

RECLAMATION

Managing Water in the West

WEST EXTENSION IRRIGATION DISTRICT BOUNDARY ADJUSTMENT

**Final Environmental Assessment
Finding of No Significant Impact**

Umatilla Basin Project, Oregon

Columbia-Cascades Area Office



FINDING OF NO SIGNIFICANT IMPACT

West Extension Irrigation District Boundary Adjustment

**U.S. Department of the Interior
Bureau of Reclamation
Columbia-Cascades Area Office**

PN-FONSI 12-05

The Bureau of Reclamation (Reclamation) prepared this Finding of No Significant Impact (FONSI) to comply with the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA). This document briefly describes the proposed federal action, the alternatives considered, potential environmental impacts, and consultation and coordination activities.

Background

The West Extension Irrigation District (WEID) is located in the Umatilla Basin in northeastern Oregon State. WEID was formed in 1919 under the irrigation laws of Oregon State to be the operating entity for the west end of the federal Umatilla Basin Project (Project). WEID, Stanfield, Westland, and Hermiston are the four irrigation districts that comprise the Project. WEID has two major facilities: Three Mile Falls Diversion Dam, and the 27-mile long West Extension Main Canal.

WEID is requesting Reclamation include lands currently outside the federally recognized boundary, and to exclude lands inundated by the construction of John Day Dam. The proposed action would result in no change to irrigated land, water diversion, or water delivery facilities.

Alternatives Considered and Proposed Action

Alternatives considered in the final EA include one action alternative (the proposed action) and a no action alternative. Under the no action alternative Reclamation would decline WEID's request to include lands currently outside of the federal boundary.

The proposed action would affirm WEID's request to include lands currently outside of WEID's federally recognized boundary. The boundary adjustment is needed to:

- Insure that all acres presently irrigated by WEID with Project water through Project facilities are federally authorized to remain in contract compliance with the United States;
- Provide sufficient lands in order for WEID to maintain its base assessment acres;
- Assure the federally recognized district boundaries are consistent with Oregon's state district boundaries.

Summary of Environmental Consequences

The final EA identifies the affected environment and environmental consequences of implementing the alternatives. The following summarizes the environmental consequences identified in the final EA for the proposed action.

Hydrology – Wells that currently service lands outside of WEID boundaries would be idled when they receive district water resulting in an overall reduction in consumptive use of groundwater. It is impossible to estimate the magnitude of savings considering that inclusion/exclusion of lands would occur in the future and cannot be predicted.

No other impacts to hydrology were identified because no alteration of operations of any WEID or Federal facility is required.

Fisheries – The final EA identifies all fish species in the project area, including federally listed threatened/endangered species. No impacts to fisheries, critical habitat, or endangered species were identified because no increase to diversion in the Umatilla or Columbia Rivers is required. Also, the recommended action does not require a change in operation of WEID or federal facilities.

Historic Resources – No impacts to historic properties are identified in the final EA. A literature search revealed no listed sites in the project area; additionally, no significant changes in agricultural practices or land use are expected to occur from implementation of the recommended action.

Environmental Justice – No impacts to minority or low-income populations are identified in the final EA. The recommended action would not change agricultural practices, alter employment opportunities, affect housing availability, or result in disproportionately high adverse human health or environmental effects.

Indian Trust Assets – Potential ITAs in the project area are associated with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). No impacts to ITAs are identified in the final EA. Additionally, the recommended action would not impact the ongoing water rights negotiation between the United States and CTUIR.

Sacred Sites – The final EA identifies no sacred sites within the project area. Therefore, the proposed action would not result in impacts that would adversely affect the physical integrity of such sites and that access to, or ceremonial use of, such sites would not be restricted.

Cumulative Impacts – The final EA considers the four other boundary adjustments that have occurred in the Umatilla Project. Those EAs identified no significant impacts; therefore, no cumulative impacts were identified in this final EA.

Agency Consultation and Coordination

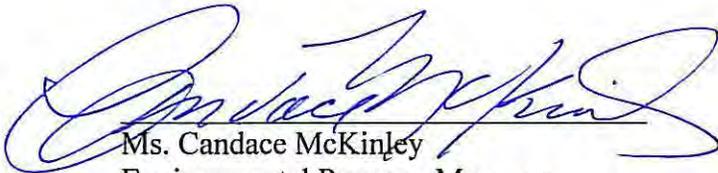
Reclamation worked extensively with WEID and the CTUIR in preparation of the final EA. WEID provided information on the history of WEID, project operation, facility details, and other helpful information that assisted in preparation of the final EA. WEID also provided comments on various drafts of the EA.

The CTUIR was also extremely helpful in preparation of the final EA. The Tribe provided information on fish species, especially lamprey, plant harvest, and treaty rights. CTUIR also provided comments on the various drafts of the EA.

Finding

Based on analysis of the environmental impacts and consultation and coordination as presented in this final EA and FONSI, Reclamation concludes that implementation of the recommended action will not have a significant effect on the quality of the human environment or natural and historic resources. No significant impacts to resources are identified in the final EA. Therefore, Reclamation concludes that preparation of an Environmental Impact Statement is not required and that this FONSI satisfies the requirements of NEPA.

Recommended:

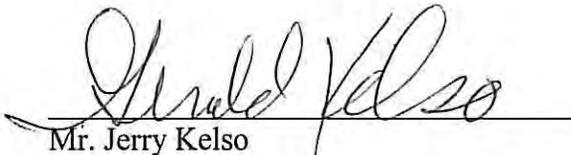


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1.0 Purpose of and Need for Action

1.1 Introduction

West Extension Irrigation District (WEID) is located in the Umatilla Basin in northeastern Oregon. WEID was formed in 1919 under the irrigation laws of Oregon State to be the operating entity for the west end of the federal Umatilla Basin Project (Project). WEID, Stanfield, Westland, and Hermiston are the four irrigation districts that comprise the Project. WEID has two major project facilities: Three Mile Falls Diversion Dam and the 27-mile long West Extension Main Canal. WEID was authorized for 11,300 irrigated acres.

WEID is requesting the Bureau of Reclamation (Reclamation) to adjust its boundaries to first coincide with current irrigation practices and the boundaries recognized by the State of Oregon. WEID and Reclamation have two legal authorities under which they can make this adjustment, however only one best fits the purpose and needs of the proposed boundary adjustment (see bullet #2):

1. Umatilla Basin Project Act of 1988 (1988 Act). Section 208 of the 1988 Act allowed the four districts of the Umatilla Project a one-time expansion of their federally recognized boundaries to include lands on which water from the Project had been used that was above the acreage ceiling set by the respective contracts. While a district might have irrigated excess land, the amount of water used was not above its authorized diversion rate and duty. The consequence of such an increase in land base resulted in increased consumptive use and loss of return flows to the Umatilla River. Section 208 was intended to set a new base as a condition for implementation of the remainder of the 1988 Act. However, since the WEID had not irrigated excess lands, Section 208 of the 1988 Act was not required and was really not applicable.
2. Repayment contract of July 6, 1954. The contract between the United States and WEID authorizes, on an as needed basis, the adjustment of irrigation district boundaries. The clause that authorizes such adjustments is common to all contracts between the United States that are administered by the Bureau of Reclamation and various irrigation districts. The purpose of the clause is two-fold. First, it allows irrigation districts to maintain a constant base of irrigated lands. This base is required for assessments by districts against authorized lands so they can economically operate and maintain their facilities. Second, this allows the irrigation district make payments to the United States for construction costs.

Second, it allows the United States to assure that the various irrigation districts have capacity to make required payments and will abide by the development terms set down by Congress when it authorized the development. Reclamation reviews boundary adjustment requests to assure that every acre included in the revised boundary is matched by an acre excluded from the boundary. It further assures itself that the lands included are capable of long-term irrigation and will provide revenues sufficient to repay development costs and offset operations and maintenance

costs. Any district which moves water outside of the federally-recognized boundary is in violation of its contract.

Several factors have been researched by WEID and Reclamation in determining whether WEID can request its boundary change under its contract:

- Under Oregon's 1993 HB3111 process, irrigation districts were allowed to correct the location of water rights within its state boundaries and submit to the Oregon Water Resources Department (WRD) for approval. WEID participated in this process which basically transferred water from where it was no longer used to its area of use as of 1993. These records were reviewed by Reclamation in the late 1990's and found to be satisfactory. Though WEID had district-held water rights junior to the Project rights, it was not irrigating lands outside the federal boundaries with federal water.
- Under the same HB3111 process, WEID and Reclamation became aware that WEID was irrigating non-federal lands with non-federal water using the federal facility.
- Section 11(a) of the contract states "While the irrigable area for the basis of determining the annual installment to be paid hereunder by the District (WEID) to the United States shall be as above stated, the District, for purposes of assessments and matters of its own internal administration, may determine other lands to be irrigable and entitled to water delivery and may deliver water if it so desires to such other district lands."
- Section 28 of the contract states "While this contract is in effect, no changes shall be made in the District, either by inclusion or exclusion of lands...except with the consent of the Secretary evidenced in writing."

Because WEID has not expanded the number of acres irrigated with its Project water rights and because it proposes to exclude from its boundary an area equal in size to the area proposed for inclusion within the federally-recognized boundary, WEID and Reclamation agreed that the contract is the most applicable authority for the proposed boundary adjustment.

WEID proposes to exclude 8,294 acres. The excluded lands consist of lands taken by the United States for construction of the John Day Dam Project (inundated lands), lands removed from service when I-84 was built and Highway 730 relocated, and lands removed from service in 1978 when a wooden flume washed out and was not replaced. Lands that are excluded are no longer irrigated with Project water and those water rights have either been transferred under HB3111 or have been lost to WEID.

WEID proposes to include 7,174 acres. The included lands consist of irrigated lands omitted from the 1920 boundary description, lands currently irrigated under the WEID's 1968 and 1969 water rights that were developed after inundation, and lands contiguous to the WEID Main canal that may receive water in the future. (See attached maps for current and proposed Project boundaries).

WEID's irrigated land base is 9234.80 acres. This is the amount of water rights held by WEID and confirmed under the state's HB3111 process. Any land receiving water in the future would do so in a state water right transfer that would idle other lands in the District. There will be no increase of irrigated land, water diversion, or water delivery as a result of the boundary adjustment.

1.2 Purpose and Need

The purpose of the proposed action is to address WEID's request to adjust the current federal boundary in compliance with its contract.

The boundary adjustment is needed to:

- Insure that all acres presently irrigated by WEID with Project water through Project facilities are federally authorized to remain in contract compliance with the United States;
- Provide sufficient lands in order for WEID to maintain its base assessment acres;
- Assure the federally recognized district boundaries are consistent with Oregon's state district boundaries.

1.3 Location and General Description of the Area

WEID is located in north central Oregon in Morrow and Umatilla Counties, west of the town of Umatilla, Oregon bordered on the north by the Columbia River. It extends for 27 miles with its westernmost boundary approximately three miles west of the City of Boardman, Oregon.

Morrow and Umatilla Counties have a semi-arid climate with dry warm summers and moderately cold winters. This climate supports shrub-steppe plant communities. The average annual rainfall is 10 inches. On average about 60% falls in the winter months November through March. Usually little rain falls during the months of July and August. The average monthly temperatures range from 30° in January to 67° in July. The peak daytime temperature in summer can often exceed 100° but is usually in the 90's. There is an average of 168 frost free days annually.

The soils in the area tend to be both sandy and shallow. A few places near the river have more fine-textured soil types. Most of the land is relatively flat and slopes downward to the north. In the east end of WEID, the slopes can be steep near the main canal.

In the Boardman area, the soil layer is quite coarse and varies from 7 inches to 15 inches deep. Many areas collect water and the land becomes quite marshy.

Primary industry in the area is agriculture. Principal crops are alfalfa, hay and pasture; other crops grown are corn, potatoes, melons, and a variety of other grains, fruits, and vegetables.

1.4 History and Background

1.4.1 Authorizations

The East and West Divisions of the Umatilla Project were authorized by the Secretary of the Interior on December 4, 1905, under provisions of the 1902 Reclamation Act, section 4, (32 Stat. 388).

Activities were initiated in the mid-1980s under the Umatilla Basin Project October 28, 1988 (102 Stat. 2791, Public Law 100-557) to restore instream flows for anadromous fish and allow established irrigation to continue. These activities resulted in Umatilla River channel modifications, construction of fish ladders, fish traps and fish screens, and the construction of water exchange facilities (Phase I and Phase II) to deliver irrigation replacement water from the Columbia River.

1.4.2 1905 Umatilla Project

Reclamation attained the assets of the Oregon Water and Land Company (OWLC) in 1916 and merged those with the proposed West End of the Umatilla Project. The new diversion structure, Three Miles Falls Dam, was completed in 1914. The West Extension main canal was constructed over the next two years. This canal relocated and replaced the OLWC canal from Umatilla to Irrigon and extended service to Boardman. Early reports estimated that 11,300 acres would be developed under the west end of the Project (10,000 acres of new land with the 1,300 acres of OLWC land). The water supply consisted of natural flow in the Umatilla River and return flow from upstream storage and irrigation. The U.S. executed individual water right contracts with the irrigators.

WEID was formed in 1919 to be the managing entity for the Project. WEID entered into a 1920 contract with Reclamation that would assume the remaining obligations of the individual water users. This contract was amended in 1922. In 1926, they entered into contract that 1) transferred the O&M of the Project to WEID and 2) provided for repayment of the construction costs on a crop production basis under the Fact Finders Act.

The settlers in the area faced serious financial problems, and by 1931, the district was unable to make its contract payments. Discussion began with Reclamation regarding writing off the repayment contract. The lands were reclassified under the Project Reclamation Act of 1939 and, in 1954, Congress approved the current repayment contract.

A repayment contract with Reclamation dated July 6, 1954 was approved by Congress, and the WEID currently makes payments pursuant to it. This contract contains several provisions:

1. The contract reduced WEID's obligation to the U.S., established the irrigable area to be 2,853 acres and set a 164-year repayment period;
2. No changes are to be made in the WEID by inclusion or exclusion of lands without the consent of the Secretary of the Interior in writing;

3. The excess land limitations of Reclamation laws apply until the construction obligation has been repaid;
4. The contract allows WEID to determine other lands to be irrigable and to deliver water to them, including outside the district boundaries.

1.4.3 Umatilla Basin Project Act of 1988 (1988 Act)

In 1988, Congress enacted the Umatilla Basin Project Act. The 1988 act authorized construction of a new project that replaces irrigation water historically diverted from the Umatilla River with water from the Columbia River. The exchange is intended to restore anadromous fishery resources in the Umatilla Basin and continue existing water service to the participating irrigation districts. Since 1993, WEID has participated in the exchange by not diverting water from the Umatilla River during critical flow periods. Instead, Reclamation pumps Columbia River water to the WEID Main Canal in lieu of water diverted from the Umatilla River. In addition to the federal authorization, the exchange is authorized by the state under the Oregon Water Resources Department Certificate No. 72311 and the related final order approving the exchange application.

1.4.4. Oregon's 3111 Process

Oregon's HB 3111 (1989) and SB 129 (1993) established a process to petition the Water Resources Commission for approval of an irrigation district map clarifying the location and use of water rights within the district. All re-mapping petitions were to be submitted by July 1, 1994.

WEID was a participant in the re-mapping process. In addition to correcting the location of the water rights, this process identified all irrigated lands within district boundaries and assured that federal water was being delivered inside federal boundaries. WEID submitted its initial petition in June 1994, but various corrections were done and management changes occurred. The final document was submitted in 1999. Due to litigation, the approval of the 3111 filing was held up, and the final certificates were not issued until 2004.

1.4.5 Boundary Adjustment Request

WEID first requested information about inclusion of new lands in 1965 as a result of the takings of land by the Army Corp of Engineers for the John Day Dam project. Discussions and meetings between WEID and Reclamation occurred between that 1969 and 1976. A land classification was done by Reclamation in 1972 with the intent of including 6000 acres of new lands.

The matter was unofficially placed on hold due to a series of issues faced by WEID, including:

- Identification of lands in 1975 that were within federal boundaries, being irrigated, but had not been included in the 1968 water right filing with WRD. This resulted in remapping of the 1968 water right;

- Severe drought conditions throughout the region resulting in water shortages starting in 1977;
- The Irrigon flume washed out in 1978; WEID received state funds to purchase an existing pump station and water rights were filed on Columbia River for use in the Irrigon area. These actions effectively removed these lands from service by the Umatilla Basin Project. The water right was filed in 1981;
- Basin-wide discussions relative to the eventual 1988 Umatilla Basin Project Act;
- In 1991, WEID requested direction from Reclamation regarding a new land classification to address lands identified under 3111 process that had not been previously classified.

In 1993, WEID submitted a request for a boundary change along with the other three districts. Pursuant to NEPA, Reclamation initiated the scoping process in late 1993 for the proposed boundary expansion of the four Umatilla area irrigation districts. Reclamation held NEPA scoping meetings in Umatilla, Oregon in November 1993 and on the CTUIR in January 1994. Over 250 people attended these meetings, and over 57 written comments were received.

Issues and alternatives associated with the proposed boundary adjustments were identified in those meetings. Key environmental concerns identified were Umatilla River hydrology and passage conditions for anadromous fish, Indian Trust Assets, and continued viability of irrigated agriculture. For several years, no action was taken on the boundary change requests during which time studies on the Umatilla River hydrology were ongoing.

On March 25, 1999, WEID submitted a request asking Reclamation to process its boundary adjustment. The scope of work for the proposed boundary adjustment was completed in April 2000. However, the project delayed while Reclamation was involved with its Section 7 consultation regarding operation of the Umatilla Project. Consultation was completed in 2004.

From 2004 to 2006, meetings were held with the CTUIR and Reclamation relative to addressing the issues in the boundary adjustment request. During this time, WEID submitted maps and spreadsheets to Reclamation showing specifics about which lands would be excluded or included. Work was done under a joint Memorandum of Agreement (MOA) between Reclamation and WEID. The included lands were confirmed by Reclamation during this process to be eligible for inclusion.

A new MOA was negotiated in 2009 and the work to complete the boundary adjustment was renewed.

1.5 Description of Facilities

The main feature of WEID is the Three Mile Falls Diversion Dam located about three miles above the confluence of the Umatilla River with the Columbia River. A fish ladder located at the right abutment was abandoned in 1966, but was restored to operation in 1984. In 1988, with

funds from BPA, reconstruction of the east and west bank fish ladders was completed. Construction of adult fish trapping and viewing facilities, installation of rotating drum screens at the WEID canal diversion, and a juvenile fish trapping and passage evaluation facility on the west bank was completed. The gatehouse at the left abutment of the dam contains three manually operated 5-by-6 foot slide gates, which serves as the headworks for the West Extension Main Canal.

The 27-mile long, concrete-lined main canal supplies all the primary Umatilla River water rights for WEID. The main canal has a design capacity of 375 cubic feet/second (cfs) though only 150 to 175 cfs are normally diverted at peak flow under current conditions. There are 120 outlets (deliveries) from the main canal that serve laterals consisting of concrete-lined open ditches and underground pipelines. There are 30 pump stations that deliver water directly from the canal.

WEID's Umatilla Pumping Station, which pumps supplemental water from the Columbia River about one-half mile from the confluence of the two rivers near the City of Umatilla, was constructed in 1968. It has three 600 horsepower (HP) vertical turbine pumps with a combined capacity of 90 cfs. The station delivers water through a 770-foot long, 36-inch diameter pipeline into the main canal with a lift of about 120 feet. It has fish screens at the pump bay inlet that were renovated in 1998 with the addition of a box screen structure.

The main Umatilla Basin Project Phase I facility is the pumping plant located south of the City of Umatilla. This pumping plant has three 500 HP and two 300 HP pumps with a total design capacity of 140 cfs. The water comes to the pump station from McNary Dam through a canal and is then pumped into the WEID main canal through a pipeline that crosses under the Umatilla River. This plant delivers both exchange water and conjunctive use water into the WEID system. The primary operational months for the Phase I water exchange is May through October, excluding times in July and August.

The amount of Phase I water delivered depends on the amount of water left by WEID in the Umatilla River. Irrigation supplies are not impaired since exchange waters are diverted from the Columbia River via WEID water exchange facilities and pumped directly into the WEID Canal during these periods. When Umatilla River in-stream flows are not critical for anadromous fish migration below the Three Mile Falls Dam, WEID irrigation water is diverted at the dam as under historical operations. Construction for the pumping plant was completed in April 1992 and the pump discharge line was completed in April 1993. The first water exchange occurred during the 1993 irrigation season. Operation of this plant is coordinated with Reclamation, the Oregon Water Resources Department, CTUIR, and the local fisheries agencies.

1.6 Water Rights

WEID is the successor to the Oregon Land and Water Company. The United States purchased all property and rights, including water rights, from the Oregon Land and Water Company. Details of the purchase are in a 1914 court decree with a quitclaim deed finalizing the transaction in 1916. The property and water rights of the Oregon Land and Water Company were incorporated into the West Extension of the Umatilla Project. The West Extension, which

includes Three Mile Falls Dam and WEID Canal, was constructed from 1913 through 1917. The original Oregon Land and Water Company water rights have 1893 and 1906 priority dates and are now held in the name of the WEID. The United States obtained a water right for the West Extension of the Umatilla Project with a 1909 priority date (Table 1).

Early planning documents for the West Extension show that, without storage, the project would have to rely on return flows for the majority of its water supply during the later part of the irrigation season. It was estimated that return flow, primarily from the Hermiston Irrigation District, Westland Irrigation District, and Stanfield Irrigation District would allow for the development of 10,000 acres in the West Extension in addition to the 1300 acres that were developed by the OLWC for a total of 11,300 acres. The United States was able to amend Permit 7400 (McKay Reservoir) in 1928 to show that the West Extension received the benefit of return flow from water stored in McKay Reservoir.

An analysis of historic flows below Three Mile Falls Dam, WEID's diversion point, show the effect of return flows on the lower Umatilla River and the water supply for WEID. See Tables 3 and 4.

Flows below the Three Mile Falls Dam site were near zero during the late summer from 1904 to 1909 before the Umatilla Project was constructed. Cold Springs Dam was completed and the delivery of Project water to the Hermiston Irrigation District was begun in 1908. Late summer flows below Three Mile Dam increased to 120 cfs between 1910 and 1917 due to the return flows from HID and provided a water supply for WEID.

Three Mile Falls Dam and the WEID Canal were completed in 1916. Average flows during August and September diverted into WEID Canal increased from around 100 in 1922 to 200 cfs in 1950. During this same period, average flows below Three Mile Falls Dam were between 10 and 50 cfs. McKay Dam was completed in 1927. Return flows from WID and SID account for the increased diversion by WEID in August and September without a decrease in flows below Three Mile Dam.

Average late summer river flows and diversions remained fairly stable during the fifties. Flows at Three Mile Dam started to decline in the sixties. WEID's mean canal diversions in August and September went from 200 cfs in 1962 to less than 100 cfs in the late 1980s. During this time, flows below Three Mile Falls Dam were also dropping. Flows below Three Mile Falls Dam during the late summer were near 0 during the 1980s indicating that WEID was diverting all available water.

In the early 1960's WEID and Reclamation worked to identify the lands that would be lost to the district because of the taking of lands by the Corps of Engineers for the John Day Reservoir. A 1963 Reclamation reports shows that in 1962, the total acreage of lands served in the Corps of Engineers taking area was 1021.8 acres. In 1967, Reclamation informed WEID that transferring the water rights off the John Day lands would weaken the position of Reclamation and WEID in its negotiations with the Corps for funding to offset the construction charges and increased operation and maintenance for replacement lands for WEID. The negotiations failed and, in 1968, WEID proposed serving an additional 2000 acres lying south of its main canal. WEID

obtained an additional water right from the Umatilla River in 1968 to serve these new lands (Table 1).

At the same time, since late season Umatilla River flows were insufficient to meet existing demands, WEID obtained a supplemental Columbia River water right to all WEID lands (Table 3). In 1969, WEID constructed a pumping plant on the lower Umatilla River within the John Day Pool to provide water under the supplemental water right. In 1975, WEID submitted a request to the State of Oregon for water rights to cover acres within the federal boundaries that were being irrigated, but did not have a water right. These acres were added to the 1968 Umatilla River permit for a total of 3289.01 acres.

In 1978 a wood stave pipe serving WEID land near Irrigon failed. The lands located below the wood stave pipe could not receive Project water. WEID had been exchanging water under an agreement with Western Empire Corporation since October 1972. WEID purchased the Western Empire pumping plant, which is located in Irrigon, in late 1979 or early 1980 to serve these lands. It obtained a primary Columbia River water right in 1981 (Table 3). These lands are no longer irrigated with federal water.

From 1993 to 2004, WEID participated in a State of Oregon water right survey and remapping project, commonly known as “3111”. This project allowed WEID to remap its water rights and present a map and petition to the state. Water rights would be recognized as submitted, with any rights not being used cancelled. During this process, the lands lying under the John Day pool were put in abeyance for future cancellation (but lost to the district) and other rights no longer being used were cancelled. See Table 2 below.

The reduction in flow at Three Mile Falls Dam had a serious impact on anadromous fish passage, including Pacific lamprey, as well as reducing the water available to WEID. The mean flow below Three Mile Falls Dam in August was less than 5 cfs throughout most of the 1980’s. To improve stream flows, the Bureau of Reclamation (Reclamation) proposed exchanging water diverted from the Umatilla River for water pumped from the Columbia River (Table 4). In 1988, Reclamation filed water right applications with the OWRD to allow WEID to use Columbia River water for irrigation in exchange for Umatilla River water left in stream. The exchange permits were approved on October 4, 1989 and would allow the exchange of all the water rights listed in Table 1.

The CTUIR has unquantified and unadjudicated federally reserved water rights in the Umatilla River under the Winters doctrine to satisfy the purposes of the 1855 treaty and the purposes for which the Umatilla Indian Reservation was established. These water rights are currently being negotiated with the United States and the CTUIR.

**Table 1
Original Primary Irrigation Water Rights - Umatilla River**

Priority Date	Name	Permit Number	Certificate Number	Max. Flow	Duty AF/Acre	Acres	1980 Survey Acres
1893	WEID	----	----	51.66	3 or 6	2,066	1179
1906	WEID	----	----	18.07	3 or 6	723	360
1909	USBR	408	10142	350	10	4,850	3576
1962	WEID	27941	52829	0.5	4.5	20	20
1968	WEID	33833	53086	82.22	4.5	3,289	3,289
1969	WEID	33833		3.20	4.5	128.0	
	Total			505.65		11076	8,424

**Table 2
WEID Primary Irrigation Water Rights after 3111 – Umatilla River**

Priority Date	Name	Certificate Number	Max. Flow	Duty AF/Acre	Acres
1893	WEID	79924	34.24	3 or 6	1369.9
1906	WEID	79925	8.64	3 or 6	347.1
1909	USBR	79926	295.67	10	4121.7
1962	WEID	79927	0.5	4.5	20
1968	WEID	79928	81.20	4.5	3248.1
1969	WEID	79930	3.20	4.5	128.0
	Total		423.45		9234.8

**Table 3
Primary Water Rights - Columbia River**

Priority Date	Name	Permit Number	Certificate Number	Max. Flow	Duty AF/Acre	Acres	1980 Survey Acres
1981	WEID	45999	----	28.59	4.5*	1,144	

* Duty was originally 3.0, was amended to 4.5

**Table 4
Original Supplemental Irrigation Water Rights - Columbia River**

Priority Date	Name	Permit Number	Certificate Number	Max. Flow	Duty AF/Acre	Acres	1980 Survey Acres
1968	WEID	33833	53086	90	4.5	8,389	8,389

**Table 5
Current Supplemental Irrigation Water Rights after 3111 - Columbia River**

Priority Date	Name	Permit Number	Certificate Number	Max. Flow	Duty AF/Acre	Acres
1968	WEID	33833	79929	90	4.5	8,389

**Table 6
Phase 1 Exchange Permits**

Priority Date	Name	Permit Number	Certificate Number	Max. Flow
1988	USBR	50748		150
1989	USBR	Transfer 6085 E		150

1.7 Land Use

Congress set an acreage ceiling on the lands that could be irrigated using facilities constructed under the Umatilla Basin Project Act of 1988, Pub. L. No. 100-557, 102 Stat. 2791-95. This included a requirement that the lands irrigated with the exchange facilities must have been irrigated by WEID as of October 1, 1988. By establishing a ceiling on lands eligible to receive water through the exchange facilities, Congress did not intend to preclude a one-for-one acre transfer of water or to prevent changes to lands irrigated so long as the irrigated ceiling set on October 1, 1988 is not exceeded. Additionally, Congress intended to ensure continued water service to irrigators and not cause restrictions on irrigation due to water conservation for fish benefits.

Prior to 1905 and the initiation of the Project, WEID had developed 2,789 acres of lands; some time before 1981, it had developed at least another 4,600 acres of irrigated lands. Thus, the district had likely irrigated at least 7,390 acres within the district's federally recognized boundaries by 1988. The Oregon Water Right data base shows a total of 11,381.14 acres of irrigated water rights for WEID, whether through permit or certificate, and shows Reclamation holding title to 4,822 acres of these rights.

The location of some of the foregoing water righted acres would reside outside WEID's boundaries as Reclamation found the district had assessed a total of 10,600 acres in 1981: 7,380 acres within WEID boundaries, and 3,220 acres outside its boundaries (Reclamation 1992).

Similarly, WEID's 2004 assessments show the district assessing 10,400 acres for operation and maintenance costs.

Section 208 of the Umatilla Basin Project Act allows the conjunctive use of the Umatilla Basin Project facilities when excess capacity is available and not needed for fishery resource benefits (102 Stat. 2793). Congress conditioned the use of the conjunctive management water to that "presently" on irrigated lands within the irrigation districts as of the date of the legislation. However, Congress also provided that other lands provided service by WEID as of October 1, 1988 and outside of the district's boundaries, could receive conjunctive supply, if subsequently included within the district's boundaries for federal service.

Therefore, after Reclamation and WEID have determined the total amount of acreage that received an irrigation supply as of October 1, 1988, conjunctive use water can be used on the following lands:

1. Lands within the district boundary as of 10/1/1988 that were serviced by the district as of 10/1/1988;
2. Lands that were outside the federally-recognized district boundary as of 10/1/1988, but were provided water by the district;
3. Lands that were originally inside or outside the federally recognized boundary and not served by the district as of 10/1/88 that become eligible for service when Project water is transferred, in an equal amount, from fallowed lands that were previously eligible for service. The net effect of the change would be zero in the terms of acres served by the district.

1.8 Permits and Contracts

WEID currently has a 1954 Repayment contract to operate the federal irrigation facilities within the district. WEID signed a contract in 1926 with the Department of Interior that gave operation and maintenance control of the West Extension, including Three Mile Falls Diversion Dam, to the irrigation district (Stene, 1993).

2.0 Alternatives

2.1 Alternative 1 – No Action

Reclamation would decline WEID's request to include lands currently outside of the federal boundary. Non-federal water would continue to be pumped to lands outside the federal boundaries using federal facilities. WEID would continue to pay repayment to Reclamation for lands it can no longer irrigate due to inundation by John Day Dam. This alternative allows WEID to remain in compliance with the State of Oregon, as all lands receiving water have a state water right. Section 11b of the WEID 1954 contract allows WEID to deliver water to lands outside its boundaries.

2.2 Alternative 2 – Adjust Boundary to Include Lands Currently Irrigated by WEID and Reserved Land; Exclude Inundated Lands

Under this alternative, Reclamation would affirm WEID's request to include lands currently outside of WEID's federally recognized boundary. This adjustment would include certain irrigated acres that were served by WEID prior to October 1, 1988 (consistent with Umatilla Basin Project Act) that have been continually served to the present. These irrigated lands receive nonfederal water from the Umatilla River at Three Mile Dam under 1962, 1968 and 1969 state water rights. This also includes lands within the district not presently irrigated (reserved lands) that are deemed necessary to retain a future assessment base as the lands within the district continue to become urbanized.

Alternative 2 would also exclude from WEID lands inundated by backwaters of the John Day Dam on the Columbia River as they are no longer available for agriculture. Finally, Alternative 2 would exclude from WEID other acres no longer irrigated as a result of an unrepaired flume.

Alternative 2 would update WEID's federally recognized boundary to correspond with the actual acres presently irrigated from the Umatilla River at Three Mile Dam and would match the boundaries recognized by the State of Oregon. This would not result in an increase in the amount of irrigated acres nor increased amount of water diversion from the Columbia and Umatilla Rivers.

Reclamation proposes to include the above described currently irrigated and reserved lands and exclude the inundated and flume lands from WEID's federally recognized boundary. The result would be to include 7,174 acres and exclude 8,294 acres. There would be a net reduction of 1,120 acres from WEID's federally recognized boundary. As a result, all water delivered under the state water rights to those lands would be deemed federal water. The reserved lands would only be irrigated with federal water when other lands within WEID have retired their water right.

The point of diversion for WEID would remain Three Mile Falls Diversion Dam. No change in diversion at this point would result since there will be an acre-for-acre, bucket-for-bucket

exchange of land/water within the new federal boundary. This means that one acre of land would go out of irrigation production for every one acre of land brought into irrigation production. These lands being brought into the federal boundary are currently irrigated; no currently non-irrigated land would be irrigated because of this alternative.

There will be no increase of irrigated land, water diversion, or water delivery as a result of the boundary adjustment.

2.2.1 Comparison of Alternatives

	No Action			Alternative 2		
	In-District Status	Federal Water Right Delivery (Acres)	Non-Federal Water Right Delivery (Acres)	In-District Status	Federal Water Right Delivery (Acres)	Non-Federal Water Right Delivery (Acres)
Lands with No Change to Their Use	Yes	9,632	0	Yes	9,632	0
Lands Currently Irrigated with Non-Project Water and Lying Outside Federal Boundaries	No	0	3,068	Yes	3,068	0
Lands Reserved for Future Transfer	No	0	0	Yes	¹ 3,689	0
Inundated and Flume Lands	Yes	²	0	No	²	²

¹ Delivery will not occur to these lands until an equal amount of land is retired from the first two categories.

² The federal water rights to these lands are in the process of being cancelled due to either the lack of federal facilities to irrigate, or that they have not been irrigated for numerous years. Some of the lands may have a non-federal water right and the amount of acres is unknown.

3.0 Affected Environment and Environmental Consequences

This chapter discusses the existing environment for all potentially impacted resources and considers those impacts. This discussion is limited to potentially impacted resources since neither of the alternatives would cause a significant impact to the existing environment. This is accurate since both alternatives do not require a change in the point of diversion, the diversion amount, and do not irrigate previously undisturbed lands.

For this reason, a detailed examination of the current environment is not included in this document. For more information about the existing environment of the project area please refer to the “Draft Umatilla/Willow Subbasin Plan,” May 28, 2004 (<http://www.nwcouncil.org/fw/subbasinplanning/umatilla/plan/>), or the National Oceanic and Atmospheric Administration National Marine Fisheries Service April 23, 2004 “Biological Opinion for the Ongoing Operation of the Umatilla Project and the Umatilla Basin Project.”

3.1 Hydrology

3.1.1 Affected Environment

Surface water for WEID is diverted at Three Mile Falls Dam or pumped from the WEID pumping plant and sent down the 27-mile Main Canal to irrigate approximately 9235 acres within the district. Return water from the district goes to the Columbia River; no water is returned to the Umatilla River from WEID. Return flows reach the Columbia River via the wasteway at the end of the main canal and through wetland complexes located near the Columbia River.

3.1.2 Environmental Consequences

Under the no action alternative hydrologic conditions within the existing WEID boundaries would remain the same as current conditions because there would be no change in current irrigation activities.

Under the Action Alternative, wells that currently service lands outside WEID boundaries would be idled when they receive district water. This would reduce groundwater withdrawals resulting in an overall reduction in consumptive use. This net water savings would occur as lands currently within the district are fallowed, that is, would receive no district water. The lands that would be brought into WEID are already receiving water from wells. It is impossible to estimate the magnitude of savings considering that inclusion/exclusion of lands would occur in the future and cannot be predicted.

Additionally, neither alternative would require the alteration of operations of any WEID or federal facilities including Three Mile Falls Dam, the WEID pump station on the Umatilla River, or the Phase I pump station.

3.2 Fisheries

3.2.1 Affected Environment

The action area is defined as all areas to be affected directly or indirectly by the federal action. The action area for the proposed boundary adjustment of WEID includes the Umatilla River from Three Mile Dam (TMD) near river mile 3 (RM), to the river mouth, and the Columbia River (RM 265-289), where adjacent to WEID lands.

Federally Listed Species within the Action Area

Salmon

On November 20, 1991, the Snake River sockeye salmon (*Oncorhynchus nerka*) ESU was listed as “Endangered” by National Marine Fisheries Service (NMFS). Snake River spring/summer chinook and Snake River fall chinook (*Oncorhynchus tshawytscha*) were listed as “Threatened” by NMFS on April 22, 1992. On March 24, 1999, the Upper Columbia River ESU spring chinook salmon was listed as Endangered by the NMFS. All of these stocks migrate through this portion of the Columbia River during their juvenile and adult life forms.

Steelhead Trout

On August 18, 1997, the Snake River Basin ESU steelhead trout (*Oncorhynchus mykiss*) was listed as “Threatened” by NMFS. Critical habitat was proposed on February 5, 1999, including all river reaches and estuary areas accessible to steelhead in the Snake River and its tributaries in Idaho, Oregon, and Washington. Also, on August 18, 1997, the Upper Columbia River ESU steelhead trout was listed as “Threatened” by NMFS. Critical habitat was proposed on February 5, 1999, including all river reaches and estuary areas accessible to steelhead in Columbia River tributaries upstream of the Yakima River and downstream of Chief Joseph Dam, Washington.

On March 25, 1999, the inland MCU steelhead trout was listed as “Threatened” by NMFS. This inland steelhead ESU occupies the Columbia River basin and tributaries from above (and excluding) the Wind River in Washington and the Hood River in Oregon, upstream to, and including, the Yakima River, in Washington. The Umatilla River basin is included within the MCU. Critical habitat was proposed on February 5, 1999, and includes all river reaches accessible to listed steelhead in Columbia River tributaries (except the Snake River) between Mosier Creek in Oregon and the Yakima River in Washington (inclusive).

Bull Trout

On June 10, 1998, the Columbia River DPU of bull trout (*Salvelinus confluentus*) was listed as “Threatened” by the U.S. Fish and Wildlife Service (FWS). This DPU includes all drainages within the Columbia River basin. The Umatilla River is included within this DPU listing. Adult fluvial bull trout are only known to occasionally utilize this portion of the Umatilla River during the winter and spring months.

Critical habitat for bull trout was designated in 2005 and redesignated in 2010. The critical habitat includes the Umatilla River from the mouth, where it flows into the Columbia River, to the confluence of Meacham Creek. The Columbia River is also listed as critical habitat for bull trout.

Other Fish Species within the Umatilla River Basin

The Umatilla River historically supported native populations of spring chinook, fall chinook, and coho salmon. These runs dwindled to extinction by the early to mid 1900's, primarily due to passage blockages and lack of instream flows after the development of the basin's agricultural economy. Efforts by the Oregon Department of Fish and Wildlife, CTUIR, Reclamation, and BPA have successfully reintroduced spring and fall chinook, and coho salmon to the basin. WEID's participation in the Umatilla Basin Act water exchange is vital for the continued rebuilding of salmon and steelhead trout runs in the basin through enhanced streamflows in the lower three miles of the Umatilla River.

The lower mainstem Umatilla River also provide habitat for a number of warmwater game fish including largemouth bass (*Micropterus salmoides*), bluegill sunfish (*Lepomis macrochirus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus punctatus*), and brown bullhead (*Ictalurus nebulosus*). Other non-gamefish warmwater species found in the lower river include carp (*Cyprinus carpio*), northern pikeminnow (*Ptychocheilus oregonensis*), speckled dace (*Rhinichthys osculus*), chiselmouth (*Acrocheilus alutaceus*), redbelt shiner (*Richardsonius balteatus*), cottids (*Cottus* spp.), and suckers (*Catostomus* spp.).

Pacific lamprey (*Entisphenus tridentatus*)

Columbia River basin populations of Pacific lamprey (*Entisphenus tridentatus*) have declined steeply from historic levels in recent years, and there is widespread concern among federal and state management agencies and Columbia River basin tribes about their continued existence. Lamprey are of great importance to Columbia River tribes because of their subsistence, medicinal, cultural, and ecological values. Lamprey abundance and distribution in the Columbia River Basin is in decline for a number of different factors. New research suggests that these factors include hydroelectric and irrigation dams, diversions, and poisoning. Dams impact the migration, distribution, and abundance of lamprey. Fewer than 50% of adult Pacific lampreys were able to pass the lower Columbia River dams (Close 2009).

The Umatilla River was once a preferred lamprey harvest location for numerous tribes. However, lampreys were extirpated from the Umatilla River by poisoning treatments in 1960s and 70s. This was done as a reaction to a supposed lamprey threat to commercial and salmonid fisheries. The CTUIR has been aggressively researching reintroduction of lamprey in the Umatilla River since the 1990s, and has conducted reintroduction of lamprey into the Umatilla River. The Tribe's goal of these activities is to re-establish natural production for sustainable harvest. Studies are looking into improving dam passage facilities, improving habitat, installing barriers in irrigation canals, and supplementation to achieve this goal (Tribal Pacific Lamprey Restoration Plan for the Columbia River Basin 2008).

Reclamation plans to implement two action items in a 2008 Memorandum of Agreement with Lower Columbia River tribes, which includes identifying all Reclamation projects in the Columbia Basin that may affect lamprey, focusing initially on the Umatilla and Yakima Projects and related facilities, and then jointly developing a lamprey implementation plan for Reclamation projects.

3.2.2 Environmental Consequences

Neither of the alternatives would have a significant impact on fisheries, critical habitat, threatened and endangered species, or Pacific lamprey. Neither of the alternatives would cause an increase to diversions in the Umatilla or Columbia Rivers, nor affect the current operation of both rivers. Additionally, neither alternative requires changes in operations of WEID facilities. Finally, ESA consultation on the Umatilla Basin Project operations was previously completed; neither alternative would cause a change in the action addressed in that consultation.

3.3 Historic Resources

3.3.1 Affected Environment

Prior to the arrival of European-descended settlers, the land was the territory of several indigenous populations of Sahaptin speakers, principally the Umatilla, Cayuse, Walla Walla and Nez Perce (Burney 1985: 38); however, the area on both sides of the Columbia River proximal to the Umatilla River and McNary Dam is more closely identified with the Umatilla, or i'matilam, Indians. Much of the landscape was used and occupied by the native people in common, and strict ownership of territory and its resources had greater meaning only in close proximity to a winter village (ibid). Winter villages were located along the Columbia River and its tributaries such as Butter Creek, as well as the Umatilla, Grand Ronde, and Wallowa rivers. Dispersal into post winter quarters occurred as the various natural resources became available during the seasons.

The Oregon Territory was formed in 1848 following the 1846 treaty with Great Britain which established the 49th Parallel as the boundary between British and American territories. Interest in the area by Europeans and American interests ranged from excursions by the Northwest Company (<1800), the Lewis and Clark Expedition (1805-06), John Jacob Astor's American Fur Company (1811), to the various missionaries (1834 - 37), and the fabled travails of the pioneers on the Oregon Trail beginning in 1839. Although the trickle of settlers through eastern Oregon Territory spawned no large-scale settlements like that experienced in, for example, the Willamette Valley, the pace of immigration through the area caused federal authorities to seek arrangements with the Indians for the American presence. Negotiations with the Nez Perce, Umatilla, Cayuse, and Yakima in 1855 resulted in establishing reservations in the territory.

Settlement of the area after establishing the reservations focused on grazing and ranching, some timber cutting, and, after construction of the railroad the jumping off point for transferring freight to points beyond the Blue Mountains and inland away from the Columbia River. Settlement increased markedly following completion of the federal irrigation projects at the turn of the 20th century.

Literature Review and Known Historic Resources

A review of the reports and site records at the Oregon State Historic Preservation Office reveals that surveys for historic resources for projects touching lands in the project area have occurred, albeit they are a coincidence of surveys focusing on projects not affiliated with the irrigation district or features, and includes:

- Hermiston Generating Project plant site, transmission line and gas pipeline (Oetting 1992): no significant historic resources identified
- Umatilla sewer system expansion (Miller 1999): no significant historic resources identified.
- Kenny Marsh Wetland Restoration Project, Umatilla National Wildlife Refuge (Bourdeau 1996): no significant historic resources identified.
- West Extension Irrigation District pumping plant and canal (Zontek 1987): no significant historic resources identified.
- West Extension Irrigation District, Sun Country Cable right-of-way (Zontek 1988): no significant historic resources identified.
- Pacific Gas Transmission Company, Coyote Springs extension pipeline (Ellis 1994): notes that the West Extension Irrigation Canal could potentially be eligible for inclusion on the National Register of Historic Places (National Register) where the gas line will cross it.

For an area outside of the main urban and population centers, there have been several historic resources investigations in the overall project area. These investigations have been in topographic and environmental settings similar to those of the land included in the project area; in fact, they touch the project boundaries or come close. In addition, these surveys have, for all practical purposes, identified no significant historic properties. In view of which there is little to suggest that the area inside the boundaries of the project area would reveal anything different.

3.3.2 Environmental Consequences

The proposed action meets the definition of "federal undertaking" in 36 CFR 800.15 Protection of Historic Properties. As defined in the regulations, the level of inventory and identification of historic resources in the project area are commensurate with the nature of the undertaking. Because the nature of the undertaking is such that impacts in the project area are expected to be no different than otherwise occurring presently, the identification of historic properties was limited to a literature review, cited above, to identify surveys that may have found historic properties in or near the proposed project area, which, in turn, would indicate the probability or potential for historic properties in the area in general. The literature review did not suggest a high probability for historic properties in the area; therefore additional investigations were not done.

In deciding the level of investigations for identifying historic properties, consideration was given to anticipated land use that could affect historic resources in the future. Accordingly, no significant changes in agricultural practices or land use are expected to occur from implementing either alternative. Therefore, no impacts to historic properties are anticipated for either alternative.

3.4 Environmental Justice

Executive Order 12898 requires each federal agency to achieve environmental justice as part of its mission by identifying and addressing disproportionately high adverse human health or environmental effects, including social and economic effects, of its programs and activities on minority populations and low-income populations of the United States.

3.4.1 Affected Environment

According to the 2010 census, the Hispanic population in Morrow County is 31.3 percent of the total population. The Native American population for the county is between 1.2 percent of the total population. Median household income estimate for the county in 2009 was \$46,279 per year (median income for the United States in 2009 was \$49,777).

3.4.2 Environmental Consequences

No significant changes in agricultural practices are expected to result from implementation of any alternative. Neither will implementation of any alternative significantly alter employment opportunities or housing availability. Finally, neither alternative would result in disproportionately high adverse human health or environmental effects.

3.5 Indian Trust Assets

3.5.1 Affected Environment

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the federal government for federally recognized Indian tribes or individual Indians. Trust status originates from rights imparted by treaty, statutes, or executive orders. Examples of ITA's include lands, minerals, instream flows, water rights, and hunting and fishing rights. A defining characteristic of an ITA is that an asset cannot be alienated, sold, leased, or used for easement without approval from the United States.

The Walla Walla, Cayuse and Umatilla ceded approximately 6.4 million acres of land in the treaty of 1855. The entire project area lies within this ceded territory. One aspect of the treaty was the reservation of rights to harvest animals, plants, and other foods and medicine known as "First Foods" by the tribes:

...The exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed

stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them.

The Umatilla River is considered a usual and accustomed fishing site for the Umatilla; the Tribe considers all plants and wildlife in the ceded area to be Trust Assets.

The CTUIR has unquantified and unadjudicated federally reserved water rights in the Umatilla River under the *Winters* doctrine to satisfy the purposes of the 1855 treaty and the purposes for which the Umatilla Indian Reservation was established. These water rights are currently being negotiated with the United States and the CTUIR.

3.5.2 Environmental Consequences

ITA's would not be affected by either alternative. WEID is not located within the boundaries of the Umatilla reservation, nor does the CTUIR have any trust land within the boundaries of the WEID. The proposal would not affect the amount of water diverted or exchanged from the Umatilla River. Additionally, neither alternative would impact ongoing water rights negotiation between the United States and CTUIR.

3.6 Sacred Sites

3.6.1 Affected Environment

Executive Order 13007 (May 24, 1996) defines a sacred site as:

... any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

Additionally, Reclamation's Departmental Manual (512 DM 3: Departmental Responsibilities for Protecting/Accommodating Access to Indian Sacred Sites) also states that:

It is the policy of the Department of the Interior in managing federal lands under its jurisdiction, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate American Indian and Alaska Native access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It is also the policy of the Department of the Interior to consult with American Indian and Alaska Native tribes on a government-to-government basis whenever the Department has reason to believe that its plans, activities, decisions, or proposed actions may compromise the physical integrity of, or access to sacred sites.

During consultation with the CTUIR no sacred sites were identified in the project area.

3.6.2. Environmental Consequences

No known sacred sites would be affected by either alternative. No sacred sites were identified in the project area, and neither alternative would require a change in operation of WEID facilities, nor irrigate previously un-developed land.

3.7 Cumulative Impacts

The Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) implementing the procedural provisions of NEPA, as amended (42 USC 4321 et seq.), define cumulative effects as follows:

The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 CFR ' 1508.7).

A single project may have individually minor impacts; however, when considered together with other projects, the effects may be collectively significant. Therefore, a cumulative impact is the additive effect of all past, present, and reasonably foreseeable future actions in the geographic area.

3.7.1 Affected Environment

The overall landscape of the project area has changed over time since human settlement. Current aggregate effects of past actions include the inhabitation of the area first by native tribes and subsequent settlement by Euro-Americans, establishment of towns, construction of dams on the Umatilla and Columbia Rivers, and the introduction of agriculture. This also includes the establishment of the Umatilla Basin Project and WEID. Effects are largely due to these activities and have resulted in numerous impacts to the environment. This includes the Umatilla River which has been greatly altered by irrigation activities resulting in effects such as a reduction in anadromous fish numbers, including Pacific lamprey.

In addition to this boundary adjustment, four others have occurred within or near the project area. These include:

- Stanfield Irrigation District: expanded the district boundary to include lands that had been irrigated in the past with Temporary Water Service Contracts (TWSC). This boundary adjustment allowed for the inclusion of up to an additional 242.2 acres;
- A second boundary adjustment was completed in 2006 to include an additional 3,303.38 acres;

- Hermiston Irrigation District: expanded the district boundary to include lands that had been irrigated in the past with TWSCs. This boundary adjustment allowed for the inclusion of up to an additional 1,076 acres;
- Westland Irrigation District: expanded the district boundary to include lands that had been irrigated in the past with TWSCs. This boundary adjustment allowed for a 10,337.8 acre adjustment.

Environmental Assessments and Findings of No Significant Impacts were prepared for each of these projects; no significant impacts to the human environment or natural resources were identified.

3.7.2 Environmental Consequences

As detailed in this document, neither alternative would result in a significant impact on the human environment or natural resources. Therefore, none of the alternatives in this document would collectively cause cumulative impacts above and beyond current aggregate effects of past, present, and reasonably foreseeable future actions.

4.0 Consultation and Coordination

Agencies, tribes, and other organizations or groups Reclamation contacted, consulted, or coordinated with included:

West Extension Irrigation District

Hermiston Irrigation District

Westland Irrigation District

Stanfield Irrigation District

Confederated Tribes of the Umatilla Indian Reservation

5.0 Literature Cited

Bourdeau, Alex

1996 Cultural Resource Inventory of the Kenny Marsh Wetland Restoration Project, Umatilla National Wildlife Refuge, Morrow County, Oregon. US Fish and Wildlife Service, Sherwood, OR.

Burney, Michael S.

1985 Archaeological and Historical Surveys of Selected Portions of the Umatilla Basin Project, Umatilla County, Oregon. Report prepared for the Bureau of Reclamation by Western Archaeological Consultants, Inc. Boulder, CO.

Close, David A. et al

2009 Lessons from the Reintroduction of a Noncharismatic, Migratory Fish: Pacific Lamprey in the Upper Umatilla River, Oregon. American Fisheries Society Symposium 72:233-253.

Ellis, David V.

1994 Cultural Resources Inventory of the Coyote Springs Extension, Pacific Gas Transmission Company's Pacific Northwest Expansion Project, Morrow County, Oregon. Archaeological Investigations Northwest, Inc. Report No. 51.

Flenniken, J. Jeffrey and Terry L. Ozbun

1993 Phase I Archaeological Inventory Report, Coyote Springs Extension, Pacific Northwest expansion Project. Report prepared for Pacific Gas Transmission Company by CH2M Hill, Corvallis, OR.

Miller, Carey L.

1999 Southwest Umatilla Collection system Improvements, Schedule C, Umatilla

County, Oregon. Report prepared by the Cultural Resources Protection Program, Confederated Tribes of the Umatilla Indian Reservation, for City of Umatilla.

Nez Perce, Umatilla, Yakama and Warm Springs Tribes

2008 Tribal Pacific Lamprey Restoration Plan for the Columbia River Basin. Formal Draft.

Oetting, Albert C.

1992 Cultural Resources Survey of Facilities for the Hermiston Generating Project (US Generating Company), Umatilla County, Oregon. HRA Letter Report 92-18. Heritage Research Associates, Inc., Eugene, OR.

Stene, E.A.

1993 The Umatilla Project [Second Draft], Bureau of Reclamation History Program, Research on Historic Reclamation Projects.

United States Bureau of Reclamation

1992 Irrigation Water Service in the Umatilla River Basin, Umatilla Basin Project 14-15.

U.S. Geological Survey

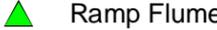
1996 National Atlas

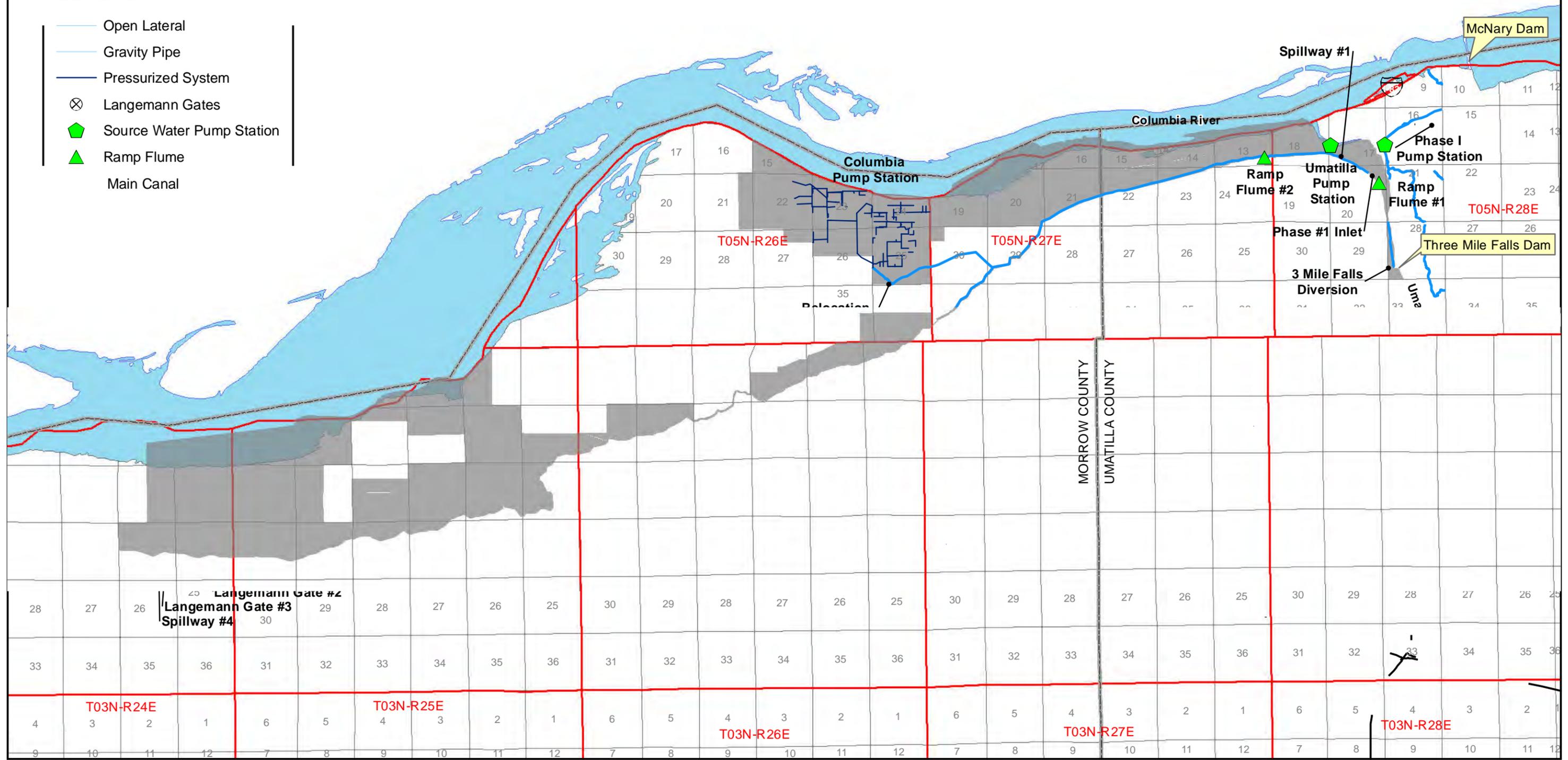
Zontek, Terry

1987 Cultural Resources Report Narrative: West Extension Irrigation District Water Exchange Facilities. On file, No. 11678, State Historic Preservation Officer, Salem, OR.

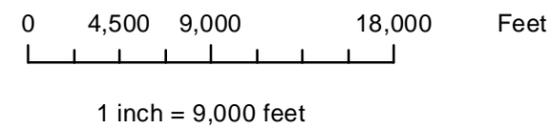
1988 Cultural Resource Report Narrative: Sun Country Cable, Inc. Right-of-way. On file, No. 9499, State Historic Preservation Office, Salem

LEGEND

-  Open Lateral
-  Gravity Pipe
-  Pressurized System
-  Langemann Gates
-  Source Water Pump Station
-  Ramp Flume
-  Main Canal

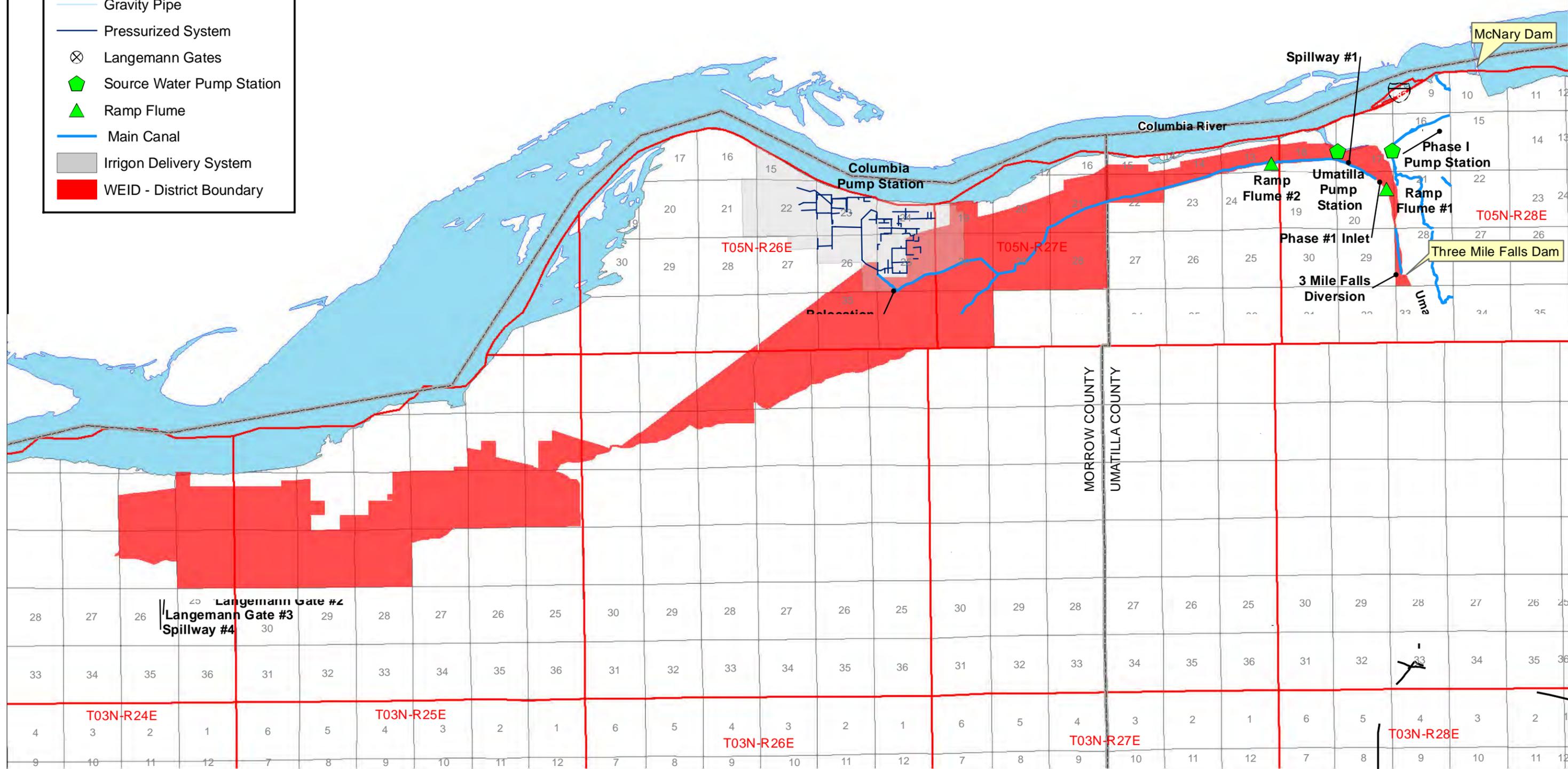


Current WEID Federal Boundaries



LEGEND

- Open Lateral
- Gravity Pipe
- Pressurized System
- ⊗ Langemann Gates
- ◆ Source Water Pump Station
- ▲ Ramp Flume
- Main Canal
- Irrigon Delivery System
- WEID - District Boundary



Proposed WEID Federal Boundaries



1 inch = 9,000 feet

