

Appendix E

Environmental Compliance

1. Draft Finding of No Significant Impact

DRAFT FINDING OF NO SIGNIFICANT IMPACT
SPRINGFIELD METROPOLITAN WATERWAYS ECOSYSTEM RESTORATION, 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 and its potential effects are described in the draft *Feasibility Report/Environmental Assessment, Springfield Metropolitan Waterways Ecosystem Restoration, Oregon* (January 2014) (hereafter FR/EA).

PROJECT PURPOSE AND NEED

The purpose of the proposed action is to restore degraded aquatic and riparian habitats throughout the Cedar Creek watershed in the Willamette River sub-basin near the City of Springfield, Oregon. Because of the substantial changes in the structure and function of stream and riverine processes due to urban development and changes in land use throughout the watershed, habitats that sustain fish and wildlife populations are disappearing and becoming degraded or developed. This project is needed to improve the ecological structure and function of aquatic and riparian habitats and to restore dynamic ecosystem processes to benefit sensitive fish and wildlife species in the watershed.

RECOMENDED PLAN

The recommended plan will restore approximately 108 acres across three reaches of Cedar Creek. See the draft FR/EA Section 6 for a detailed project description.

FINAL DETERMINATION

The Corps 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 will benefit multiple fish and wildlife species, including species that are listed under the Endangered Species Act (ESA). The restoration of off-channel aquatic and riparian habitats, particularly hydrologic connectivity and fish access, will enhance natural ecological processes including habitat formation. A finding of no significant environmental impact is not biased by the beneficial effects of the action. See the draft FR/EA Section 7 for additional information.
- 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 long-term adverse effects on public health and safety. The temporary closure of pedestrian access to non-construction workers from construction zones will prevent a public safety hazard. See the draft FR/EA Section 7 for additional detail.
- 3) Unique Characteristics of Geographical Area: The project sites include in-stream habitats and riparian zones along Cedar Creek and Blue Water Ponds. The Corps will protect all existing high quality riparian areas, wetlands, shorelines, and streams from construction activities to the maximum extent practicable. Construction will avoid and minimize impacts to waters of the United States to the maximum extent practicable. There are no wild and scenic rivers, wilderness, ecologically critical areas, or other unique natural features in the project area. Approximately 74 acres of prime farmlands will be restored, but these actions will not change the designated land use of these areas. For these reasons, no permanent or lasting effects will occur to unique geographical characteristics.
- 4) Highly Controversial Effects on the Quality of the Human Environment: The effects of restoring aquatic and riparian habitats in the study area have been examined by the Corps and resources agencies. Coordination letters were mailed to interested Tribes in September 2012, and the Corps has received no response or comment from the Tribes regarding concerns about the project. The draft FR/EA will be issued for public review. The Corps has documented support from the resource agencies for the selected plan. While concerns regarding acquisition and relocation of private properties have been identified, these issues do not rise to highly controversial levels.

- 5) Highly Uncertain, Unique, or Unknown Risks: The project will not present highly uncertain, unique or unknown risks as the proposed restoration measures have been widely used in the Pacific Northwest, and their functions are well understood.
- 6) Future Precedents: This ecosystem restoration does not constitute an irrevocable or irretrievable step toward future changes in the scope, scale, orientation, or design of ecosystem restoration actions or in the current approach to restoring or managing stream habitats. For these reasons, the action will not establish a precedent for future restoration actions.
- 7) Significant Cumulative Impacts: The FR/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 adverse effects are not identified, and the project will incrementally reverse some of the adverse effects of past actions in the area. See the draft FR/EA Section 7.4 for more detail.
- 8) National Register of Historic Places and Other Historical and Culturally Significant Places: A review of the Oregon State Historic Preservation Office (SHPO) database indicates no National Register of Historic Places (NRHP)-eligible historic structures, buildings, districts or properties are currently listed in the study area, however less than 10 percent of the area has been surveyed for cultural resources, and most current investigations do not satisfy SHPO standards. No areas in the area of potential effect (APE) have been assessed for potentially-eligible cultural resources or evaluated for presence of culturally significant places. The Corps will initiate consultation with SHPO and affected Tribes in January 2014 concerning the proposed undertakings, APE, assessment strategy and potential effects. Consultations will continue throughout the design and implementation phases to ensure potential impacts to any historic properties listed or eligible to the NRHP will not exceed a *no adverse effect* determination. See the draft FR/EA Sections 4.1.6, 4.2.8, 7.1.8, 9.9 and 9.14 for more detail.
- 9) Endangered or Threatened Species or Critical Habitat: Although there will be temporary adverse impacts as a result of the project construction, every effort will be made to minimize those impacts by incorporating anticipated conservation measures and best management practices (BMPs). The Corps anticipates receiving biological opinions from National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) in June 2014, confirming the project will not jeopardize the existence of any listed species or adversely modify critical habitat. There will not be any measurable adverse effects to Essential Fish Habitat. See the draft FR/EA Section 7.3 for more detail.
- 10) Other Legal Requirements: The Corps will implement the project to comply with all environmental laws and regulations, as discussed in detail in Section 9 of the FR/EA.

OTHER CONSIDERATIONS

The Corps will not begin construction activities until it completes all consultations and receives required permits. The Corps will obtain all required state and local approvals and concurrence from SHPO on the project's effects to properties on or eligible to the NRHP.

CONCLUSION

All applicable laws, executive orders, regulations and guidelines were considered in the evaluation of alternatives, including the selected course of 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.

Date: _____

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(Civil Works)