

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

I find the proposed action, described as the *Preferred Alternative* in the *Dairy Creek Restoration Feasibility Study and Environmental Assessment Report, Sauvie Island, OR* (Project; U.S. Army Corps of Engineers, Portland District – [USACE], January 2015) (otherwise known as the 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) modifying the existing channel within its existing limits by excavating a low flow channel in the currently flat-bottomed channel creating a two-stage channel configuration to provide low flow channel for fish ingress and egress and conveyance volume; 2) installing features to better manage sand sources including a sand collection basin, stabilizing banks, and rock-based structures at the mouth of Dairy Creek to maintain channel capacity; 3) increasing the size of the Reeder Road crossing to improve fish passage and conveyance capacity of Dairy Creek between Sturgeon Lake and the Columbia River; and 4) installing wood for habitat structures and native vegetation to improve in-channel and floodplain habitat quality.

**FINAL DETERMINATION**

This Project will be executed 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 restore 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 and impacts to 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 or designated wilderness areas are not present in the Project area. The Corps is seeking to restore ecological function to unique floodplain lake habitat in the Columbia River located within part of the Pacific Flyway. 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.

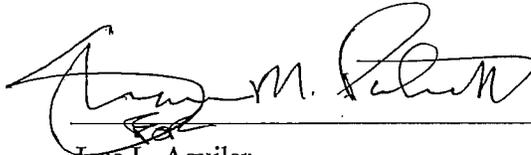
4. Highly Controversial Effects on the Quality of the Human Environment: The Project will have no measurable negative effects on the quality of the human environment. The effects on the quality of the human environment are well-known and were analyzed using standard scientific principles.
5. Highly Uncertain, Unique, or Unknown Risks: The USACE has evaluated Project risks and they are presented in the FR/EA (page 61). 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 was completed with the State Historic Preservation Office (SHPO) and potentially affected Native American Tribes. Letters were submitted on September 6, 2013. The USACE received SHPO concurrence on its Area of Potential Effects survey as well as its determination of no effect on any known historic properties on October 22, 2013. The USACE has also committed to archeological monitoring of initial ground disturbance as well as inclusion of an Inadvertent Discovery Plan in the event that cultural resources are encountered during project implementation.
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 (NMFS) programmatic Biological Opinion (BiOp) Standard Local Operating Procedures for Endangered Species (SLOPES) Restoration for aquatic species under their jurisdiction. The USACE received approval from NMFS to use SLOPES on February 10, 2014. The project will not affect ESA-listed species under jurisdiction of the U.S. Fish and Wildlife Services. 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**

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.

20150313

Date:



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District Commander