



**US Army Corps
of Engineers** ^(U.S.)
Portland District
BUILDING STRONG.

**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, to implement a restoration project improving access to fish habitat in Trestle Bay, would not significantly affect the quality of the human environment and that an environmental impact statement is not required. Trestle Bay is located in Clatsop County, Oregon near River Mile (RM) 7. The proposed action and its potential effects have been described in the Corps' *Integrated Feasibility Study and Environmental Assessment for the Trestle Bay Restoration Project- June, 2015* (hereafter EA).

The Corps' Decision and Authority

The Corps will improve access to 628 acres of habitat in Trestle Bay by removing approximately 900 linear feet of the South Jetty Root. The project will create seven new breaches in the jetty by removing stone down to the existing grade of the river bed. The stone that is removed will be placed on the ends of the breaches or into stable mounds in the river on the north side of jetty. Construction will occur during the in-water work period beginning November 1, 2015- February 28, 2016.

Section 1135 of the Water Resources Development Act of 1986 authorizes the Corps to modify existing Corps projects to restore the environment. There is a need to restore access to viable salmonid habitat in the lower Columbia River Estuary due to anthropogenic influences within the Columbia River over the last century, which has degraded and fragmented salmonid habitat.

Environmental Review and Consultation Requirements

An Environmental Assessment (EA) was prepared pursuant to the National Environmental Policy Act (NEPA) in accordance with the Council on Environmental Quality (CEQ) regulations as contained in 40 C.F.R § 5 1500-1508, and the Corps' procedures for implementing NEPA found at 33 C.F.R. part 230. The draft EA and draft FONSI were made available for a 30 day comment period (March 12- April 13, 2015). A final EA has been prepared in response to comments received.

The following is an assessment of the Corps' decision to implement the proposed action per 40 CFR § 1508.27, which is considered when evaluating the context and intensity of the significance of an impact. Sections of the EA and references regarding compliance with other environmental laws are made where applicable.

- 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.*

Restoring access to Trestle Bay will result in long term benefits for juvenile salmonids by improving foraging and rearing conditions and increasing the duration for access/egress to important shallow-water habitat. During construction activities there would be short term turbidity increases that could result in direct and indirect adverse effects to fish species and other aquatic organisms proximal to the construction areas. However, the turbidity plume resulting from the activity would be temporary, and in comparison to the natural fluctuations in the turbidity regime in the mouth of the Columbia River during winter, construction induced turbidity would be a minor contributor to turbidity levels in the water column. Some aquatic and benthic organisms and fish within the

construction could be physically impacted, buried, or temporarily displaced or affected by the removal and placement of jetty rock. However, these impacts would not be at a scale large enough to adversely affect the aquatic ecosystem and would not rise to a level of significance.

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. No communities are located within the project area. Access to the site is limited and public use of the area is minimal, primarily being associated with visitors to Fort Stevens State Park. The South Jetty Root is owned by the Corps and closed to public access. There would be no short or long-term 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.*

Trestle Bay is a brackish bay consisting of shallow subtidal and intertidal mudflats and intertidal marsh habitats. Most of Trestle Bay is permanently flooded shallow estuarine subtidal habitat containing a mixture of marine and freshwater influences. These open shallow water areas are highly productive for fish, crab, and other marine organisms and offer foraging opportunities for a variety of avian species including eagles, migratory geese, and waterfowl (EA pgs. 38-39). There would be no measurable change in this habitat type or function as a result of implementing the Trestle Bay Restoration Project. There are no prime farmlands, wild and scenic rivers, wilderness, ecologically critical areas, or other unique natural features in the project area. Thus, there would be no effect to these resources.

The South Jetty Root itself is considered eligible for listing in the National Register of Historic Places and will be impacted as a result of creating new breaches in the structure. However, there would still be approximately 7,400 linear feet of the jetty intact within Trestle Bay, and thus no adverse effect on the overall historic structure, which is not a unique cultural resource within the lower Columbia River Estuary (EA page 69).

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

The EA was made available for review and comment for 30 days. Three comments were received. All of the comments were from agency personnel asking questions about compliance with laws under their jurisdiction. The Oregon Department of State Lands (ODSL) stated a Fill/Removal Permit would be required. The Oregon Department of Land Conservation and Development (ODLCD) asked a question about federal consistency with the Coastal Zone Management Act (CZMA). The U.S. Coast Guard asked a question about the need for a bridge permit.

None of the comments received indicated the effects of the action are highly controversial. The Corps has applied to ODSL for a Fill/Removal permit and has documented compliance with the CZMA (EA pgs 78, 81) and there is no transportation structure near Trestle Bay that would require a U.S. Coast Guard permit. Compliance with all other applicable environmental laws and consultation under ESA and NHPA has been completed (EA pgs. 79-86) this also supports the Corps' determination that the effects of implementing the action would not 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 implementing the restoration project. Habitat restoration projects in the lower Columbia River Estuary are considered routine construction for the Corps and the effects are well known and are described in the EA (Chapter 5).

- 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' decision to improve access to fish habitat in Trestle Bay does not establish a precedent for future actions that would have significant effects. The duration of the project is scheduled to be complete within a relatively short time period (1-2 months) and has independent utility, meaning it is not connected to or a part of a larger action.

- 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 EA (pgs 70-75) considered the effects of implementing the proposed action in association with past, present, and reasonably foreseeable future actions in the study area. Significant cumulative effects were not identified in the analysis. The project would mitigate for past adverse effects associated with loss of salmonid habitat in the lower Columbia River 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 Corps determined the removal of 900 linear feet of the South Jetty Root, which is eligible for listing in the National Register of Historic Places, will have *no adverse effect*. This determination was based on the majority of the historic jetty root remaining intact. The Corps initiated consultation with the Oregon State Historic Preservation Office (SHPO) and Native American tribes on this determination of effect. The SHPO concurred with the Corps determination with two letters (one for historic properties and one for archaeological properties) dated June 12, 2015 and June 15, 2015 (SHPO Case No. 15-0229) respectively.

- 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.*

Losses of tidal estuarine habitat have affected all ESA listed salmonid species using the Columbia River system. The proposed restoration project will result in improved access, foraging and rearing conditions and increased duration for juvenile salmonids access/egress to important shallow-water habitat in Trestle Bay. This will result in long term benefits to several threatened and endangered species including: fall and spring/summer Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), Snake River sockeye salmon (*Oncorhynchus nerka*), steelhead trout (*Oncorhynchus mykiss*), coho salmon (*Oncorhynchus kisutch*) and coastal cutthroat trout (*Oncorhynchus clarki*) as well as candidate species such as Coho salmon *Oncorhynchus kisutch*.

Construction activities are likely to cause some short term increases in turbidity which can cause adverse effects to ESA-listed salmonids that may be present in the project area. Measures to avoid and minimize this impact will be taken during construction. Because of the potential construction impacts, the Corps' determined the action could adversely affect ESA-listed species under the jurisdiction of the National Marine Fisheries Service (NMFS) and consulted with NMFS under the programmatic *Standard Local Operation Procedures for Endangered Species (SLOPES) V Restoration Biological Opinion*, issued 19 March 2013. In the SLOPES V Biological Opinion, NMFS determined that a program of habitat restoration actions will not jeopardize the continued

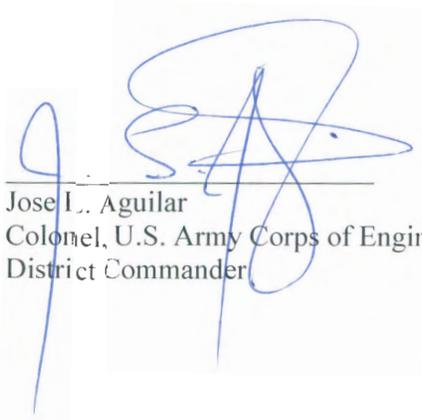
existence of thirteen ESA-listed salmonids or adversely modify their critical habitat. The Corps was approved under SLOPES V on March 30, 2015 which provides incidental take coverage for the project. The Corps determined the proposed action would have no effect to ESA-listed species or their designated critical habitat under the jurisdiction of U.S. Fish and Wildlife (EA pg. 66), due to a lack of presence and suitable habitat availability for these species in the project area.

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

Compliance with all applicable environmental laws, executive orders, and regulations has been considered (EA Chapter 7). The proposed action will not violate any law or requirements imposed for the protection of the environment. All required permit conditions were identified and described in the EA (pgs. 87-88).

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Date



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District Commander