



US Army Corps
of Engineers®
Portland District

PUBLIC NOTICE

DRAFT ENVIRONMENTAL ASSESSMENT

AND

DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)

for the

Feasibility Study and Draft Environmental Assessment Report, Dairy Creek Restoration Feasibility Study Sauvie Island, OR

CENWP-PM-E-13-09

Issue Date: September 20, 2013

Expiration Date: October 19, 2013

30 Day Notice

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Portland District (Corps) has conducted a feasibility study for the Dairy Creek Restoration Project (Project). The West Multnomah Soil and Water Conservation District (WMSWCD) is the local sponsor.

The integrated Feasibility Study Report and Draft Environmental Assessment (EA) examines existing conditions at Dairy Creek and Sturgeon Lake and proposes alternatives for restoring important habitat functions. The Draft EA discloses environmental impacts and provides a comprehensive analysis for proposed actions. Pending receipt of public comments and final clearance documents, the Corps has also issued a Draft FONSI.

Purpose: The purpose of the Project is to restore hydraulic connection to the Columbia River via Dairy Creek, and to improve the function of Sturgeon Lake within the Lower Columbia River Estuary, thereby improving fish and wildlife habitat. The Project is needed to remedy the degradation of these habitats as a result of hydrologic manipulation from Federal levees and Columbia River Power System Operations.

Location: The 10,580-acre study area includes Sturgeon Lake and the surrounding lands on Sauvie Island, west of Portland, Oregon. The proposed action is in Multnomah County, and the study area extends into Columbia County, as well as the Sauvie Island Wildlife Area.

Work: The preferred alternative includes the following components:

- Replace Debris Boom at Dairy Creek Mouth;
- Construct Eddy Control Structures in the Dairy Creek Mouth;
- Protect and Stabilize Banks at Mouth of Dairy Creek;
- Construct Sand Collection Basins Along Dairy Creek;
- Reconfigure Channel by Excavating A Low Flow Channel in Dairy Creek;
- Native Replanting and Limited Invasive Plant Removal Along Dairy Creek;

- Improve Hydrologic Connectivity under Reeder Road with Culvert Replacement;
- Construct Log Structure at Historic Dairy Creek.

Environmental Documents: In accord with the Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) regulations [Federal Register, 40 C.F.R. 1508.9(a)], an (EA) is prepared by a federal agency when a proposed action is not covered by a categorical exclusion or otherwise exempt from NEPA. Federal agencies use the EA to determine whether the proposed action has the potential to cause significant environmental effects. The purposes of the EA are to accomplish the following:

1. Provide evidence and analysis sufficient to determine whether an Environmental Impact Statement (EIS) is required.
2. Aid a federal agency's compliance with NEPA when no EIS is necessary.
3. Facilitate preparation of an Environmental Impact Statement (EIS) when one is necessary.

The EA is meant to be the primary tool that federal agencies use to determine whether or not to prepare an EIS.

The Draft EA addressing the impacts associated with the preferred alternative is available for public review and comment on the Corps' website. Additionally, as determined by the findings of the Draft EA, a Draft FONSI is also available for public review. Both can be found at the following website: <http://www.nwp.usace.mil/>.

Completion of the Draft EA will involve inclusion of responses to all public comments. Upon completion of the Draft EA, a determination of significance will be made on the preferred alternative and either a final Finding of No Significant Impact (FONSI) will be made, concluding the NEPA process, or a decision will be made to prepare an EIS. In order to prepare an EIS, it must be determined that the proposed action will have a significant effect on the quality of the human environment. Public input on this draft EA is encouraged as it aims to identify public concerns early in the project planning process.

State Water Quality Certification: State Water Quality Certification from Oregon Department of Environmental Quality, pursuant to Section 401 of the Clean Water Act (CWA), is required. The Corps has determined that combined components of this project meet criteria under several Nationwide Permit (NWP) categories, including 13, 14, 27, and 33. The Corps has further determined that project will meet the criteria and conditions of: the 2012 Nationwide Permit General Conditions, the Portland District Regional Permit Conditions, and the conditions required in the Oregon State 401 Water Quality Certification (WQC).

Each NWP also has an associated § 404 (b) (1) Evaluation Decision Document. The Portland District Corps has incorporated by reference these § 404 (b) (1) Evaluation Decision Documents. The Decision Documents for NWPs 13, 14, 27, and 33 provide the impact analysis specified in Subparts C through F of the § 404 (b) (1) Guidelines (40 CFR Part 230). Because these NWPs are pre-certified by the Department of Environmental Quality (DEQ), the § 401 Water Quality Certification requirements are fulfilled by meeting the WQC conditions.

Cultural Resources: The Corps is coordinating with Oregon State Historical Preservation Office (SHPO) and interested Native American Tribes. The Corps will obtain concurrence with its effects determination from SHPO prior to finalizing its NEPA decision.

Endangered Species Act (ESA): The Corp is seeking clarification as to whether or not the project will be eligible for coverage under the SLOPES V programmatic Biological Opinion issued by National Marine Fisheries Service (NMFS). Otherwise, an individual Biological Assessment will be prepared and the Corps will complete consultation per ESA Section 7 to address potential effects to listed species. The Corps also has been in coordination with U.S. Fish and Wildlife Service for its jurisdictional species and expects either a no-effect determination, or to complete informal consultation.

Additional Information and Comments: Questions regarding the enclosed environmental documents or submittal of public comments on this Draft EA and Draft FONSI should be directed to: Barbara Cisneros, Environmental Resources Branch, telephone (503) 808-4784; via e-mail at Barbara.G.Cisneros@usace.army.mil; or at the address below.

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To become part of the record and to be considered in the decision, comments on this notice must be sent by the above closing date. In your response, please refer to the above public notice number, title and date. Should no response be received postmarked by the above closing date, a “no comment” response will be assumed.