

# RECLAMATION

*Managing Water in the West*

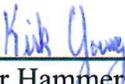
## Finding of No Significant Impact

## Lower French Creek Off-Channel Habitat Development Project

Siskiyou County, California

2016-FONSI-007

Prepared by:

*FOR*   
Tyler Hammersmith  
Natural Resource Specialist  
Klamath Basin Area Office

Date:

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Concur:

*for*   
Kristen L. Hiatt  
Chief, Environmental Compliance Branch  
Klamath Basin Area Office

Date:

10/7/2016

Concur:

  
Jennie M. Land  
Chief, Resource Management Division  
Klamath Basin Area Office

Date:

10-7-2016

Approved by:

  
Jeff Nettleton  
Area Manager  
Klamath Basin Area Office

Date:

10-7-2016

## Background

In accordance with Section 102(2)(c) of the *National Environmental Policy Act of 1969* (NEPA), as amended, the Bureau of Reclamation has prepared an Environmental Assessment (EA) to evaluate the potential direct, indirect, and cumulative impacts to the affected environment associated with Lower French Creek Off-Channel Habitat Development project. Reclamation would fund the project as part of the 2016 Klamath River Coho Restoration Grant Program which was proposed by Reclamation as a conservation measure and identified in the *Biological Opinions on the Effects of Proposed Klamath Project Operations from May 31, 2013 through March 31, 2023, on Five Federally Listed Threatened and Endangered Species* (2013 BiOp). After analysis, the attached EA resulted in a Finding of No Significant Impact (FONSI).

The Siskiyou Resource Conservation District (Siskiyou RCD) would administer the grant leading to the construction of an off-channel pond with coarse woody debris structures and associated vegetation in the floodplain of the lower French Creek. French Creek is a Key Stream in the Scott River watershed that supports a high density of adult and juvenile Southern-Oregon Northern California Coast (SONCC) coho salmon on an annual basis. The Scott River watershed supports anadromous fish runs for three salmonid (*Oncorhynchus*) species: Chinook salmon (*O. tshawytscha*), Coho salmon (*O. kisutch*) and steelhead trout (*O. mykiss*). Scott River coho salmon are part of the Southern Oregon Northern California Coast (SONCC) Coho Evolutionarily Significant Unit, which was listed as threatened under the Endangered Species Act in 1997 and again under the California Endangered Species Act in 2004. The Scott River population is a core, functionally-independent population that has been identified as the most productive natural stock in the upper Klamath River Basin and is likely above the depensation threshold (NMFS, 2014).

## Alternatives Including the Proposed Action

### **No Action Alternative:**

Under the No Action Alternative, Reclamation would not approve Siskiyou RCD to work under their Klamath River Coho Restoration grant and complete the project as designed. Anadromous fish habitat would remain its current conditions with the potential to become less habitable in the future and further limiting anadromous fish populations including the endangered coho salmon.

### **Proposed Action Alternative:**

Under the Proposed Action Alternative Reclamation would approve Siskiyou RCD to construct an off-channel pond with coarse woody debris structures and associated riparian vegetation in the floodplain of Lower French Creek. The Proposed Action will occur on private land located on river right of lower French Creek in a floodplain depression, 0.5 mile upstream from French Creek's confluence with the Scott River within the Scott River watershed on French Creek

### **Construction Activities**

Construction will involve excavation of the pond volume for a 0.25 acre off-channel pond adjacent and connected through a single, flatwater access channel to a glide on French Creek. The connection point, where the access channel keys through the bank has been designed to ensure volitional fish passage while minimizing scour and sediment deposition. The pond is designed to be a minimum of 8 feet deep from the base flow water surface elevation to preserve volume year-round, intercept groundwater and allow for thermal stratification. Twenty five root wads associated with brush bundles will be installed to create over ten coarse woody debris structures within the pond and access channel to provide shelter and complexity.

The off-channel rearing pond will be excavated using a large excavator, along with a 10-yard dump truck to end haul excavated material. Approximately 8,000 cubic yards of cobble, gravel, and sand will be deposited in spoils dump sites at the upper extent of the riparian zone, as far away as possible from the active channel of French Creek (approximately 275 feet) and potential flood inundation.

An access channel, approximately 60 feet in length, will be excavated to connect the pond to lower French Creek. To minimize erosion, large cobble will be used to armor the inlet/outlet of the access channel and approximately 50 feet of the creek bank downstream from the access channel. During excavation of the pond and access channel, a small earthen plug approximately 25 square feet in size will be left intact, separating the pond and access channel from French Creek. Once all other project activities have been completed, the removal of this plug and final connection of the pond and access channel to French Creek will be done using an excavator and is expected to take five minutes. Hay bales will be installed and left at the connection point prior to removal of the plug, to minimize sediment delivery and turbidity into French Creek. These bales will be naturally breached/removed by French Creek flows during early fall precipitation events. Due to retention of this earthen plug, installation of weed-free hay bales, and mechanized equipment avoidance of the active channel of French Creek, fine sediment/silt will be preventing from entering French Creed during project construction work.

Off-channel pond construction will result in the removal of approximately nine alder and cottonwood trees from seven to 14 inches in diameter, as their presence will impede equipment access/operation via a temporary access/spur road.

Up to 25 root wads and/or pieces of large wood will be installed in the off-channel pond to provide shelter and to increase habitat complexity. Root wads and large wood will be anchored by burying a portion (up to 50 percent) of logs in the bank of the pond. Brush bundles will then be pinned under the root wads and large wood to increase shelter and habitat complexity in the pond.

# Public Comment

Reclamation prepared the attached EA to evaluate the effects of the Proposed Action Alternative and, after evaluation, the FONSI. The Council on Environmental Quality (CEQ) regulations do not require that an EA be made for public review. Per 40 Code of Federal Regulations (CFR) 1501.4(e)(2), agencies, in certain limited circumstances, are required to make FONSI available for public review if the proposed action is, or is closely similar to, one which normally requires an Environmental Impact Statement (EIS) or if the nature of the proposed action is one without precedent. As this project does not meet the criteria stated in the CFR, no public comment period was made available.

## Findings

Based on the attached EA Reclamation finds that the Proposed Action Alternative is not a major Federal action that will significantly affect the quality of the human environment. The attached EA describes the existing environmental resources in the Proposed Action area and evaluates the effects of the No Action and Proposed Action alternatives on the specified resources. Effects on several environmental resources were examined and found to be absent or minor. That analysis is provided in the attached EA, and the analysis in the EA is hereby incorporated by reference.

This FONSI is based on the following:

### **1. Indian Trust Assets**

Indian Trust Assets (ITAs) are legal interests in assets that are held in trust by the United States for federally recognized Indian tribes or individuals. As indicated in Appendix D, there are no Indian reservations, Rancherias or allotments in the Proposed Action construction area. The nearest ITA is a public domain allotment, identified as 50F S154, approximately 2.86 miles northwest of the project site. On September 22, 2016, Reclamation's KBAO ITA Coordinator, Kristen Hiatt, stated that "based on the nature of the planned work it does not appear to be in an area that will impact Indian hunting or fishing resources or water rights nor is the proposed activity on actual Indian lands, [and] it is reasonable to assume that the proposed action will not have any impacts on ITAs."

### **2. Indian Sacred Sites**

There are no identified Indian Sacred Sites within the action areas of the proposed project and therefore this project would not inhibit use or access to any Indian Sacred Sites.

### **3. Environmental Justice**

No significant changes in agricultural communities or practices would result from the Proposed Action Alternative. Accordingly, the Proposed Action would not have any significant or disproportionately negative impact on low-income or minority individuals within the project area.

#### **4. Climate Change and Green House Gases**

There would be no impacts contributing to climate change or greenhouse gases (GHG) under the No Action Alternative. Under the Proposed Action Alternative, Reclamation would provide \$74,980.89 to Siskiyou RCD to construct its Lower French Creek off-channel Habitat Development Project that would restore the natural channel form and function of the Creek and increase the carrying capacity and condition of juvenile coho salmon. Potentially minor and temporary impacts to climate change or GHG could result from the use of excavators, dump trucks, front-end loaders, and other motorized equipment for intermediate periods over the course of construction. Any impacts to climate change or increases in GHG would be expected to be insignificant due to the size and scope of the project, small change from current conditions, duration of use that is limited to the project construction, and compliance with pollution related laws and regulations. Furthermore, Siskiyou RCD would comply with applicable Federal, state, or local air pollution laws and regulations.

#### **5. Noise**

The proposed project area is typically impacted by traffic noise as it is approximately 0.30 miles away from State Highway 3; thus, the additional temporary noise associated with construction is expected to have only a minor impact. Noise impacts created by the use of heavy motorized equipment would be minimized by limiting construction activities to 7:00 a.m. to 7:00 p.m., Monday through Sunday. Work hours outside this period would need approval in advance by Reclamation, and, upon approval, Siskiyou RCD would be required to contact adjacent landowners prior to work commencing to inform them of the change in work hours and the anticipated level of temporary noise escalations during construction activities. There would be no long-term increases to the ambient noise levels from the implementation of the Proposed Action.

#### **6. Socioeconomics**

The Proposed Action would create a short term demand for construction related products and services that would support local vendors and may create short term employment opportunities. In general, the project would have an insignificant impact on socioeconomic conditions in the project region.

#### **7. Water Resources**

Under the Proposed Action Alternative, potential water quality impacts including temporary increases in turbidity and contribution of sediment instream would be negligible, localized and temporary in nature and only persist during construction activities. Furthermore, several project design features and best management practices have been incorporated into the proposed action to reduce instream work and direct water quality impacts, as well as, long term erosion control concerns. The activities associated with the proposed project are not expected to have an effect on the quantity of the surface water resource. Therefore, no significant impacts to surface water resources would occur as a result of the Proposed Action.

#### **8. Biological Resources**

A species list of federally listed endangered, threatened, proposed, and candidate species potentially occurring within the area of potential effect was obtained from the U.S. Fish and Wildlife Service's (USFWS) website as well as a species list from U.S Fish and Wildlife

Yreka Field Office (Table 1-1 and Appendix A of the attached EA). Additionally, an informal consultation with the National Marine Fisheries Service (NMFS) for anadromous species has determined that the Proposed Action may affect but is not likely to adversely affect coho salmon or their critical habitat. The proposed restoration activity was also analyzed in the 2013 BiOp. The potential impacts to all species included on this list as a result of the Proposed Action Alternative have been considered, and it has been determined that the proposed construction activities would have no effect on terrestrial species or their habitats and may affect but is not likely to adversely affect coho salmon and its critical habitat.

## **9. Cultural Resources**

Under the Proposed Action Alternative, Reclamation would approve and release grant funding to Siskiyou RCD to implement the Lower French Creek off-channel Habitat Development Project. This action constitutes an undertaking with the potential to cause effects to historic properties, assuming such properties are present, requiring compliance with Section 106 of the NHPA as amended. On September 22, 2016, Reclamation Archaeologist, Scott Williams, stated that Reclamation granted the U.S. Fish and Wildlife Service (USFWS) Region 1, Lead Federal Agency status for the Section 106, for this undertaking, and Mr. Anan Raymond, USFWS Region 1 Regional Archaeologist, accepted with the understanding that the Section 106 responsibility will be satisfied under an active Programmatic Agreement (PA), specifically: Programmatic Agreement Among the U.S. Fish and Wildlife Service Region 1, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer Regarding the Administration of Routine Undertakings in the State of California (see Attachment H).

Under the PA, USFWS determined that an Appendix A (within USFWS' PA) undertaking, including item 11 (restoration of streambed channels) has minimal potential to affect historic properties; the standard historic property identification effort, including tribal consultation, is not conducted, and; a no historic properties finding is programmatically determined. The proposed project is an undertaking that meets the criteria of Appendix A (within USFWS' PA), item 11 "restoration of stream channels" because the activities and the area of potential effects (APE) occur within an active stream channel. As such, the APE is continually altered by natural forces, and it is unlikely that humans would have occupied or conducted activities (with an archaeological trace) in the APE. Should cultural resources be identified during project construction, however, activities would cease, and Reclamation shall be notified to discuss any such discovery and determine how to proceed.

## **10. Air Quality**

The Proposed Action is located in Siskiyou County, California, within the Scott River watershed, where NAAQS and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O3), sulfur dioxide (SO2), nitrogen dioxide (NO2), particulate matter (PM10 and PM2.5), and lead (Pb). The CAAQS has also set standards for hydrogen sulfide (H2S), sulfates, and visibility reducing particles.

Areas are classified under the CAA as either "attainment" or "non-attainment" areas for each

criteria pollutant based on whether or not the NAAQS have been achieved. Attainment relative to California standards is determined by the California Air Resources Board (CARB). After querying the CARB database at <https://www.arb.ca.gov/desig/adm/adm.htm>, it was determined that Siskiyou County is currently designated as either an unclassified or an attainment area for all Federal and State recognized criteria pollutants. Emissions associated with the construction of the Proposed Action would have minor effects on air quality, but they would be temporary and localized in nature. Therefore, the Proposed Action would have no significant cumulative impact on air quality.

### **Environmental Commitments**

The following environmental commitments would be implemented before, during, and after construction to prevent and reduce the impacts of the Proposed Action.

- **Environmental Permitting** – SRCD would be responsible for complying with all environmental requirements identified in this EA and any other applicable Federal, State, and local permits.
- **Construction Period** - Construction would take place from June 15 to November 1
- **Noise** - Construction would be conducted between 7am to 7pm
- **Biological Resources** -
  - Reporting immediately to Reclamation should any coho salmon captured, relocated, injured, or killed. Identification and tracking of any coho salmon captured, relocated, injured, or killed. All coho salmon mortalities must be retained, placed in an appropriately sized whirl-pak or zip-lock bag, labeled with the date and time of collection, fork length, location of capture, and frozen as soon as possible. Frozen samples must be retained until specific instructions are provided by Reclamation as coordinated with the National Marine Fisheries Service.
  - Fish Relocation activities would be conducted by CDFW
  - Visual inspection any trees proposed for removal to ensure there are no bald eagle nests. If present, further coordination with the Yreka USFWS office would be required.
- **Cultural Resources** - In the case that any cultural resources, either surface or subsurface, are inadvertently discovered during construction, construction in the area of the inadvertent discovery will cease, and a Reclamation's Mid-Pacific Regional archaeologist would be notified. Reclamation's archaeologist would make an assessment of the resource and conduct additional consultations as required. Any person who knows or has reason to know that he/she has inadvertently discovered possible human remains on Federal land, must immediately provide telephone notification of the discovery to a Reclamation official and to Reclamation's Mid-Pacific Regional archaeologist. If applicable, Reclamation would consult under the Native American Graves Protection and Repatriation Act NAGPRA for a discovery of Native American human remains or NAGPRA objects. Work will not resume at that location until notified by Reclamation to proceed.

- **Water Resources –**
  - No mechanized equipment would operate within the wetted channel with the exception of the excavator bucket to connect the creek to the developed off channel habitat.
  - All mechanized equipment fueling, servicing, and overnight parked would occur at least 200 feet from any wetted channel.
  - All equipment would be cleaned and inspected prior to project implementation for water quality internal controls and noxious weed abatement purposes
  - All permit conditions and stipulations identified in Nationwide Permit 27 and California State Water Resources Control Board 401 certification would be followed
  
- **Additional Analysis –** If the proposed action were to change significantly from the alternative described in this EA, additional environmental analyses would be undertaken as necessary.