

**FINAL
ADOPTION OF ENVIRONMENTAL ASSESSMENT (EA), ACCEPTANCE OF
APPLICANT ENVIRONMENTAL ANALYSIS, AND FINDING OF NO SIGNIFICANT
IMPACT (FONSI)
WILSON BRIDGE BOAT RAMP IMPROVEMENTS
SECTION 408 PERMISSION
TETON COUNTY, WYOMING**

AUGUST 2018

1. Introduction/Proposed Action

The U.S. Army Corps of Engineers, Walla Walla District (Corps) proposes to grant permission to Teton County, Wyoming, pursuant to 33 United States Code (USC) Section 408 (Section 408), and Engineer Circular EC 1165-2-216, for alterations to a portion of Boat Ramp Levee, a Corps-constructed levee on the right bank of the Snake River in Teton County near the town of Wilson, Wyoming. The Corps is reviewing these alterations and any associated work elements within the levee easement to determine if they would impair the usefulness and function of the levee. The alterations and work elements would be located on top of or on the landward side of the levee and include:

- removing woody vegetation, filling a small amount of wetland, and grading the work site;
- creating gravel walkways and roadways to access the levee crown and the Wilson boat ramp;
- removing the existing restrooms and decommissioning the pits;
- constructing new restrooms adjacent to the levee;
- removing the existing kiosk and other signs and installing new informational signage;
- placing lines of boulders on the top of the levee to control traffic;
- installing a new culvert under a pathway;
- installing a culvert extension to the existing culvert providing return drainage through the levee to the river;
- installing a manhole at the end of the existing drainage culvert to provide access.

The alterations are part of Teton County's plan to improve the functionality and safe operation of the boat ramp site which is located immediately upstream of the Wilson Bridge on Highway 22. The U.S. Bureau of Land Management (BLM) is the landowner of the site. BLM granted a right-of-way to Teton County in June 2014 to construct, operate, and maintain the improvements in support of the boat ramp. A portion of Boat Ramp Levee and its associated easement occupies the east end of the BLM parcel. The Corps operates and maintains the levee as part of the Jackson Hole, Wyoming Flood Protection Project. Because the alterations would modify a structure constructed by the Corps, the alterations require Section 408 permission from the Corps.

2. Environmental Documentation Submitted by Teton County

Teton County (County) submitted two environmental analysis documents for the Corps to review and consider when processing the County's request for Section 408 permission for the proposed boat ramp improvements:

- *Environmental Assessment (EA), Recreational Improvements on Parcel 13, DOI-BLM-WY-100-2014-0058-EA*, prepared by the BLM in May 2014, for issuing a right-of-way to the County for the overall boat ramp improvement project,
- *Environmental Analysis, Wilson Boat Ramp*, prepared by Intermountain Aquatics, Inc., in April 2016, for Teton County. This addressed a revised plan for the improvement project.

In accordance with 40 C.F.R. 1506.3, the Corps may adopt another Federal agency's environmental documentation, provided the documentation meets the standards under the regulations. In accordance with 40 C.F.R. 1506.5(b), the Corps is authorized to permit applicants to prepare an environmental assessment, as long as the Corps performs its own evaluation of the environmental issues and makes its own findings on potential impacts. The Corps had no role in the preparation of either document, but did undertake an independent review of the documents and determined the information contained therein is accurate and satisfies the requirements of the National Environmental Policy Act (NEPA) regulations. The Corps therefore adopts the BLM's 2014 EA and accepts the County's 2016 Environmental Analysis. These documents are incorporated (in their entirety) herein by reference and made a part hereof.

3. Purpose and Need

The Corps is proposing to grant Section 408 permission to the County for alterations to Boat Ramp Levee to improve the function, management, and safety for boater activity at the Wilson boat ramp. The alterations are needed as the boat ramp site experiences high use by the public and by commercial operations. A boat ramp has existed at the site for over 40 years, but the site has little development to accommodate the high level of use.

4. Project Alternatives

The EA prepared by the BLM evaluated two alternatives:

- **Alternative 1 - No Action Alternative:** Under this alternative the BLM would not issue Teton County a right-of-way grant for the construction, operation, and maintenance of the proposed site improvements. Existing land uses and management would continue as they currently occur.
- **Alternative 2 – Proposed Action:** Under this alternative the BLM would issue Teton County a right-of-way grant for the construction, operation, and maintenance of the proposed site improvements.

The County's Environmental Analysis evaluated two alternative site development plans for the boat ramp site, the proposed plan and a previous plan developed in 2013. Both plans included woody vegetation removal and roadway and parking development, but the proposed plan would have fewer effects on wetlands.

The Proposed Action in Alternative 2 in the BLM EA, and proposed plan in the County's Environmental Analysis, are the same alternative. For Section 408 purposes, the Corps is identifying this alternative as the Proposed Action/Requester's Preferred Alternative. While the Proposed Action/Requester's Preferred Alternative would affect property about 11 acres in size, the Corps proposes to grant Section 408 permission only for those activities that would affect (alter) the levee.

5. Environmental Effects

The BLM EA and/or the County's Environmental Analysis evaluated the effects of the proposed project on the following resources:

- Cultural Resources and Historic Trails
- Noxious Weeds and Invasive Weeds
- Soils
- Vegetation/Wetlands
- Wildlife, Wildlife Habitat, and BLM Sensitive Species

The analysis concluded there would be no significant impacts to the human environment resulting from implementation of the Proposed Action/Requester's Preferred Alternative. Soil disturbance from construction could allow noxious weeds to establish, but the use of appropriate weed control measures such as spraying and cleaning equipment would minimize these effects. Soils in the construction areas would be affected by removal of vegetation, compaction of soil surfaces, and fill material placed on the soil, but these effects would not be significant.

The project would result in the removal of tall shrub understory, scrub shrub wetland vegetation, and trees, including about 23 trees from the levee easement. The project would also result in the filling of about 616 square feet of wetland, about half of which would be within the levee easement. As mitigation for the overall loss of woody vegetation and wetlands, the County is proposing to create an additional wetland and plant trees and shrubs at suitable locations either on-site or off-site at a ratio of at least 2:1. Wildlife would be affected by the removal of vegetation and disturbance from noise and human activity, but the effect would not be significant.

6. Compliance with Other Laws and Regulations

(a) Endangered Species Act. The Corps obtained a species list from the U.S. Fish and Wildlife Service (USFWS) on March 15, 2018 (Consultation Code: 06E13000-2018-E-00577) that indicated Canada lynx (*Lynx canadensis*), North American wolverine (*Gulo gulo luscus*), and yellow-billed cuckoo (*Coccyzus americanus*) are the species

included on the list for the project area. The Corps has determined the proposed action would have no effect on any of these species or their critical habitat. The species list and the effect determination made by the Corps are in the Corps project file.

(b) National Historic Preservation Act. A Corps archaeologist reviewed the historic properties/cultural resources work performed by the BLM and/or Wyoming Department of Transportation (WY DOT) in association with a 2008 overhead powerline construction project and the proposed project. The BLM/WY DOT identified two historic artifact scatters in the vicinity of the present project. Both sites were determined not eligible for listing in the National Register of Historic Places and the Wyoming State Historic Preservation Office (WY SHPO) concurred. The levee has also been determined not eligible by the BLM.

In addition, the BLM archaeologist surveyed an additional 3.5 acres in 2010 to supplement the 2008 study within the Area of Potential Effect for the current project. The archeologist made the determination of No Historic Properties Affected. The Corps review of past archaeological investigations, documentation and consultation with WY SHPO has concluded that the past cultural resource investigations are sufficient to meet the requirements of Section 106 of the NHPA and its implementing regulations 36 CFR Part 800. The Corps concurs with the finding that the proposed property would result in no historic properties affected. A summary of the Corps review has been archived at the Corps District office.

(c) Clean Water Act. The County is requesting the Corps Wyoming Regulatory Office re-verify that the proposed project is authorized by Nationwide Permit (NWP) 42 – Recreation Facilities, under Section 404 of the Act. The Regulatory Office had issued a letter of verification dated June 24, 2016, but that letter has expired. No work associated with the proposed action, which involves the discharge of dredge/fill material in waters of the United States (Snake River), would occur until the County has received NWP 42 re-verification.

The County is also requesting a renewal of the Section 401 water quality certification, which was issued by Wyoming Department of Environmental Quality (WY DEQ) for the proposed project in a letter dated June 10, 2016. That certification has expired. No work associated with the proposed action, which requires Section 401 water quality certification, would occur until the County has received a new certification.

Because the construction of the project would disturb more than one acre of ground and there is the potential for storm water runoff to enter surface water, a Section 402 storm water permit from the WY DEQ is needed. The County plans to require its contractor to abide by the requirements of a Small Construction General Permit and to prepare a Stormwater Pollution Prevention Plan (SWPPP) that meets WY DEQ and Teton County grading and erosion control requirements.

7. Public Involvement and Agency Coordination

Public involvement was previously performed by the BLM in 2014. The BLM posted notification of their environmental document on their public NEPA website.

The Corps posted a 30-day Public Notice on its web site on December 22, 2017, notifying the public of the project and soliciting scoping comments from the public regarding the Corps proposal to grant Section 408 permission for the levee alterations. The Corps did not receive any comments.

The Corps posted a draft of this FONSI on its web site on July 11, 2018 for a 30-day public comment period and distributed an email notification of the draft FONSI availability. The Corps did not received any comments on the draft FONSI.

8. Conclusion/Finding

Having reviewed the BLM EA, and the County's Environmental Analysis, I find that the two documents adequately evaluate the environmental effects of the proposed alterations to the Boat Ramp Levee. Further, the EA and Environmental Analysis provide sufficient discussions on the purpose and need for the proposed action, alternatives to the proposed action, the environmental effects of the proposed action and alternatives, and a listing of agencies and persons consulted. Finally, after an independent review of the EA and Environmental Analysis, the Corps has determined the documents provide both sufficient evidence and analysis to meet its requirements pursuant to NEPA, except as supplemented or explained above.

I have taken into consideration the technical aspects of the alterations and the Corps engineering technical review of the alterations, best scientific information available, public comments, and information contained in the EA and Environmental Analysis. The Corps has determined the proposed alterations would not adversely affect the function of the levee or the ability of the Corps to maintain the levee as part of the flood protection project. Based on this information, I have determined that the Corps proposed action would not significantly affect the quality of the human environment, and therefore an environmental impact statement is not required. The Corps will proceed to grant Section 408 permission to Teton County for the proposed alteration of the Boat Ramp Levee.



CHRISTIAN N. DIETZ
Lieutenant Colonel, Corps of Engineers
Commanding

8/27/2018
Date