



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

FINDING OF NO SIGNIFICANT IMPACT for U.S. Department of Agriculture Request for use of Corps Lands at the Coos Bay Navigation Project – North Spit

I find the proposed action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. This Finding of No Significant Impact (FONSI) is supported by the *Predator Damage Management to Protect the Federally Threatened Pacific Coast Population of the Western Snowy Plover Environmental Assessment* (EA), 2002, as prepared by lead agencies - U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Department of Agriculture (federal agencies) and include the following cooperating agencies: State of Oregon Department of Fish and Wildlife; State of Oregon Parks and Recreation Department; and U.S. Department of Agriculture, Animal and Plant Health Inspection Service Wildlife Services - and is hereby adopted and incorporated by reference.

This FONSI has been prepared pursuant to the National Environmental Policy Act (NEPA) in accordance with the Council on Environmental Quality regulations as contained in 40 Code of Federal Regulations (CFR) Parts 1500 to 1508, and the Corps procedures for implementing NEPA found at 33 CFR Part 230.

PROJECT PURPOSE AND NEED

U.S. Fish and Wildlife Service, on behalf of U.S. Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services (APHIS), has requested access for APHIS on Corps lands at Coos Bay to implement their actions as described in *Predator Damage Management to Protect the Federally Threatened Pacific Coast Population of the Western Snowy Plover Environmental Assessment*. Animals determined by APHIS to be a threat to nesting plovers will be deterred or removed using the most effective, selective, and humane methods available. Proposed actions include:

- a. APHIS could use shooting, DRC-1339 (avicide), pyrotechnics, traps, snares, zinc phosphide (rodenticide), nest and egg destruction, and denning. APHIS personnel will evaluate the appropriateness of strategies. The use of exclosures has been excluded from the current proposed activities.
- b. Methods will be evaluated by APHIS in the context of their availability (legal and administrative) and suitability based on biological, economic and social considerations. APHIS will conduct monitoring, and evaluation will continue to assess the effectiveness of the strategy.

PROPOSED ACTION

Corps proposes to provide a land use agreement to allow access for APHIS to implement the *Predator Damage Management* program on Corps lands in Coos Bay for 2016.

FINAL DETERMINATION

The Corps is required to make every effort to fulfill all statutory authorized project purposes and directions provided by Congress. The following is an assessment of the impacts of the proposed action when compared to the "significance" of the impact. "Significance" requires considerations of both context and intensity (40 CFR § 1508.27). "Context" means that the significance of an action must be analyzed in several contexts (such as society as a whole, the affected region, the affected interests, and the locality). "Intensity" refers to the severity of impact. Listed below are 10 tests of intensity and Corps determinations that should be considered in the context of Corps proposed action when determining significance.

1) *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

On December 17, 2010, Corps signed a Memorandum of Understanding between USFWS, Oregon Parks and Recreation Department, Oregon Department of Fish and Wildlife, Bureau of Land Management, and the District Forest Service, Siuslaw National Forest to provide a framework for cooperation and achievement of mutual goals among the participating State and Federal agencies regarding conservation of the Western Snowy Plover. Corps' policy is to apply principles of good environmental stewardship to the natural resources on our lands, with respect to fish and wildlife. The proposed action will not create a significant effect.

2) *The degree to which the action affects public health or safety.*

Corps action of issuing a land use agreement would not affect public health or safety. While some of the materials and methods used by APHIS have the potential to represent a threat to health and safety, mitigation to avoid impacts on human safety are built into the *Predator Damage Management* program.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The Action Area includes Corps-administered lands on the Coos Bay North Spit. There would be no impacts on wetlands. Impacts to cultural and historic sites are not anticipated.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The federal agencies encouraged public participation in 2000 by publishing notices in newspapers, sending letters inviting the public to provide comments, and publishing legal notices in newspapers in 2001. The federal agencies received five letters from groups and individuals interested in providing input into the development of the EA. All comments received were considered in the Final EA. Corps proposed action is not likely to be highly controversial.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no uncertain or unique risks associated with the implementation of the proposed action.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Corps is required to provide safe, efficient and effective navigable waterways as congressionally authorized at Coos Bay. As part of its mission, Corps continues to maintain ownership of CBNS land to support jetty monitoring and habitat management. The Proposed Action sets no precedent for future actions with significant effects.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

Cumulative impacts on target species were discussed in the federal agencies' EA. The cumulative effects on western snowy plovers and other threatened and endangered species were assessed in more detail in the USFWS BO.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The Proposed Action will have no adverse impacts on any protected historical or cultural features or properties.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

USFWS issued a Biological Opinion in 2001 to Coos Bay District, Bureau of Land Management; Forest Conservation/Endangered Species, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, Portland; and Siuslaw National Forest, U.S. Forest Service, Corvallis, Oregon.

The objective was to assist in recovery of the western snowy plover by improving plover nesting and fledging success through implementation of an integrated predator damage management plan while recreation and habitat management efforts continue. To best achieve success in reducing predation, the lead and cooperating agencies plan to:

a. Expand assessment efforts to all plover breeding and nesting locations to determine predator species responsible for nest, chick and adult predation; and

b. Reduce local predator populations where feasible and where the predator species or individual is known.

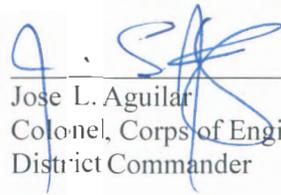
Because the *Predator Damage Management* was addressed in the BiOp, the effects associated with implementation are consistent with, and anticipated by, the USFWS. Therefore, the proposed action of issuing a land use agreement to APHIS will not result in any new or unforeseen effects to western snowy plover or their designated critical habitat that was not previously considered in the BiOp. The proposed action is consistent with that BiOp and the requirements of ESA.

10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The proposed action does not threaten a violation of any law or requirements imposed for the protection of the environment.

20160627

Date



Jose L. Aguilar
Colonel, Corps of Engineers
District Commander



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Portland District

MEMORANDUM FOR THE RECORD

CENWP-PM-E

SUBJECT: Letter of Consent to U.S. Department of Agriculture for Proposed Use of Corps Lands at the Coos Bay Navigation Project North Spit, Township 25 South, Range 14 West, Section 35, Coos Bay, Coos County, Oregon - **No Potential to Cause Effects.**

DATE PREPARED: 26 May 2016

1. This memorandum for record (MFR) documents the reasons why, in accordance with Section 106 of the National Historic Preservation Act (NHPA), the proposed use of the U.S. Army Corps of Engineers, Portland District's (Corps) Lands at the Coos Bay Navigation Project *does not* have the potential to cause effects on historic properties eligible for or listed on the National Register of Historic Places. This MFR addresses the issues and guidance specified in 36 CFR 800.3(a)(1) and completes the Corps' Section 106 of the NHPA obligations and requirements in regard to this project.
2. The Corps is proposing to provide a land use agreement to allow the U.S. Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services (APHIS) to implement the actions described in *Predator Damage Management to Protect the Federally Threatened Pacific Coast Population of the Western Snowy Plover Environmental Assessment* (Predator Damage Management EA) on Corps lands at Coos Bay. The predator management program seeks to protect the federally and state threatened snowy plover in Oregon from predation while measures to protect and restore habitat are ongoing. Proposed actions include:
 - a. Animals determined by APHIS to be a threat to nesting plovers will be deterred or removed using the most effective, selective, and humane methods available. APHIS could use shooting, DRC-1339 (avicide), pyrotechnics, traps, snares, zinc phosphide (rodenticide), nest and egg destruction, and denning. APHIS personnel will evaluate the appropriateness of strategies. The use of exclosures has been excluded from the current proposed activities.
 - b. Methods will be evaluated in the context of their availability (legal and administrative) and suitability based on biological, economic and social considerations. APHIS will conduct monitoring, and evaluation will continue to assess the effectiveness of the strategy.
3. In accordance with the mandates of Section 106 of the NHPA and its implementing regulations 36CFR800, the Corps has completed a review of the proposed undertakings and determined that:
 - a. The proposed action meets the definition of an *undertaking* at 36CFR800.16(y).
 - b. The nature of the undertaking is such that it does not have the potential to cause effects on historic properties, assuming such historic properties are present. The proposed



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project includes non-ground disturbing predator management activities through the use of non-lethal and lethal tools. Activities are focused on animal (predator) management and would not have the potential to alter the characteristics of districts, sites, building, structures or objects. Animals do not meet the definition of property of traditional religions or cultural importance to an Indian tribe or Native Hawaiian organization and there would be no potential to effect these types of properties.

4. No further work is recommended for the proposed predator management activities. However, if APHIS decides to use exclosures in the future, the Corps will reevaluate the finding of no potential to effect historic properties. In the unlikely event that historic or cultural resources are uncovered during construction, all work shall halt until a Portland District archeologist arrives at the scene of the discovery. The Corps will comply with the procedures outlined in 36 CFR 800.13. If suspected human remains are discovered, the Portland District NAGPRA policy (adopted 6/26/2003) applies.

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Prepared by:

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Elizabeth Oliver, M.A.
Portland District Archeologist