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DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Intent to Adopt Final Environmental Impact Statement for the ODESSA SUBAREA SPECIAL STUDY by the U.S. Department of Interior Bureau of Reclamation (Reclamation) and State of Washington Department of Ecology (Ecology), August 2012 in Adams, Franklin, Grant, and Lincoln Counties, Washington.

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA).

ACTION: Adopt the Final Environmental Impact Statement (FEIS) prepared for the ODESSA SUBAREA SPECIAL STUDY by the U.S. Department of Interior Bureau of Reclamation (Reclamation) and State of Washington Department of Ecology (Ecology) for the purpose of assisting with implementation of the FEIS Alternative 4A: Modified Partial-Replacement-Banks with Limited Spring Diversion Scenario.

SUMMARY: NRCS announces its intent to adopt the 2012 Final Environmental Impact Statement (FEIS) for the **ODESSA SUBAREA SPECIAL STUDY** under the provisions of the Council on Environmental Quality (CEQ) regulations (40 CFR 1506.3).

DATES: We will consider comments that we receive within 30 days after the date of publication by the Environmental Protection Agency of the Notice of Availability in the **Federal Register** estimated to be December, 8 2023. Comments received after 30 days will be considered to the extent possible.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- *Online:* <https://ogwrp-programs.org/watershed-plan>;
- *Email:* comments@ogwrp-programs.org;
- *Mail or Hand Delivery:* Farmers Conservation Alliance, 102 State Street, Hood River, OR 97031; or
- *Phone:* (541) 716-6085, Farmers Conservation Alliance

FOR FURTHER INFORMATION CONTACT: Jules Riley, telephone: (509) 323-2941; email: jules.riley@usda.gov for questions related to submitting comments; or visit the project website at <https://www.ogwrp-programs.org/watershed-plan>. Individuals who require alternative

means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720-2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION: NRCS announces its intent to adopt the 2012 Final Environmental Impact Statement (FEIS) for the **ODESSA SUBAREA SPECIAL STUDY** under the provisions of the Council on Environmental Quality (CEQ) regulations (40 CFR 1506.3). NRCS is adopting the FEIS to enable the agency to provide federal assistance, through its Watershed Protection and Flood Prevention Program (Pub. L. 83-566), for the FEIS Alternative 4A: Modified Partial-Replacement-Banks with Limited Spring Diversion Scenario in collaboration with the U.S. Department of Interior Bureau of Reclamation (Reclamation) and State of Washington Department of Ecology (Ecology).

The Odessa Subarea Aquifer is experiencing significant decline in groundwater levels, which is affecting groundwater quality and agricultural, domestic, commercial, municipal, and industrial well users. Many of the agricultural groundwater wells in the area currently are drilled to a depth of 800 to 1,000 feet, with some as deep as 2,100 feet. Some wells in the area have been reported as out of production. Drilling deeper wells is not feasible because deeper water may not be available, may be potentially unusable, and/or be too expensive to access. As a result of this decline, the ability of producers to irrigate their crops is at risk. A 2005 regional economic study estimated lost potato production and processing due to continued aquifer decline to be about \$630 million annually in regional sales, 3,600 lost jobs, and \$211 million in lost regional income.

In 2012, Reclamation, with Ecology as co-lead agency, prepared a programmatic EIS to identify and evaluate alternatives for delivery of surface water from the Columbia Basin Project (CBP) to irrigated lands that currently rely on groundwater supply from the Odessa Subarea Aquifer. To fulfill National and State requirements, the EIS was developed as a joint National Environmental Policy Act (NEPA) and State Environmental Policy Act document. The purpose of the FEIS proposed action is to maintain economic viability by providing surface water from the CBP to replace groundwater from declining wells currently used for irrigation in the Odessa Subarea. The FEIS identified Alternative 4A: Modified Partial-Replacement-Banks with Limited Spring Diversion Scenario as the preferred alternative for phased implementation in cooperation with Ecology and the CBP irrigation districts. Reclamation signed a Record of Decision (ROD) to implement that alternative in April 2013. In September 2013, Reclamation issued an amended ROD that addressed minor clarification and corrections but did not change the decision reached in the April 2013 ROD. Since 2013, Reclamation and Ecology have worked to implement several actions associated with Alternative 4A (see Table 1 for a summary).

The NRCS proposed action is to address a declining groundwater supply in the Odessa Subarea and avoid economic loss to the region's agricultural sector along with impacts to domestic and municipal water supplies by adopting the 2012 FEIS and concurring with Reclamation's selected alternative, Alternative 4A. NRCS was not a participating or a cooperating agency in the preparation of the FEIS. Therefore, prior to adoption and due to the length of time since the FEIS publication, NRCS has reviewed the FEIS to determine that the analysis of alternatives and environmental impacts related to declining groundwater supply in the Odessa Subarea remains sufficient given present-day conditions, per 24 CFR 58.52 (2023) and NRCS Title 190—National Environmental Compliance Handbook, part 610, subpart F, section 610.83(D), and subpart H, section 610.134.

NRCS has determined that the 2012 FEIS analysis is still applicable under current conditions and that the proposed project elements to be implemented under the current Odessa Groundwater Replacement Program are substantially the same as the actions described in Alternative 4A. Alternative 4A would provide CBP surface water to approximately 70,000 acres of lands north and south of I-90. 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 would be issued and the wells currently used for irrigation would 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 would 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 would reflect the relocation of the place of use.

Project elements analyzed in the FEIS for Alternative 4A are summarized below in Table 1. Some project elements have been partially or fully completed since the issuance of the amended ROD in 2013. In addition, some project elements analyzed in Alternative 4A are no longer needed.

Table 1. Status of Alternative 4A Project Elements

Project Element	Status	Notes
Elements to convey water from Banks Lake to diversions		
Enlarge 43.3 miles of the East Low Canal south of I-90	Completed	East Columbia Basin Irrigation District (ECBID) completed canal widening projects in 2015.
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.
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.
Elements to construct pressurized pipeline distribution systems		
Canal-side pumping plants and buried pressurized pipeline systems north and south of I-90	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.	
	EL 22.1	Under Design <ul style="list-style-type: none"> • 90% engineering designs are in progress. • Cultural resource surveys have been completed. • NRCS would perform an environmental evaluation and would collaborate with Reclamation 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

Project Element		Status	Notes
	EL 80.6	Under Design	<ul style="list-style-type: none"> 60% engineering designs are in progress. Cultural resource surveys are in progress. NRCS would perform an environmental evaluation and would collaborate with Reclamation 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 progress. Cultural resource surveys are in progress. NRCS would perform an environmental evaluation and would collaborate with Reclamation to determine the level of site-specific NEPA analysis that needs to occur.
	EL 86.4	Under Design	<ul style="list-style-type: none"> 60% engineering designs are in progress. Easement acquisition process is in progress. Environmental compliance report is in progress. NRCS would perform an environmental evaluation and would collaborate with Reclamation 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 consisted 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 cubic feet per second.
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 would not have any impact on the environmental conditions considered in the FEIS.
Regulating tanks		No longer needed under current conditions	Under the current designs, regulating tanks are not needed. Variable frequency drive (VFD) pumps are being utilized in conjunction with conventional pumps. VFDs are more energy efficient and operate over a range of flows

Project Element	Status	Notes
		which 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. Acquisition would occur along the full 3 miles of the constructed channel alignment. Reclamation is working towards additional easement acquisitions necessary for the development of the proposed infrastructure.

Note: EL 11.8 is a distribution system that is currently included in the Odessa Groundwater Replacement Program that ECBID and Reclamation are moving forward with and is under engineering design; however, EL 11.8 was not included in the FEIS Alternative 4A. For this reason, EL 11.8 is not discussed here, but it would be considered in future planning efforts by NRCS.

Status of the NRCS Review of Alternative 4A Effects

NRCS has completed a NEPA Supplementation Review and Documentation Checklist to determine that the FEIS Alternative 4A: Modified Partial-Replacement-Banks with Limited Spring Diversion Scenario adequately analyzes the environmental impacts related to declining groundwater supply in the Odessa Subarea, given present-day conditions, as part of the adoption process per 24 CFR 58.52 (2023). As part of that review, NRCS coordinated with the U.S. Department of Interior Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS) to determine if the conditions related to the species or their critical habitats that were included in consultation are substantially the same (Title 190 – NRCS National Environmental Compliance Handbook, Part 610.83).

During the development of the FEIS, pursuant to Section 7(a)(2) of the Endangered Species Act (ESA), Reclamation consulted with USFWS on ESA-listed species and critical habitat. NRCS coordination with USFWS, as part of the NEPA review, indicated that conditions have not

changed and that the consultation for those species remains current. However, since the FEIS was published in 2012, two species were listed as threatened under the ESA: White Bluffs bladderpod (*Physaria douglasii* ssp. *tuplashensis*) and yellow-billed cuckoo (*Coccyzus americanus*). After NRCS reviewed available literature and sought the assessment of species and area specialists, NRCS has determined that Alternative 4A would have No Effect on White Bluffs bladderpod or yellow-billed cuckoo.

During the development of the FEIS, Reclamation also consulted with NMFS on ESA-listed species and critical habitat. Through NRCS and NMFS coordination, NMFS determined that because the Alternative 4A project elements are substantially the same as they were under the 2012 consultation and because conditions for covered species and critical habitat have not substantially changed, including NRCS as a late-arriving action agency to the original consultation was the best course of action (email correspondence). NRCS, Reclamation, and NMFS are working to extend the consultation that took place between Reclamation and NMFS during the EIS process to NRCS.

As cooperating agencies, NRCS and Reclamation would coordinate on considering the effects of Alternative 4A on historic properties under Section 106 of the National Historic Preservation Act of 1996. Both agencies are required to complete Section 106 consultation for actions with which they are involved. Coordination and review by NRCS and Reclamation of cultural resource surveys that are in process are ongoing. This includes consultation with interested tribes and the Department of Archaeology and Historic Preservation. Collaboration with potentially interested tribes about the project has been initiated.

Summary of Expected Effects

Implementation of the project would have both beneficial and adverse effects. Beneficial effects would include conservation of approximately 164,000 acre-feet per year of groundwater, related to the new Columbia River diversion, with reduced rates of declining groundwater levels; preservation of 70,000 acres of irrigated agriculture; a significant increase in gross farm income in the study area compared to the four-county analysis area; and small increases in regional employment, regional labor income, and regional sales within the four-county analysis area.

Construction of the project would cause some adverse environmental effects, most of which would be minimized with mitigation measures and commitments to lessen impacts and still meet the project purpose and need. Section 4.31 in the FEIS outlines the mitigation measures and commitments that would be implemented. Unavoidable adverse effects are related primarily to vegetation and wetlands, including native plant communities; wildlife and wildlife habitat, including intact shrub-steppe habitat and special status species; fisheries and

aquatic resources at Banks Lake; threatened and endangered species, including chum salmon spawning areas in the Lower Columbia River; land use and shoreline resources; recreation at Banks Lake, including boating access, fishing, swimming and upland activities; energy, including energy reserves, reliability, and diurnal load-shifting capabilities at John W. Keys III Pump-Generating Plant; and cultural and historic resources.

Since the FEIS was developed, two species were listed under the Endangered Species Act by USFWS, the White Bluffs bladderpod and yellow-billed cuckoo. NRCS has determined that Alternative 4A would have No Effect on White Bluffs bladderpod or yellow-billed cuckoo.

Anticipated Permits and Authorizations

Implementing the proposed action may require permits. This may involve permitting with the Washington Department of Fish and Wildlife (WDFW), Ecology, U.S. Army Corps of Engineers, Washington Department of Natural Resources (WDNR), and other Federal, State, or local governments. NRCS or managing partners would apply for all applicable permits.

Reclamation and Ecology presented the 2012 FEIS as the initial environmental analysis within a tiered process under NEPA. Tiering refers to the process of addressing a broad, general program, policy, or proposal in an initial analysis followed by analyses of a more precisely defined, site-specific proposal related to the initial program, policy, or proposal when that proposal is ready to be carried forward. With the adoption of the 2012 FEIS, NRCS expects that some projects or actions advanced out of this first-tier EIS would be subject to subsequent second-tier, site-specific environmental analysis under NEPA before moving forward to implementation. Any subsequent site-specific NEPA analysis could include a combination of environmental documentation, such as EIS(s), supplemental EIS(s), environmental assessments(s), and/or categorical exclusion(s), depending on the proposed action, phasing of implementation, and potential for adverse impacts.

Actions described in the FEIS that are analyzed in full, including, but not limited to, the general scope of the selected alternative, acreages, water supply, site locations, and canal expansion, would not undergo a second-tier NEPA review unless new information or circumstances indicate that additional review is necessary consistent with CEQ regulations.

Schedule of Decision-Making Process

This Notice of Intent to adopt an FEIS, and the FEIS itself, are being circulated for review and comment by agencies, tribes, consulting parties, and the public for 30 days per 40 CFR 1503.1, 1502.20, 1506.11, and 1502.17, and 7 CFR 650.13. NRCS invites agencies, tribes, and individuals who have special expertise, legal jurisdiction, or interest in the NRCS adoption of the FEIS for the ODESSA SUBAREA SPECIAL STUDY to participate and comment on the issue of

whether circumstances have changed or if there is new information indicating a new or supplemental EIS should be prepared. NRCS will review public, agency, and tribal comments in accordance with National Environmental Compliance Handbook 610.83. If a supplemental environmental compliance document is not required, NRCS will issue a ROD after the required 30-day comment period. The ROD will address comments made during the comment period and will be publicly available. Should NRCS decide that a new or supplemental EIS is warranted, NRCS will issue further public notice as appropriate. The responsible Federal official and decision-maker for the NRCS is Roylene Comes At Night, Washington NRCS State Conservationist.

Authorities

This document is published pursuant to the NEPA regulations regarding publication of a Notice of Intent to issue an Environmental Impact Statement (40 CFR 1501.9(d)). Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566), as amended, and the Flood Control Act of 1944 (Pub. L. 78-534).

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