



**US Army Corps
of Engineers** ®
Walla Walla District

YAKIMA RIVER DELTA ECOSYSTEM RESTORATION

**Draft Feasibility Report with
Integrated Environmental Assessment**

Appendix G

Draft Finding of No Significant Impact

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DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)
YAKIMA RIVER DELTA ECOSYSTEM RESTORATION
DRAFT FEASIBILITY REPORT WITH INTEGRATED ENVIRONMENTAL ASSESSMENT
Richland, Washington
January 2023

The U.S. Army Corps of Engineers, Walla Walla District (Corps), has conducted an environmental analysis in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended. The draft Feasibility Report with integrated Environmental Assessment (FR/EA) dated January 2023, for the *Yakima River Delta Ecosystem Restoration Project* addresses the feasibility of restoration structure, function and processes to ESA listed fish migration within the Yakima River Delta in Richland Washington.

The draft FR/EA, incorporated herein by reference, evaluated various alternatives that would allow for modification of the Yakima Delta within the McNary Project pool. The recommended plan is the full breach of the causeway and includes:

- Removal of 37K cubic yards of fill from the causeway to restore the Yakima River to a freeflowing condition along the southern side of Bateman Island. This causeway creates a stagnant water within the backwater of the Yakima River delta and blocks ESA-listed fish passage.
- Implementation of the associated monitoring and adaptive management plan. Monitoring would continue until the project is determined to be successful based on the identified criteria within the Yakima River Delta Section 1135 Ecosystem Restoration Feasibility Report with Integrated Environmental Assessment Monitoring and adaptive Management Plan included in Appendix F. Monitoring is expected to last no more than 10 years.

The Corps' planning process was used to develop a final array of three alternatives (including the No Action Alternative). The two action alternatives (Alternatives 2 and 3) would fully breach the causeway with or without additional riparian habitat restoration, as follows:

- The No Action Alternative.
- Alternative 2a, Full Removal of Causeway with Riparian Habitat.
- Alternative 3a, Full Removal of Causeway without Riparian Habitat.

A summary assessment of the potential effects of the recommended plan are listed in Table 1.

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Geology and Soils	X	-	-
Hydrology	X	-	-
Water Quality	X	-	-
Aquatic Resources	X	-	-
Threatened and Endangered Species	X	-	-
Wetlands	X	-	-
Wildlife	X	-	-
Vegetation	X	-	-
Land Use	X	-	-
Recreation	X	-	-
Floodplain Development	X	-	-
Aesthetics/Visual Resources	X	-	-
Climate Change	X	-	-
Cultural and Historic Resources	X	-	-
Economics/Socio-economics/Environmental Justice	X	-	-
Public Utilities and Infrastructure	X	-	-
Hazardous, Toxic and Radioactive Waste	X	-	-
Cumulative Effects	X	-	-

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices as detailed in the Integrated FR/EA will be implemented to minimize impacts. No compensatory mitigation is required as part of the recommended plan.

The Corps has prepared a BA to evaluate the potential effects to ESA-listed species. Corps has determined the proposed action is “likely to adversely affect” ESA-listed fish species. Corps would initiate formal consultation with the Services for ESA-listed Chinook, steelhead, and bull trout. Coordination with Services is ongoing and the Services’ Biological Opinions are expected prior to completion of the final report. The Opinions would include Incidental take statements along with terms and conditions. Any mitigative measures or appropriate BMPs would be incorporated into the design phase of the project and implemented during construction.

Compliance with Section 106 of the NHPA is complete and included consultation with the Washington State Historic Preservation Officer (SHPO) and Federally Recognized Tribes, as appropriate. The Corps determined that implementation of the TSP would result in no adverse effects to historic properties and received concurrence on that determination from the Washington SHPO on January 24, 2023. As a part of the Section 106 process the causeway, which does meet the definition of a historic property, was evaluated and found to not be eligible for listing on the National Register of Historic Places.

To achieve compliance with CWA Section 404 and the associated Section 401 WQC requirement, the Corps determined that the placement of riprap (fill material) along the south shoreline of Bateman Island and the north shoreline of the mainland, for the purpose of bank stabilization and mitigation against erosion, would trigger CWA Section 404 - fill material placed in waters of the U.S. and again, the requirement to obtain Section 401 WQC from Ecology. Therefore, the Corps submitted a Pre-filing Meeting Request for CWA Section 401 WQC to Ecology on January 5, 2023, and is currently awaiting a response on the need for that meeting. If a Section 401 WQC is required, the Corps would prepare a Section 404(b)(1) Evaluation and a Joint Aquatic Resources Permit Application (JARPA) and submit an official request for Section 401 WQC prior to construction or final FR/EA.

To achieve compliance with the Clean Water Act (CWA), Section 402, the Corps determined that implementation of Alternative 3a – Full Removal of the Causeway without Riparian Habitat would not involve a point-source discharge of pollutants. However, the mobilization of alluvial sediment within the Delta may release pollutants that have accumulated within the sediment from past agricultural activities. Mobilization of contaminated sediment may constitute a Section 402 National Pollutant Discharge Elimination Permit (NPDES) action and may require the issuance of a Section 402 Permit from the Environmental Protection Agency (EPA). Associated with the probable requirement for a Section 402 Permit from EPA is the additional probable requirement that the Corps obtain Section 401 Water Quality Certification (WQC) from the Washington State Department of Ecology (Ecology).

Section 402 of the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) program, pertains to discharge of pollutants. If construction activities disturb an acre or more of ground and the potential for storm water run-off into the Yakima River or Columbia River exists, a Construction General Permit must be obtained from EPA at least fourteen days before ground disturbing activities begin.

A 30-day public and state/agency review of the draft FONSI and FR/EA is anticipated to be completed March 10, 2023. All comments submitted during the public comment period will be responded to in the Final FR/EA.

All applicable laws, Executive Orders, regulations, and local government plans were considered in the evaluation of the alternatives. I have taken into consideration the technical aspects of Yakima River Ecosystem Restoration, best scientific information available, and public

comments received. It is my determination that the recommended plan does not constitute a major Federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not required.

LTC ShaiLin KingSlack
District Commander

Date

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