



**US Army Corps  
of Engineers** ®

Walla Walla District  
**BUILDING STRONG**®

**WASHINGTON STATE PARKS & RECREATION  
COMMISSION  
LYONS FERRY PARK RECREATION LEASE**

**PM-EC-2014-0063**

**ENVIRONMENTAL ASSESSMENT**

**October 2014**

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## 1.0 INTRODUCTION

This environmental assessment (EA) considers and describes the environmental effects of the U.S. Army Corps of Engineers (Corps), Walla Walla District (District) issuing a new recreation lease to the Washington State Parks and Recreation Commission (WSPRC) for Lyons Ferry Park (Park) located within the Lower Monumental Reservoir (Figure 1). As required by the National Environmental Policy Act (NEPA) of 1969 and subsequent implementing regulations promulgated by the Council on Environmental Quality, this assessment is being prepared to determine whether the proposed action constitutes a "...major Federal action significantly affecting the quality of the human environment..." and whether an environmental impact statement is required. The information contained in this EA is considered to be of sufficient depth to define the nature and scope of the impacts associated with the proposed issuing of a recreation lease to WSPRC for the operation and maintenance of the Park.



Figure 1: Lyons Ferry Park Location

### 1.1 Background

The District constructed the Park to provide public recreation opportunities, both day-use and overnight camping, as part of the Lower Monumental Dam project. While the District built the facilities, Park operation and maintenance was the responsibility of WSPRC pursuant to a lease

entered into in 1971 and renewed in 1996. However, due to severe budget constraints, the WSPRC terminated the lease in 2003. The Corps's policy, as addressed in Engineering Regulation (ER) 1130-2-550, is to close leased recreation areas turned back to the Corps. However, there are exceptions to complete closure including partial closure and reduction of services or finding a new lessee. The District subsequently leased operation and maintenance of the Park to a private concessionaire (Northwest Land Management (NLM)) from April 2003 until May 2005. From 2003 until the end of the 2004 recreation season, NLM kept both the day-use and overnight camping areas open. However, due to financial reasons, NLM terminated its lease in May, 2005. For the 2005 recreation season despite NLM's withdrawal, the District was able to keep the Park open from May through September, but at a reduced level that provided for day-use activities only. Subsequent to this, the Port of Columbia (Port) leased the Park and in turn subleased it to a private concessionaire from 2006 until 2011 when it too terminated its lease. Both NLM and the Port terminated their leases due to an inability to generate sufficient revenue from the Park. From 2011 through 2013, the District obtained volunteer help to keep the day-use portion of the Park open but only for limited hours.

In 2013, WSPRC approached the District seeking to again leasing the Park. WSPRC indicated that state funds had recently been secured specifically for the purpose of putting the Park back under its management but with a reduced scope for operation and maintenance than under its original lease. Continued discussions between the District and WSPRC led to the determination that a new Park lease was feasible and would result in benefit to the public.

## **2.0 PURPOSE AND NEED**

The Corps has a mission to provide recreational opportunities on its projects, including Lower Monumental Project. The land on which the Park is located is designated Recreation Intensive Use under the Master Plan for Lower Monumental Project. The District needs to operate the land in accordance with the Master Plan designation. The intention from the creation of the Park was for it to be operated under a lease, and it was until the leases were terminated due to budget constraints and financial problems. The land is out of a lease and therefore the Park is not being fully utilized for recreational opportunities. WSPRC has requested, and the District proposes to issue, a lease for operation and maintenance of the Park for 25 years.

In addition to meeting the Lower Monumental Project Master Plan land use designation of "Recreation Intensive Use" for the Park, the District also needs to comply with ER 1130-2-550 regarding the disposition of leased recreation areas. The proposed lease would likewise help both the WSPRC and recreating public meet current needs. WSPRC is looking to re-establish a greater presence in southeastern Washington, something that has been lacking since it closed multiple parks in the early 2000s while the public is seeking additional recreation facilities/opportunities. The new lease would meet these needs.

### **3.0 ALTERNATIVES**

This section describes alternatives for meeting the identified project purpose and need. Alternatives not meeting the stated purpose or need are not carried forward for further study.

#### **3.1 Alternative 1 – No Action**

Under the no action alternative, operation of the Park would continue as it has for the past 3 years. This entails limited hours of operation based on availability of volunteers and minimum maintenance of facilities and grounds. While the “no action” alternative does not meet the project purpose and needs requirements, under Council on Environmental Quality guidelines it serves as the project baseline for environmental conditions and therefore is carried forward for analysis.

#### **3.2 Alternative 2 – (Proposed Action)**

The proposed action is to issue a 25-year lease to the WSPRC for the operation and maintenance of the Park. The immediate focus for WSPRC would be on day-use operation only. (Expanded Park operation might occur at a later time - e.g. reopen the overnight camp ground and add a boat moorage dock system. These would be done under future development phases and would be subject to sufficient funding and obtaining necessary regulatory permits/approvals.) The current lease would include the day-use area, campground area, administrative area, swim beach, boat launch, restrooms, bath house, residences, shop, equipment storage yard, pump house, wells, roadways, trails, above and below ground utility infrastructure and appurtenant structures (Figure 2).

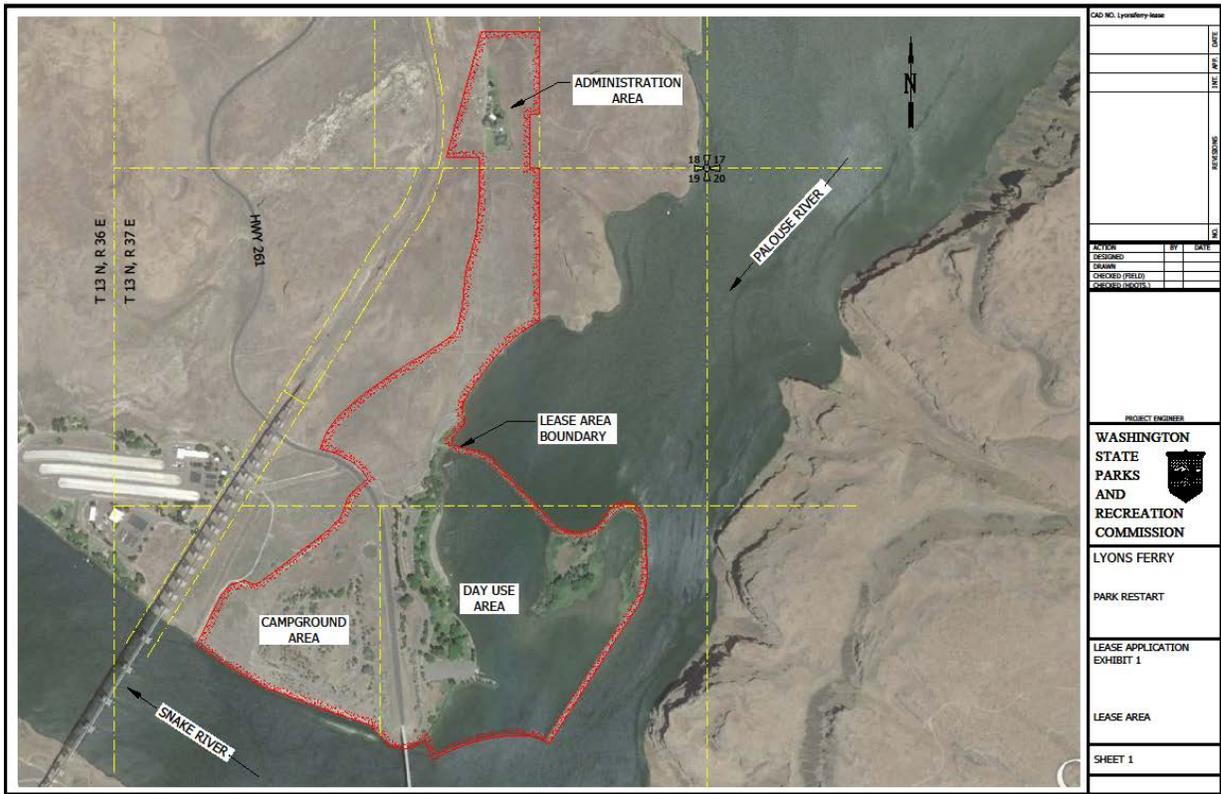


Figure 2, WSPRC’s Designated Lyons Ferry Park Lease Area

Under the lease, WSPRC would take a phased approach to the operation and maintenance of the Park. WSPRC has prepared a Development Plan identifying activities which are funded under Phase I and which would occur within the first one to five years of the lease period. The focus of initial work would be on the repair and renovation of administration and day use area facilities and grounds and would include the activities identified in Table 1. Figure 3 shows the locations where the primary Phase 1 repair/renovation activities would occur within the Park.

Because Alternative 2 would satisfy the purpose and need requirements, it is carried forward for analysis.

Table 1: WSPRC’s Lyons Ferry Park 5-Year Development Plan

PROJECT ACTIVITY	PROJECT DESCRIPTION	WORK YEAR
Renovate Water Pumping System	Remove all existing plumbing, electrical and mechanical inside the current building. Install a new variable speed water pumping system with associated controls, pressure tank, chlorination system, plumbing and access doors. Upgrade work would include the replacement of 160 feet	1

	of existing 4-inch domestic water line with 10-inch high density polyethylene pipe to provide contact time.	
Renovate Day Use Bathhouse	Perform selective demolition necessary to renovate and upgrade the bathhouse with modern fixtures and provide Americans with Disability Act (ADA) access. Proposed major work items include:	1
a.	Remove & replace roof	
b.	Remove & replace exterior doors/hardware	
c.	Demolition of existing toilets, lavatory, partitions, electrical and other restroom accessories	
d.	new toilets, urinals and lavatories	
e.	new partitions	
f.	new mirrors, toilet paper holders, grab bars and other accessories	
g.	new hand dryers, receptacles and lighting	
h.	upgrade/replace pipe chase mechanical, plumbing and electrical as necessary	
i.	renovate shower stalls and fixtures, one each side	
j.	Demolition of shower partitions	
k.	new shower partitions	
l.	repair building ceilings	
m.	Repaint interior and exterior of building	
n.	Selective demolition and replacement of exterior concrete walks for ADA access and elimination of trip hazards	
Renovate Boat Launch Parking Lot	Remove/clean vegetation from parking lot, seal cracks, hot mix asphalt (HMA) overlay and restripe parking lot	1
Boat Launch Float Repairs	Repair damaged float boards, railing, floatation and pier/float.	1
Day Use Parking Lot Repairs	Excavate/ remove root heaves in various areas of the lot and repave repairs with HMA, additional HMA paving based on funding, repaint striping and define ADA stalls.	1
Landscaping Management	Perform tree and shrub pruning and selective removal if necessary to provide safe environment for visitors.	1

Park Signage	Erection and placement of signs, pay stations and bulletin boards for operation of the park.	1
Irrigation Maintenance	Upon determination after system testing, perform repairs to lines, valves, couplers and heads to provide a fully functioning system.	1
Demolish Exterior Lighting	Work comprises removal of luminaries, poles and bases throughout the day use area.	1
Administration Area Repairs	This works covers improvements to the exterior and interior elements of the administration area buildings for support of park operation and park staff.	1-5
Boat Launch Ramp Maintenance	Perform work to make ramp free of rocks and sediment, repair/fill-in any drops and/or holes along ramp edges/end using riprap/spalls	2
Replace Boat Launch Ramp Floats	Replace existing floats with new floats which meet Endangered Species Act light passage requirements.	
Landscaping Improvements	New and/or replacement tree and shrub planting throughout the park	2-5
Restart Trailer Dump	This work removes covers placed over the facility to prevent use, restore wash water and water system backflow prevention equipment and signing.	3-5
Boat Moorage Dock System	Construct moorage float system for up to ten boats using a pier with ramp out the float system. Requires removal of existing railroad tie crib wall and shoreline restoration by Corps prior to implementation.	Future Date



#### 4.0 AFFECTED ENVIRONMENT and ENVIRONMENTAL IMPACTS

This section identifies and describes: (1) the affected environment – i.e. the existing natural, cultural and socioeconomic resources which have the potential to affect or to be affected by the alternatives, and (2) what the effects on those resources might be. Although the full range of existing resources within the project area were initially considered, only those resources determined relevant to the proposed action were included in the affected environment. While the intent is to focus on relevant resources, it is also important to recognize that the level of relevance of each identified resource to the proposed action is not the same. Some resources figure more prominently in an undertaking than others. For purposes of this EA, all relevant resources are identified but not all are discussed in detail. Table 1 provides a list of the relevant resources identified for the Lyons Ferry Park Lease Project.

**Table 2: Lyons Ferry Park Lease Project Relevant Environmental Resources**

Resource/Further Discussion	Condition/Status
Biological/NO	<p>Under the No Action alternative, the Corps would continue to operate the Park as day-use only and with limited hours of operation. There would be no change from the previous 3 years of operation and maintenance and therefore, no anticipated impacts to biological resources, including endangered species.</p> <p>Under Alternative 2, all WSPRC Phase 1 work would be done within the existing Park and/or staff residence areas. Based on a review of WSPRC’s proposed Phase 1 activities, the Corps has made an Endangered Species Act “No Effect” determination. The Corps has also provided stipulations WSPRC must abide by in order to ensure that impacts and effects resulting from the proposed action are minimized or eliminated. (See Appendix A.)</p>
Water Quality/NO	<p>Presently, the Park only offers swimming but no boating and therefore no operation or maintenance activities which might require in-water work. This condition would continue under the No Action alternative with the anticipated result of no effects to water quality.</p> <p>Under Phase 1 work at the Park, WSPRC proposes to undertake boat launch float repairs, boat launch ramp maintenance and, replacement of boat launch ramp floats. All three activities require some level of in-water work. However, based on the nature of the work to be done, all three actions can be covered under Nationwide Permit Number 3 – Maintenance.</p>
Cultural Resources/YES	<p>The confluence area of the Palouse and Snake Rivers has a history of human occupation dating back over 10,000 years, is the location of one of the premiere archaeological sites on the</p>

	Lower Snake River and is of great cultural and spiritual significance to Native American tribes.
Recreation/NO	<p>The Park was developed for intensive day-use activities (e.g. swimming, boating, picnicking, etc.) and overnight camping. Since WSPRC turned back operation of the Park in 2003, the quality and variety of recreational activities and experience has fluctuated depending on who was operating the facility. Since 2011, the Park has been kept open by volunteers and offered only limited activities (e.g. swimming and picnicking), limited hours of operation and limited grounds and facilities maintenance. The No Action alternative would see the continuation of limited Park hours and activities.</p> <p>WSPRC’s resumption of Park operations and maintenance would provide overall improvement/enhancement to the Park – e.g. recreation opportunities, landscape and grounds, buildings, supporting infrastructure, etc.) Sufficient staff and funding would be available to ensure proper and sustained maintenance of the grounds and buildings which in turn should provide an enhanced recreation experience for visitors. At some point in the future, there is also the possibility of having the overnight campground reopened along with having new facilities such as boat moorage. The potential exists for the Park to return to a level of operation that existed prior to WSPRC terminating its lease in 2003.</p>
Vegetation/NO	<p>Vegetation within the Park consists primarily of lawn, trees and shrubs. Due to limited funding and volunteer staff working at the Park for the past 4 years, grounds maintenance has been reduced to the minimal activities needed to keep the Park usable for visitors (e.g. mowing). Under the No Action alternative, limited grounds maintenance would continue with the possibility of an overall degrading of existing vegetation.</p> <p>With the Park under lease to WSPRC, there would be more focus on grounds maintenance and landscaping. Lawn enhancement along with weeding and weed control would become routine activities. Likewise, trimming/pruning of trees and shrubs would be performed as well as selective removal of trees/shrubs if necessary to provide a safe environment for visitors. Planting of new trees and shrubs would also be anticipated. Overall, landscaping/vegetation within the Park would be enhanced and improved.</p>
Aesthetics & Visual/NO	Since 2011, volunteer staff have kept the Park open (day-use area only) but on a shortened scheduled. Maintenance and

	<p>upkeep has likewise been limited. Due to this situation, the current condition of Park buildings, grounds and other structures (e.g. boat docks) is at a minimal level and would be expected to continue at the same level or possibly even degrade under the No Action alternative.</p> <p>Operation of the Park by WSPRC would result in a noticeable change in the condition and appearance of the Park. Buildings would be refurbished and/or upgraded, grounds would be groomed and maintained and other structures would be rehabilitated as needed. The Park would have a more manicured appearance and WSPRC would have the resources (funds and staff) to ensure the Park continues to be well maintained.</p>
Noise/NO	<p>As a public area, the Park generates varying levels of noise depending on the number of visitors and activities. However, the Park is located in a rural and somewhat isolated area where the closest residents are the Lyons Ferry State Hatchery staff, located about .4 miles from the Park. Under the No Action Alternative, noise levels (both from visitors and maintenance work) are expected to stay at approximately the same level as they have since 2011.</p> <p>Under lease to WSPRC, the Park would undergo both refurbishment and new construction which would result in an increase in noise level. However, given the Park's remote location and the temporary nature of the work activity, there should be only minimal impacts resulting from the project. Some low-level noise may be heard by Lyons Ferry Hatchery staff as well as recreationists using Lyons Ferry Marina located across the river from the Park. There could also be some temporary displacement of wildlife during construction and refurbishment. Once the Park is reopened (now planned for May 2015), it is anticipated the number of visitors would increase and along with this, a greater volume of noise. However, this also should not have other than a minor impact due again to the Park's remote location and the fact that the Park has had large numbers of visitors in past years.</p>
Wetlands/NO	<p>Proposed new construction and refurbishment work would not occur within wetland areas.</p> <p>The No Action Alternative would likewise not impact wetlands.</p>
Air Quality/NO	<p>Given its remote location, the Park is currently meeting Washington State ambient air quality standards and is in "attainment" with regard to air quality. Under the No Action Alternative, it is anticipated that roughly the same numbers of</p>

	<p>vehicles and visitors as over the past 3 years would continue to visit the Park. Other than producing temporary and minor amounts of pollutants, there would be no overall change in air quality and it should continue to stay in “attainment”.</p> <p>WSPRC’s proposed construction/refurbishment work would be small scale and of limited duration and therefore should have a minimal/temporary impact on air quality. It is anticipated there would be an increase in vehicle traffic upon WSPRC’s reopening of the Park. However, the larger volume of vehicles would not be in numbers great enough to have a major impact to the point where it would result in a noticeably lower level of air quality or in a “non-attainment” designation for the Park and immediate area.</p>
Traffic/NO	<p>The Park is immediately adjacent to State Route 261, a rural road that is not heavily traveled. Lyons Ferry Marina (Marina) is across the river from the Park and is a popular recreating location for boaters and campers. The Marina does generate additional traffic but it is unknown how many of the vehicles coming to the Marina actually cross the river and visit or go past the Park, thereby adding additional traffic to the immediate Park area. Under the No Action Alternative, the number of cars traveling to and by the Park should remain at current levels and therefore should not have an impact on the overall traffic flow.</p> <p>When the Park does reopen under WSPRC management, it is not unreasonable to believe that it would attract larger numbers of people/vehicles than in the immediately preceding 3 years. While anticipated, at this time it is unknown how great a difference there may be in the number of visitors and vehicles traveling to the Park. While Park traffic is expected to be heavier, overall traffic within the project area has not been heavy and therefore a greater volume of vehicles traveling to and from the Park should be easily accommodated without having a major impact on overall traffic conditions.</p>
Environmental Justice/NO	<p>Under the No Action alternative, the Park would continue to be operated as it has for the past 3 years. This includes no visitor entrance fees.</p> <p>Under the proposed action, while the Park would be open and available to the general public, WSPRC would charge an entrance fee for visitors wanting to use the Park. Fees would be charged for the following categories – day use, trailer dump, showers, boat launch, overnight unattended vehicle, overnight primitive camping and special recreation activities (e.g. wedding</p>

	<p>parties). Entrance and activity fees could place a financial burden on individuals and/or families. However, fees would be adjusted (on a case by case basis if needed) to accommodate individuals' and families' economic status or to avoid unintentional competition with nearby facilities (e.g. boat launch fees at Lyons Ferry Marina).</p>
Climate Change/NO	<p>Under the No Action alternative, the same situation would exist as with the WSPRC lease; there would not be a large enough volume of GHG generated to reach CEQ's threshold level on emissions.</p> <p>The Council on Environmental Quality (CEQ) uses 25,000 metric tons of CO<sub>2</sub>-equivalent Green House Gas (GHG) emissions on an annual basis as threshold guidance that agencies should consider as an indicator that a quantitative and qualitative assessment should be provided to decision makers and the public. The EPA provides an average estimate of 4.75 metric tons of CO<sub>2</sub> produced per passenger vehicle (i.e. passenger cars, vans, pickup trucks and sport/utility vehicles) per year. Neither the proposed project activities (i.e. construction/refurbishment) under the WSPRC lease nor Park operations and Park visitation would generate CEQ's threshold volume of CO<sub>2</sub> GHG emissions.</p>

#### 4.1 – Cultural Resources

The confluence of the Snake and Palouse Rivers is an area with an extensive and rich history of human occupation that extends from 10,000 years ago (e.g. Marmes Rockshelter) to the present. Resources recovered within this location have local, regional, state and national significance for the information they have provided and as a reflection of the events which have occurred there over time. The area still holds great spiritual and cultural significance for Native American people who want to see it preserved and protected. This includes limited disturbance/intrusion upon the landscape and viewshed. The Corps and WSPRC are keenly aware of the area's significance and are working closely with Indian Tribes and other interested parties to ensure the proposed lease action results in minimal disturbance and impacts both within and outside the Park.

Under Section 106 of the National Historic Preservation Act (NHPA), federal agencies are required to take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation with a reasonable opportunity to comment. Federal agencies are also required to consult on their undertakings with state/tribal historic preservation officers (SHPOs and THPOs), Indian tribes, Native Hawaiian Organizations and any other interested parties. For purposes of the Section 106 process, "historic properties" is a specific term used to identify cultural resources which are either eligible for or listed on the National Register of Historic Places.

Based on available information, the Corps has made a determination of “No Adverse Effect” for the proposed WSPRC lease. As part of the Section 106 process, the Corps plans to consult with the following parties regarding its determination of effect and potential impacts resulting from the proposed lease - Washington SHPO, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Colville Reservation and the Wanapum Band. The results of the Section 106 consultation would be described in the final, signed FONSI, should it be determined an Environmental Impact Statement is not required for this project.

Besides the NHPA/Section 106 process, there are other federal agreements (e.g. treaties), executive orders (e.g. 13175), regulations (e.g. 36 Code of Federal Regulations), etc. which also provide direction to federal agencies on how to formulate relations (including consultation and coordination) with Indian tribes. When consulting with tribes therefore, the Corps strives to ensure that it incorporates all appropriate guidance to help enhance its working relationships and coordination/consultation efforts.

#### **4.2 – Cumulative Effects**

The Park is located at the confluence of the Snake and Palouse Rivers. The area is rural with agriculture and ranching being the primary “industry”. Besides the Park, there is only limited development in the immediately surrounding area all of which is located within 4 miles of the Park – i.e. Lyons Ferry Fish Hatchery (1982), Lyons Ferry Marina (1974) and Columbia County Grain Growers grain terminal (early 1970s). All of the facilities have been in existence for 30 or more years and in that time have developed fairly routine seasonal use patterns with the warmer months seeing the most activity overall. The proposed new WSPRC lease and Park renovations/upgrades are anticipated to have only a minimal effect to existing conditions primarily in the areas of increased visitation/higher traffic volume and potential increase in business for the Lyons Ferry Marina (e.g. store and gasoline sales). The higher volume of vehicles on the road could possibly result in some congestion particularly in the triangle area of the Park, Lyons Ferry Marina and the Columbia County Grain Growers grain terminal. A higher number of vehicles on the road would also result in a higher volume of GHG emissions. However, the additional emissions would still be far below the threshold level of 25,000 metric tons.

### **5.0 ENVIRONMENTAL REVIEW REQUIREMENTS.**

#### **5.1 Federal Requirements**

##### **5.1.1 National Environmental Policy Act**

This EA was prepared, and is being circulated to agencies and the public for review and comment, pursuant to requirements of the NEPA. Full compliance with NEPA would be

achieved when the Finding of No Significant Impact (FONSI), if one is determined to be appropriate, is signed.

### **5.1.2 Clean Air Act, As Amended**

The project area meets Washington State's ambient air quality standards. There would be only minor effects to air quality given the proposed work activities to be done at the Park and their limited duration. There should be an increase in Park visitation but not at a level where the volume of traffic would have a noticeable impact on air quality. The project area would still meet attainment standards.

### **5.1.3 Clean Water Act**

WSPRC proposes to undertake boat launch float repairs, boat launch ramp maintenance and replacement of boat launch ramp floats. All three activities require some level of in-water work. However, based on the nature of the work, all three actions can be covered under Nationwide Permit Number 3 – Maintenance. Planned maintenance and upgrade activities within the Park would not result in more than an acre of ground being disturbed and best management practices would be employed to prevent/minimize the potential for storm water runoff into the Palouse River.

### **5.1.4 Endangered Species Act of 1973, As Amended**

Endangered Species Act (ESA) listed species within Franklin County include: Snake River sockeye, spring/summer and fall Chinook and steelhead, bull trout, gray wolf, pygmy rabbit, Ute ladies'-tresses, Spalding's catchfly, and White Bluffs bladderpod. Yellow-billed cuckoo is also now proposed as threatened. Critical habitat has been designated for all of the fish species. Critical habitat has been designated for White Bluffs bladderpod and proposed for yellow-billed cuckoo, but there is none near the project area. Greater sage-grouse, northern wormwood, and Washington ground squirrel are listed as candidate species under the ESA.

The Corps determined there will be no effect to species or critical habitat listed under the ESA. (Washington ground squirrel could be affected, should they ever be found to occupy the park.) There will be no adverse effects to Essential Fish Habitat and no disturbance or take under the Bald and Golden Eagle Protection Act. The Fish and Wildlife Coordination Act does not apply to this project and there will be no take under the Migratory Bird Treaty Act. (See Appendix A.)

The Corps identified the following stipulations to help avoid impacts (Appendix A):

1. Any in-water work will be restricted to a work window of July 15 to September 15.
2. Only untreated or Ammoniacal Copper Zinc Arsenate-treated wood will be used and treatment will comply with the Western Wood Preservers Institute Best Management Practices (BMPs).

3. When decking on the dock is replaced, it will be with open grating meeting Americans with Disabilities Act and National Marine Fisheries Service's (NMFS) criteria.
4. Any removal of trees or shrubs during the migratory bird nesting season of March 15 to August 15 will be monitored for active bird nests by a biologist with training in bird breeding behavior. Any active nests will be avoided until the nest is no longer active.
5. If ground squirrels are ever proposed for listing under the ESA, a survey within the park will be conducted. If ground squirrels are found within the park, activities in the park will be reviewed for potential effects to ground squirrels. ESA consultation would be conducted if warranted.

#### **5.1.5 Fish and Wildlife Coordination Act**

The Fish and Wildlife Coordination Act (FWCA) authorizes the U.S. Fish and Wildlife Service to evaluate the impacts to fish and wildlife species from proposed Federal water resource development projects which could result in the control or modification of a natural stream or body of water that might have effects on the fish and wildlife resources that depend on that body of water or its associated habitats. The proposed action does not modify a natural body of water and therefore does not involve activities subject to the FWCA.

#### **5.1.6 Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703-712, as amended) prohibits the taking of and commerce in migratory birds (live or dead), any parts of migratory birds, their feathers, or nests. "Take" is defined in the MBTA to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof. Migratory birds would likely avoid the project area while work is being performed. However, maintenance work would be done in the months prior to the Park's planned opening in May 2015. Therefore, the following provision in the WSPRC lease would be required in order to ensure compliance with the MBTA.

- If trees, shrubs, or other potential bird nesting habitat is to be removed between March 15 and August 1, a qualified migratory bird monitor must perform a breeding bird survey of the site. The qualified monitor shall have at least a bachelor's degree in biology and proven experience observing bird behavior relative to breeding efforts or closely related skills and experience. Any active nests are to be avoided (50 foot diameter buffer) until no longer active.

#### **5.1.7 Bald and Golden Eagle Protection Act**

The Bald and Golden Eagle Protection Act (BGEPA) prohibits the taking or possession of and commerce in bald and golden eagles, with limited exceptions, primarily for Native American Tribes. "Take" under the BGEPA includes both direct taking of individuals and take due to disturbance. The Corps has determined there would be no disturbance or take of eagles as a result of the proposed lease action.

### **5.1.8 Magnuson-Stevens Act – Essential Fish Habitat (EFH)**

The consultation requirement of section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) directs federal agencies to consult with NMFS on all actions, or proposed actions which may adversely affect Essential Fish Habitat (EFH). Adverse effects include the direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components, if such modifications reduce the quality or quantity of EFH. Adverse effects to EFH may result from actions occurring within EFH or outside EFH, and may include site-specific or EFH-wide impacts, including individual, cumulative, or synergistic consequences of actions (50 CFR 600.810). The Corps has determined there would be no modification or adverse effects to essential fish habitat from the proposed actions.

### **5.1.9 National Historic Preservation Act, As Amended**

The Corps made a “No Adverse Effect” determination for the proposed Park lease. Consultation was initiated with the Washington State Department of Archaeology and Historic Preservation (i.e. State Historic Preservation Officer (SHPO)), Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, Confederated Tribes of the Colville Reservation and the Wanapum Band regarding the lease and proposed activities associated with the lease. The final results of consultation will be included in the signed Finding of No Significant Impact (FONSI), if one is determined to be appropriate.

### **5.1.10 Northwest Electric Power Planning and Conservation Act**

The project would not conflict with the requirements of the Act.

### **5.1.11 Executive Order 11988, Flood Plain Management, May 24, 1977**

The project area is not located within the 100-year flood plain.

### **5.1.12 Executive Order 11990, Protection of Wetlands, May 24, 1977**

No wetlands would be impacted by the proposed action.

## **6.0 COORDINATION.**

This EA is being distributed for public and agency review and comment, and is also available through the Walla Walla District’s website ([www.nww.usace.army.mil](http://www.nww.usace.army.mil)). Table 3 contains the notification list.

**Table 3. Notification List**

<b>Individual</b>	<b>Organization</b>
Christine Reichgott	Environmental Protection Agency
Michelle Eames	U.S. Fish and Wildlife Service
David Mabe	National Marine Fisheries Service
Erin Britton Kuttel	U.S. Fish and Wildlife Service
Bob Ries	National Marine Fisheries Service
Tom Schirm	Washington Department of Fish and Game
Jennie Dickinson	Port of Columbia
Heidi Ellerd	Port of Kahlotus
Eric Quaempts	Confederated Tribes of Umatilla Indian Reservation
Phil Rigdon	Confederated Tribes and Bands of the Yakama Indian Nation
Gary Passmore	Confederated Tribes of the Colville Reservation
Aaron Miles	Nez Perce Tribe
Alyssa Buck	Wanapum Band
Dr. Robert Whitlam	Washington State Department of Archaeology and Historic Preservation
Larry Fairleigh	Washington State Parks and Recreation Commission
Robert Koch	Franklin County Commissioner
Brad Peck	Franklin County Commissioner
Rick Miller	Franklin County Commissioner
Mary Withers	Franklin County Commissioner's Office
Gary Burke	Confederated Tribes of Umatilla Indian Reservation
JoDe Goudy	Confederated Tribes and Bands of the Yakama Indian Nation
Michael Finley	Confederated Tribes of the Colville Reservation
Silas Whitman	Nez Perce Tribe
Rex Buck, Jr.	Wanapum Band
Pam Kentner	Office of Washington State Representative Joe Schmick

## 7.0 REFERENCES

- U.S. Army Corps of Engineers, Walla Walla District, 2014. Lyons Ferry Park, New Lease to Washington State Parks and Recreation. Lower Monumental Lock and Dam, Biological Evaluation. August 2014
- U.S. Army Corps of Engineers, Walla Walla District, 2006. Environmental Assessment. Lyons Ferry Park and Recreation Lease, Lower Monumental Reservoir, Washington. May 2006.
- U.S. Environmental Protection Agency, 2011. Greenhouse Gas Emissions; Emission Facts: Greenhouse Gas Emissions from a Typical Passenger Vehicle. Available at [www.epa.gov/climatechange/emissions/index.html](http://www.epa.gov/climatechange/emissions/index.html) and [www.epa.gov/OMS/climate/420f05004.htm](http://www.epa.gov/OMS/climate/420f05004.htm).
- Washington State Parks and Recreation Commission, 2014. Lyons Ferry Park Development Plan, Phase 1 (Exhibits 1-3).

# **APPENDIX A**

## **BIOLOGICAL COORDINATION**

# **APPENDIX B**

## **CULTURAL RESOURCES COORDINATION**