



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



WILLAMETTE VALLEY SYSTEM OPERATIONS AND MAINTENANCE

FINAL ENVIRONMENTAL IMPACT STATEMENT

CHAPTER 7 RELATIONSHIP TO OTHER ENVIRONMENTAL PLANS, POLICIES, AND REGULATIONS

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CHAPTER 7 - RELATIONSHIP TO OTHER ENVIRONMENTAL PLANS, POLICIES, AND REGULATIONS

CHAPTER 7 HAS BEEN REVISED FROM THE DEIS

Summary of changes from the DEIS:

- **The purpose of this chapter has been revised to specify NEPA regulatory requirements and to combine requirements with USACE NEPA implementing regulations (FEIS Section 7.1, Introduction). The chapter title has been changed to more accurately depict content.**
- **Information has been updated regarding EIS development consistency with USACE environmental operating principles (FEIS Section 7.2, U.S. Army Corps of Engineers Environmental Operating Principles).**
- **The summary of Executive Order 13175 has been revised (FEIS Section 7.3.1, Executive Order 13175, Consultation and Coordination with Indian Tribal Governments).**
- **DEIS information on the NEPA statute has been deleted because it is provided as content for EIS development in Chapter 1, Section 1.3.1, National Environmental Policy Act.**
- **Information on tiering to this EIS has been deleted because it is not germane to the purpose of this chapter (FEIS Section 7.1, Introduction). Further, this information is provided in Chapter 1, Section 1.3.1.1, Programmatic Reviews and Subsequent Tiering under the National Environmental Policy Act. Tiering information specific to operational and structural measures is provided in Chapter 3, Affected Environment and Environmental Consequences, Section 3.1, Introduction.**
- **DEIS Section 7.4, Endangered Species Act, has been moved to Chapter 1, Section 1.3.2, Endangered Species Act and Section 1.3.3, Willamette Valley System Endangered Species Act and National Environmental Policy Act History since 2008.**
- **Executive Order 13690 has been deleted because it was rescinded in January 2025.**
- **DEIS Section 7.8, Identification of Federal Permits, Licenses, and Entitlements and Status of Compliance with Applicable Laws, Executive Orders, and Memoranda, has been revised to reflect the intent of NEPA and USACE NEPA statutory intent.**
- **References to the Proposed Action as an alternative have been corrected.**
- **Clarifications regarding the Archaeological Resources Protection Act, National Historic Preservation Act, and Native American Graves Protection and Repatriation Act compliances have been provided in FEIS Table 7-1.**

7.1 Introduction

Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) implementing regulations require that agencies prepare draft Environmental Impact Statements concurrently and integrated with related analyses under the Endangered Species Act, National Historic Preservation Act, Fish and Wildlife Coordination Act, and other applicable environmental laws and Executive Orders (40 CFR 1502.25(a)). USACE NEPA implementing regulations are consistent with this NEPA requirement (33 CFR Part 230.25(a)).

Additionally, CEQ regulations require disclosure of potential conflicts between Proposed Actions and objectives of Federal, regional, state, and local land use plans, policies, and other controls [i.e., regulations] applicable to the analysis area (40 CFR 1502.16(c)). USACE NEPA implementing regulations do not address potential conflicts but defers to CEQ regulations when guidance is not specific (33 CFR Part 230.1).

CEQ regulations also require a list of Federal permits, licenses, and other entitlements necessary to implement the Proposed Action (40 CFR 1502.25(b)). USACE NEPA implementing regulations do not specify this requirement but require a summary of consultation requirements and the status of all necessary coordination associated with applicable laws, Executive Orders, and memoranda (33 CFR 230.25(a)).

USACE has identified plans, policies, and regulations related to the Proposed Action as described below, including internal agency environmental policies. Summaries of related analyses are also provided. No conflicts arising from the Proposed Action have been identified with any of the objectives under plans, policies, applicable laws, regulations, and Executive Orders. Statutory compliance is documented in Appendix Q, Statutory Compliance Documentation.

A summary of required permits, licenses, and entitlements and related analyses and coordination and consultation status are provided in Table 7-2 at the end of this chapter.

7.2 U.S. Army Corps of Engineers Environmental Operating Principles

USACE has formalized “Environmental Operating Principles” applicable to all of its decision-making. These principles foster unity of purpose on environmental issues; provide direction for dialog on environmental matters; and ensure that employees consider conservation, environmental preservation, and restoration in all USACE activities. The principles are described in *U.S. Army Corps of Engineers Environmental Operating Principles and Implementation Guidance* (USACE 2002).

This Environmental Impact Statement (EIS) complies with USACE Environmental Operating Principles as described below.

1. Foster sustainability as a way of life throughout the organization.

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Environmental sustainability, when applied to a water resource project, must be designed to balance three major elements: environmental health, economic prosperity, and social well-being.

Several objectives of the Proposed Action are intended to support environmental health. They include:

- Increase anadromous Endangered Species Act (ESA)-listed fish passage survival at Willamette Valley System (WVS) dams.
- Improve water management during the conservation season to benefit anadromous ESA-listed fish and other Congressionally authorized purposes.
- Improve water quality associated with WVS dams' operations to benefit anadromous ESA-listed species.
- Reduce spawning and rearing habitat competition caused by hatchery fish.

The Proposed Action would also contribute to future economic prosperity by creating jobs during construction and social well-being by continuing to reduce flood risks for analysis area communities.

2. Proactively consider the environmental consequences of all USACE activities and act accordingly.

USACE has proactively considered the environmental consequences of the Proposed Action. Potential consequences to environmental resources have been analyzed under eight alternatives.

3. Create mutually supporting economically and environmentally sustainable solutions.

The Record of Decision will consider the impacts and benefits of all the alternatives analyzed in the EIS, including the balance of economic and environmentally sustainable solutions. The decision will document preferences among alternatives based on relevant factors including economic and technical considerations and USACE statutory missions and will identify the environmentally preferred alternative (40 CFR 1505.2).

4. Continue to meet USACE corporate responsibility and accountability under the law for activities undertaken by USACE, which may impact human and natural environments.

NEPA requires evaluation of environmental impacts on the human environment for any proposed major Federal action, such as development of this EIS for programmatic planning over a 30-year implementation timeframe. The applicable Principles, Requirements, and Guidelines (PR&G) found in the Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies (2013) provides a guide for seeking sustainable solutions in civil works projects such as projects that would be implemented under the selected alternative.

5. Consider the environment in employing a risk management and systems approach throughout life cycles of projects and programs.

The EIS is a programmatic review of WVS operations and maintenance under eight possible alternatives, including a No-action Alternative. As such, USACE contemplated risk and a systems approach at a program level over a 30-year implementation timeframe under many scenarios. However, risk management, systems approaches, and project life cycles will be further assessed when site-specific design details are developed under the selected alternative.

Future projects will be consistent with the alternatives and related WVS approach analyzed in this EIS; identification of varying degrees of effects from those anticipated in this programmatic analysis will be document in subsequent tiered NEPA reviews to support future risk management decision-making and to ensure consistency with the EIS WVS approach. Additionally, the EIS includes an implementation and adaptive management plan to address changing conditions and risk management responses (Appendix N, Implementation and Adaptive Management Plan).

6. Leverage scientific, economic, and social knowledge to understand the environmental context and effects of USACE actions in a collaborative manner, and
7. Employ an open, transparent process that respects the views of individuals and groups interested in USACE activities.

Per NEPA regulations, USACE has utilized scientific, economic, and social knowledge expertise within the agency to develop its interdisciplinary EIS approach “to ensure the integrated use of the natural and social sciences and the environmental design arts” (40 CFR 1502.6).

Incorporation of this suite of expertise provided the environmental context and analyses of anticipated effects under each of the alternatives potentially implemented as a USACE action.

USACE recognizes the importance of collaboration with and among other professional organizations, and other Federal, state, and local entities to address problems of regional and national significance. USACE implemented this principle through its compliance with NEPA by inviting numerous agencies and tribes to participate in development of this EIS as Cooperating Agencies or through consultation processes. Further, USACE sought best available information for its environmental analyses and EIS development concerns through its public involvement processes (Chapter 6, Public Involvement; Appendix L, Cooperating Agencies; Appendix O, Tribal Coordination and Perspectives).

7.3 Tribal Treaties and Trust Responsibilities

There are 10 Federally recognized Indian tribes with interests pertaining to the analysis area, which were consulted for EIS development:

- Confederated Tribes and Bands of the Yakama Nation (Yakama)
- Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI)

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- Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde)
- Confederated Tribes of Siletz Indians (Siletz)
- Confederated Tribes of the Umatilla Indian Reservation (Umatilla)
- Confederated Tribes of Warm Springs Reservation of Oregon (Warm Springs)
- Coquille Indian Tribe (Coquille)
- Cow Creek Band of Umpqua Tribe of Indians (Cow Creek)
- Klamath Tribes (Klamath)
- Nez Perce Tribe (Nez Perce)

Since time immemorial, Native American tribes have inhabited the Willamette River Basin (i.e., analysis area). These tribes successfully subsisted on the abundant natural resources of the area and built thriving communities that relied on the land to sustain their way of life.

USACE has a responsibility to Tribal Nations resulting from the Federal Trust Doctrine as well as from treaties, statutes, regulations, Executive Orders, and agreements between the Federal Government and Tribal Governments. Details of coordination with the Federally recognized tribes for development of this EIS is provided in Appendix O, Tribal Coordination and Perspectives.

7.3.1 Executive Order 13175, Consultation and Coordination with Indian Tribal Governments

Executive Order 13175 requires Federal departments and agencies to consult with Indian Tribal Governments when considering policies that are anticipated to have substantial direct effects on one or more Indian tribe, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes (65 FR 67249). This Order reiterates the fundamental principle that the United States maintain a unique relationship with tribes as dependent nations. It requires Federal agencies to afford Tribal Governments maximum discretion in implementing Federal policies within their communities, defaulting to tribal authority when feasible, and engaging in regular and meaningful consultation with tribal leadership throughout the policy development process.

Although implementation of an alternative under the programmatic EIS would not be considered policy implementation, USACE initiated tribal consultation for EIS development in 2018 with continued outreach (Chapter 6, Public Involvement). Additionally, each tribe was informed of the opportunity to request government-to-government consultation with USACE leadership anytime they believed it was necessary and was invited to provide its perspectives regarding WVS operations and maintenance activities and related issues (Appendix O, Tribal Coordination and Perspectives).

7.4 Endangered Species Act

Congress enacted the Endangered Species Act (ESA) (16 U.S.C. §§ 1531–1544) to protect and conserve endangered and threatened species and critical habitat. Requirements of the ESA ensure activities authorized, funded, and carried out by Federal agencies are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of the designated critical habitat of a listed species. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) share responsibility for the administration of ESA-listed species.

Federal actions must comply with the ESA. To comply with obligations under 50 CFR 402.16, USACE has consulted with NMFS and USFWS to address listed species issues analyzed in this EIS (Section 1.3.2, Endangered Species Act; Section 1.3.3, Willamette Valley System Endangered Species Act and National Environmental Policy Act History since 2008).

7.5 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act directs Federal agencies to prevent the loss of and damage to fish and wildlife resources and to consider wildlife resources in Federal water resource development programs. Consultation with the USFWS is required when activities result in the control, diversion, or modification of habitat or associated water body, which then alters any natural habitat quality and/or quantity for fish and wildlife. Further, consultation is required under Council on Environmental Quality regulations (42 CFR 102.25). Coordination under the Act is conducted in accordance with a 2003 agreement between the USFWS and USACE. USACE also coordinates with NMFS for activities that involve resources under its responsibility.

USACE formally requested coordination under the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e as amended) with USFWS and NMFS in letters dated August 10, 2021. USACE and USFWS entered into an agreement for coordination in an intragovernmental reimbursable activity agreement dated September 1, 2021.

Development of the USFWS scope of analysis was a collaborative effort between NMFS, USFWS, and USACE, including the fish and wildlife resources to be analyzed under the alternatives (Table 7-1). USFWS also coordinated closely with resource experts from the State of Oregon Department of Fish and Wildlife, detailed in an email to USACE staff on November 17, 2021. Draft and Final Fish and Wildlife Coordination Act Reports were issued by USFWS and NMFS prior to Final EIS completion with information integrated into the Final EIS as applicable or as appropriate by law.

Table 7-1. Fish and Wildlife Resources Evaluated under the May 2022 Draft Fish and Wildlife Coordination Act Report and the 2025 Final Report.

Habitat Types	Evaluation Species
Upland	Monarch butterfly (<i>Danaus plexippus</i>) Wayside aster (<i>Eucephalus vialis</i>) Black cottonwood (<i>Populus balsamifera</i>) ¹ Bradshaw’s lomatium (<i>Lomatium bradshawii</i>) ²
Prairie	Dusky Canada goose (<i>Branta canadensis occidentalis</i>) Shaggy horkelia (<i>Horkelia congesta</i>) Bradshaw’s lomatium ²
Wetland/Off-channel	Northern red-legged frog (<i>Rana aurora</i>) Pacific lamprey (<i>Entosphenus tridentatus</i>) American beaver (<i>Castor canadensis</i>) ¹ Black cottonwood ¹ Oregon chub (<i>Oregonichthys crameri</i>) ²
Riparian	Foothill yellow-legged frog (<i>Rana boylei</i>) Western pond turtle (<i>Actinemys marmorata</i>) American beaver ¹ Black cottonwood ¹
Riverine/Reservoir	Coastal cutthroat trout (<i>Oncorhynchus clarkii clarkii</i>) Western ridged mussel (<i>Gonidea angulata</i>) American beaver ¹ Oregon chub ²

¹ Keystone Species: Keystone species play a critical role in ecological communities by maintaining the structure and integrity of the community.

² Delisted Species

7.6 National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966, as amended, requires that Federal agencies evaluate and mitigate the adverse effects of Federal undertakings¹ on historical, archeological, and cultural resources that are found to be significant and eligible for listing in the National Register of Historic Places (54 U.S.C. 300101 et seq.). The act also requires that the Federal agency include the State Historic Preservation Office, Indian tribes, representatives of local governments, and the public in findings and determinations made as part of the Section 106 process. The Advisory Council on Historic Preservation generally oversees the Section 106 process and always retains the right to comment on the proposed undertakings.

¹ “Federal undertakings” are any project, activity, or program that a Federal agency funds, permits, licenses, or approves, in whole, or in part.

USACE, in coordination with the Oregon State Historic Preservation Office, Tribal Nations, and other interested parties, is identifying cultural resources and sites in the analysis area for inclusion on the National Register.

USACE has consulted with 20 Federal, state, county, tribal, and heritage preservation organizations, including the Advisory Council on Historic Preservation, the State of Oregon, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of the Siletz Indians, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Cow Creek Band of Umpqua Tribe of Indians, under Section 106 of the National Historic Preservation Act and executed a Programmatic Agreement. The Advisory Council on Historic Preservation and State Historic Preservation Office are signatories to the Agreement and the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of the Siletz Indians, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Cow Creek Band of Umpqua Tribe of Indians were invited signatories.

7.7 Executive Order 11988, Floodplain Management

Executive Order 11988, Floodplain Management, requires Federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of natural floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective,

Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities.

To comply with Executive Order 11988, projects are, to the extent possible, formulated and recommended to avoid, minimize, and/or mitigate adverse effects associated with use of the floodplain, and avoid inducing incompatible development in the floodplain unless there is no practicable alternative. Under the Order, USACE is required to provide leadership and take action to:

- Avoid development in the base floodplain unless it is the only practicable alternative.
- Reduce the hazard and risk associated with floods.
- Minimize the impact of floods on human safety, health, and welfare.
- Restore and preserve the natural and beneficial values of the base floodplain.

As part of their decision-making processes for projects that have potential impacts to or within a base floodplain, agencies should carry out an eight-step process (43 FR 6030, as referenced in the Engineering Regulation 1165-2-26). This is per the *Water Resources Council Floodplain Management Guidelines for implementation of Executive Order 11988*. The eight steps reflect the decision-making process required in Section 2(a) of the Order.

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The evaluation and decision-making process described below is consistent with Executive Order 11988 and associated Federal policies.

1. Determine if the Proposed Action would be in the base (1 percent [Annual Chance Exceedance] or 1/100-year) floodplain.

Measures under the Preferred Alternative would be located within the base floodplain; however, implementation of the Preferred Alternative would avoid, to the extent practicable, long- and short-term adverse impacts to the floodplain. Additionally, there would be negligible effects to floodplain values under any of the alternatives, including the No-action Alternative.

Site-specific designs will be developed prior to construction to ensure compliance with Executive Order 11988 through technical analysis and coordination with local floodplain management authorities during future site-specific NEPA evaluations (Section 3.1, Affected Environment and Environmental Consequences, Introduction).

2. If the Proposed Action would be in the base floodplain, identify and evaluate practicable alternatives to the action or to locating the action in the base floodplain.

There are no practicable alternatives to locating measures of the Preferred Alternative outside of the base floodplain. However, the purpose and need of the WVS EIS requires that alternatives not alter flood risk.

3. If the action must be in the floodplain, advise the general public in the affected area and obtain their views and comments.

Interested parties had an opportunity to comment on floodplain concerns in the affected area through the public scoping and Draft EIS comment processes.

4. Identify beneficial and adverse impacts due to the action and any expected losses of natural and beneficial floodplain values. Where actions proposed to be located outside the base floodplain will affect the base floodplain, impacts resulting from these actions should also be identified.

No beneficial or adverse effects would occur to floodplain values from actions in the base floodplain. No increase in flood risk is expected due to future operations. Implementation of the Preferred Alternative would avoid, to the extent possible, long- and short-term adverse impacts to the floodplain. It would also avoid direct and indirect support of development or growth (construction of structure or facilities, habitable or otherwise) in the base floodplain. Additionally, there would be negligible effects to floodplain values under any of the alternatives, including the No-action Alternative.

Site-specific designs will be developed to ensure that measure implementation complies with Executive Order 11988 through technical analysis and coordination with local floodplain management authorities.

5. If the action is likely to induce development in the base floodplain, determine if a practicable non-floodplain alternative for the development exists.

The action is not likely to induce further development in the base floodplain.

6. As part of the planning process, under the Principles, Requirements, and Guidelines, determine viable methods to minimize any adverse impacts of the action, including any likely induced development for which there is no practicable alternative and methods to restore and preserve the natural and beneficial floodplain values. This should include re-evaluation of the “no action” alternative.

Viable methods to minimize impacts under the alternatives were integrated as part of the purpose and need of the Proposed Action by requiring that a reasonable alternative could not include measures that would alter flood risk.

7. If the final determination is made that no practicable alternative exists to locating the action in the floodplain, advise the general public in the affected area of the findings.

No beneficial or adverse effects would occur to floodplain values from actions in the base floodplain. No increase in flood risk is expected due to future operations.

8. Recommend the Proposed Action most consistent with the requirements of Executive Order 11988.

There would be negligible effects to floodplain values under any of the alternatives, including the No-action Alternative. Therefore, operations under any of the alternatives would be consistent with Executive Order 11988.

7.8 Identification of Federal Permits, Licenses, and Entitlements and Status of Compliance with Applicable Laws, Executive Orders, and Memoranda

NEPA regulations require identification of all Federal permits, licenses, and other entitlements necessary to implement the selected alternative (40 CFR 1502.25(b)). Additionally, USACE NEPA implementing regulations require that NEPA documents include a summary of reviews and consultation requirements, analyses, and status of coordination associated with applicable laws, executive orders, and memoranda (33 CFR 230.25(a)). This combined information is provided below (Table 7-2).

Table 7-2. Federal Permit and Other Requirements and Consultation and Coordination Summary.

Relevant Law/Regulation	Requirements	Associated Agencies or Tribes	Compliance Status	Timeframe of Compliance
American Indian Religious Freedom Act of 1978, 42 U.S.C. § 1996	Requires Federal agencies to ensure that religious rights of Native Americans are accommodated during project planning, construction, and operation.	–	Should USACE be notified of any tribal concerns regarding access to locations of religious or spiritual importance in the WVS EIS analysis area, it will consult with tribal representatives to address these concerns. Compliance determination to be made after completion of WVS EIS process, tribal consultations, and final construction implementation.	During subsequent site-specific evaluation as required.
Antiquities Act of 1906, 16 U.S.C. §§ 431-433	The first Congressional act to protect archaeological resources on Federal lands, it has largely been superseded by the Archaeological Resources Protection Act. Some Federal agencies will issue Antiquities Act permits rather than Archaeological Resources Protection Act permits for activities on Federal lands managed by that agency.	–	No lands administered by agencies that issue Antiquities Act permits are known within the WVS EIS analysis area. Should such lands be identified in the future, the appropriate agency would address Antiquities Act requirements.	During subsequent site-specific evaluation as required.
Archaeological Resources Protection Act of 1979, 16 U.S.C. §§ 470aa-470mm	Prohibits damage to or unauthorized taking of archaeological resources and sites that are on public lands. Requires agencies to permit professional archaeological excavations.	Oregon State Historic Preservation Office Federally recognized tribes	USACE administers an Archaeological Resources Protection Act permitting system and an archaeological resources protection program within the WVS EIS analysis area. Additionally, coordination with tribal and State Historic Preservation Office partners throughout the WVS EIS process ensured ongoing efforts to reduce illegal collection and damage to archaeological resources will continue during selected alternative implementation.	During subsequent site-specific evaluation as required.
Bald and Golden Eagle Protection Act of 1940, 16 U.S.C. § 668 et seq.	Prohibits the take, possession, or disturbance of any bald or golden eagle.	U.S. Fish and Wildlife Service	Coordination with the USFWS throughout the WVS EIS process will ensure identification of bald and golden eagle nesting sites, and avoidance and minimization of effects to bald and golden eagles during selected alternative implementation.	During subsequent site-specific evaluation as required.
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601–9675	Imposes clean up and reporting requirements on the private sector, as well as Federal facilities, by: Identifying those sites where releases of hazardous substances had occurred or might occur and pose a serious threat to human health and the environment; Taking appropriate action to remedy those releases; and Seeking those parties responsible for the environmental hazards to pay for the clean-up activities.	U.S. Environmental Protection Agency	Consistent with ER 1165-2-132, USACE will not participate in clean-up or other response actions related to materials regulated by CERCLA. If an action is present and cannot avoid a designated CERCLA site, the area must be remediated prior and satisfy the requirements of local regulators. Evaluation of compliance with CERCLA would occur during site-specific evaluation when on-site designs are considered.	During subsequent site-specific evaluation as required.
Clean Air Act, as amended, 42 U.S.C. § 7401–7671q	Clean Air Act (42 U.S.C. 7401 et seq.) Section 176(c) requires that Federal agency actions ensure conformity with National Air Quality Standards implementation plans for criteria pollutants.	Oregon Department of Environmental Quality U.S. Environmental Protection Agency	When direct emissions or indirect emissions would originate in a nonattainment or maintenance area, USACE will conduct a Clean Air Act applicability analysis. If required, a Clean Air Act Conformity Determination will be completed during subsequent site-specific evaluation.	During subsequent site-specific evaluation as required.

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Relevant Law/Regulation	Requirements	Associated Agencies or Tribes	Compliance Status	Timeframe of Compliance
	<p>Under the General Conformity rule, Federal agencies must work with state, tribal, and local governments in a nonattainment or maintenance area to ensure that Federal actions conform to the air quality plans established in the applicable state or tribal implementation plan.</p> <p>In addition, the rule contains a number of “exempted” or “presumed to conform” activities, which may apply to measures under the alternatives.</p>			
<p>Clean Water Act, as amended, 33 U.S.C. 1251–1387 § 401</p>	<p>Requires Federal agencies to comply with state water quality standards.</p> <p>USACE would obtain 401 Water Quality Certification associated with the discharge of dredged or fill material from the Oregon Department of Water Quality in accordance with the requirements of Section 401 of the Clean Water Act.</p>	<p>Oregon Department of Environmental Quality</p> <p>U.S. Environmental Protection Agency</p>	<p>USACE will defer obtaining 401 Water Quality Certification until subsequent site-specific evaluations occur.</p> <p>Refer to the programmatic NEPA process described in Section 1.3.1.1, Programmatic Reviews and Subsequent Tiering under the National Environmental Policy Act, for additional information on subsequent NEPA reviews.</p>	<p>During subsequent site-specific evaluations as required.</p>
<p>Clean Water Act, as amended, 33 U.S.C. 1251–1387, § 402</p>	<p>A Section 402 permit is needed for projects that may discharge stormwater to surface waters.</p>	<p>Oregon Department of Environmental Quality</p>	<p>USACE or its contractor will acquire construction stormwater permits from permitting agencies for construction activities subject to Section 402 of the act.</p> <p>Refer to the programmatic NEPA process described in Section 1.3.1.1, Programmatic Reviews and Subsequent Tiering under the National Environmental Policy Act, for additional information on subsequent NEPA reviews.</p>	<p>During subsequent site-specific evaluations as required.</p>
<p>Clean Water Act, as amended, 33 U.S.C. 1251–1387 § 404</p>	<p>Pursuant to 33 CFR Parts 335 to 338, USACE authorizes discharges of dredged or fill material for operations and maintenance of authorized civil works projects.</p> <p>USACE does not issue itself a Clean Water Act permit to authorize USACE discharges of dredged material or fill material into waters of the United States but does apply the 404(b)(1) guidelines and other substantive requirements of the Clean Water Act.</p>	<p>U.S. Army Corps of Engineers</p> <p>U.S. Environmental Protection Agency</p> <p>Oregon Department of State Lands</p>	<p>Measures under any alternative that may require the discharge of dredged or fill material into waters of the U.S. have not been designed to a sufficient level to perform a 404(b)(1) analysis.</p> <p>USACE would evaluate additional site-specific discharges of dredged or fill material during subsequent NEPA evaluations as described in Section 3.1, Affected Environment and Environmental Consequences, Introduction. USACE would include site-specific draft and final 404(b)(1) evaluations of discharges of dredged or fill material associated with subsequent actions within the draft and final NEPA documents, respectively.</p> <p>USACE will also obtain applicable Oregon DSL Removal/Fill Permit(s) during the site-specific evaluation(s) in accordance with requirements of Section 404(t) of the act.</p> <p>Refer to the programmatic NEPA process described in Section 1.3.1.1, Programmatic Reviews and Subsequent Tiering under the National Environmental Policy Act, for additional information on subsequent NEPA reviews.</p>	<p>During subsequent site-specific evaluation as required.</p>

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Relevant Law/Regulation	Requirements	Associated Agencies or Tribes	Compliance Status	Timeframe of Compliance
			<p>USACE will prepare a Statement of Findings (SOF) and include it as part of the environmental documentation in the final site-specific NEPA document.</p> <p>See Section 3.7, Wetlands and Section 4.7, Wetlands, for a discussion of broad direct and indirect effects and cumulative effects to wetlands and waters that would be further evaluated as part of a future 404(b)(1) assessment.</p>	
Coastal Zone Management Act, 16 U.S.C. 1451 et seq.	Sections 307c(1) and (2) of the Coastal Zone Management Act require that each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone or any Federal development project in the coastal zone of a state shall, to the maximum extent practicable, be consistent with approved state management plans. Civil Works activities of USACE in the coastal zone fall within this classification.	Oregon Department of Land Conservation and Development	Alternative implementation would not occur within the Oregon Coastal Zone, nor would it impact coastal resources.	Not applicable.
Endangered Species Act as amended, 16 U.S.C. §§ 1531–1544	Requires Federal agencies to protect listed species and consult on Federal actions.	National Marine Fisheries Service U.S. Fish and Wildlife Service	ESA consultation is ongoing and will be fulfilled prior to completion of the WVS Final EIS. USACE anticipates consultations would be formal and would result in a Biological Opinion from each consulting agency.	Prior to completion of the Final WVS EIS and during subsequent site-specific evaluation as required.
Farmland Protection Policy Act, 7 U.S.C. §§ 4201, et seq.	Avoids or minimizes the unnecessary and irreversible conversion of farmland to nonagricultural uses by Federal projects.	National Resource Conservation Service	<p>USACE will coordinate with the Natural Resource Conservation Service should conversion of farmland to nonagricultural uses occur as a result of construction of a structural measure. Coordination would occur during future site-specific evaluation of structural measures.</p> <p>Refer to the programmatic NEPA process described in Section 1.3.1.1, Programmatic Reviews and Subsequent Tiering under the National Environmental Policy Act, for additional information.</p>	During subsequent site-specific evaluation as required.
Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361 et seq.	Requires United States citizens and United States-based entities to seek incidental take authorization for the unintentional “take” of marine mammals incidental to activities, including construction projects, scientific research projects, oil and gas development, and military exercises.	National Marine Fisheries Service (for whales, dolphins, and sea lions) U.S. Fish and Wildlife Service (for walrus, manatees, sea otters, and polar bears)	There are no marine mammals located within the WVS EIS analysis area; there would be no take of marine mammals from implementation of any alternative.	Not applicable.
Marine Protection, Research, and Sanctuaries Act, 16 U.S.C. § 1431 et seq. and 33 U.S.C. §1401 et seq. (1988)	Ensures that ocean disposal will not unreasonably degrade or endanger human health, welfare, or the marine environment.	U.S. Environmental Protection Agency	Ocean disposal would not occur under any alternative.	Not applicable.

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Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712	Prohibits the take, possession, or disturbance of any migratory bird, nests, or eggs without a Federal permit.	U.S. Fish and Wildlife Service	Measures under any alternative are not anticipated to require Migratory Bird Treaty Act permits. USACE will obtain permits as required if site assessments determined that a permit is required to take Treaty Act species.	During subsequent site-specific evaluations as required.
National Historic Preservation Act, 54 U.S.C. 300101 et seq.: Protection of Historic Properties	Requires Federal agencies to identify and mitigate adverse effects to cultural and historic resources.	Oregon State Historic Preservation Office Federally recognized tribes	USACE is coordinating with the Oregon State Historic Preservation Office, Indian tribes, and other interested parties. USACE will continue this coordination to meet requirements of Section 106 of the National Historic Preservation Act prior to implementing any measures that may affect cultural resources. The compliance process will continue until conclusion of the National Historic Preservation Act consultation process through the execution of a Programmatic Agreement. Subsequent Federal undertakings would be coordinated individually during site-specific evaluations as required.	Prior to completion of the Final WVS EIS and during subsequent site-specific evaluation as required.
Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq.	Protects Native American and Native Hawaiian ancestral remains and associated cultural items.	Federally recognized tribes	Should any Native American ancestral remains or associated cultural items be discovered, USACE would consult with the appropriate tribes to address the requirements under the act.	During subsequent site-specific evaluation as required.
Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901-6987	Gives the Environmental Protection Agency the authority to control hazardous waste from “cradle-to-grave.” This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to the act enabled the Environmental Protection Agency to address environmental problems that could result from underground storage tanks storing petroleum and other hazardous substances.	U.S. Environmental Protection Agency	USACE identifies potential sources of contamination within the WVS dam areas. USACE will maintain a Spill Prevention, Control, and Countermeasure Plan for its facilities and projects.	Prior to completion of the Final WVS EIS and during subsequent site-specific NEPA evaluations as required.
Executive Order 11988, Floodplain Management	Executive Order 11988 (May 24, 1977) requires a Federal agency, when taking an action, to avoid short- and long-term adverse effects associated with the occupancy and the modification of a floodplain. The agency must avoid direct and indirect support of floodplain development whenever floodplain siting is involved. In addition, the agency must minimize potential harm to or in the floodplain and explain why the action is proposed. Additional floodplain management guidelines for Executive Order 11988 were also provided in 1978 by the Water Resources Council. USACE implementation guidance is provided in Engineering Regulation (ER) 1165-2-26 (March 30, 1984).	U.S. Army Corps of Engineers	See Section 7.7, Executive Order 11988 and Executive Order 13960.	Prior to completion of the Final WVS EIS and during subsequent site-specific evaluation as required.

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Executive Order 11593, Protection and Enhancement of the Cultural Environment	Requires Federal agencies to preserve, restore, and maintain the historic and cultural environment of the United States.	–	USACE policies ensure that all Proposed Actions are performed only after appropriate inventory, management, and protection of cultural resources has occurred. Compliance determination to be made after NEPA evaluation and Section 106 consultation is complete.	Prior to completion of the Final WVS EIS.
Executive Order 11514, Protection and Enhancement of Environmental Quality	Assigns responsibility to Federal agencies to protect and enhance the quality of the Nation’s environment.	U.S. Army Corps of Engineers	The proposal minimizes potential environmental impacts and includes measures to offset the intensity of impacts as described under each alternative.	Prior to completion of the Final WVS EIS.
Executive Order 11990, Protection of Wetlands	Requires Federal agencies to protect wetland habitats.	U.S. Army Corps of Engineers	If wetlands as defined in Executive Order 11990 are identified during site-specific evaluation, USACE will offset unavoidable wetland losses in a manner that results in no net loss of wetlands.	During subsequent site-specific evaluations as required.
Executive Order 13007, Indian Sacred Sites	Directs Federal agencies to provide access and ceremonial use of sacred sites on Federal lands and avoid affecting their physical integrity.	Federally recognized tribes	USACE and the relevant Federal agency will consult with appropriate tribes to determine if any sacred sites are located on Federally managed lands within the WVS analysis area.	Prior to completion of the Final WVS EIS and during subsequent site-specific NEPA evaluation as required.
Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks	Under this Executive Order, Federal agencies shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.	U.S. Army Corps of Engineers	Preparation of the EIS includes evaluation of environmental health and safety risks and measures necessary to protect all people, including children, from those risks (Appendix H, Dam Safety). There are no measures that would disproportionately affect children or any other group.	Prior to completion of the Final WVS EIS and during subsequent site-specific NEPA evaluation as required.
Executive Order 13175, Consultation and Coordination with Indian Tribal Governments	Directs Federal agencies to recognize Indian sovereignty in government-to-government relationships and to consult with tribes in adopting regulatory policies that have tribal implications.	Federally recognized tribes within the WVS analysis area	USACE is consulting with tribal representatives to identify and address tribal concerns in the WVS EIS analysis area (Appendix O, Tribal Coordination and Perspectives).	Prior to completion of the Final WVS EIS and during subsequent site-specific NEPA evaluations.
Executive Order 13751, Safeguarding the Nation from the Impacts of Invasive Species	Requires Federal agencies to take reasonable measures to prevent the spread and introduction of invasive species as a result of their management or construction actions.	U.S. Army Corps of Engineers	Analyses of aquatic and terrestrial invasive plant species are provided in Section 3.6, Vegetation, and Section 3.7, Wetlands.	Prior to completion of the Final WVS EIS and during subsequent site-specific NEPA evaluations.
Executive Order 13287, “Preserve America”	Enhances practices that protect the cultural heritage of the United States	–	USACE recognizes the importance of historic properties within the WVS EIS analysis area and will work with state and Federal agencies to determine if any measures under the selected alternative would affect those properties.	Prior to completion of the Final WVS EIS and during subsequent site-specific NEPA evaluations.