



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**

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OFFICE OF  
WATER AND  
WATERSHEDS

**ENVIRONMENTAL ASSESSMENT (EA)  
PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

To all interested government agencies, public groups, and individuals:

In accordance with the U.S. Environmental Protection Agency procedures for complying with the National Environmental Policy Act (NEPA) at 40 CFR Part 6, the EPA has completed an environmental review of the following proposed action:

**Coverage of the Chief Joseph Fish Hatchery under the National Pollutant Discharge Elimination System General Permit for Federal and Tribal Aquaculture Facilities in Washington State  
[WAG-13-0000]**

**EPA ROLE AND RESPONSIBILITY**

Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants to surface waters of the United States is prohibited except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. The Confederated Tribes of the Colville Reservation (CTCR) have applied for coverage under the NPDES general permit for federal and tribal aquaculture facilities in Washington State (Washington GP) for discharges associated with the operation of a new aquaculture facility on the Columbia River and fish acclimation ponds on the Okanogan River and Omak Creek, located in Okanogan County, Washington. Discharges into waters of the United States associated with the operation of aquaculture facilities are regulated under the Net Pen Subcategory of the Concentrated Aquatic Animal Production Point Source Category [40 CFR Part 451, Subpart A]. Due to the location of the proposed project within the boundaries of the Confederated Tribes of the Colville Reservation, the EPA is the NPDES permitting authority.

New effluent limitation guidelines and new source performance standards for the Concentrated Aquatic Animal Production Point Source Category were promulgated on September 7, 2004, and became effective on September 22, 2004. Aquaculture facilities with an annual production of 100,000 pounds or more of aquatic organisms are required to get NPDES permit coverage prior to discharging into waters of the U.S. In addition, aquaculture facilities constructed after promulgation of these new source performance standards are considered *new sources* under 40 CFR 122.29. In accordance with Section 511(c)(1) of the CWA and the EPA's regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) at 40 CFR Part 6, issuance of NPDES permits for *new sources* are considered major federal actions subject to NEPA review. The proposed new hatchery facility on the Columbia River meets the production threshold to be considered a new source. As a new source, coverage of the new hatchery facility under the Washington GP is subject to NEPA review. The acclimation ponds on

the Okanogan River and Omak Creek do not meet the production threshold to be considered new sources and coverage of those facilities is not subject to NEPA review.

Pursuant to 40 CFR 1502.21, the EPA is incorporating by reference the Chief Joseph Hatchery Program Final Environmental Impact Statement (FEIS) issued by the Bonneville Power Administration (BPA) in November 2009 [DOE/EIS-0384, Nov 2009]. A copy of the FEIS is available online at the following website:

[http://efw.bpa.gov/environmental\\_services/Document\\_Library/Chief\\_Joseph/](http://efw.bpa.gov/environmental_services/Document_Library/Chief_Joseph/). After an independent review of the appropriate sections of the FEIS that address the EPA's action, public comments, response to comments, and Record of Decision (ROD), the EPA has determined that the FEIS is complete and appropriate for incorporation by reference under 40 CFR 1502.21. Upon review of the FEIS the EPA has concluded that coverage of the Chief Joseph Hatchery under the Washington GP will not result in any significant impacts to the human environment. Based on these findings, the EPA has developed an Environmental Assessment (EA)/Preliminary Finding of No Significant Impact (FONSI), which is hereby issued pursuant to the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.13 and the EPA's regulations for implementing the procedural provisions of NEPA at 40 CFR Part 6.206.

## **BACKGROUND AND PROJECT DESCRIPTION**

The CTCR proposes to construct, operate, and maintain a hatchery below the Chief Joseph Dam on the Columbia River and several fish acclimation and release ponds on the Okanogan River and Omak Creek (a tributary to the Okanogan). The proposed project intends to increase returns of adult Chinook salmon in the Okanogan River and the reach of the Columbia River immediately below Chief Joseph Dam. Enhancing stocks of summer/fall Chinook and reintroducing spring Chinook to these areas will be designed to return sufficient fish to meet the ceremonial and subsistence fishing targets of the CTCR, targets that have not been achieved since Chinook salmon were extirpated from much of the Colville Reservation due to the construction of Grand Coulee Dam in 1941. The ultimate goal of this hatchery project is to increase adult escapement of Chinook salmon past Wells Dam by at least 9,000 adults each year, and possibly up to 32,000 adults each year. Pursuant to its authority under the Northwest Power Act to protect, mitigate, and enhance fish populations affected by the Federal Columbia River Power System (FCRPS), BPA will fund the proposed project.

Under the proposed action, a new fish hatchery would be constructed on the Columbia River adjacent to Chief Joseph Dam in Okanogan County. Chinook salmon incubated and reared here would either be released from the hatchery or transported to five acclimation ponds along the Okanogan River and Omak Creek for rearing and release. Both summer/fall and spring Chinook salmon would be spawned and reared in these facilities. The proposed action would include constructing three houses for hatchery employees, developing water systems to supply the hatchery and housing facilities, modifying two existing irrigation settling ponds for fish acclimation, upgrading one existing acclimation pond, and constructing two new ponds for fish acclimation. Main hatchery features would include fish rearing raceways, waste treatment ponds, a main hatchery building, a small administration/visitor facility, a fish ladder and brood stock collection/holding area, and a complex water supply/routing system.

Raceway waste would be pumped to concrete waste treatment aeration and settling ponds excavated below grade on the western end of the hatchery complex, well above the high-water level of the Columbia River. After any solids have settled, waste pond flow would be mixed with regular raceway discharge and piped down to the adult holding ponds where it would enter the river via the fish ladder. Concentrated wastes would be removed from the ponds and deposited at an approved dry land application location on an annual basis. Wastewater from the hatchery would be discharged directly to the Columbia River in accordance with applicable NPDES permit limitations and monitoring requirements contained within the Washington GP. Hatchery water would be supplied from three sources: 1) groundwater; 2) an existing relief tunnel that collects seepage from the abutment of Chief Joseph Dam, and 3) an existing irrigation tap in the dam that would divert water from Rufus Woods Lake, the upstream impoundment created by Chief Joseph Dam.

As part of the proposed action five fish acclimation and release ponds located along the Okanogan River will be used. Three existing ponds—the Tonasket, Bonaparte, and St. Mary’s Mission ponds—will be modified and/or upgraded for use in fish acclimation, and two new acclimation ponds—the Riverside and Omak ponds—will be constructed. When in use for fish acclimation, the ponds would be visited daily by hatchery staff to feed fish, check intake screens and pumps, and periodically clean the ponds. Concentrated waste would be vacuumed from the ponds and stored in containment areas until it could be disposed of properly. Wastewater from the ponds would be discharged to the Okanogan River in accordance with applicable NPDES permit limitations and monitoring requirements contained in the Washington GP. As discussed above, the acclimation ponds do not meet the production threshold to be considered new sources and, therefore, coverage of those facilities under the Washington GP is not subject to the procedural provisions of NEPA.

A complete and detailed discussion on the proposed project and background can be found in Chapters 1 and 2 of the [Chief Joseph Hatchery Program FEIS](#).

The EPA’s proposed action is to provide NPDES permit coverage to the Chief Joseph Hatchery Program under the existing Washington GP.

#### **PURPOSE AND NEED OF ACTION**

The purpose of the EPA’s proposed action is to provide NPDES permit coverage for the proposed Chief Joseph Fish Hatchery under the existing Washington GP. NPDES permit coverage is needed for any discharge of pollutants into waters of the U.S., including those associated with operation of hatchery facilities such as the Chief Joseph Fish Hatchery. The permit would authorize discharges from the facility into the Columbia River in accordance with the discharge limitations and monitoring requirements set forth in the permit.

The purpose of the Chief Joseph Hatchery Program is to increase the populations of Chinook salmon within the Okanogan River and Columbia River immediately below the Chief Joseph Dam. The need for the Chief Joseph Hatchery Program is due to the decimation of salmon populations within the Columbia and Okanogan Rivers as a result of the FCRPS.

## **ALTERNATIVES**

Public scoping of the proposed action and comments on the draft EIS did not indicate that another alternative should be developed to compare or replace the applicant's proposed action. It was generally acknowledged that a fish production program supported by a local hatchery is needed and desired to complement other efforts to increase adult salmon returns in the Okanogan sub-basin. Therefore, only the proposed action and No Action alternative were analyzed in the EIS. A summary of the CTCR's proposed action is provided above under project description. A complete analysis of the proposed action can be found in Chapter 2 of the [Chief Joseph Hatchery Program FEIS](#).

The alternative actions include the proposed action and No Action alternative. Under the proposed action the EPA would provide NPDES permit coverage to the Chief Joseph Fish Hatchery under the existing Washington GP. Under the No Action alternative the EPA would not provide NPDES permit coverage to the facility and the CTCR would have to find an alternative means to dispose of the wastewater associated with the Chief Joseph Fish Hatchery.

## **CROSS CUTTERS**

The following cross-cutting environmental laws and regulations were evaluated. A complete analysis of all cross-cutters considered is included in [Chapter 4 of the FEIS](#).

### *National Historic Preservation Act*

The National Historic Preservation Act (NHPA) of 1966 as amended (16 USC 470) requires federal agencies with land management or permitting authority to take into account the potential effects of their undertakings on properties that are listed or eligible for listing on the National Register of Historic Places. As lead federal agency for the preparation of the FEIS, the Bonneville Power Administration conducted NHPA Section 106 consultation with the Washington State Historic Preservation Office (SHPO) and the CTCR Tribal Historic Preservation Officer. Cultural resource surveys were conducted at each proposed project site where ground disturbance may occur. These findings were consulted upon with the Washington SHPO and the CTCR THPO and concurrence was expressed. Adverse effects to identified historic properties will be mitigated as stipulated in a Memorandum of Understanding among the BPA, Colville Tribes, and Colville THPO. Contingency protocols in the event of an inadvertent discovery of historic properties have also been developed.

### *Clean Air Act*

The EPA has jurisdiction over air quality on the Colville Reservation. There is very little information available about air quality in Okanogan County or the Colville Reservation. No baseline data for particulate matter exists, and ambient air quality standards have not been established. Generally, the location, terrain, and wind patterns result in optimum conditions for maintaining high air quality throughout the Okanogan Valley. The proposed project does not occur within any known air quality maintenance or non-attainment areas. Therefore, the proposed project is not subject to a General Conformity determination pursuant to 40 CFR Part 93.

### Endangered Species Act

The Endangered Species Act of 1973 and its amendments (ESA, 16 USC 1531 et seq.) require federal agencies to ensure that their actions do not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification their designated critical habitats. As lead federal agency for the preparation of the FEIS, BPA conducted ESA consultation on the entire Chief Joseph Hatchery Program with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). A biological assessment was prepared by BPA and shared with USFWS and NMFS (collectively the “Services”). The Services concurred with BPA’s determinations of effect and concluded that the Chief Joseph Hatchery Program is not likely to jeopardize the continued existence of any ESA-listed species or result in the destruction or adverse modification of critical habitat. To minimize effects, the Services included a series of measures which BPA and the CTRC are required to implement. A copy of the Biological Assessment and ESA correspondence can be found on BPA’s [Chief Joseph Hatchery Program website](#).

### Magnuson-Stevens Fishery Conservation and Management Act—Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requires federal agencies to consult with the NMFS before authorizing, funding, or conducting an activity that may adversely affect essential fish habitat (EFH). In addition to ESA consultation, BPA also conducted consultation under the EFH requirements of the MSFCMA. It was determined that EFH would not likely be adversely affected by the proposed action. A series of conservation recommendations were applied by NMFS and adopted by BPA and the CTRC. A copy of the Biological Opinion containing the EFH consultation documentation and conservation recommendations can be found on BPA’s [Chief Joseph Hatchery Program website](#).

### Executive Order 11988, Floodplain Management

Executive Order 11988 (Floodplain Management) directs federal agencies to evaluate the potential effects of their actions in 100-year flood zones shown on Federal Emergency Management Agency (FEMA) flood insurance rate maps. In the project area, only the Okanogan River has a FEMA-mapped floodplain (Figure 3-3). The Okanogan River floodplain averages about a mile wide and descends from 920 feet in elevation at the Canadian border to 780 feet at the confluence with the Columbia River. The hatchery, housing, well field, and St. Mary’s Mission Pond would not be within the floodplain. Bonaparte, Ellisforde, and Tonasket ponds already exist within the floodplain, and the Riverside and Omak ponds are proposed within the floodplain.

The hatchery, housing, and well field sites and St. Mary’s Mission Pond are not proposed in FEMA-mapped floodplains, so no effects to floodplains are expected. The proposed modifications to Bonaparte, Ellisforde, and Tonasket ponds would not change current topography or river flows, so the Okanogan River 100-year floodplain would not be affected. The Riverside and Omak ponds would be newly built within the Okanogan River 100-year floodplain, but there are no practical alternatives for these facilities. The pond surfaces would be

near the existing ground level with some ground contouring necessary to establish a level platform for them. The ponds should have very little effect if any on river flow even at flood stage due to their low profiles, and the expansive size and low gradient of the floodplain at these locations.

If flooding occurs at the Bonaparte, Ellisforde, Tonasket, Riverside, or Omak ponds, pond infrastructure could be damaged. Loss of fish would not be expected because flood flows would most likely occur between April and July when the ponds would not be in use for fish rearing.

#### Executive Order 11990—Wetlands

Executive Order 11990 of May 24, 1977, requires federal agencies to consider the impacts of their actions on jurisdictional wetlands of the U.S. No jurisdictional wetlands will be impacted by the proposed project.

#### Executive Order 12898—Environmental Justice

Executive Order 12898 of February 11, 1994, requires federal agencies to achieve Environmental Justice by addressing, “disproportionately high and adverse human health and environmental effects on minority and low-income populations” (3 CFR 1994 Comp., Page 859). The impacts of the project, both negative and positive, on minority and low-income populations must be analyzed. Environmental Justice issues include potential impacts on the physical and natural environment, as well as social, cultural, and economic effects of the project.

The Chief Joseph Hatchery Program is not expected to result in any disproportionately high or adverse environmental effects on minority or low income populations. The proposed project is likely to increase ceremonial, subsistence, and recreational fishing opportunities for the CTCR, which would likely increase the quality of life for tribal members in general. An improved recreational fishery for the general public would likely benefit other local minorities and low income families as well. Some additional jobs and income may be available to local minorities and low income families during construction and operation, but no substantial long-term change to employment or income is expected. No significant changes in local services, power rates, housing, or population are expected.

#### Executive Order 13175—Consultation and Coordination with Indian Tribal Governments

As the sponsor and proponent of the Chief Joseph Hatchery Program, the CTCR has been heavily involved in the planning and design of the facilities, as well as the regulatory and NEPA review processes. The BPA was the lead agency during those consultations, and the CTCR will be the NPDES permit holder for the Chief Joseph Hatchery Program.

### **MITIGATION**

In addition to the effluent limitations and monitoring requirements contained within the Washington GP, several mitigation and impact reduction stipulations have been developed during the NEPA and regulatory review process. A Mitigation Action Plan has been developed

by the BPA as part of their Record of Decision. The [Mitigation Action Plan](#) identifies all of the mitigation requirements identified during the NEPA and regulatory review process, as well as the responsible agency/group and required timing of those activities.

## SUMMARY

Based on the analysis in the FEIS and consideration of the NPDES permit conditions and impact reduction measures in the Mitigation Action Plan, and in accordance with the guidelines for determining the significance of proposed federal actions (40 C.F.R. 1508.27), the EPA has concluded that coverage of the Chief Joseph Fish Hatchery under the 2009 Washington GP will not result in any significant impacts on the human environment.

Providing NPDES coverage to the Chief Joseph Hatchery will not significantly affect land use patterns or population, wetlands or flood plains, threatened or endangered species, farmlands, ecologically critical areas, historic resources, air quality, water quality, noise levels, fish and wildlife resources, nor will it conflict with approved local, regional, or state land use plans or policies. The permit also conforms to all applicable federal statutes and executive orders. The EPA is seeking public comment on this determination. After evaluating any comments received, the EPA will make a final decision. The preliminary decision and finding will become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Comments supporting or disagreeing with this Environmental Assessment (EA)/Preliminary FONSI may be submitted, within 30 days of the release of this EA/Preliminary FONSI, to:

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A copy of the FEIS can be found on BPA's [Chief Joseph Hatchery Program website](#).

Christine Psyk, for  
/s/

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Dan Opalski, Director  
Office of Water & Watersheds  
U.S. EPA Region 10

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4/3/2013  
Date