



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



WILLAMETTE VALLEY SYSTEM OPERATIONS AND MAINTENANCE

FINAL ENVIRONMENTAL IMPACT STATEMENT

APPENDIX L: COOPERATING AGENCIES

TABLE OF CONTENTS

1. Introduction.....	1
1.1 Confederated Tribes of Grand Ronde Community of Oregon.....	1
1.2 Confederated Tribes of the Warm Springs Reservation.....	1
1.3 Confederated Tribes of Siletz Indians.....	2
1.4 National Marine Fisheries Service and U.S. Fish and Wildlife Service.....	2
1.5 U.S. Bureau of Reclamation.....	2
1.6 Bonneville Power Administration.....	3
1.7 United States Environmental Protection Agency.....	4
1.8 Oregon Department of Agriculture.....	4
1.9 Oregon Department of Environmental Quality.....	4
1.10 Oregon Department of Fish and Wildlife.....	4
1.11 Oregon Water Resources Department.....	4
2. References	6

**APPENDIX L HAS BEEN MODIFIED FROM THE DEIS
INSERTION OF LARGE AMOUNTS OF TEXT IS IDENTIFIED; MINOR EDITS ARE NOT DENOTED**

Summary of changes from the DEIS:

- **An introduction has been added as FEIS Appendix L, Section 1.**
- **Additional information on the Bonneville Power Administration has been added to FEIS Section 1.6.**



1. INTRODUCTION

The Council on Environmental Quality regulations emphasize agency cooperation early in the National Environmental Policy Act process (40 CFR 1501.6). The regulations require lead agencies to invite other Federal agencies with jurisdiction by law to be Cooperating Agencies. The regulations also encourage invitations to agencies with special expertise related to environmental issues analyzed in the environmental impact statement (EIS) to participate as Cooperating Agencies.

Additionally, Federal regulations require tribal invitation if effects from the Proposed Action would occur on a reservation (40 CFR 1508.5). USACE NEPA implementing regulations are consistent with CEQ regulations regarding Cooperating Agency involvement in EIS development (33 CFR 230).

Per the regulations, 12 agencies and tribes participated in development of this EIS. Each Cooperating Agency is described below, including its role in EIS development.

1.1 Confederated Tribes of Grand Ronde Community of Oregon

The Confederated Tribes of Grand Ronde Community of Oregon is one of 10 Federally recognized tribes in Oregon and includes approximately 5,400 enrolled tribal members from over 30 tribes and bands from western Oregon, northern California, and southwest Washington. The entire Willamette Valley System (WVS) lies within the ceded lands of the 1855 treaties with the tribes and bands who were moved to the Grand Ronde Reservation.

The Tribes' 11,500-acre reservation is in the Grand Ronde Valley at the western edge of the Willamette Valley in Yamhill County, Oregon. Members of the Tribe also live in communities across the region.

The Grand Ronde Natural Resources Department conducts surveys for threatened and endangered species that may occur on the reservation and any other Tribal trust properties. In addition to participation in development of the EIS as a Cooperating Agency, the Tribe is working with USACE to seek ways of improving fish habitat and populations in reservation streams, in part for subsistence fishing purposes (CTGR 2020).

1.2 Confederated Tribes of the Warm Springs Reservation

The Confederated Tribes of Warm Springs is a Federally recognized tribe and includes the Warm Springs, Wasco, and Paiute Native American Tribes. The Tribes' 640,000-acre reservation is located primarily in Wasco and Jefferson Counties approximately 100 miles east of the Willamette River. Tribal members harvest Pacific lamprey at Willamette Falls (CTWS 2015).

Tribal members worked with USACE to ensure that potential effects to lamprey were properly considered in the EIS. Tribal members also contributed to EIS discussions of water quality, climate change, streamflow for fish and wildlife, and tribal cultural resources (including salmon

and lamprey) as well as cumulative effects from other ongoing projects in the Willamette River Basin.

1.3 Confederated Tribes of Siletz Indians

The Confederated Tribes of Siletz is a Federally recognized tribe made up of a confederation of 30 bands, originating from northern California to southern Washington. The 3,666-acre reservation is located in Lincoln County, Oregon, approximately 50 miles west of the Willamette River. The Confederated Tribes rear coho salmon in the Lhuuke Illahee Fish Hatchery and maintain tribal fishing sites (CTSI 2022).

Pacific lamprey are collected by Tribal members a few times each year during the spring months at Willamette Falls on the Willamette River. The Siletz people's traditional harvest of Pacific lamprey used to occur mainly on the Siletz River, which is not a tributary of the Willamette River or in the Willamette River Basin; however, local Pacific lamprey runs have become low or non-existent in some traditional areas. The Siletz have long been concerned with WVS effects on Pacific lamprey and has coordinated with USACE on this environmental effect (CTSI 2022).

1.4 National Marine Fisheries Service and U.S. Fish and Wildlife Service

The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), collectively "the Services," share responsibility for administering the Endangered Species Act (ESA). Generally, NMFS manages marine and anadromous species, including salmon, and USFWS is responsible for administering the ESA for terrestrial and freshwater species. The Services participated in EIS development by assisting with threatened and endangered species information and analyses.

1.5 U.S. Bureau of Reclamation

The U.S. Bureau of Reclamation (BOR) holds water rights for conservation storage in the WVS and contracts with irrigators for portions of water stored in WVS impoundments for agricultural purposes. Of the approximately 1,590,000 acre-feet of conservation storage, about 83,000 acre-feet of stored water (approximately 5 percent of total conservation storage) is currently contracted by BOR for irrigation.

Contracts are executed pursuant to Federal Reclamation law, in particular: Section 9(e) of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187); Section 8 of the Federal Control Act of December 22, 1944 (58 Stat. 887, 891); the Federal Control Act of 1938 (52 Stat. 1222); and the Federal Control Act of 1950 (64 Stat. 170).

Contracts are established between the contractor (user) and the BOR that specify the amount of stored water that the user may request be released from the reservoir. As of October 2022, there were 266 contracts, for a total of 82,815 acre-feet, which is 25 percent of the reservoir

storage space allocated to irrigation in WVS reservoirs. BOR assisted with potential changes to its water marketing program under each alternative.

1.6 Bonneville Power Administration

The Bonneville Power Administration (BPA) is a nonprofit, Federal, power marketing administration. It is part of the U.S. Department of Energy but is self-funded through sales of its products and services. BPA maintains more than 15,000 circuit miles of high-voltage transmission line in Idaho, Oregon, Washington, western Montana, and small parts of surrounding areas.

THE DEIS HAS BEEN REVISED TO INCLUDE THE FOLLOWING INFORMATION IN THE FEIS

Congress created BPA through enactment of the Bonneville Project Act in 1937, Pub. L. No. 75-329, 50 Stat. 731 (codified as amended at 16 U.S.C. Sections 832-832m (2012)) to market and transmit electric power produced by Federal hydropower dams in the Pacific Northwest. BPA is statutorily obligated to assure the Pacific Northwest of an adequate, efficient, economical, and reliable power supply consistent with Section 839(3) of the Northwest Power Act.

BPA's authority to market power generated from the entire Federal Columbia River Power System, of which the WVS hydropower dams are a subset, is codified in Section 8 of the Federal Columbia River Transmission System Act of 1974, Pub. 93-454, 88 Stat. 1376, (codified as amended at 16 USC Sections 838-838l (2012)). The Federal Columbia River Transmission System Act also gave BPA express authority to operate and maintain the Federal Transmission System within the Pacific Northwest and to construct improvements, betterments, and additions to and replacements of the system.

The terms and rates upon which BPA may sell power and transmission services are subject to several statutes, including the Bonneville Project Act, the Flood Control Act of 1944 (Pub. L. No. 78-534, 58 Stat. 887) (codified at 16 U.S.C. Section 825s (2012)), the Federal Pacific Northwest Consumer Power Preference Act of 1964 (Pub. L. No. 88-552, 78 Stat. 756) (codified at 16 U.S.C. Sections 837-837h (2012)), the Federal Columbia River System Transmission Act of 1974, and the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Pub. L. No. 96-501, 94 Stat. 2697) (codified at 16 U.S.C. Sections 839-839h (2012)).

END NEW TEXT

BPA markets electricity generated at the eight WVS hydroelectric dams (BPA 2019) and works closely with USACE to determine power generation capabilities in relation to reservoir operations. While USACE is ultimately responsible for operations and maintenance of the WVS, it operates this system in coordination with BPA and regional Federal, state, and tribal agencies as well as other partners through the Willamette Fish Passage Operations & Maintenance (WFPOM) coordination team. BPA was integral to development of the EIS power and transmission effects analysis.

1.7 United States Environmental Protection Agency

The Environmental Protection Agency (EPA) works to ensure that Americans have clean air, land, and water. EPA Region 10 worked with USACE throughout the development of the EIS to ensure that potential effects were adequately addressed for water quality, geomorphology and hydrologic connectivity, air quality, climate, environmental justice, ecosystem services, and cumulative effects.

The EPA is also responsible for administering Section 402 of the Clean Water Act (CWA) and has a role in Section 404 of the CWA, which was delegated by Congress to USACE to administer.

1.8 Oregon Department of Agriculture

The Oregon Department of Agriculture works to ensure the provision of healthy natural resources, environment, and economy through inspection and certification, regulation, and promotion of agriculture and food in Oregon (ODA 2020). Oregon Department of Agriculture provided input on potential effects from decreased water storage capacity and the expected increase in irrigation withdrawals.

1.9 Oregon Department of Environmental Quality

The Oregon Department of Environmental Quality is involved in permitting; regulating; programming; providing technical assistance; and conducting other responsibilities related to air quality, water quality, solid and hazardous waste management, and other environmental issues (ODEQ 2020). The Oregon Department of Environmental Quality assisted USACE with analyses of water quality parameters.

1.10 Oregon Department of Fish and Wildlife

The mission of the Oregon Department of Fish and Wildlife (ODFW) is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations (ODFW 2020). As the primary fisheries co-managing agency in the Willamette River Basin, ODFW coordinated with USACE to address potential effects on fish and provided data for wildlife analyses.

ODFW operates all facilities associated with the Willamette Hatchery Mitigation Program and collaborated with USACE in the development of Hatchery Genetic Management Plans, the standards and performance targets for hatchery management goals. The joint ODFW and NMFS 2011 Upper Willamette Chinook and Steelhead Recovery Plan serves as both a Federal recovery plan under the ESA and as a State of Oregon Conservation Plan under Oregon's Native Fish Conservation Policy (ODFW and NMFS 2011).

1.11 Oregon Water Resources Department

The Oregon Water Resources Department (OWRD) works to address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure the long-term

*Willamette Valley System Operations and Maintenance
Final Environmental Impact Statement*

sustainability of Oregon's ecosystems, economy, and quality of life (OWRD 2024c). OWRD issues water rights for the use of surface and groundwater sources (OWRD 2024a) and assisted with related effects information for EIS analyses.

USACE and the OWRD were the Federal and non-Federal sponsors, respectively, for the Willamette Basin Review Feasibility Study (USACE 2019a). The Feasibility Study analyzed current water uses in the basin to address Congressionally authorized purposes, and proposed a conservation storage reallocation for agricultural irrigation, municipal and industrial irrigation, and fish and wildlife (USACE 2019a), which was authorized by Congress in the 2020 Water Resources Development Act.



Painting by Lee Jensen, USACE Employee, 1991-2001 (USACE Portland District Media Images).

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