



FINDING OF NO SIGNIFICANT IMPACT for the Trestle Bay Restoration Project, Clatsop County, Oregon Integrated Feasibility Report and Environmental Assessment

I find that the proposed action would not significantly affect the quality of the human environment and that an environmental impact statement is not required. The proposed action and its potential effects are described in the draft *Integrated Feasibility Study and Draft Environmental Assessment for the Trestle Bay Restoration Project* (hereafter draft EA). The draft EA documents the environmental considerations of the alternatives considered and the draft Finding of No Significant Impact (FONSI) documents the decision that no significant impacts to the human environment would occur if a proposal is implemented. The draft EA and draft FONSI have been prepared pursuant to 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 U.S. Army Corps of Engineers (Corps) Department of Army procedures for implementing NEPA found at 33 CFR Part 230.

Project Purpose and Need

Section 536 of the Water Resources Development Act of 2000 (hereafter section 536) authorizes the Corps to conduct studies and implement ecosystem restoration projects in the lower Columbia River (LCR) and Tillamook Bay estuaries. The proposed action restores salmon access to 628 acres of estuarine habitat at Trestle Bay. The purpose of the proposed action is to restore salmonid access to suitable habitat within the LCR estuary. There is a need to restore access to viable salmon habitat because the past 100+ years of anthropogenic influences upon the natural riverine and estuarine environments within the LCR has led to degraded and fragmented salmon habitat.

The Proposed Action

The proposed action for the project is to restore access to 628 acres of salmon habitat at Trestle Bay by removing up to 900 linear feet of the South Jetty Root down to the riverbed.

Final Determination

The Corps is required to make every effort to fulfill all statutory authorized project purposes and directions provided by Congress. The features of section 536, as amended, are authorized by the Water Resources Development Act of 2000. Under section 536, the Corps identified a viable ecosystem restoration project. The Corps recognizes that in fulfilling the authorization, the Corps needs to assess whether the impacts of a project rise to the level of "significantly affecting the human environment." 40 CFR § 1508.27 lists ten tests of significance identified below and addressed in the context of the Corps' selection of the proposed action alternative. The following is the checklist from (1) to (10), as assessed:

- 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.*

The proposed action will benefit multiple fish species, including species that are listed under the Endangered Species Act (ESA). The removal of up to 900 linear feet of the South Jetty Root provides fish access to suitable fish habitat and improves hydrologic connectivity between Trestle Bay and the LCR estuary. A FONSI is not biased by the beneficial effects of the action.

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

The proposed action will have no adverse impact to public health and safety. Construction effects will be short-term, localized, and temporary, and will have no long-term adverse effects on public health and safety.

- 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 proposed action project site is located within the LCR estuary. Adjacent land uses are state owned lands and publicly owned lands. The Corps will: protect cultural resources that may be inadvertently discovered during construction; and existing high quality riparian areas, wetlands, shorelines, and streams from construction activities to the maximum extent practicable. There will not be any measurable adverse effects to Essential Fish Habitat. Construction will avoid and minimize impacts to waters of the United States. There are no prime farmlands, wild and scenic rivers, wilderness, ecologically critical areas, or other unique natural features in the project area, thus, no effects will occur to unique geographical characteristics.

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

The effects of removing up to 900 linear feet of the South Jetty Root have been evaluated by the Corps and resource agencies and interested Tribes. The proposed action will result in ecological benefits. The type of restoration activity proposed is supported by the resource agencies. The Corps will solicit public comments on the draft EA and incorporate any comments received during the public review period into the draft EA.

- 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. None of the features are expected to provide unique or uncertain risks beyond those addressed during the feasibility study.

- 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 proposed action does not establish a precedent for future actions in scope, scale, orientation, or design of the constructed jetty. This proposed action sets no future precedent in action or operation of the project area.

- 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.*

The draft EA considers the effects of implementing the proposed action in association with past, present, and reasonably foreseeable future actions in the study area. Significant cumulative effects are not identified, and the project may incrementally reverse some of the adverse effects of past actions that occurred in the LCR estuary.

- 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 only known property eligible for listing in the National Register of Historic Places within the area of potential effect (APE) is the jetty itself. This includes considering the jetty as a structure and an archeological site per the Oregon State Historic Preservation Office guidance. There are no other historic properties within the APE and the likelihood for them to exist in this location is low. Although this project would have a direct impact on the jetty itself, the impact would likely not be adverse. The Corps has made a preliminary determination that this action would likely have no adverse effect on properties on or eligible to the National Register of Historic Places. The Corps has had initial, informal discussion with the Oregon State Historic Preservation Office regarding early designs for the proposed action. As project components are refined, the Corps historic properties effect determination will be coordinated with the State Historic Preservation Office and Native American tribes.

- 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.*

While the proposed action may impart temporary adverse impacts as a result of the proposed deconstruction of up to 900 linear feet of the South Jetty Root, every effort will be made to minimize those impacts by incorporating anticipated conservation measures and best management practices. The National Marine Fisheries Service's

Standard Local Operation Procedures for Endangered Species Restoration Biological Opinion, issued 19 March 2013, provides incidental take coverage and determines that the proposed action will not jeopardize the existence of any listed species or adversely modify critical habitat. The Corps determined that the proposed action would impart “no effect” to U.S. Fish and Wildlife ESA-listed species and their listed critical habitat.

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

The Corps is required to make every effort to fulfill all statutory authorized project purposes following the balance of purposes and other directions provided by the Congress in the authorization documents. The Corps is also required to take into account other legal mandates such as the Clean Water Act and the Coastal Zone Management Act. The proposed action does not threaten a violation of any law or requirements imposed for the protection of the environment.

Other Considerations

The Corps will not begin construction activities until it completes all consultations and receives required permits. All applicable laws, executive orders, regulations and guidelines were considered in the evaluation of the alternatives, included the selected course of action.

Based upon the evaluation of the ten tests of significance prepared as described above, I find that the proposed action alternative will not significantly affect the quality of the human environment and that an environmental impact statement is not required. All beneficial and adverse impacts have been addressed to reach the conclusion of *no significant* impacts.

Date

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District Commander