

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
YAKIMA RIVER GATEWAY PROJECT
SECTION 408 PERMISSION
MAY 2016**

I. INTRODUCTION

The Walla Walla District Corps (Corps) proposes to grant permission pursuant to 33 U.S.C. 408 (Section 408), and Engineer Circular EC 1165-2-216 (or successor policy/guidance), for alterations to a portion of the Corps-constructed levee on the Yakima River in the City of West Richland (City). The Corps constructed the levee in 1963 to prevent flooding in the City of West Richland. Subsequently, the Corps turned over operation and maintenance of the levee to the Benton County Diking District Number 1. The levee extends from the south side of the existing Van Giesen Street Bridge for approximately 5,760 linear feet along the west bank of the Yakima River.

The alterations were requested by the City, with the endorsement of the Benton County Diking District No. 1 (Diking District). The City has assumed primary responsibility for operation and maintenance for a portion of the levee through a Quit Claim Deed and an inter-local agreement with the Diking District. Operation and maintenance of the levee must comply with the Corps Operation and Maintenance Manual for the Yakima River West Richland Control Project, and any amendments or regulations adopted by the Corps for levee projects. The City would be responsible for construction, operation, maintenance, and repair of alterations to the levee, but Section 408 approval must be obtained by the Diking District.

II. PROPOSED ACTION

The alterations include an access ramp, stairs and flood wall in place of a section of the existing levee. The levee modification is needed to provide non-motorized access from a proposed trailhead and parking lot on the south side of the Van Giesen Street Bridge and pedestrian access under the bridge to the proposed recreational facilities on the north side of the bridge. The proposed flood wall would provide additional structure integrity to the existing Corps levee to offset modifications for the ramp and stairs. The ramp and staircase is needed to provide American Disabilities Act (ADA) compliant to access under bridge to the park.

Constructing the stairs and access ramp would require temporarily removing up to 50% of the earthen fill of the levee from the waterward side and top of the existing levee; constructing concrete retaining walls, ramp surface, and stairs; then backfilling with appropriate materials. The impact area would be approximately 120 feet in length mainly due to the length of the required ramp, which would require one switch back and wall heights ranging from 3 to 10 feet. Guards and handrails would be provided for safety on both the stairs and ramp.

Maintenance access to the levee would be maintained during construction and new fencing and gates would be installed to limit access to the levee. There would be no in-stream work or work waterward of the ordinary high water mark (OHWM).

Riprap removed during excavation of the levee section would be reused in the construction of the proposed floodwall by placing it along the stream bank above the level of the existing rip rap on the levee and under the bridge.

III. PURPOSE AND NEED

The purpose of the levee modification, is to provide non-motorized access under the Van Giesen Street Bridge from the trailhead parking lot (restrooms and parking) to the recreational trail that would provide access to the non-motorized boat launch, a passage park with an overlook, and a trail that extends north of the bridge. The ramp and stairs are needed because ADA access and facilities are a funding requirement.

IV. ALTERNATIVES CONSIDERED

The National Environmental Policy Act (NEPA) and 33 CFR Part 230 *Procedures for Implementing NEPA* require a reasonable range of alternatives be considered during the planning process. Alternatives considered under NEPA must include, at least, the proposed action and the “No Action” Alternative, which provides a baseline from which to compare other alternatives.

Alternatives for the City’s Yakima River Gateway Project were limited by the location of adjacent wetlands, proximity of residential and commercial development, as well as existing road corridors and rights-of-way. Therefore, the City was led to select this location as their preferred location for the proposed action. The City considered moving the parking lot to the north of Van Giesen Bridge, however a number of homes and some commercial development would have been displaced. In addition, creating a pedestrian bridge over the bridge was not practicable. The following alternatives were evaluated in detail in the Environmental Assessment (EA):

1. No Action: Under this alternative, the Corps would not grant Section 408 approval for this project. This alternative would consist of maintaining the levee in its current state, without further modification. The park would not have public access. The No Action Alternative does not meet the project purpose and need, however it is carried forward in the EA for comparative purposes as required by NEPA.

2. Proposed Action: The Corps would approve the alterations under Section 408 for the modification of the levee to improve recreational access to the Yakima River and park. The City would modify the levee to construct the trailhead and access ramp and stairway.

V. ENVIRONMENTAL EFFECTS

The proposed action would remove six trees along the shoreline of the Yakima River. These trees would be removed prior to the bird nesting season (1 January through 15 March) or after a qualified avian biologist has determined that they do not contain active bird nests. Any active bird nests will be located and a minimum of a 50 foot buffer around the nests. Impacts may occur to Mid-Columbia Steelhead as a result of young fish that may be within the vicinity of the construction activities and the removal of the trees along the shoreline.

The tree removal could reduce insect larvae for food and shade to cool the water for fish.

There is no proposed work within wetlands or waters of the U.S. The project will minimize effect to water quality during construction activities by implementing erosion and sediment control measures and improve water quality over the long term by installing stormwater management measures. There would likely be little or no effect on the local community due to construction activities. The City of West Richland plans to plant 400 trees throughout the park and along the shoreline to create a riparian buffer.

VI. PUBLIC COMMENT/INVOLVEMENT

The EA and Draft FONSI were made available to the public and local, state, and federal agencies for a 30-day review and comment period from 4 April to 4 May 2016. The Corps received two comments from interested members of the public. The commenters were concerned about the existing RV Dumping Station and modification to the integrity of the levee. A summary of the comments and the Corps' responses are attached to this document.

VII. COMPLIANCE WITH OTHER LAWS AND REGULATIONS

The Corps completed Endangered Species Act (ESA) informal consultation with the National Marine Fisheries Service. The Corps determined the project would have "no effect" on bull trout, since the construction will be conducted in the summer months. The National Marine Fisheries Service concurred that the project "may effect but would not likely adversely affect" Middle Columbia River Steelhead. Steelhead would be indirectly affected by the removal of shoreline vegetation; however, the City of West Richland would mitigate the effect by implementing the following:

1. There would be no in-water work
2. The removed trees would be replaced by approximately 400 native trees and shrubs planted immediately adjacent to the shoreline and within the park.

Concurrence letter from National Marine Fisheries, dated 8 January 2016, was received and is attached and labeled as Attachment A.

The Corps has reviewed the National Historic Preservation Act Section 106 compliance performed by the City and concurred with the finding of "no adverse effect".

The City of West Richland coordinated with Washington Department of Archaeological and Historic Preservation (DAHP). The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Yakama Nation were contacted regarding effects to cultural resources. The DAHP concurred with the findings. No response was received from either the CTUIR or the Yakama Nation.

See Section 4 of the EA for a discussion of compliance with other laws, regulations and Executive Orders. The proposed action complies with other federal laws, applicable regulations and Executive Orders.

VIII. FINDINGS AND DECISION

Having reviewed the Yakima River Gateway Project EA, I find that the document provides sufficient discussions on the purpose of and need for the proposed action, alternatives, the environmental effects of the proposed action and the alternatives, and a listing of agencies and persons consulted. I have taken into consideration the technical aspects of the project, best scientific information available and public comments received. These documents provide sufficient evidence and analysis to meet the Corps' requirements pursuant to the National Environmental Policy Act. Based on this information, I find that implementation of the proposed action would not result in significant impacts on the quality of the human environment and that an environmental impact statement is not required.



Timothy R. Vail
Lieutenant Colonel, Corps of Engineers
District Commander

6/2/16

Date

Yakima River Gateway Project Section 408 Permission Environmental Assessment

Summary of Comments Received And Responses to Comments

This report provides a summary of the comments received by the Walla Walla District Corps of Engineers (Corps) on its Yakima River Gateway Project Section 408 Permission Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI), and the Corps' responses to those comments. The Corps distributed the draft EA and Draft FONSI for a 30-day review. The Corps received a total of two e-mail messages commenting on the project.

The comments provided in the e-mails have been separated into two distinct comments. These comments are listed below with the corps response included below each comment.

Comment 1: Question about the City's responsibilities not that the City has a portion of the dike under a quit claim deed. Concern regarding the potential integrity of the dam.

Response: The Corps recognizes the Benton County Diking District Number 1 as the responsible party for continuing operations and maintenance of the levee. Therefore, the Corps will continue to coordinate with Benton County Diking District Number 1 as performed before the Quit Claim Deed. The Corps will continue to fund the operations and maintenance of the levee and annually inspect the levee for deficiencies. Any noted deficiencies in the levee will be noted and corrected within a specific timeframe in order for the Diking District to continue to receive federal funding.

As part of the Section 408 permission, the Corps has reviewed the proposed modification of the dam and has determined that this modification would not affect the structural integrity or continued maintenance and operations of the levee system.

Comment 2: There is an existing dump station for recreational vehicles located within the western side of the Yakima River Bridge on the south side of Van Giesen Street. The dump station is one of the few available in the Tri-Cities area.

Response: The City of West Richland plans to move the dump station to another location within the City. The intent is to have this in place by the time construction starts on the Yakima River Gateway Park.