



FINDING OF NO SIGNIFICANT IMPACT

BRAC 2005 Disposal and Reuse of Umatilla Chemical Depot, Oregon

Recommendations of the Defense Base Closure and Realignment (BRAC) Commission, also known as the BRAC Commission, made on 8 September 2005, in conformity with the provisions of the Defense Base Closure and Realignment Act of 1990 (Base Closure Act), Public Law (Pub. L.) 101-510, as amended, included the closure of Umatilla Chemical Depot (UMCD), Oregon. In the absence of Congressional disapproval, the BRAC Commission's recommendations became binding on 9 November 2005.

Pursuant to the National Environmental Policy Act of 1969 (NEPA 42 U.S.C. 4321 *et. seq*) and its implementing regulations, the Army prepared an Environmental Assessment (EA) to evaluate the environmental and socioeconomic impacts of the proposed action outlined below. The EA was developed in accordance with NEPA and associated implementing regulations issued by the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] Parts 1500–1508) and the Army (32 CFR Part 651, Environmental Analysis of Army's Actions). On 1 August 2012, the UMCD was closed and transferred to inactive operational status, in accordance with the Defense Base Closure and Realignment Act of 1990, Pub. L. 101-510, as amended; and the National Defense Authorization Act for Fiscal Year 2012, Pub. L. 112-81 which authorized UMCD to be closed and transferred under BRAC Law past 15 September 2011. The EA was finalized in August 2016 after being made available to the public for a 30 day comment period and revised based on the comments.

Proposed Action

The proposed action is to transfer 9,649 acres of surplus property (Army primary action) and to consider subsequent reuse of installation land and infrastructure by others (secondary action). The UMCD encompassed a total of approximately 17,148.80 acres of fee-simple ownership. The Umatilla Army Depot Redevelopment Authority Plan (UMADRA 2010), was analyzed for potential environmental impacts that may result from the transition from Army ownership to other federal agencies and/or private ownership. This action includes caretaker operations, cleanup of contaminated sites, and interim leasing. A portion (9,539 acres) of UMCD is planned to be conveyed to the Columbia Development Authority (CDA) in accordance with the UMADRA Plan, which includes a Wildlife Refuge (5,676 acres) and other parcels to be used for industrial redevelopment, habitat protection, agriculture, and transportation rights-of-way (3,863 acres). Additionally, 109 acres along the east edge of the Installation will transfer to the Federal Highway Administration (FHA). The balance of the property (7,500 acres), was transferred to the National Guard Bureau (NGB) on 27 November 2017 and subsequently licensed to the Oregon Army National Guard (ORARNG). ORARNG currently uses this property for training activities under a license issued by the U.S. Army Corps of Engineers (USACE) in December 2017. Although the transfer of administrative control of the Military Training zone to the ORARNG is not part of the federal action subject to environmental analysis, ORARNG's use of the property was evaluated as part of the cumulative effects analysis within the EA. Any new construction, land management, or training activities within the Military Training zone parcel on federal government lands would be considered under separate NEPA analyses by the

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ORARNG or other federal agencies, as appropriate. The 109 acre FHA portion was also considered in the EA.

As a secondary action, the EA evaluates the reuse of the transferring parcels, which consist of the 9,649 acres and includes the Wildlife Refuge and several parcels allocated for industrial purposes, agriculture, and transportation rights-of-way. The CDA has entered into a Memorandum of Agreement with the Confederated Tribes of Umatilla Indian Reservation (CTUIR) to own and manage approximately 4000 acres of the Wildlife Refuge zone for conservation purposes. The CDA will assume responsibility for managing the remaining 1,676 acres of the Wildlife Refuge.

Alternatives Considered

For the primary action of property disposal, the following alternatives were evaluated as part of the proposed action:

- early transfer disposal—transfer before environmental remediation is completed
- traditional disposal—transfer property using traditional disposal mechanisms
- caretaker status—secure property and continue environmental remediation
- no action—continue the mission as prior to November 2005

For the secondary action of property reuse, a range of reuse scenarios that provide the boundaries for the intensity of reuse envisioned in the UMADRA Plan, were used to evaluate the potential impacts associated with redevelopment of the former UMCD.

Inclusion of the no action alternative is prescribed by the CEQ regulations implementing NEPA and serves as a benchmark against which federal actions can be evaluated. Accordingly, the no action alternative is evaluated in this EA as a baseline for comparing the effects of the disposal and reuse alternatives on the environment.

Factors Considered in Determining that No Environmental Impact Statement is Required

The numerous factors considered in determining that an Environmental Impact Statement (EIS) is not required are provided in detail in the EA, which is incorporated by reference into this Finding of No Significant Impact (FNSI). The EA examined potential effects of the proposed action and reuse alternatives on resource areas of environmental and socioeconomic concern including land use, aesthetics and visual resources, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomics, transportation, utilities, and hazardous and toxic substances.

In general, implementation of the property transfer and proposed reuse would result in minor adverse effects on all resource areas evaluated. Minor-to-moderate adverse impacts would occur on biological resources and cultural resources. Cultural resource mitigation requirements for the South Trail (35UM497), North Trail (35UM498), Coyote Coulee, and 1944 UMCD Igloo Accident site are specified in the 2013 Programmatic Agreement (PA) and the 2021 PA Amendment for compliance with Section 106 of the National Historic Preservation Act (NHPA). The 2021 PA Amendment underwent a 30 day public comment period, and received minor

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comments. The Army and Consulting Parties are in the process of finalizing the PA Amendment. Minor-to-moderate, beneficial effects are also anticipated for socioeconomic, transportation, utilities, hazardous and toxic substances, and aesthetics and visual resources.

Mitigation Measures

After more than a year of NHPA §106 consultation meetings, the parties could not agree to mitigation measures. Specifically, the consulting parties were unable to find an entity willing to assume perpetual responsibility for the costs associated with holding and enforcing protective covenants. As a result, the Army will transfer to the CDA that portion of UMCD leaving federal control without protective covenants. The parties have agreed that the undertaking will be implemented in accordance with specific measures to avoid, minimize, or mitigate the adverse effects of transfer, as identified in the PA and PA Amendment. Specifically, the Army determined that the proposed action (closure, transfer, and reuse) would have an adverse effect on the South Trail (35UM497), the North Trail (35UM498), the Coyote Coulee, and 1944 UMCD Igloo Accident site (collectively the "Properties"). The parties have agreed that the undertaking will be implemented in accordance with specific stipulations as identified in the PA and PA Amendment. Additionally, the CDA and the CTUIR have entered into a separate agreement whereby the CDA will transfer approximately 4000 acres to the CTUIR, which the CTUIR will manage as a Wildlife Refuge, thus protecting both the Coyote Coulee and North Trail Segment from future development. The CDA also coordinated mitigation measures with both Umatilla and Morrow Counties such that the South Trail Segment and the 1944 Igloo accident site will be maintained and protected from development or destruction, as specified in each County's resolution, that are attached to the PA Amendment.

The PA and PA Amendment requires the Army to comply with notification, reporting, and consulting requirements and to accomplish the following:

- i. Consistent with the NHPA and the PA, complete an architectural inventory and a Properties of Religious and Cultural Significance (PRCS) survey for the entire installation, and conduct an archaeological survey on the parcels that are leaving federal control. These actions were completed, as described in the EA between 2016 and 2020.
- ii. For architectural or archaeologically significant sites that are eligible for listing in the National Register of Historic Places (NRHP) to be transferred out of federal control and for NRHP-eligible PRCS to be transferred out of federal control, mitigation will be conducted in accordance with the terms of the PA and PA Amendment. Mitigation measures include documentation of the Properties, preparation of educational materials, and execution of LIDAR surveys.

To mitigate potential future impacts to biological resources, future uses of the Wildlife Refuge and Industrial Restricted Areas shall be in compliance with the Umatilla County - Umatilla Depot Refuge 152.537-152.540 (UDR) zone and Morrow County- Umatilla Depot Wildlife Refuge 3.035 (UDWH) zone, Oregon law, and all other applicable laws and regulations.

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Public Comment

All interested parties were invited to review and comment on the draft FNSI within 30 days of publication of the Notice of Availability in the *East Oregonian*, which occurred on 23 September 2021, and no comments were received during the public comment period (23 September 2021 to 25 October 2021). Interested parties with comments or questions about this action, or who requested a copy of the EA and Draft FNSI for review, were invited to contact Michele Lanigan, BRAC Office, Umatilla Chemical Depot, 78798 Ordnance Road, Building 5026, Hermiston, OR 97838-9544 or by email at michele.m.lanigan.civ@mail.mil.

During the public comment period, the EA, the 2021 PA Amendment and the draft FNSI were available to the public via the Internet at http://www.hqda.pentagon.mil/acsimweb/brac/public_reviews.html. Hard copies of the full EA with all appendices, the 2021 PA Amendment along with the Draft FNSI, were also available in the following libraries: Boardman City Library, 200 South Main Street, Boardman, OR 97818; Hermiston Public Library, 235 E. Gladys Avenue, Hermiston, OR 97838; Heppner Public Library, 444 North Main Street, Heppner, OR 97836; and Umatilla Public Library, 700 6th Street, P.O. Box 820, Umatilla, OR 97882.

Conclusion

Based on the findings of the EA and after careful review of the potential impacts, I conclude that implementation of the proposed action or any of the alternatives would not result in a significant direct, indirect, or cumulative impact on the quality of the natural or human environment. Redevelopment of UMCD surplus property will result in manageable adverse effects and beneficial effects related to the socioeconomic and environmental resource areas. Since no significant environmental impacts would result from implementing the proposed action, an EIS is not required and will not be prepared. This FNSI concludes the Army's compliance with NEPA for the proposed action.

I have also concluded that neither the no action alternative nor the caretaker alternative would be able to support Congressional requirements under the BRAC law (Pub. L. 101-510 and 107-107); consequently, neither alternative has been selected for implementation.

Department of the Army

COL Phillip H. Lamb, Commander,
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Date: