



**US Army Corps  
of Engineers** ®  
Walla Walla District

# MILL CREEK FLOOD RISK MANAGEMENT GENERAL INVESTIGATION

*Draft Feasibility Study and Environmental Assessment Report*

*January 2020*

APPENDIX H  
DRAFT FINDING OF NO SIGNIFICANT IMPACT

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**U.S. ARMY CORPS OF ENGINEERS  
DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**MILL CREEK GENERAL INVESTIGATION FEASIBILITY STUDY AND ENVIRONMENTAL  
ASSESSMENT REPORT**

**January 2020**

**I. Project Description and Background Information**

The U.S. Army Corps of Engineers (Corps), Walla Walla District and the non-Federal Sponsor, Mill Creek Flood Control Zone District (Walla Walla County), are conducting a flood risk management study to address the risks Mill Creek presents to the community of Walla Walla, Washington, and other communities within the Mill Creek watershed (adjacent lands). This draft Integrated Feasibility Study and Environmental Assessment Report (FR/EA) documents the results of the feasibility study and environmental compliance processes. It presents the process, analysis, results, and conclusions of the investigations and analysis performed to evaluate potential improvements to the existing Mill Creek Flood Control Project (MCFCP or Project).

Some of the system's major components are over 80 years old and are degrading. In particular, the concrete section of the channel was constructed in the 1930s by the Works Progress Administration (WPA) using locally available materials and labor. It runs through densely populated areas and Walla Walla's downtown commercial core. In some places, it incorporates parts of building foundations and other infrastructure that are over 100 years old. The integrity of the walls cannot be determined with certainty due to their age and lack of design and construction information. The Corps and Walla Walla County have properly operated, maintained, repaired, and rehabilitated the system's components, and major work has been performed at the reservoir, and the leveed and concrete channel reaches, to preserve the system's performance, capacity, and reliability. However, maintenance costs have increased at rates that exceed typical inflation rates over the last decade, and the costs to maintain all parts of the system are expected to continue to increase as the system ages.

**II. Proposed Action**

The Corps proposes to share the costs with Walla Walla County to increase flood risk protection to Walla Walla and adjacent lands. The Proposed Action is to raise sections of the levee up to 1.5 feet, rehabilitate the concrete channel in focused areas, modify project operations, buyout structures and/or land, as well as inhibit future development in undeveloped floodplain, and acquire necessary flowage easements where there may be increases in inundation areas.

### **III. Purpose and Need**

The purpose of the proposed action is to reduce the susceptibility of Walla Walla and adjacent lands to flood-related property damage, financial consequences, and potential human life losses from Mill Creek over the 50-year period of analysis. The proposed action is needed because the capacity, reliability, and performance of the existing flood risk management system are degrading, and the operation and maintenance costs are increasing as the system ages. The proposed action, consistent with policies, could also incorporate compatible features to improve fish habitat and passage conditions and avoid obstructing the ability of others to make such improvements within the study area.

Alternatives considered must: (1) Reduce total flood risk to Walla Walla and surrounding areas; (2) comply with applicable treaties, laws, regulations, and executive orders; (3) not adversely affect existing water rights; (4) be capable of reasonably maximizing the contribution to national economic development (NED), based on preliminary cost and benefit evaluations; (5) be technically and economically feasible; and (6) environmentally acceptable.

### **IV. Project Alternatives**

Eight alternatives were considered, including the No Action Alternative. The No Action Alternative in this study is the same as the future without project conditions explained in Section 2.1 of the FR/EA.

Alternative 1: No Action

Alternative 2: Standalone Concrete Channel Rehabilitation

Alternative 3: Standalone Levee Raise: Moderate

Alternative 4: Standalone Levee Raise: Small

Alternative 5: Standalone Modify Project Operations

Alternative 6: Standalone Buyout/Acquisition

Alternative 7: Modify Project Operations, Levee Raise: Small, Concrete Channel Rehabilitation, Buyout/Acquisition

Alternative 8: Modify Project Operations, Levee Raise: Moderate, Concrete Channel Rehabilitation, Buyout/Acquisition

### **V. Environmental Effects**

Alternatives 2, 3, 4, 5, and 6 were screened from detailed analysis as failing to meet the purpose and need. Alternatives 1, 7 and 8 were analyzed in detail for potential effects to the following resources: Hydrology, Water Supply, Water Quality, Aquatic Resources, Threatened and Endangered Species, Wetlands, Terrestrial Wildlife, Vegetation, Geology and Soils, Land Use, Floodplain Development, Aesthetics/Visual Resources, Recreation, Air Quality, Noise, Cultural and Historic Resources, Socioeconomics/Environmental Justice, Public Utilities, Hazardous, Toxic, Radioactive Waste, and Climate Change. This analysis is detailed in Section 4

Environmental Effects of the FR/EA. The analysis concluded there would be no significant effects to any of the resources from implementation of these Alternatives.

The Corps also considered the cumulative effects of Alternatives 7 and 8 along with other past, present, and reasonably foreseeable future actions in the four States. The Corps concluded that these alternatives would not contribute to a significant cumulative effect. Alternative 7 was identified as the preferred alternative (Proposed Action) based on additional economic feasibility analysis.

## **VI. Consultation and Compliance with Other Laws and Regulations**

The National Environmental Policy Act (NEPA) (42 USC 4321 et seq.) provides a commitment that Federal agencies will consider the environmental effects of their actions. It also requires that an Environmental Impact Statement (EIS) or EA be included in every recommendation or report on proposals for legislation and other major Federal actions. The EIS or EA must provide detailed information regarding the proposed action and alternatives, the environmental impacts of the alternatives, possible cumulative effects, and potential mitigation measures. Agencies are required to demonstrate that these factors have been considered by decision-makers prior to undertaking actions.

The Corps determined that the proposed action would not significantly affect the quality of the human environment and an EIS is not required. The Corps prepared this EA to inform the determination. A 30-day public/agency/tribal review and comment period of the draft FONSI and EA will occur in January 2020. The NEPA process would be considered complete upon signing of a Finding of No Significant Impact (FONSI), if determined appropriate.

In accordance with the Corps supplemental NEPA regulations (33 CFR §230.11), the Corps will provide notice of the availability of the FR/EA and this FONSI when signed to concerned agencies, organizations and the interested public by a news release issued to all area news agencies. The FR/EA and signed FONSI will also be posted to the Corps website at <http://www.nww.usace.army.mil/Missions/Environmental-Compliance/>.

The Fish and Wildlife Coordination Act of 1934, as amended (16 USC 661 through 666(c)) (FWCA), requires consultation with US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) when any natural water body is impounded, diverted, controlled, or modified. The USFWS, NMFS, and state agencies charged with administering wildlife resources are to conduct surveys and investigations to determine the potential damage to wildlife and the mitigation measures that should be taken. The Federal natural resource agencies incorporate the concerns and findings of the state agencies into a report that addresses fish and wildlife factors and provides recommendations for mitigating or enhancing impacts to fish and wildlife affected by a Federal project.

The Corps determined that the Proposed Action would comply with the FWCA. The USFWS declined to coordinate under the FWCA as redundant to other local coordination efforts. The

NMFS originally accepted the Corps' invitation to act as a cooperating agency on FWCA coordination, and preparation of the EA, but subsequently elected not to sign a memorandum of understanding with the Corps. On May 8, 2019, both Services verbally expressed that a Coordination Act Report would be redundant to the collaboration through coordinating agency meetings and Endangered Species Act (ESA) consultation. The Services plan to compile the information gathered and shared during the study to assist the Corps with their planning. The Proposed Action will not result in any new modification control of a water body and, therefore, a Coordination Act Report is not required.

The ESA (16 USC 1531-1544), amended 1988, established a national program for the conservation of threatened and endangered species of fish, wildlife, and plants and the habitat upon which they depend. Section 7(a) of the ESA requires Federal agencies to consult with USFWS and NMFS, as appropriate, to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their critical habitats.

The Corps determined that the Proposed Action "may affect, and is likely to adversely affect" ESA-listed steelhead and bull trout. In-water work in the Mill Creek Channel or work that could have notable effects to species or critical habitat led to this determination by the Corps. The Corps has prepared a Biological Assessment for this study and plans to submit the Biological Assessment (Appendix G) to NMFS and USFWS on or around January 15, 2020. The Corps will submit the Biological Assessment requesting formal consultation once it is complete. The Corps determined that the Proposed Action would comply with this Act once formal ESA consultation is complete.

Section 106 of the NHPA (16 USC 470 et seq.) requires that Federal agencies evaluate the effects of Federal undertakings on historic properties and afford the Advisory Council on Historic Preservation opportunities to comment on the proposed undertaking. To accomplish this, the Corps will be required to initiate consultation with the appropriate consulting parties, to include the Washington State SHPO, Tribes, and other interested parties. Once the consulting parties have been identified, the Corps will then complete identification of all historic properties potentially affected by the selected plan. Once this step is complete the Corps will finalize its determination of effect, and seek comment regarding those effects. Consultation will be necessary to address any effects determined to be adverse, and efforts will be made to avoid, minimize; and if necessary, mitigate for those effects.

The Corps plans to initiate the formal Section 106 process in February of 2020. Currently the Corps does not anticipate adverse effects resulting from the Proposed Action, but that determination will be made after consultation, and prior to a final decision.

See Section 6 Compliance with Environmental Laws, Statutes, and Policies of the FR/EA for a discussion of how the proposed action complies with other laws, regulations, and Executive Orders.

## VII. Findings and Decision

Having reviewed the Mill Creek General Investigation Feasibility Study and Environmental Assessment Report, I find that the document provides sufficient discussions on the purpose of and need for the proposed action, alternatives, the environmental effects of the proposed action and the alternatives, and a listing of agencies consulted. These documents provide sufficient evidence and analysis to meet the Corps requirements pursuant to the National Environmental Policy Act. Based on this information, I find that implementation of the proposed action would not result in significant impacts on the quality of the human environment and that an Environmental Impact Statement is not required. The Corps will proceed to fund the proposed project under the authority of Flood Control Act of 1938 (Public Law [PL] 75-761) and Section 216 of the Flood Control Act of 1970 (PL 91-611,).

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TBD

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Date