FINAL FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Integrated Letter Report/Programmatic Environmental Assessment
Flowering Rush Control in Idaho, Montana, Oregon, and Washington
through the Aquatic Plant Control Program

February 2021

The U.S. Army Corps of Engineers, Walla Walla District (Corps), proposes to share the costs with the states of Washington, Oregon, Idaho, and Montana to treat invasive flowering rush infestations on non-Federal lands (Recommended Plan). Flowering rush is invasive and displaces native aquatic plants in a variety of habitats. Flowering rush is indigenous to Europe and Asia where the plant thrives in areas of slow-moving or relatively stagnant water. In the United States, it converts diverse native plant communities into monocultures that provide excellent habitat for nonnative, warm water fish, often predators of native, threatened, and endangered salmon and steelhead.

The Corps, on a reimbursable basis, and the Pacific States Marine Fisheries Commission (PSMFC), acting on behalf of the four member states, would each contribute 50 percent of the costs for flowering rush control operations. Annual program expenses would be documented in Statements of Work submitted each year by the PSMFC in advance of treatment. The goal of flowering rush control is to prevent or minimize the impacts of flowering rush invasion on habitat, irrigation, and recreation. The aim is to eradicate known and future flowering rush populations and provide continued subsequent control at a much-reduced effort.

The proposal to cost share control of flowering rush would be authorized under the Aquatic Plant Control (APC) Program, Section 104 of the River and Harbor Act of 1958, as amended, and codified at 33 U.S.C. §610. Of amounts appropriated for the APC Program in Fiscal Year (FY) 2018 and FY 2019, specific allocations were provided for the control of flowering rush. The Consolidated Appropriations Act, 2018 (P.L. 115-141), and the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (P.L. 115-244), each allocated $1,000,000 in funds for activities for the control of flowering rush.

PURPOSE AND NEED:

The purpose of the Recommended Plan is to prevent, control, and progressively eradicate flowering rush infestations within the Four State Area (FSA) by establishing an APC program and cost-sharing surveys, treatments, and monitoring with states, Tribes, and non-governmental organizations under Section 104 of the River and Harbor Act of 1958 (33 United States Code [U.S.C.] § 610), as amended. The Recommended Plan is needed to reduce the negative impacts of flowering rush—an existing invasive noxious

and nuisance weed, in navigable waters, tributary streams, connecting channels, and other allied waters of the United States located within the FSA—which has the potential to have a major significant economic impact if its populations continue to grow and spread. Screening criteria for measures is discussed in Section 3.4 of the *Flowering Rush Control in Idaho, Montana, Oregon, and Washington Letter Report/Environmental Assessment* (LR/EA). Identified Alternatives must (1) increase effectiveness of aquatic pest control programs within the FSA, (2) efficiently reduce negative impacts of flowering rush, and (3) be environmentally acceptable.

SUMMARY OF ALTERNATIVES CONSIDERED:

Two alternatives were evaluated in the LR/EA. The No Action Alternative and Alternative 2 – Cost-shared Flowering Rush Control Program (the Recommended Plan). The No Action Alternative does not satisfy the project's purpose and need, but the National Environmental Policy Act (NEPA) requires analysis of the No Action Alternative to set the baseline from which to compare other alternatives.

SUMMARY OF POTENTIAL EFFECTS:

The No Action Alternative and the Recommended Plan were analyzed for potential effects to the following resources: fisheries and aquatic resources, wildlife and terrestrial resources, vegetation, threatened and endangered species, water quality, recreation, wetlands and the aquatic environment, historic and cultural resources, and socioeconomics and environmental justice (Table 1). This analysis is detailed in Section 4 of the LR/EA. The analysis concluded there would be no significant effects to any of the resources from implementation of the Recommended Plan.

Table 1. Environmental Effects of the No Action Alternative and Recommended Plan.

	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Fisheries and Aquatic Resources	☒	☐	☐
Wildlife and Terrestrial Resources	☒	☐	☐
Vegetation	☒	☐	☐
Threatened and Endangered Species	☒	☐	☐
Water Quality	☒	☐	☐
Recreation	☒	☐	☐
Wetlands and Aquatic Environmental	☒	☐	☐
Historic and Cultural Resources	☒	☐	☐
Socioeconomics and Environmental Justice	☒	☐	☐

The No Action Alternative and the Recommended Plan would both have minor to moderate short-term negative impacts to the resources assessed; however, long-term effects would be beneficial. The Recommended Plan would allow the Corps to cost-share flowering rush control with the PSMFC. Increased flowering rush treatment funding would have beneficial long-term impacts because it allows for increased treatment efforts and expended treatment locations and areas compared to the No Action Alternative. For this reason, the Recommended Plan is the least environmentally damaging alternative in the long-term.

COMPENSATORY MITIGATION:

No compensatory mitigation is required.

OTHER ENVIRONMENTAL AND CULTURAL COMPLIANCE REQUIREMENTS:

NATIONAL ENVIRONMENTAL POLICY ACT

The LR/EA was prepared pursuant to regulations implementing NEPA (42 U.S.C. § 4321 et seq.). Completion of the LR/EA and signing of a Finding of No Significant Impact (FONSI), if appropriate, fulfills the requirements of NEPA. The LR/EA and associated draft FONSI were sent out for a 30-day public review and comment period that began on June 24, 2019 and concluded on July 24, 2019. Five comments were received during the comment period, all of which have been resolved in the LR/EA.

ENDANGERED SPECIES ACT (ESA)

Initial scopes of work discussed in the LR/EA, Section 1.2 (project location) have been consulted on with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively the Services) in 2019, and determined "not likely to adversely affect threatened or endangered species." Initial consultation was completed upon receipt of Letters of Concurrence from the Services in 2019.

Further, the Corps would conduct standard Section 7 consultation with the Services for each new flowering rush treatment scope of work, until programmatic ESA consultation is completed. If potential, adverse effects are identified, the Corps would first attempt to modify any action affecting threatened or endangered species to avoid or minimize those impacts. Iterative consultation is necessary because in the absence of programmatic ESA coverage, the small annual changes in treatment locations and methods prevent consulting on the program over a longer timeframe. As new populations are discovered, or new treatment methods proposed, they would be reflected in the annual submitted statements of work, at which time ESA compliance would be conducted for those actions. As the Services do not amend Letters of Concurrence or Biological Opinions, new elements of a statement of work would require new consultation.

May Affect, Not Likely to Adversely Affect: Pursuant to section 7(a) of the Endangered Species Act of 1973, as amended, the Corps determined the Recommended Plan May Affect, but is not likely to adversely affect bull trout, yellow-billed cuckoo, grizzly bear, upper Columbia River (UCR) Spring-run Chinook, UCR steelhead, and middle Columbia River steelhead.

No Effect: Pursuant to section 7(a) of the Endangered Species Act of 1973, as amended, the Corps determined there would be no effect to Puget Sound Chinook, dolly varden, Canada lynx, golden paintbrush, gray wolf, marbled murrelet, North American wolverine, northern spotted owl, Oregon spotted frog, Roy Prairie pocket gopher, Spalding's catchfly, streaked horn lark, Ute ladies'-tresses, water howellia, and whitebark pine.

CLEAN WATER ACT

Section 401 and Section 402: Section 401 of the Clean Water Act requires that any Federal activity that may result in a discharge of a pollutant or dredged or fill material to waters of the United States must first receive a water quality certification from the state in which the activity would occur. Section 402, the National Pollutant Discharge Elimination System (NPDES) program, regulates the discharge of pollutants, to include stormwater. Application of aquatic herbicides would require a NPDES permit, either the EPA 2016 Pesticide General Permit (PGP) for treatments in Idaho, Washington, or on Tribal Reservations; the Montana Pollutant Discharge Elimination System Permit (MTG870000) in Montana; or the Oregon Department of Environmental Quality Pesticide General Permit (2300A) in Oregon. The cost-share partner agencies are required to obtain the appropriate NPDES permit, specific to their action and location.

Section 404: The discharge of dredged or fill material below the line of ordinary high water requires evaluation under Section 404. Proposed benthic barrier application may be considered fill material discharged below the line of ordinary high water. Application would require approval for use under one of the Nationwide Permits or through individual Section 404 permit(s). Cost-share partner agencies would secure appropriate permits prior to the application of benthic barriers.

NATIONAL HISTORIC PRESERVATION ACT

The Corps would conduct standard Section 106 consultation with the relevant Tribes (listed in Section 5) and State Historic Preservation Officers (SHPOs) for each submitted flowering rush treatment scope of work. If potential, detrimental effects are identified, the Corps would first attempt to modify any action affecting historic/cultural properties to avoid or minimize any potential impacts. If adverse effects are identified, the Corps would identify appropriate mitigation and enter into an appropriate Memorandum of Agreement with the SHPO or Advisory Council on Historic Preservation.

FINDING

Based on the LR/EA, the reviews and input by other federal, state and local agencies, Tribes, and the public, best scientific information available, and the review by my staff, it is my determination that implementation of the Recommended Plan would not significantly affect the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required. The Corps will proceed to fund the Recommended Plan under the authority of Section 104 of the River and Harbor Act of 1958, when funds are made available for that purpose.

Digitally signed by CHILDERS.RICHARD.THOMAS.1100989839
Date: 2021.02.16 17:12:07 -08'00'

RICHARD T. CHILDERS, P.E., PMP
Lieutenant Colonel, EN
Commanding

16 February 2021
Date