized Pipeline Distribution Systems

The FEIS Alternative 4A described eight distribution systems. Since the FEIS was completed, engineering for four distribution systems (three pump-pressurized, one gravity-pressurized) are in progress and one of the eight has been completed.

Table A-2. Elements to Construct Pressurized Pipeline Distribution Systems – Canal-Side Pumping Plants and Buried Pressurized Pipeline Systems North and South of I-90.

| Project Element | Status | Notes |
|-----------------|--------------------|---|
| EL 22.1 | Under Design | <ul style="list-style-type: none"> • 90% engineering designs are in progress. • Cultural resource surveys are in progress. • Prior to implementation, NRCS and Reclamation will conduct environmental evaluations to determine the level of site-specific NEPA analysis that needs to occur. |
| EL 40.2 | Design Not Started | -- |
| EL 54 | Design Not Started | -- |
| EL73.3 | Design Not Started | -- |
| EL 80.6 | Under Design | <ul style="list-style-type: none"> • 60% engineering designs are in progress. • Cultural resource surveys are in progress. • Prior to implementation, NRCS and Reclamation will conduct environmental evaluations to determine the level of site-specific NEPA analysis that needs to occur. |
| EL 84.7 | Under Design | <ul style="list-style-type: none"> • 60% engineering designs are in review. • Cultural resource surveys are in progress. • Prior to implementation, NRCS and Reclamation will conduct environmental evaluations to determine the level of site-specific NEPA analysis that needs to occur. |



| Project Element | Status | Notes |
|-----------------|--------------|---|
| EL 86.4 | Under Design | <ul style="list-style-type: none"> • 90% engineering designs are in progress. • Easement acquisition process is in progress. • Environmental compliance report is in progress. • Cultural resource consultation is complete. • Prior to implementation, NRCS and Reclamation will conduct environmental evaluations to determine the level of site specific NEPA analysis that needs to occur. |
| EL 47.5 | Complete | In 2020, ECBID completed construction of one distribution system (EL 47.5) which consists of a canal-side pumping plant and 8.9 miles of pipeline to serve up to 10,500 acres. The system delivers up to 140 cfs. |

Note: EL 11.8 is a distribution system that is currently included in the Odessa Groundwater Replacement Program that ECBID and Reclamation are implementing. The distribution system is under engineering design. The lands that the distribution system serves were analyzed in the FEIS; however, the lands that the distribution system is planned to cross were not analyzed in the FEIS. The unanalyzed lands and proposed actions of the EL 11.8 distribution system will be considered in future planning efforts by NRCS.

Table A-3. Elements to Construct Pressurized Pipeline Distribution Systems – Specific Project Elements Associated with the Construction of the Distribution Systems.

| Project Element | Status | Notes |
|-----------------------|---|--|
| Relift pumping plants | No longer needed under current conditions | Under the current designs, relift pumping plants are not needed. Constructing slightly larger canal-side pumping plants is more cost-effective than extending transmission lines to relift pump plants while improving delivery efficiency and reducing the opportunities for operational or electrical failures. The effects of these design changes do not have any impact on the environmental conditions considered in the FEIS. |



| Project Element | Status | Notes |
|---|---|---|
| Regulating tanks | No longer needed under current conditions | Under the current designs, regulating tanks are not needed. Variable frequency drive (VFD) pumps are being used in conjunction with conventional pumps. VFDs are more energy efficient and operate over a range of flows; this eliminates the need for regulating tanks by matching system supply and demand. Transient pressure waves within the pipelines would be mitigated by pressurized tanks near the canal-side pumps, valves, and other mitigation measures. |
| Metering and equipment stations along pipelines and at farm delivery points | Under Design | Included in engineering design considerations. |
| Electric transmission lines | Partially Completed | 150 miles of electric transmission lines are needed to complete the project. |
| Additional easement width along the constructed portion of the Weber Wasteway | Unchanged | The existing Weber Wasteway easement varies, but it averages 250 feet (125 feet on each side of the channel). Additional easement acquisition would occur (175 feet on each side of the channel) to bring the total easement width to 600 feet. |



Appendix B. Public Comments and Responses

NRCS-WA solicited public input about its intent to adopt Reclamation and Ecology's 2012 FEIS. The public had an opportunity to review the FEIS and provide comments for consideration by NRCS-WA. All comments received and the NRCS-WA responses are tabulated below.



United States Department of Agriculture

| Comment ID | Comment | NRCS-WA Response |
|------------|--|------------------------------------|
| 1-17 | <p>I support NRCS adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. Measures to address groundwater depletion in the Odessa Subarea and to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses is critically important to the region, the state, and the nation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed.</p> | <p>Thank you for your comment.</p> |



United States Department of Agriculture

| Comment ID | Comment | NRCS-WA Response |
|------------|--|-----------------------------|
| 18 | <p>As a Grant County Commissioner representing District 1 (I believe my fellow commissioners feel the same, but I cannot speak on their behalf), I support NRCS adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. This is sure to be a measure that will help us address groundwater depletion in the Odessa Subarea and to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses into the future. The adoption of the FEIS by NRCS, I believe, will assist in expediting this ground water replacement project that should not be delayed.</p> | Thank you for your comment. |
| 19 | <p>On behalf of the Washington State Potato Commission, please accept this letter of support for the NRCS adoption of Reclamation’s FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. Measures to address groundwater depletion in the Odessa Subarea and to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses are critically important to the region, the state, and the nation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed.</p> | Thank you for your comment. |



United States Department of Agriculture

| Comment ID | Comment | NRCS-WA Response |
|------------|---|------------------------------------|
| 20 | <p>As a member of the Grant County EDC and council member of the City of Ephrata, I strongly support the adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. Groundwater depletion in the Odessa Subarea is a major concern and I want to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses is critically important to the region, the state, and the nation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed.</p> | <p>Thank you for your comment.</p> |
| 21 | <p>As a farm stakeholder of a century old farm in Adams County, WA, I support NRCS's adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. Measures to address groundwater depletion in the Odessa Subarea and to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses is critically important to the region, the state, and the nation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed.</p> | <p>Thank you for your comment.</p> |



United States Department of Agriculture

| Comment ID | Comment | NRCS-WA Response |
|------------|--|-----------------------------|
| 22 | <p>BBEC supports the NRCS adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. Measures to address groundwater depletion in the Odessa Subarea and to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses is critically important to the region, the state, and the nation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed.</p> <p>This Odessa project is very important to not only the livelihood of those living in the area, but also all those that depend on the quality food grown in this area.</p> | Thank you for your comment. |
| 23 | <p>I support NRCS adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed. Ensuring a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses is critically important to those who live and work in the region. Furthermore, ensuring a reliable source of water in this area is critically important to the state and nation since this region is renowned for producing high yielding, high-quality crops and employing thousands in the food processing and manufacturing industries.</p> | Thank you for your comment. |



United States Department of Agriculture

| Comment ID | Comment | NRCS-WA Response |
|------------|--|------------------------------------|
| 24 | <p>We must act quickly to save groundwater resources that are vital for municipal, industrial, and agriculture. It only makes sense from a time standpoint and a cost standpoint to utilize the current EIS for the Odessa program. I support NRCS adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. Measures to address groundwater depletion in the Odessa Subarea and to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses is critically important to the region, the state, and the nation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed.</p> | <p>Thank you for your comment.</p> |
| 25 | <p>J & E Schafer Farms Inc. supports the CBDL's stance. The farmers of our area provide a tremendous amount of revenue to the state's economy. Healthy rural communities are vital to the overall health of the state. Just like massive road projects on the west side, water projects on the east side are critical to the prosperity of the state. Please consider our views as well as those of the CBDL.</p> <p>I support NRCS adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. Measures to address groundwater depletion in the Odessa Subarea and to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses is critically important to the region, the state, and the nation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed.</p> | <p>Thank you for your comment.</p> |



United States Department of Agriculture

| Comment ID | Comment | NRCS-WA Response |
|------------|---|------------------------------------|
| 26 | <p>I support NRCS adoption of Reclamations FEIS for the Odessa Subarea Special Study, identifying Alternative 4A - the Odessa Ground Water Replacement Program - as the preferred alternative for implementation. Measures to address groundwater depletion in the Odessa Subarea and to ensure a reliable source of water for agricultural, domestic, municipal, industrial, and environmental uses is critically important to the region, the state, and the nation. In the interest of economic and environmental benefit as well as national food security, the adoption of the FEIS by NRCS will help expedite a ground water replacement project that must not be delayed. I am from California and visited there last week; the state is in dire condition and food production is leaving that state and looking for acres elsewhere. Washington would be fantastic home for most of those crops, the opportunities are great if we can get the acres into production.</p> | <p>Thank you for your comment.</p> |
| 27 | <p>On behalf of Pants Mountain Properties LLC, Kagele Family Farms LLC, Lewis and Clark Farms Inc., Clark Kagele Farms Inc., and Clark and Charlene Kagele.</p> <p>We support and encourage the NRCS to adopt the 2012 FEIS produced by the Bureau of Reclamation and the Washington State Department of Ecology. The FEIS is a comprehensive and complete document produced by all agencies necessary to complete the needs for the NRCS.</p> <p>Thank you for this opportunity to comment.</p> | <p>Thank you for your comment.</p> |
| 28 | <p>I support NRCS adoption of the FEIS for the Odessa Subarea Special Study. Measures to address groundwater depletion in the Odessa Subarea and to help assist in making more water available in the Odessa Subarea is important for agricultural, domestic, municipal and industrial uses.</p> | <p>Thank you for your comment.</p> |
| 29 | <p>Please adopt the Odessa Subarea Special Study Final Environmental Impact Statement and Record of Decision.</p> | <p>Thank you for your comment.</p> |
| 30 | <p>It is extremely important to recharge the aquifer and develop additional irrigation projects so people in the USA won't go hungry!</p> | <p>Thank you for your comment.</p> |



United States Department of Agriculture

| Comment ID | Comment | NRCS-WA Response |
|------------|--|-----------------------------|
| 31 | Support NRCS proposal as stated! | Thank you for your comment. |
| 32 | This project is one of the most important in Central Washington. Ensuring that our future generations have irrigation water and potable water should be where all of our focus is spent. You have the opportunity to do real, lasting good by getting this project the funding needed to get it to the finish line. I hope that once this project is completed you will then focus on the potable water for Central Washington. Anything I can do to help please contact me. | Thank you for your comment. |
| 33 | We support the NRCS adoption of the FEIS for the OSSS. The decline of the aquifer is a big problem for farms and municipalities in the Columbia Basin. Addressing this issue will greatly impact the economic and environmental viability of this region for generations to come. Water is life! | Thank you for your comment. |



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| 34 | <p>The Columbia Basin Development League (CBDL)--a nonprofit made up of businesses, civic and economic groups, farmers, and individuals who recognize the value of the Columbia Basin Project and the need for infrastructure investment--supports the USDA Natural Resources Conservation Service's (NRCS) adoption of the U.S. Bureau of Reclamations 2012 Odessa Subarea Special Study Final Environmental Impact Statement (FEIS).</p> <p>The Odessa Ground Water Replacement Program (OGWRP) delineated in Alternative 4A of the FEIS, is an aquifer rescue effort to preserve ground water resources for rural domestic and municipal uses while maintaining the irrigated agricultural economy of an entire region. NRCS's adoption of the FEIS is an essential, cost-saving stride in expediting the OGWRP Watershed Plan development, a pivotal element in effectuating the OGWRP.</p> <p>Delaying action on this imperative groundwater replacement initiative poses far-reaching repercussions, imperiling not just the economic stability of multiple communities but also jeopardizing environmental equilibrium and the nation's food security.</p> <p>The Columbia Basin Development League adamantly urges NRCS to proceed promptly with final adoption of the Odessa Subarea FEIS, underscoring a steadfast commitment to preventing an economic and environmental crisis.</p> | Thank you for your comment. |
| 35 | <p>I support NRCS adoption of Reclamation's FEIS for the Odessa Subarea Special Study, specifically Alternative 4A - the Odessa Ground Water Replacement Program.</p> <p>The Federal Government caused the Odessa Aquifer decline when it failed in its commitment and promise to complete the Columbia Basin Project.</p> | Thank you for your comment. |
| 36 | <p>I am in full support of NRCS adopting the 2012 Odessa FEIS. The Odessa Groundwater Replacement Program is critical to conserving an already depleted resource of the Odessa Aquifer.</p> | Thank you for your comment. |



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| 37 | <p>We are writing in support of the NRCS adoption of the 2012 Odessa Subarea Special Study Final Environmental Impact Statement. Much work has been done since 2012 to further the Odessa Groundwater Replacement Program. This is another step towards completion of this vision. Many interested people have come together to build a shared vision for a better future for water in the Odessa. Many years ago, the federal government promised to provide water to the Odessa through the Columbia Basin Project and this is an important step to the final fulfillment of that promise.</p> | <p>Thank you for your comment.</p> |
| 38 | <p>Thank you for your letter soliciting comment from the Confederated Tribes of the Colville Reservation (aka, Colville Confederated Tribes, or CCT) pertaining to the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) adopting the 2012 Odessa Subarea Special Study Final Environmental Impact Statement (FEIS) produced by the Bureau of Reclamation in cooperation with the State of Washington.</p> <p>With NRCS adoption of the EIS, is the NRCS now assuming the role of lead federal agency responsible for consultation, or cooperating agency? If so, the CCT desires improved communication and consultation over what has occurred to date. Becky Doolittle, Resource Management Supervisor for the Bureau of Reclamation stated to me that once the NRCS has their watershed plan in place, they will assume the lead agency role for NEPA and NHPA for the remaining construction for OGWRP. However, Reclamation will still need to complete its own NEPA, and Section 106 consultation for the acquisition of each easement and for taking ownership of each pipeline once constructed.</p> <p>Whether or not the NRCS will act as lead, the CCT desire to continue to be engaged in the suite of mitigation measures and environmental commitments to lessen impacts of the Odessa Groundwater Replacement Program and contained within the 2012 Odessa Subarea Special Study Final Environmental Impact Statement (FEIS).</p> | <p>Thank you for the letters regarding the NRCS adoption of the Odessa Subarea Special Study Final Environmental Impact Statement 2012 (FEIS) that we received on December 04, 2023, and December 07, 2023. The Natural Resources Conservation Service, Washington State (NRCS WA) thanks you for meeting with us and the Bureau of Reclamation (Reclamation on January 16, 2024, to discuss your comments and share additional information.</p> <p>The NRCS-WA and Reclamation are currently cooperating federal agencies on the Odessa Groundwater Replacement Program (OGWRP) Watershed Plan. As you are aware, OGWRP implementation is ongoing, and Reclamation will remain the lead agency for EL 80.6, EL 84.7, and EL 86.4 distribution systems for planning and implementation occurring before the completion of the OGWRP Watershed Plan. The NRCS-WA will be the lead agency during the Watershed Program planning process for all the unbuilt distribution systems under the Public Law 83-566 (P.L. 566).</p> <p>Both agencies shall be responsible for completing any additional analysis and consultation or coordination related to the National Environmental Policy Act (NEPA) and the</p> |



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| <p>38 <i>(continued)</i></p> | <p>The comments contained are directed toward cultural and historic resource concerns under the National Historic Preservation Act of 1966(NHPA), the National Environmental Policy Act of 1969 (NEPA), the American Indian Religious Freedom Act of 1978 (AIRFA), and the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), and in accordance to Executive Orders 13175, “Consultation and Coordination with Indian Tribal Governments,” 13007, “Indian Sacred Sites,” and 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” as well as the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>This undertaking lies within traditional territory of the twelve Tribes that make up the CCT which is governed by the Colville Business Council (CBC). More specifically, the 2012 Odessa Subarea Special Study area and associated Columbia Basin Project area lie primarily within traditional territory associated with the Moses-Columbia Tribe. The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CCT with regard to cultural resources management issues throughout the traditional territories of all the constituent Tribes under Resolution 1996-29. This area includes parts of eastern Washington, northeastern Oregon, south-central British Columbia, and the Palus (Palouse) territory in Idaho.</p> <p>The CCT desire to be afforded a reasonable opportunity to identify concerns about historic properties; advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance; articulate our views on the undertaking’s effects on such properties; and participate in the resolution of any adverse effects.</p> <p>Actions aimed to implement Alternative 4A (Modified Partial- Replacement-Banks with Limited Spring Diversion Scenario), the preferred alternative selected in the Record of Decision (ROD), constitute a federal</p> | <p>National Historic Preservation Act (NHPA). NRCS-WA intends to work collaboratively with Reclamation and Ecology throughout the process to ensure that Reclamation's NEPA and NHPA obligations can be met without duplicating efforts.</p> <p>The NRCS-WA intends to work closely with Confederated Tribes of the Colville Reservation (CCT), as well as other tribes, throughout future planning efforts to continue to implement Alternative 4A (Modified Partial-Replacement – Banks with Limited Spring Diversion Scenario). On October 18, 2023, NRCS-WA provided a letter to the CCT inviting engagement and met with the CCT on January 16, 2024. NRCS-WA looks forward to working with the CCT throughout upcoming planning processes and during the development of an Area of Potential Effect (APE) related to Alternative 4A.</p> <p>Following review of the FEIS for NRCS adoption, NRCS-WA intends to publish a Record of Decision selecting Alternative 4A, the alternative selected for the 2012 FEIS. NRCS-WA invites the CCT to collaborate with planning efforts by NRCS-WA as related to the development of the OGWRP Watershed Plan. The watershed plan will focus on implementing the remaining distribution systems associated with Alternative 4A. During the planning process, NRCS-WA will ensure that CCT is informed of refinement of Alternative 4A such as specific footprints and APEs. Additional environmental analysis is needed for the EL 11.8 delivery system and specific information will be forthcoming as we begin that planning effort. Furthermore, NRCS-WA does not anticipate any additional water impacts or withdrawals beyond those identified in the 2012 FEIS.</p> |



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| <p>38 <i>(continued)</i></p> | <p>undertaking that may affect historic properties. NRCS should provide the CCT with the same information that is provided to the SHPO during consultation, including information on buildings and other standing structures that may be affected by the proposed undertaking.</p> <p>The Odessa Subarea appraisal-level investigation found that much of the study area had not been surveyed; more extensive surveys will be conducted in areas that may be affected (Bureau of Reclamation 2008:102). In 2011 the CCT and other Tribes commented on cultural resource concerns and the need to undertake additional cultural resource surveys (Bureau of Reclamation and Office of the Columbia River 2012a, 2012b). Because of the magnitude and complexity of the Study action alternatives, a formal APE was not defined at the time of the EIS until a decision was made to pursue an action alternative that would allow targeted studies to be performed specific to the Proposed Action (Bureau of Reclamation and Office of the Columbia River 2012a:338). The EIS outlined that necessary studies would be conducted and approaches to impact avoidance or mitigation would be developed as part of final design and prior to construction for a proposed action according to the selected action alternative. This general process that includes input in defining the APE includes affected Tribes and consultation for the duration of the planning and permitting stages is cited in the EIS (Bureau of Reclamation and Office of the Columbia River 2012a:739, 745-748). In 2012, Reclamation provided an Assessment of Effects to Cultural and Historic Resources from Implementation of Alternative 4A (CH2MHILL and Hurley 2012), to the affected Tribes and the State Historic Preservation Officer by letter dated November 2, 2012, that began the environmental compliance commitment process and addressed issues raised by the Tribes. In 2016 Ecology and the CCT entered into an agreement that further addressed some cultural resources concerns raised by the CCT regarding implementation of Alternative 4A, but that work is ongoing.</p> | |



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| <p>38 <i>(continued)</i></p> | <p>The CCT looks forward to further coordination and consultation with NRCS to address cultural resource concerns that may be affected by implementation of Alternative 4A.</p> <p>REFERENCES CITED</p> <p>Bureau of Reclamation. 2008. Appraisal-Level of Findings, Odessa Subarea Special Study, Columbia Basin Project, Washington. United States Department of Interior, Bureau of Reclamation, Columbia-Cascades Area Office, Yakima, Washington.</p> <p>Bureau of Reclamation, and Office of the Columbia River. 2012a. Odessa Subarea Special Study, Final Environmental Impact Statement, Executive Summary, Columbia Basin Project, Washington. Ecology Publication.</p> <p>United States Department of Interior, Bureau of Reclamation, Columbia-Cascades Area Office and State of Washington, Office of the Columbia River, Department of Ecology, Yakima and Wenatchee, Washington. 2012b. Odessa Subarea Special Study, Final Environmental Impact Statement, Volume 2, Columbia Basin Project, Washington. Ecology Publication.</p> <p>United States Department of Interior, Bureau of Reclamation, Columbia-Cascades Area Office and State of Washington, Office of the Columbia River, Department of Ecology, Yakima and Wenatchee, Washington. 2013a. Record of Decision for the Odessa Subarea Special Study, Final Environmental Impact Statement, Executive Summary, Columbia Basin Project, Washington.</p> <p>United States Department of Interior, Bureau of Reclamation, Columbia-Cascades Area Office, Yakima, Washington. 2013b. [Amended] Record of Decision for the Odessa Subarea Special Study, Final Environmental Impact Statement, Executive Summary, Columbia Basin Project, Washington.</p> | |



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| 38 <i>(continued)</i> | <p>United States Department of Interior, Bureau of Reclamation, Columbia-Cascades Area Office, Yakima, Washington.</p> <p>CH2MHILL, and Warren F. X. Hurley. 2012. The Odessa Subarea Special Study, Columbia Basin Project, Washington, Assessment of Effects to Cultural and Historic Resources from Implementation of Alternative 4A. CH2MHILL and the US Department of Interior, Bureau of Reclamation, Columbia-Cascades Area Office, Portland Oregon and Yakima, Washington.</p> | |
| 39 | <p>I am writing to document the Washington State Department of Ecology (Ecology) Office of Columbia River’s (OCR) strong support of the Natural Resource Conservation Service’s (NRCS) intention to adopt the Bureau of Reclamation’s Odessa Subarea Special Study Final Environmental Impact Statement (FEIS). As one of the original co-lead agencies for the Odessa Subarea Special Study, we stand by the findings and conclusions found in the FEIS.</p> <p>Since 2012, our agency has worked to implement the FEIS with the Bureau of Reclamation, East Columbia Basin Irrigation District, Washington Department of Fish and Wildlife, and other partners. By working with project partners, we have invested approximately \$126 million in grants into the Odessa Groundwater Replacement Program (OGWRP). We have also supported activities through legislative appropriations since 2006. Additionally, the state legislature has appropriated \$32.8 million to be spent on OGWRP work over the next two years, bringing the total investment from the state to over \$158 million.</p> <p>Ecology and the Bureau of Reclamation have successfully worked with a variety of partners to implement the preferred alternative in the Odessa FEIS. We look forward to working with the NRCS as they build on this foundation and develop a watershed plan. We are committed and invested in protecting the Odessa Subarea aquifer and making the overall watershed plan a success.</p> | Thank you for your comment. |



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| 40 | <p>The Confederated Tribes of the Colville Reservation appreciates the opportunity to provide comments on the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) adopting the 2012 Odessa Subarea Special Study Final Environmental Impact Statement (FEIS) produced by the Bureau of Reclamation in cooperation with the State of Washington. In addition to the comments submitted by Robert Sloma regarding the cultural and archeological resource concerns, and which agency will serve as the lead federal agency, we have two other comments.</p> <p>The Colville Tribe wants to ensure that the actions or projects being funded by NRCS are consistent with those described in the 2013 Odessa Subarea Special Study Amended Record of Decision. If there are new or modified actions or projects, the Tribe would like to be notified of those changes and given the opportunity to comment specifically on those modified activities. Also, the Colville Tribe wants to ensure no additional water impacts or withdrawals beyond those identified in the 2012 Final Environmental Impact Statement, or impacts to natural or cultural resources.</p> <p>We look forward to continued communication as the projects identified under Alternative 4A (Modified Partial-Replacement-Banks with Limited Spring Diversion Scenario) are implemented.</p> | <p>Thank you for your comment. Please see responses to Comment IDs 38 and 41.</p> |
| 41 | <p>Yakama Nation appreciates the opportunity to provide comments on the NRCS Adoption of the Odessa Subarea Special Study Final Environmental Impact Statement (2012). At the time of the initial completion, the Yakama Nation submitted comments identifying concerns regarding fishing rights and impacts to in-stream flows. These concerns remain relevant and unaddressed. The following initial comments serve as an introduction to the Yakama Nation's concerns regarding the Odessa Subarea Special Study. The Yakama Nation signed the Treaty of 1855 with the United States on June 9, 1855. Through this treaty, the Confederated Tribes and Bands of the Yakama Nation ceded approximately 11.5 million</p> | <p>Thank you for the letter regarding the NRCS adoption of the Odessa Subarea Special Study Final Environmental Impact Statement 2012 (FEIS) that we received on December 8, 2023. The Natural Resources Conservation Service, Washington State (NRCS-WA) thanks you for meeting with us on two occasions in January 2024 regarding your letter and appreciates the additional information conveyed during our conversations. These meetings helped clarify questions we had regarding your letter.</p> |



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| <p>41 <i>(continued)</i></p> | <p>acres of their sovereign territory to the United States. While memorializing this land cession, which was nearly one-third the size of the state of Washington, the treaty reserved certain rights for the Yakama people within their usual and customary areas (ceded territory). Specifically, the Treaty of 1855 acknowledged rights that have existed since time immemorial for the Yakamas. These rights include the ability to take fish at all usual and accustomed places, as well as to hunt, gather roots and berries, and pasture horses and cattle upon open and unclaimed land within their usual and customary areas.</p> <p>1. Yakama Nation's Interest in the Odessa Sub-Area Study: The Yakama Nation is recognized as a self-regulatory fishery co-manager by the U.S. District Court of Oregon in the U.S. v. Oregon treaty fishing rights lawsuit. As such, the Yakama Nation has a direct and indivisible interest in the status of trust fishery resources that contribute to tribal fisheries "at all usual and accustomed places," as reserved in Article 3 of the Treaty of 1855. As a tribal government, the Yakama Nation is obligated to preserve, protect, and enhance treaty trust resources for the benefit of future generations. The proposed action has the potential to negatively affect fish and aquatic resources produced within the tribe's Ceded Lands, which contribute to tribal fisheries supporting the culture, subsistence, and livelihood of tribal members.</p> <p>2. The proposal is inconsistent with Federal commitments concerning the Columbia River.</p> <p>On September 27th, 2023, President Biden committed to restoring healthy and abundant Salmon, Steelhead, and other Native Fish Species in the Columbia River System. The adaptation of the 2012 FEIS does not reflect these federal commitments or new information regarding the impact of flow and water quality on the restoration of Columbia River Fisheries.</p> | <p>The FEIS documents multiple non-significant adverse impacts and significant adverse impacts to wildlife/wildlife habitat and energy. Following review of the FEIS for NRCS adoption, NRCS-WA intends to publish a Record of Decision selecting Alternative 4A, the Selected Alternative for the 2012 FEIS. The Record of Decision will include mitigation developed in the FEIS, as well as mitigation included in the biological assessments written for Alternative 4A and specific measures required by National Marine Fisheries Service in its biological opinion issued for Alternative 4A. As part of the continued planning process, the NRCS-WA looks forward to collaborating with the Yakama Nation on the Odessa Groundwater Replacement Program (OGWRP) Watershed Plan and considering adaptive management strategies and potential mitigation actions to aid in minimizing negative effects to fish and aquatic resources, including those within the Tribe's Ceded Lands.</p> <p>Regarding the Yakama Nation's comment that the 2012 FEIS does not reflect the federal commitments made by President Biden on September 27, 2023, nor new information regarding the impact of flow and water quality on the restoration of Columbia River Fisheries, NRCS will continue to collaborate with the you on these matters as part of its continued planning process. Your participation would be especially valuable in identifying and incorporating strategies that account for climate and hydrological changes anticipated in the coming decades to restore healthy and abundant wild salmon, steelhead, and other native fish populations to the Columbia River Basin.</p> <p>Based on other public comments, NRCS wishes to clarify roles and responsibilities by NRCS and Reclamation regarding the</p> |



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| | <p>This FEIS maximizes benefits to out-of-stream users while attempting to minimize the harm to salmon - who will be losing another large quantity of water. The FEIS does not contemplate the impacts of additional diversion</p> | <p>National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) during the continued</p> |
| <p>41 <i>(continued)</i></p> | <p>from the Columbia River and its impacts on Fisheries. Finally, this FEIS does not address the potential impairment of the senior Treaty instream flow water rights that were not recognized by Washington State in the water rights process.</p> <p>Conclusion</p> <p>The FEIS inadequately characterizes potential significant environmental impacts associated with the proposed actions, specifically concerning water resources. The comments and concerns described in detail below are not to be construed as an exhaustive list of the Yakama Nation's concerns. These comments and concerns represent the Yakama Nation's current understanding of the facts. Therefore, the Yakama Nation hereby reserves the unqualified right to amend these comments, supplement them, or address entirely new matters previously unidentified.</p> | <p>planning process. The NRCS-WA and Reclamation are currently cooperating federal agencies on the Odessa Groundwater Replacement Program (OGWRP) Watershed Plan. As you are aware, OGWRP implementation is ongoing and Reclamation will remain the lead agency for EL 80.6, EL 84.7, and EL 86.4 distribution systems for planning and implementation occurring before the completion of the OGWRP Watershed Plan. The NRCS-WA will be the lead agency during the Watershed Program planning process for all the unbuilt distribution systems under the Public Law 83-566 (P.L. 566). Both agencies shall be responsible for completing any additional analysis and consultation or coordination related to NEPA and the NHPA. NRCS-WA intends to work collaboratively with Reclamation and Ecology throughout the process to ensure that Reclamation's NEPA and NHPA obligations can be met without duplicating efforts.</p> <p>The NRCS-WA understands that there are unresolved concerns regarding senior Treaty instream flow water rights. A potential adjudication or alternate process for these rights is outside the scope of this FEIS and NRCS's authority. The NRCS-WA does not anticipate any additional water impacts or withdrawals beyond those identified and analyzed in the 2012 FEIS under Alternative 4A.</p> <p>The NRCS-WA appreciates the opportunity to continue collaborating and coordinating with you and your staff. Please let us know if you have any questions or wish to arrange a time to meet.</p> |