

**Draft FINDING OF NO SIGNIFICANT IMPACT
DAIRY CREEK RESTORATION PROJECT, SAUVIE ISLAND, OR**

I find the proposed action, described as the *Preferred Alternative* in the *Draft Dairy Creek Restoration Feasibility Study and Environmental Assessment Report, Sauvie Island, OR* (Project; U.S. Army Corps of Engineers, Portland District – [USACE], October 2013) (otherwise known as the draft Feasibility Study/Environmental Assessment report [FR/EA]), will not significantly impact the quality of the human environment.

PROJECT PURPOSE AND NEED

The purpose of the Project is to restore hydraulic connection to the Columbia River and improve function of Sturgeon Lake, thereby improving fish and wildlife habitat. Sturgeon Lake and related hydrologic features provide important habitats for resident and migratory fish and wildlife species. The Project is needed to remedy the degradation of habitat as a result of the Federal Columbia River Power System operations and Federal levee construction adjacent to the Project.

PREFERRED ALTERNATIVE

The Preferred Alternative involves restoring Dairy Creek between the Columbia River and Sturgeon Lake within its current alignment. Restoration actions will include: 1) removing and replacing the debris boom at the mouth of Dairy Creek to minimize large debris deposition; 2) installing eddy control structures in Dairy Creek to efficiently move flow and manage sand accumulation; 3) rebuilding the existing rock slopes at the mouth of Dairy Creek to protect adjacent banks from erosion; 4) excavating a sand collection basin at an existing inlet adjacent to Dairy Creek; 5) providing a low flow channel inset in the Dairy Creek channel for increased hydraulic connection at lower flows; 6) replanting areas disturbed by construction with native species; 7) replacing culverts at the Reeder Road crossing with two 42-foot concrete arch structures to improve hydraulic connectivity; and 8) re-configuring the confluence of the historic Dairy Creek to help maintain an open channel in Dairy Creek.

FINAL DETERMINATION

This Project is under the authority of Section 1135, Project Modifications for Improvement of the Environment, of the Water Resources Development Act (WRDA) of 1986. In fulfilling the authorization, USACE is required by the National Environmental Policy Act (NEPA) to determine if the impacts of the project are significant. Following are the tests of significance from (1) to (10) as specified in 40 C.F.R. 1508.27:

1. **Significant Effect(s) Even Though the Overall Effect Is Beneficial:** The proposed restoration actions will benefit fish and wildlife species, including Endangered Species Act listed fish, wintering waterfowl, and other native aquatic and terrestrial species. The proposed restoration actions will provide habitat enhancement in Dairy Creek by removing invasive vegetation and installing native plants. It will also create habitat features to better mimic the natural conditions that were historically present before hydraulic modifications to the Columbia River system. A finding of no significant impact is not biased by the beneficial effects of the action.

2. **The Degree to which the Action Affects Public Health and Safety:** The construction effects will be short-term, localized, and temporary, and as such will have no adverse effects on public health and safety. USACE will delineate the work area to exclude non-construction workers from construction zones. A traffic management plan in accordance with County

standards will be prepared for construction of the Reeder Road crossing. Project operation will not worsen flooding conditions of adjacent lands.

3. Unique Characteristics of Geographical Area: The Project is located within the 100-year floodplain, partially within a managed wildlife area, and within an area with a rich cultural resource history. USACE will: protect historic and cultural resources during design and construction through avoidance of identified artifacts; avoid construction near high quality wetlands adjacent to Sturgeon Lake; and enhance Dairy Creek riparian areas and stream function through channel improvements, invasive species removal, and native plantings where feasible. Wild and scenic rivers, wilderness, ecologically critical areas, or other unique natural features are not present in the Project area. The Project will avoid negative impacts to wetlands. Lands zoned as Exclusive Farm Use (EFU) are present on the south side of Dairy Creek. The Project will not result in conversion of existing uses or zoning designations, including EFU land and high-value, prime, and unique farmlands. No effects will occur to unique geographical characteristics.

4. Highly Controversial Effects on the Quality of the Human Environment: The Project will have no measurable negative effects on the quality of the human environment. The effects on the quality of the human environment are well-known and were analyzed using standard scientific principles.

5. Highly Uncertain, Unique, or Unknown Risks: The USACE has evaluated Project risks and they are presented in the FR/EA. The USACE has not identified unique or uncertain risks to the human environment.

6. Future Precedents: Ecosystem restoration is a beneficial effect and does not constitute an irrevocable or irretrievable step toward future changes in the scope, scale, orientation, or design of the current levee system, nor in the current and historic method or approach to maintaining the Sauvie Island Wildlife Area. For these reasons, the action will not establish a precedent for future actions in the Lower Columbia River.

7. Significant Cumulative Impacts: The FR/EA considered the effects of implementing the proposed action in association with past, present, and reasonably foreseeable actions in and near the Project site. Significant cumulative adverse effects were not identified, and the Project will incrementally reverse some of the adverse effects of past actions.

8. National Register of Historic Places and Other Historical and Culturally Significant Places: A cultural resources survey was performed in late June 2013. One artifact was found on Oregon Department of Fish and Wildlife (ODFW) property; this area will be avoided during construction. The remaining survey did not reveal any historic properties or significant archaeological deposits in the vicinity. Coordination of findings from USACE recent fieldwork is currently in progress with the State Historic Preservation Office (SHPO) and potentially affected tribes. Letters were submitted on September 6, 2013. The USACE will seek SHPO concurrence on its Area of Potential Effects survey as well as its determination of no historic properties affected.

9. Endangered or Threatened Species or Habitat: The Project will temporarily adversely affect endangered or threatened species and habitat as a result of construction activities. Adverse effects will be minimized by incorporating standard best management practices. The USACE will design and construct the Project in accordance with the terms and conditions of a National Marine Fisheries Service Biological Opinion (BiOp) and an expected U.S. Fish and Wildlife Service

Letter of Concurrence. Both agencies, along with ODFW have been informed of the project and are supportive of restoration efforts.

10. Other Legal Requirements: Discussion of compliance with applicable environmental laws or requirements is identified in the FR/EA. The USACE will design and implement the Project to comply with all applicable environmental laws and regulations.

CONCLUSION

No construction actions will begin until receipt of all applicable environmental clearance documents, including the BiOp, the National Pollutant Discharge Elimination System (NPDES) permit, and concurrence from SHPO. Upon receipt of the BiOp, NPDES permit, and SHPO concurrence, I will review all existing environmental documentation to determine if conditions have changed or whether existing documentation and clearances continue to adequately describe the effects of the proposed action.

All applicable laws, executive orders, regulations and guidelines were considered in the evaluation of alternatives, including the proposed action. Based on the review of these evaluations, I have determined these impacts, both individually and cumulatively, are not “significant” as defined by the NEPA legal statute, regulations, and case law. Based upon the FR/EA, I have determined that the selected action will not significantly affect the quality of the human environment and that an environmental impact statement is not warranted.

Date:

John W. Eisenhauer, P.E.
COL, EN
Commanding