

# **DRAFT - FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

For the

## **DRAFT SUPPLEMENT**

To the

### **Revised Final Environmental Assessment Columbia River at the Mouth, Oregon and Washington**

#### **REHABILITATION OF THE JETTY SYSTEM AT THE MOUTH OF THE COLUMBIA RIVER (MCR)**

**Clatsop County, Oregon, and Pacific County, Washington**

I find the selected course of action, described as the Preferred Alternative in the both the draft *Supplemental Environmental Assessment (SEA)* and the *Revised Final Environmental Assessment for Columbia River at the Mouth, Oregon and Washington, Rehabilitation of the Jetty System at the Mouth of the Columbia River* (U.S. Army Corps of Engineers, Portland District (Corps), April 2013, and July 2012, respectively), will not significantly affect the quality of the human environment and that an environmental impact statement is not required. The selected course of action in this draft Finding of No Significant Impact (FONSI) is the Preferred Alternative related to South Jetty foredune augmentation as analyzed in both the draft SEA and EA. The draft SEA and EA in combination with applicable environmental clearance documentation provide a basis for the evaluation and conclusions, and by reference are incorporated herein.

#### **PURPOSE AND NEED**

The purpose of the selected action is to perform modifications and repairs to the North and South Jetties and Jetty A at the MCR that would strengthen the jetty structures, extend their functional life, and maintain deep-draft navigation. The preferred alternative actions related to the South Jetty foredune augmentation will: protect and stabilize the foredune, prevent further foredune erosion, and reduce the risk of foredune breaching and breaching of both Clatsop Spit and the South Jetty root. Foredune augmentation is a component of the selected action described in the EA for the larger suite of repair and rehabilitation actions at the MCR jetty system.

The foredune south of the jetty root is presently in a condition of advanced deterioration. During the 1970's, the south jetty foredune had a crest elevation of 30 and 40 ft North American Vertical Datum 88 (NAVD) and a 50-100 ft crest width. Presently, the foredune crest has been reduced to less than 25 ft NAVD along much of the project's 1,100 ft reach. The high-crested foredune prevents storm-induced overtopping from reaching the backshore, and protects the narrow strip of low-lying land that separates the ocean from the jetty lagoon called Trestle Bay. The foredune is now a relatively narrow feature on

an otherwise flat, low-elevation area adjacent to a tidal marsh. Between 2003 and 2007, the concave shoreline area receded more than 40 feet, further reducing the protective ability of the fore-dune.

Under the present condition of wave and surge exposure, the affected South Jetty fore-dune is vulnerable to short-term risk of being completely overtopped and eroded by wave surge action within the next 1-3 years. Once overtopped, the jetty root and shore face south of the South Jetty is expected to continue to erode and recede, resulting in a shoreline breach into Trestle Bay in about 8-16 years. Such a breach would cause a secondary flow pathway to develop from the Columbia River estuary to the ocean, re-directing hydraulic flow from the existing inlet, threatening inlet stability, and disrupting navigation at the MCR. In the 1920's such a breach did occur. It is advantageous to stabilize the fore-dune now, before it is completely eroded, so that the stabilizing treatment can utilize the fore-dune as a buttress. Stabilization of the South Jetty fore-dune is required to maintain the jetty's functional purpose of providing deep-draft navigation at the Mouth of the Columbia River (MCR).

## **BACKGROUND**

The MCR navigation project consists of a 0.5-mile wide federal navigation channel extending for about 6 miles through a jettied entrance between the Columbia River and Pacific Ocean. The North Jetty and Jetty A are located in Pacific County, Washington, near the cities of Ilwaco and Long Beach on the Long Beach Peninsula. The South Jetty is located in Clatsop County, Oregon near the cities of Warrenton/Hammond and Astoria. The fore-dune augmentation is immediately adjacent to the South Jetty root at the neck of Clatsop Spit in Fort Stevens State Park.

The MCR is the ocean gateway for maritime navigation to and from the Columbia-Snake River navigation system. Approximately \$20 billion of commerce passes through the MCR jetty system annually. The ocean entrance at the MCR is characterized by large waves and strong currents and is considered one of the world's most dangerous coastal inlets.

The draft Supplemental Environmental Assessment (SEA) clarifies the work of the preferred alternative as it relates to the fore-dune augmentation at Clatsop Spit adjacent to the South Jetty root. Since the EA and FONSI, further design has been done related to the fore-dune augmentation. The draft SEA clarifies the particulars of that work and further describes the impacts that were not entirely covered in the EA before the design evolved.

Since completion of the EA, the Corps' proposed design to augment the existing fore-dune adjacent to the South Jetty has evolved to reflect the following updates: (1) additional design options and material sources were considered as part of a value engineering (VE) study; (2) the locations of the proposed associated construction access and staging areas were altered to avoid cultural resource, shore pine forest, and additional dune impacts, but would have unanticipated minor wetland impacts (a wetland determination was completed in the area south of the previously delineated project area); (3) an adjustment in the project design elevation would result in previously unforeseen fill in 404 waters of the U.S.; and (4) newly proposed compensatory mitigation would offset fill in wetlands and waters of the U.S.

This draft FONSI specifically addresses fore-dune augmentation components of the preferred alternative indicated in both the draft SEA and the EA, although the EA includes a greater suite of actions under the preferred alternative covering the major rehabilitation and repair of the MCR jetty system.

## **THE PROPOSED ACTION, PREFERRED ALTERNATIVE**

Construction is scheduled to occur in late summer to early fall 2013. Project implementation would take up to 4 months and could occur between June and October 31.

The preferred alternative is a cobble berm, dynamic revetment feature, which was described as cobble fill in the EA. The VE study explored design options in more detail. The location of the construction staging and access areas in the EA were immediately north of the jetty root, and the staging areas proposed in the draft SEA are now south of the jetty root along an existing roadway. The cobble fill design in the EA did not extend below Mean Higher High Water (MHHW), whereas in the draft SEA the proposed design does extend below MHHW and into Clean Water Action (CWA) Section 404 Waters of the US. The EA did not anticipate fill in wetland or waters of the U.S. for a staging and access area south of the jetty root, nor did it account for fill as a result of the cobble placement. Therefore, compensatory mitigation has been proposed for unavoidable fill impacts.

The dune augmentation feature would key-into the existing fore-dune and would be comprised of a gravel bedding layer, a core of angular or rounded cobble, and a 4-ft deep rounded cobble overlay. The dynamic revetment (cobble/gravel berm) would be constructed along the ocean side of the fore-dune. The feature's dimensions are approximately: 1,100 linear feet of cobble-sized stone (1- 8 inches diameter.); crest width 65-feet (ft) wide; crest height 22-ft NAVD; and slope, 1 vertical (v):5 horizontal (h), (resulting in about 150-ft total structure width ocean-ward from the edge of the existing dune). The total cobble fill volume is about 43,000 cy of material (not including the excavated and replaced sand), and associated excavation for keying-in the base of the structure is about 18,000 cy of sand. The average cobble fill volume per ft of shoreline for the proposed structure is 40 cy/ft. Approximately one-half of the quantity would feature a rounded cobble overlay, similar to material that is commonly found on many composite beaches within the Pacific NW.

The dynamic revetment would be constructed by first excavating sands from the toe of the existing fore-dune in order to key-in the feature (which could entail a depth of sand between 5-8ft depending on summer or winter profiles), and then placing cobble materials in layers. Excavation and material placement would be staged in sections and according to low-tides, in order to accommodate the challenges of periodic potential structure exposure to wave and tidal forces during storm surges. Otherwise, much of the construction would occur in the dry sands area. After construction is complete, the excavated sand would be placed at the toe of the structure to preserve the existing grade at the time of construction; any remaining sand would be used to supplement low spots in the fore-dune crest.

To document post-construction performance and to verify no adverse impact to adjacent shore areas, a monitoring plan would be enacted in cooperation with the State of Oregon DOGAMI.

Access to the site through the Park would be along the Jetty Access Road. Dune access would occur via unpaved improvement to an existing sand road (Access Road A) that traverses the shore pine forest between the Jetty Access Road and shoreline. A small loop road enclosing an additional staging area is also proposed immediately adjacent to the dune/beach access site. There would also be limited staging and stockpile opportunity at a second, more northern existing unimproved roadway (Access Road B), as well as in Parking Area B. Traffic would be restricted extending west on the roadway to avoid effects to cultural resources (the trestle) and further disturbance to the dune. Driving would be limited along the beach to protect razor clam beds and reduce vehicular impacts on beaches.

A survey of the existing vegetation to be removed including stem counts for affected shore pine would be conducted to inform the replanting plan for site restoration. Vegetation and trees and removal would be minimized. Shore pine replanting ratios would be no less than 1:5, removal to re-planting. Removed trees would be disposed of at an approved location. The Corps would minimize clearing vegetation at the dune crest as much as possible, and would limit any required clearing to leeward side of the dune in order to maintain dune stability. Post-construction restoration plans would be reviewed by the OPRD forester to ensure the replanting plan meets Park needs.

Post construction restoration would also entail minor roadway patching for damages caused by haul trucks and site stabilization and restoration compliant with the National Pollutant Discharge Elimination System (NPDES) permit.

Approximately 0.08 acres of interdunal depression palustrine wetlands would be permanently impacted due to unavoidable construction activities and cultural constraints. At this time, the Corps has coordinated with its Seattle Regulatory Mitigation Bank Coordinator and expects that compensatory mitigation bank credits from would be purchased from a mitigation bank coming on-line in April near Long Beach WA. Though most of the structure would be behind/above the Clean Water Act 404 jurisdictional elevation and in the dry sands, the depth required to key-in the toe is below this elevation. Therefore, about 3.79 acres of sandy shoreline habitat in 404 waters of the U.S. inundated during more extreme events would be converted with the placement of cobble materials. As compensatory mitigation, the Corps is proposing to participate in tsunami debris removal. This would be commensurate with the project's habitat conversion impacts because it would help protect the beach ecosystem by removing artificial debris that could have severe biological, chemical, and physical effects on water quality and the coastal community.

### **PUBLIC AND AGENCY INVOLVEMENT**

Components of the South Jetty fore-dune stabilization have been included in broader discussions involving major repair and rehabilitation of the MCR jetty system since 2010.

The Draft EA was issued for a 30-day public review and comment period January 13, 2010, and was provided to federal and state agencies, organizations and groups, and various property owners and interested publics. In addition, a public information meeting was held in Astoria, Oregon on February 3, 2010. Another public information meeting to describe likely construction techniques was also held on June, 4, 2010, at Fort Vancouver, WA. A third meeting was held for construction contractors on January 31, 2013, at the Portland District Corps offices.

The Revised Final EA was completed in July 2012, and on 26, July 2012, a revised provisional FONSI was signed covering the entirety of the project elements at the South Jetty, including fore-dune stabilization. These document have been available to the public on the Corps' website. Due to new project details described in the draft SEA, the draft SEA will be issued for a 15-day public comment period.

On October 18, 2012, the Corps confirmed the disturbance as a result of proposed updates to the dune augmentation would remain within the scope of the existing consultation with National Marine Fisheries Service (NMFS), and that no marine mammals Incidental Harassment Authorization Permit would be required for this dune augmentation work at MCR.

On February 1, 2013, the Corps confirmed with USFWS that the proposed actions would remain within the scope of the consultation and that no snowy plover monitoring would be required at this time.

Letters were sent to Oregon State Historic Preservation Office in January 2013. The Corps is currently coordinating with SHPO regarding the new staging area and would complete this process prior to construction.

The Corps met onsite with Oregon Parks and Recreation Department (OPRD) on September 19, 2012, and again on March 18, 2013, to discuss the project, and the Corps has had regular email and phone coordination with the agency prior to and since these site visits.

The Corps will be completing compliance documentation with other resource agencies including the following Oregon state agencies: Department of Land, Conservation and Development (DLCD), and the Oregon Department of Environmental Quality (DEQ). The Corps Consistency Determination and Water Quality Finding have been posted for comment by DLCD and DEQ, respectively.

The Corps has also committed to the formation of a modified interagency Adaptive Management Team (AMT) to keep resource agency partners apprised of any potential project changes or challenges during implementation. In addition, the Corps Portland District established a web site to keep the public informed about the repair/rehabilitation of the MCR jetties located at <http://www.nwp.usace.army.mil/Missions/Currentprojects/MouthoftheColumbiaRiverJettyRehabilitation.aspx>.

## **ENVIRONMENTAL EFFECTS**

The draft SEA describes the main modifications related to the foredune augmentation component of the Preferred Alternative in the EA and the resulting effects. Most of the effects are related to Clean Water Act Section 404 wetlands and waters of the U.S. As such, the Corps will be providing compensatory mitigation and supplementing its 404 (b) (1) evaluation.

As described in the SEA, advantages in using a dynamic revetment for shore protection rather than a hard armoring or other design approach include lower cost, simpler construction, ability to accommodate shore face recession (profile lowering), and reduction in adverse impacts to adjacent shoreline. Design considerations balanced the size and footprint of the dune stabilization feature, the feature's indirect impacts, and the expected return period or frequency of maintenance/replenishment requirements. In addition, the proposed dynamic revetment approach would not require beach and dune restoration, as it can be constructed to protect the shoreline in its existing condition. It also would be more reflective of coastal beach materials, and more aesthetically appealing and recreationally accessible for beach users. These characteristics avoid and minimize negative effects on the human environment.

Further, proposed construction storage, staging, stockpiling, and access areas have avoided and minimized cultural and environmental impacts, including effects to wetland, dune, riparian areas, shore pine forests, and cultural resource sites. As much as possible, project site locations have taken advantage of already developed and disturbed areas such as existing roads and parking lots. Placement of the staging and access areas considered impacts to mature shore pine vegetation, cultural resources, and dune stability. Construction access to the site via travel along the beach would be prohibited, and equipment access to and activity on the beach would be restricted as much as possible to only that which is required to place and construct the stabilization structure. Most of the activities will occur in the dry sands, and clam bed elevations have been identified for avoidance.

Based on the potential impacts to the mature shore pine forest and cultural resources, the access alternative through the wetlands along the southern access road (Access Road A) is considered to have fewer overall impacts than access across/along the dune from the north (Access Road B) or along the beach. A balance was struck between avoiding wetland impacts from the roadway, and protecting resources like the historic jetty trestle, old WWII bunkers, the eroding dune, and the mature shore pine forest. These factors in combination with constructability and the difficulty/impossibility of complete removal of fill led the Corps to determine 0.08 acre of wetland impacts would be permanent. However, these wetland areas would be stabilized and reseeded with a wetland mix when the rest of the site restoration plantings are implemented.

Approximately 0.08 acres of interdunal depressional palustrine wetlands would be permanently impacted due to unavoidable construction activities and cultural constraints. It has subsequently been determined that the area previously identified as a potential wetland mitigation site for impacts from work at the South Jetty proper is unavailable as a mitigation site. Potential mitigation sites for wetland impacts on the Spit and within Corps existing property boundary are extremely limited. In-kind mitigation for these interdunal depressional wetlands typically would occur in-basin. Having exhausted all avoidance and minimization measures, compensatory mitigation credits would be sought from an out-of-basin source. At this time, the Corps has coordinated with its Seattle Regulatory Mitigation Bank Coordinator and expects that compensatory mitigation bank credits from would be purchased from a mitigation bank coming on-line in April near Long Beach WA. Though it is out-of-basin, (Columbia rather than Pacific Ocean), it has appropriate, in-kind wetland credits. This mitigation is considered suitable because: there are no mitigation banks or in lieu fee locations with service areas applicable to the project location; the affected wetland type limits the potential pool of banks with similar wetland types; and there are current limitations for on-site wetland restoration or creation.

As noted, the dynamic revetment would entail temporary removal and permanent fill below 404 waters of the U.S. The functional hydraulic and hydrologic effects of this fill have been somewhat avoided and minimized based on the structure's ability to better accommodating natural erosional and depositional coastal processes while maintaining the shoreline protection required for the navigational jetty structure. The augmentation feature would also better blend in with the beach aesthetic and recreational uses that occur in the vicinity. Though most of the structure would be behind/above the 404 jurisdictional elevation and in the dry sands, the depth required to key-in the toe is below this elevation, and the structure would be inundated during storm surges. Therefore, 3.79 acres of sandy shoreline habitat below Section 404 Ordinary High Water is being converted with the placement of cobble materials. As compensatory mitigation, the Corps is proposing to participate in tsunami debris removal. This would be commensurate with habitat conversion impacts because it would help protect the beach ecosystem by removing artificial debris that can have severe biological, chemical, and physical effects on water quality and the coastal community. The Corps has coordinated with OPRD and ODFW to determine the best way to implement clean-up actions in the vicinity of the project area.

The Corps would avoid impacts to cultural resources, and is currently coordinating with SHPO regarding possible during-construction monitoring requirements.

Changes to the preferred alternative do not introduce new effects to Threatened and Endangered listed species that were previously analyzed under the Biological Opinion and informal consultation with NMFS and USFWS (March 18, 2011, and February 23, 2011, respectively).

### **CUMULATIVE EFFECTS.**

A cumulative effects analysis in the EA considered the effects of implementing the selected action in association with past, present, and reasonably foreseeable future actions in and near the MCR. This cumulative effects analysis remains applicable to the subset of actions and minor changes described in the SEA. The potential cumulative effects associated with the preferred alternative were evaluated with respect to each resource evaluation category, and no cumulatively measurable adverse effects were identified.

### **FINAL DETERMINATION**

**Authority:** Features of the MCR navigation project were authorized by the River and Harbor Acts of 1884, 1905, and 1954. Congress authorized the improvement of the MCR for navigation through various pieces of legislation and public laws. The authority for maintenance of the MCR jetties comes

from its original authority for construction of the project and then with Corps' policies for the operations, maintenance, and management of a Corps' project (Chapter 11 of EP 1165-2-1).

In fulfilling the authorization, the Corps also is required to take into account other applicable legal mandates. While acknowledging the impacts discussed in the draft SEA, EA and outlined above, the Corps is required by the National Environmental Policy Act (NEPA) to determine if the impacts of the selected alternative are significant. 40 CFR 1508.27 lists ten tests of significance, whether impacts rise to the level of "significantly affecting the human environment". Following are the ten tests from (1) to (10):

- 1) *[This item is a reminder that 'significant impacts' can include both beneficial and harmful impacts.]* Beneficial impacts of this project are primarily related to maintaining safe and reliable navigation at MCR. Augmentation of the fore-dune at the South Jetty will ensure the navigational functionality of the structure, reduce the need for emergency dredging, and help to avoid a potential breach of the Clatsop Spit. Environmental impacts are addressed in the draft SEA and EA as outlined above. A finding of no significant environmental effects is not biased by the beneficial effects of the action.
- 2) *[The Degree to which the Action Affects Public Health and Safety.]* Construction effects are considered short-term, localized, and temporary, and as such will have no significant adverse effects on public health and safety. Work area boundaries and proper signage will ensure public exclusion from construction zones. Once construction and repairs are completed, the resilience of the jetty structure and the maintenance of a reliable and safe navigation channel and entrance will be greatly improved. The reduced need for emergency dredging in less-than-favorable sea conditions (most of the breaches would likely occur in the winter) and the presence of a maintained navigation system with functional jetty structures is a benefit to public health and safety, particularly those that involve vessel passage at the MCR.
- 3) *[Unique Characteristics of Geographical Area.]* The construction site for the dune augmentation is located in Fort Stevens State Park. The park is located on accreted land that formed as a result of the jetties, and with jetty deterioration their shorelines also are receding. Though there will be some interruption to visitors via altered traffic flows and reduced access to certain portions of the Parks during construction, this is not expected to rise to the level of significance because effects will be temporary, seasonally concentrated, and of limited geographic scope. Historic and cultural resources will be protected by project design, and riparian areas including wetlands, shorelines, and streams have been buffered where feasible, and wetland mitigation will offset any unavoidable impacts. There will not be any significant adverse effects to Essential Fish Habitat or critical habitat. There are no prime farmlands, wild and scenic rivers, wilderness, ecologically critical areas, or other unique natural features in the project area, and therefore no significant effects on unique geographical characteristics.

Wetlands: In accordance with Executive Order 11990, Protection of Wetlands, the Corps closely evaluated the proposed plan and its wetland impacts. The Corps developed and refined the design and planned construction methods to take advantage of opportunities to avoid and minimize the project's ecological impacts to habitats and species. There will be permanent unavoidable fill effects to wetlands and shallow-water habitat. Approximately 0.08 acres of interdunal depressional palustrine wetlands and 3.79 acres of sandy shoreline habitat below Ordinary High Water would be permanently impacted. As compensatory mitigation, the Corps would purchase mitigation bank credits and participate in tsunami debris removal.

- 4) *[Highly Controversial Effects on the Quality of the Human Environment.]* The effects of the proposed action on the environment have been analyzed and re-analyzed by the Corps and resource

agencies such as Department of Environmental Quality (DEQ), Department of Land Conservation and Development (DLCD), the State Historic Preservation Office (SHPO), NMFS and USFW. The results of these analyses show that the project will have no significant negative effects on the quality of the human environment in or near MCR or adjacent action areas. Further, a majority of the public comments received on the EA were positive regarding the anticipated effects from repairing and rehabilitating the jetty system. Any concerns expressed by commenters were addressed in the EA as appropriate to demonstrating reasoning in support of the determination. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project. The types of activities proposed have taken place in previously in the same location and in similar areas and the resulting effects are well-known and understood.

5) [*Highly Uncertain, Unique, or Unknown Risks.*] There are no unique risks associated with implementing the proposed action. Uncertainty and risk of jetty failure or a potential breach are actually expected to increase in the absence of the proposed action. Fore-dune augmentation at the South Jetty and all associated construction activities will be done using Best Management Practices and in accordance with all terms and conditions of the applicable compliance documents. The proposed action is not expected to provide unique or uncertain risks beyond those addressed in the environmental documentation for this project.

6) [*Future Precedents.*] The Corps is authorized to maintain the Federal Navigation Channel (FNC) in the Columbia River and at its entrance. Proposed actions further described in the SEA are a subset of priority components identified and described the Preferred Alternative for the larger suite of major rehabilitation and repair actions evaluated in the EA. Fore-dune augmentation to protect the South Jetty root as part of maintenance of the MCR does not set a precedent for future actions outside of those previously authorized by Congress. Safe and reliable navigation 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 jetty system, nor in the current and historic method or approach to maintaining the navigational system at MCR. For these reasons, the action is not likely to establish a precedent for future actions with significant effects.

7) [*Significant Cumulative Impacts.*] The draft SEA and EA considered the effects of implementing the proposed action in association with past, present, and reasonably foreseeable actions in and near the Post Office Lake project site. The potential cumulative effects associated with the proposed action were evaluated with respect to each resource evaluation category, and significant cumulative adverse effects were not identified.

8) National Register of Historic Places and Other Historical and Culturally Significant Places: Subsequent issuance of the EA, new information came to light regarding historic World War II bunkers in the vicinity of the proposed staging area. The proposed action was coordinated Oregon State Historic Preservation Offices (SHPO) in order to obtain their comments on this Section 106 action in accordance with the National Historic Preservation Act. Letters were sent to Oregon State Historic Preservation Office in January, 2013. The Corps is currently coordinating with SHPO regarding potential monitoring during construction in the newly proposed staging area, and will complete this process prior to construction.

9) [*Endangered or Threatened Species or Habitat.*] The Corps received a Biological Opinion on March 18, 2011, from National Marine Fisheries Service (NMFS) indicating that the Corps' proposed actions were not likely to adversely affect any listed species, with the exception of eulachon, humpback whales, and Stellar sea lions (*Endangered Species Act Biological Opinion and Conference Report and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Major Rehabilitation of the Jetty System at the Mouth of the Columbia River – NMFS No*

2010/06104.). For these species, NMFS determined that Corps' actions were not likely to jeopardize the existence of the species. NMFS also concluded that Corps actions were not likely to adversely modify any of the current or proposed critical habitats. There was a Conservation Recommendation to carry out actions to reverse threats to species survival identified in the *Columbia River Estuary ESA Recovery Plan Module for Salmon and Steelhead*.

The Corps also provided a conference report for critical habitat that NMFS proposed for leatherback turtles, eulachon, and Lower Columbia River coho salmon. The Corps will request NMFS adopts its conference report now that habitat has become designated.

The Corps confirmed with NMFS on a conference call October 18, 2012 that: the new disturbance area was within the scope of the existing consultation, and that no marine mammals Incidental Harassment Authorization permit would be required for this portion of work because stone placement and pile installation will not occur on the jetty.

On February 23, 2011, the Corps received a Letter of Concurrence from U.S. Fish and Wildlife Service (USFWS) regarding potential effects to species under their jurisdiction (*Major Rehabilitation of the Jetty System at the Mouth of the Columbia River Navigation Channel, Clatsop County, Oregon and Pacific County, WA*. USFWS # 13420-2011-I-0082). The Corps determined its actions would have no effect on listed species, with the exception of bull trout, marbled murrelets, and snowy plover. The Corps concluded that its actions were not likely to adversely affect these species or their critical habitat. The USFW concurred with the Corps' determination. USFW also included four Conservation Recommendations to protect and improve snowy plover habitat and manage attractant waste derived from construction actions. The Corps has continued coordination with USFWS regarding the new disturbance area for staging south of the root, and on February 1, 2013, confirmed that no snowy plover monitoring will be required at this time. Though birds have been spotted north of the root in 2012, the area of construction is not within the Habitat Conservation Plan identified by OPRD and USFWS. No nests were found, and none are expected in the vicinity of the dune augmentation. Birds are also not expected to be in the vicinity during project construction period since it is outside of breeding season.

Since the EA was completed, streaked horned lark (*Eremophila alpestris strigata*) have been proposed under ESA as Threatened (10/11/2012; 77 FR 61937-62058). Streaked horned lark is known to or is believed to occur in Clatsop County. Though historically small numbers of larks were known to breed at the South Jetty of the Columbia River in Clatsop County, the site was abandoned in the 1980s. The Corps has determined its proposed action will have no-effect on streaked horned lark or its critical habitat because: the nesting season for streaked horned larks begins in mid-April and ends in the early part of August, which is outside of the action window; there are no recent lark occurrence records from the Oregon Coast; and the Clatsop Spit is not included as part of the proposed Designated Critical Habitat (77 FR 61937-62058).

The foredune stabilization and associated actions remain within the scope of effects previously evaluated in the 2011 Biological Opinion and Concurrence Letter.

10) [Other Legal Requirements.] Discussion of compliance with applicable environmental laws or requirements is identified in the draft SEA and EA. This project will not violate any environmental laws and regulations.

## **CONCLUSION**

No construction actions will begin until receipt of all applicable environmental clearance documents, including State Clean Water Act Section 401 Water Quality Certification (WQC), concurrence from the State Historic Preservation Office, and State's concurrence with the Coastal Zone Management Act

(CZMA) Consistency Determination (CD). Construction is expected to begin at the earliest on the South Jetty fore-dune augmentation in fall of 2013. Upon receipt of the WQC, CZMA CD concurrence, and SHPO concurrences, 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.

Currently, I have determined these impacts, both individually and cumulatively, are not “significant” as defined by the NEPA legal statute, regulations, and case law. This determination is based on the anticipated receipt of the WQC, CZMA CD concurrence, and SHPO concurrence.

Based upon the draft SEA and EA, I have determined that the proposed action would not significantly affect the quality of the human environment and that an environmental impact statement is not warranted.

Date: \_\_\_\_\_

John W. Eisenhauer, P.E.  
Colonel, Corps of Engineers  
District Commander