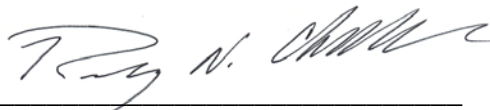


**United States Department of the Interior
Bureau of Reclamation
Lower Colorado Region
Phoenix Area Office**

FINDING OF NO SIGNIFICANT IMPACT

**Spring Creek (Oak)
Aquatic Resources Protection Project**

**Coconino National Forest
Yavapai County, Arizona**

Approved: 
Randy N. Chandler, Area Manager
Phoenix Area Office
Bureau of Reclamation

Date: 9/22/2014

FONSI No. PXAO-14-03

INTRODUCTION

In accordance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-90), Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), Department of the Interior NEPA regulations (43 CFR 46), the Bureau of Reclamation (Reclamation), as the lead Federal agency, has issued a final Environmental Assessment (EA) (Reclamation 2014a) to disclose the potential environmental impacts that will result from implementation of the proposed Spring Creek (Oak) Aquatic Resources Protection Project, Coconino National Forest (CNF). The U.S. Forest Service (USFS), U.S. Fish and Wildlife Service (USFWS), and Arizona Game and Fish Department (AZGFD) were cooperating agencies in the preparation of the EA.

The proposed action is intended to protect the existing Spring Creek population of Gila chub and secure habitat for stocking spikedace, Gila topminnow, and possibly loach minnow, and either northern Mexican gartersnake or narrow-headed gartersnake, by precluding upstream invasion of nonnative fishes from Oak Creek.

BACKGROUND

The proposed action will complement other similar projects being implemented by Reclamation to assist with recovery and conservation of federally listed fish and amphibian species in the Gila River Basin. Reclamation's fish barrier construction program is mandated by a May 15, 2008 FWS Biological Opinion (BO) that addressed delivery of water through the Central Arizona Project (CAP) and its potential to introduce and spread nonnative aquatic species in the Gila River Basin (USFWS 2008).

ALTERNATIVES CONSIDERED

Reclamation considered "no action" and the proposed action in the EA. The proposed action was developed by Reclamation to implement a provision of the 2008 CAP BO to strategically locate and construct fish barriers to "prevent or hinder upstream movements of nonindigenous fish and other aquatic organisms into high-value native fish and amphibian habitats" and to "protect existing populations of listed fishes or facilitate the repatriation and stocking of native fishes upstream of the barriers." The following alternatives were considered during planning.

No Action. As considered in the EA, if no action is taken, Reclamation would not construct the proposed fish barrier. The AZGFD could augment native fish populations pursuant to the fish and wildlife management authority conferred to it by the State of Arizona, and pursuant to a 2010 Memorandum of Understanding between the USFS Southwestern Region and the Arizona Game and Fish Commission and Department; however, this action may not be sustainable without the fish barrier because of uncertainty of future nonnative invasions from Oak Creek and the Verde River.

Proposed Action (Action to be Implemented). Under the proposed action, Reclamation will construct a reinforced, concrete fish barrier on Spring Creek, approximately 0.65-mile upstream

from the confluence with Oak Creek. The fish barrier will be located on land administered by CNF. A description of the proposed fish barrier is included in the EA.

Alternatives Considered But Rejected. Different design and location alternatives for construction of the fish barrier were considered and eliminated from detailed analysis during planning. Those rejected alternatives are described in the EA.

CONSULTATION, COORDINATION, AND PUBLIC INVOLVEMENT

A scoping notice soliciting public comment on the proposed project was distributed on October 24, 2013. Reclamation posted the scoping notice on its Phoenix Area Office web site at www.usbr.gov/lc/phoenix and submitted news releases regarding the proposal to six (6) news media outlets including the *Arizona Republic*. The proposal was also listed on the CNF Schedule of Proposed Actions at www.fs.usda.gov/coconino. On October 15, 2013, the AZGFD hosted a scoping meeting in the Oak Creek Valley subdivision of Cornville with members of the Oak Creek Valley Property Owners Association. Reclamation received four (4) comment letters from the public during scoping.

The draft EA on CD-ROM was mailed to interested individuals, organizations, and agencies for 30-day public review and comment on June 27, 2014. News releases announcing the availability of the draft EA were sent to the *Arizona Republic* and 5 other news media outlets. In addition, a notice of availability of the draft EA was published in the *Sedona Red Rock News* on June 27, 2014. The draft EA also was posted on Reclamation's Phoenix Area Office web site. No public comments were submitted to Reclamation on the draft EA.

Concurrent with development of the draft EA, Reclamation consulted with the USFWS under section 7(a)(2) of the Endangered Species Act. The possible effects to listed species resulting from implementation of the proposed action were addressed in a Biological Assessment (BA) prepared by Reclamation and submitted to the USFWS on May 14, 2014 (Reclamation 2014b).

Reclamation consulted with the Arizona State Historic Preservation Office (SHPO) in compliance with section 106 of the National Historic Preservation Act. The following federally recognized Indian tribes have also been consulted regarding the proposed project: Navajo Nation, Hopi Tribe, Fort McDowell Yavapai Nation, Yavapai-Apache Nation, Yavapai Prescott Indian Tribe, Tonto Apache Tribe, White Mountain Apache Tribe, and San Carlos Apache Tribe.

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Based upon consideration of the effects presented in the final EA, Reclamation has determined the proposed action will not significantly impact the human environment and that preparation of an environmental impact statement is not warranted.

MAJOR CONSIDERATIONS

The following issues have been taken into consideration in Reclamation's deliberation whether a Finding of No Significant Impact is appropriate, or an environment impact statement should be prepared.

1. Implementation of the proposed action is consistent with objectives of the CNF Forest Plan. The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment including water, air, land use, soil, and cultural and biological resources. Impacts to physical and biological resources will be highly localized and limited to the project area.
2. The immediate project area is unpopulated. There will be no disproportionate direct or indirect effects on populations defined in Executive Order 12898 (Environmental Justice). Appropriate hazardous material management and waste disposal associated with construction will minimize any potential risks to public health, safety, and the environment.
3. The proposed action is consistent with USFS management direction for the Management Areas that are affected. There are no recommended or designated wild and scenic rivers, designated wilderness areas, refuges, park lands, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected. Aquatic values associated with the native fish community and threatened and endangered species will be enhanced. Impacts to riparian vegetation and wetlands will not be significant.
4. There are no known scientific controversies over the effects of the proposed action on the human environment. There is no known controversy regarding the effects of this project on the quality of the human environment, based on the analysis and public comments received.
5. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. Reclamation has constructed fish barriers on other streams in Arizona and has monitored the effects of such projects on aquatic biota and fluvial morphology. Effects of the proposed project are expected to be similar to the effects of those past similar actions implemented by Reclamation.
6. The proposed action does not set a precedent for similar projects that may be implemented by Reclamation or other agencies. Numerous fish barriers have been constructed by Federal and State agencies throughout the western U.S.
7. Cumulative effects of the proposed project were considered in the EA. There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
8. Class III (intensive) cultural resource surveys of the area of potential effect indicated that no significant historical or archaeological sites will be adversely affected by the proposed action. The SHPO concurred with Reclamation's *no historic properties affected* determination on May 28, 2014. Reclamation also consulted with Native American Indian Tribes that have possible cultural affinities or other interests in the project area. No areas of traditional cultural importance or areas of specific tribal concern have been identified.
9. The EA demonstrates that federally listed and proposed species will not be significantly affected by the proposed action. A BA prepared by Reclamation and submitted to the USFWS

determined that proposed translocations after the fish barrier is constructed may affect, but are not likely to adversely affect, narrow-headed gartersnake, loach minnow, spikedace, and Gila topminnow. Construction of the fish barrier may affect, but is not likely to adversely affect, yellow-billed cuckoo; would have no effect on Page springsnail; and may affect, likely to adversely affect in the short term, northern Mexican gartersnake. The project is expected to have a long-term beneficial effect on all of these species. In addition, the project is expected to have long-term benefits to northern Mexican gartersnake critical habitat as a result of improvements to existing habitat by attempting to control the upstream movement of nonnative fishes, and potentially providing increased prey availability. On September 18, 2014, in its draft Biological Opinion/Conference Opinion, the USFWS concurred with Reclamation's determination on effects to the species.

10. The proposed action will not violate Federal, State, or local law or requirements imposed for the protection of the environment. Reclamation received Clean Water Act (CWA) 404 permit coverage from the U.S. Army Corps of Engineers under Nationwide Permit 27. The Arizona Department of Environmental Quality issued a waiver of CWA 401 individual certification. The proposed project will comply with all applicable 401 general conditions and 404 general and regional conditions.

11. Indian trust assets will not be affected.

12. The mitigation requirements identified in the final EA will be implemented by Reclamation.

Documents cited above.

Bureau of Reclamation (Reclamation). 2014a. Final environmental assessment. Spring Creek (Oak) Aquatic Resources Protection Project. Coconino National Forest. Phoenix Area Office, Phoenix, AZ.

Bureau of Reclamation (Reclamation). 2014b. Biological assessment of impacts to federally listed species from a proposed fish barrier on Spring Creek, Yavapai CO., Arizona. Phoenix Area Office, Phoenix, AZ.

U.S. Fish and Wildlife Service (USFWS). 2008. Reinitiated biological opinion on transportation and delivery of Central Arizona Project water to the Gila River Basin in Arizona and New Mexico and its potential to introduce and spread nonindigenous aquatic species. May 15, 2008. Phoenix, AZ.