FINDING OF NO SIGNIFICANT IMPACT
CASPIAN TERN NESTING HABITAT MANAGEMENT
EAST SAND ISLAND, CLATSOP COUNTY, OREGON

I find that the selected course of action, the *recommended plan*, will not significantly affect the quality of the human environment. The recommended plan is the Proposed Action Alternative as described in the *Final Environmental Assessment, Caspian Tern Nesting Habitat Reduction on East Sand Island, Clatsop County, Oregon* (U.S. Army Corps of Engineers or Corps, April 2015) (hereafter EA), which also analyzed the potential effects of the Proposed Action Alternative.

In March 2015, the Corps issued the Draft EA for public review. The EA proposed to reduce Caspian tern nesting acreage on East Sand Island (ESI) in the Columbia River Estuary by 0.58 acres, from its current size of 1.58 acres to 1.0 acres. The Corps proposed the project because the number of nesting pairs on the island has been twice that predicted in the 2005 *Caspian Tern Plan and Environmental Impact Statement* (EIS) developed by the Corps, U.S. Fish and Wildlife Service, and National Marine Fisheries Service (NMFS), and in the Corps' 2006 Record of Decision (ROD)—the nesting pairs being estimated at over 7,000 in 2013 and more than 6,200 in 2014. As a result, more than twice the numbers of juvenile salmonids listed under the Endangered Species Act (ESA) were consumed by nesting terns at the ESI colony in 2013 (approximately 4.7 million) and 2014 (approximately 4.5 million).

A gradual nesting acreage reduction on ESI in recent years has been carried out to meet the objectives of the Caspian Tern Plan and the Biological Opinion (BiOp) issued by NMFS for operation of the Federal Columbia River Power System (FCRPS) (2008 Biological Opinion and the 2010 and 2014 supplemental Biological Opinions). And, the Reasonable and Prudent Alternative (RPA) action no. 45 requires the Corps to build alternative habitat for Caspian terns to offset the reduction of habitat at ESI. Alternative nesting habitat has been created in the interior of Oregon and the interior and coastal areas in California at a 2:1 ratio to compensate for acreage reductions made on ESI and to establish a more dispersed population of Caspian terns (terns). Adaptive management, a requirement of the 2006 ROD (page 3, paragraph 3) was carried out by way of an Adaptive Management Team (AMT) that evaluated and recommended enhancing five new islands at Don Edwards National Wildlife Refuge (DENWR). As a result, the Corps enhanced an additional 1.83 acres of tern habitat at DENWR, which was completed in February 2015. The addition of this new habitat increased the amount of alternative tern nesting habitat constructed by the Corps since 2008 to 9.63 acres. Of the 9.63 acres created or enhanced, 8.18 acres is considered available habitat for purposes of providing a network of nesting sites for replacement of habitat lost on ESI. This acreage and the fact that a viable coastal location has been secured as alternative nesting habitat for terns supports the proposed reduction of habitat at ESI to 1.0 acres.

Public comments received during the public comment period included two comments that were editorial in nature, five in support of the proposed action, and four against selection of the proposed action. Issues raised in opposition include: the need to consider other salmon recovery strategies including removing hydropower dams, improving hatchery management, working with NOAA to improve ocean conditions, and reducing recreational harvest. Commenter's also challenged: the method of analyzing data related to consumption rates; the success of alternative habitat; and the use and production of terns at alternative nesting islands. Commenter's alleged: improper analysis of the effects to regional population due to Corps management; failure to establish replacement habitat to compensate for the reductions to date on ESI; the Corps has not met the goals of tern reduction due to higher nest density; and the Corps failed to achieve 8 acres of replacement habitat. Commenters also alleged that the Corps failed to: demonstrate that terns actually occupy, nest, and successfully reproduce young on the Corps islands; and failed to assess the long-term impacts of this action on the western Caspian tern population. In addition, Commenter's alleged the preferred alternative could result in no-net benefit for listed salmonids; the EA did not assess potential colony failure at ESI due to predation by eagles and gulls; and the EA failed to

adequately consider the impacts of its actions on non-target species. Finally, commenters questioned the alternative habitat's suitability in light of the criteria in Appendix G of the FEIS for determining feasibility, and water levels related to drought for the 2015 nesting season.

The Corps has responded to each of these concerns within the body of the Final EA, and additional responses may be found in the Corps' response to comments section. See Appendix A to the Final EA. In 2014, an earlier EA proposed to reduce the ESI tern colony to 1.08 acres but the Corps ultimately selected the No Action Alternative due to drought conditions and a desire to locate alternative habitat in a coastal location which had not yet been realized at the time of the 2014 decision. The fact that drought conditions can exist at the interior island sites was discussed in the FEIS, see pages 4-9, and the availability of water and forage fish conditions are understood to vary throughout the years, see pages 4–10. Though each site is not expected to be available or used by nesting terns every year, the regional network of tern nesting habitat in various combinations is expected to provide sufficient nesting habiat for the regional population. See FEIS pages 4–10. The recently enhanced habitat at DENWR, which brings the available alternative nesting site total created or enhanced up to 8.18 acres, supports the Corps' decision to reduce tern habitat at ESI to 1.0 acres.

In addition to discussing the impacts in the EA, summarized above, the Corps is required under the National Environmental Policy Act (NEPA) to make a determination of the significance of those impacts. A checklist of considerations that help in making the determination of whether impacts of a project rise to the level of *significantly affecting the quality of the human environment* is provided at 40 CFR § 1508.27. Following is the checklist from (1) to (10).

(1) ***Significant impacts include both beneficial and harmful impacts:*** The Proposed Action Alternative likely will result in only a slightly reduced tern predation on Columbia Basin ESA-listed juvenile salmonids in 2015, but will be realized at a greater reduction in future years as terns relocate out of the Columbia River Basin and relocate at the alternative habitat discussed in the EA.

(2) ***Public health and safety:*** The Proposed Action Alternative will have no adverse impacts to public health and safety due to terns nesting in remote locations away from human dwellings and the habitat reduction measures merely employ the erection of silt fences on ESI.

(3) ***Unique characteristics of geographical area:*** No unique geographical characteristics of the area were identified. There will be no impacts or changes to the geographical characteristics of the area with the Proposed Action Alternative.

(4) ***Are effects on the quality of the human environment highly controversial?:*** While there is interest from the public in pursuing actions to benefit the Caspian tern population as well as pursuing actions to benefit Columbia Basin salmonids, the effects on the quality of the human environment are not highly controversial. The Proposed Action Alternative is predicted to result in less predation on Columbia Basin juvenile salmonids in the long-term compared to the No Action Alternative, as described in the EA. Terns will be displaced from ESI but terns can relocate quickly to Corps created alternative habitat as well as natural occurring islands through the Pacific Coast region.

(5) ***Are the effects on the human environment highly uncertain or involve unique or unknown risks?:*** It is unknown as to how many terns will be present at East Sand Island in 2015, but the Corps estimates there will be 1500–2500 pairs of terns displaced from ESI and a substantially reduced adult breeding population on ESI due to reduce habitat availability. Until terns relocate

out of the Columbia River Basin, there could be an equal rate of predation on juvenile salmonids in 2015.

(6) ***Future Precedents:*** The action is not likely to establish a precedent for future action with significant effects. The action is not unusual in and of itself, nor does it lead to any further actions that are unique. Future actions will be related to maintenance of the proposed action.

(7) ***Cumulative Impacts:*** The effects of the Proposed Action Alternative have been considered along with other past, present and reasonably foreseeable future actions within and adjacent to the project area. The Proposed Action Alternative will not result in any adverse cumulative impacts.

(8) ***National Register of Historic Places and Other Historical and Culturally Significant Places:.*** The action will result in 'no historic properties affected' under the NHPA. The Corps' Cultural Resources Team coordinated with the Oregon State Historic Preservation Office (SHPO) and interested Tribes and completed consultation in March 2015 and received SHPO concurrence.

(9) ***Endangered Species Act:*** Long-term benefits to ESA-listed salmonids are expected by implementation of the Proposed Action Alternative. The USFWS concurred that the proposed action is not likely to adversely affect the streaked horned lark.

(10) ***Other Legal Requirements***: The Proposed Action Alternative will not result in any violations of federal, state, or local laws.

The EA and this Finding of No Significant Impact have listed all of the important considerations and environmental impacts. These, both individually and cumulatively, are not *significant* as this term has been defined by NEPA regulations and case law.

Based upon the EA prepared for this project, public comments, and the information included in this document, I have determined that selecting and implementing the Proposed Action Alternative will not significantly affect the quality of the human environment and that an Environmental Impact Statement is not required.

Date: 17 APR 15

Signed: _____

JOSE L. AGUILAR
COL, EN
Commanding