Finding of No Significant Impact
For Willow Creek Road 2nd Bridge Area Fish Passage Project

In March 2011, NOAA's National Marine Fisheries Service (NMFS) Office of Habitat Conservation prepared a Targeted Supplemental Environmental Assessment (TSEA) for a restoration activity funded through the NOAA Restoration Center's Open Rivers Initiative Grant. This partnership grant is part of the NOAA Restoration Center's Community-based Restoration Program (CRP). The proposed action is a project entitled "Willow Creek Road 2nd Bridge Area Fish Passage Project." Under the No Action Alternative, NOAA Restoration Center would not fund the proposed project and Coho salmon survival rates would not improve, and there would be no other effects to the human environment, including the California Red-legged Frog and Myrtle's Silverspot Butterfly. The purpose of this project is to increase Coho Salmon (*Oncorhynchus kisutch*) and Steelhead Trout (*O. mykiss*) access to high quality rearing habitat in Willow Creek, which drains directly into the Russian River, thence the Pacific Ocean in coastal central California. The TSEA assesses the potential adverse environmental impacts of this project specific to California Red-legged Frog (*Rana draytonii*) and Myrtle's Silverspot Butterfly (*Speyeria zerene myrtleae*), species listed as threatened/endangered pursuant to the Endangered Species Act. NOAA completed formal Section 7 consultation under the Endangered Species Act and received from the USFWS a Biological Opinion (BiOp) for California Red-legged Frog and Myrtle's Silverspot Butterfly. The BiOp concluded that the restoration project would not jeopardize the continued existence of the California Red-legged Frog or Myrtle's Silverspot Butterfly or result in the destruction or adverse modification of critical habitat designated for these species.

The additional potential impacts to other elements of the human environment for this type of project were analyzed in the February 6, 2002 Programmatic Environmental Assessment (PEA) for the Community-based Restoration Program's Implementation Plan and the June 23, 2006 Supplement (SPEA); the PEA and SPEA and BiOp are incorporated by reference into the TSEA. Alternatives evaluated in the TSEA include the proposed action, and a no-action alternative. Under the no-action alternative, NOAA RC would not fund the proposed grant, the restoration project would not occur, and Coho salmon survival rates would not improve.

National Oceanic and Atmospheric Administration Administrative Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. §1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant in making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?

> Response: No. Implementation of this project, as all projects funded through the CRP, is designed to enhance or restore coastal habitats, and/or fish habitats that are essential to

federally managed fish as defined under the Magnuson-Stevens Act or identified in FMPs.

For the purposes of the effects assessment, the action area includes all areas within the project footprint of the proposed action including the proposed bridge crossing and associated road and culvert work, proposed channel excavation and development work, and the proposed replacement of culverts under Willow Creek road to enhance conditions in the Gristmill Wetland. The action area also includes the area immediately downstream of the second bridge crossing that could be subject to decreased water quality caused by dewatering and vegetation removal activities as well as Gristmill Pond which could be affected by channel creation and where a bullfrog removal program will be implemented.

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

Response: There will be no significant adverse impacts on biodiversity and/or ecosystem function. As concluded by the USFWS BiOp for California Red-legged Frog and Myrtle's Silverspot Butterfly, the proposed action is not likely to jeopardize the continued existence of these listed species. We based this conclusion on the short duration and small scale of the proposed action, the implementation of conservation/mitigation measures to minimize effects to listed species, and the expected long-term benefits to listed species resulting from the proposed habitat restoration efforts. The action is expected to have long-term beneficial impacts on biodiversity and/or ecosystem function through restoration of natural habitat.

3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response: This criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No. Implementation of the CRP is designed to enhance habitat and be beneficial to the environment, as well as public health and safety. Projects that would alter floodplains or modify storm water management structures to prevent erosion or improve water quality, and projects that would remove contaminated sediments to restore habitat would beneficially affect public health and safety. No adverse impacts on public health and safety are expected."

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

The BiOp issued by the USFWS concluded that while the proposed action may adversely affect the federally endangered Myrtle's Silverspot Butterfly and the federally threatened California Red-legged Frog, it will not jeopardize the continued existence of these species. USFWS' conclusion is based on the short duration and small scale of the proposed action, the applicant's implementation of conservation and management measures to minimize effects to listed species, and the expected long-term benefits to

listed species resulting from the proposed habitat restoration efforts. NMFS has concluded that the proposed action is not likely to adversely affect CCC Coho Salmon or its critical habitat, or CCC Steelhead Trout. This conclusion is set forth under the Restoration Center's programmatic Biological Opinion for small restoration projects. The NMFS contact is Jon Ambrose, NOAA Fisheries, Protected Resources Division, Santa Rosa, California

5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: This criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No significant social or economic impacts are expected. CRP-implemented habitat restoration projects, especially those having an education component, may have a beneficial effect to habitats supporting coastal or marine resources; the projects would likely have a directly related economic and/or social benefit as well. Beneficial impacts would result because education of local citizens and youth about environmental issues in the community and beyond, especially habitat restoration and conservation, would promote environmental understanding of living coastal and marine resources, stewardship, and sustainability of the resources. The sustainability of these resources contributes positively to the long-term economic stability of the affected community."

6) Are the effects on the quality of the human environment likely to be highly controversial?

Response: It is not likely that the effects of this project on the quality of the human environment would be highly controversial. Professional engineers, biologists and planners have designed the new bridge, channel development and the enhancement of water quality to Gristmill wetland and pond. The project will be monitored for both its effectiveness at restoring habitat, and for increased fish use of the site. Reports on the project outcome will be required by the NOAA Restoration Center and shared with NMFS Protected Resources and USFWS personnel.

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: No. The impacts of the proposed work are not expected to result in substantial impacts to unique areas. Proposed work will include installation of a new bridge and adaptive channel development to facilitate renewed access by salmonids to Willow Creek and enhanced water quality throughout the wetland by removing spring-fed flow from the road surface.

8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: No. Any uncertainty or associated risk will not be significant and will be minimized by sound design, implementation techniques and adaptive project

management to address any concerns, should they arise. As noted in the criterion 4 response, the individual BiOp concluded that the project will not jeopardize the continued existence of the two listed species found at the project site.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: This criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"The proposed action, when combined with related past, present, or reasonably foreseeable future actions will not cause cumulative significant impacts to the human environment. Any impacts caused by the proposed action would generally be temporary, minor to moderate impacts due to ground disturbance or other construction-related activities from implementing specific projects, which then result in net long-term or permanent, moderate to substantial beneficial impacts on the affected communities, resources, and ecosystems of the United States. Due to the CRP's national scope and infrequency of projects occurring within the same geographic areas, the temporary negative impacts related to implementation would only be moderate, and isolated to project locations. Also, these negative impacts can be avoided, minimized or mitigated by best management practices and other measures, as described in the SPEA.

Many other federal, state, and local government agencies and private organizations implement similar beneficial projects across the United States to help restore and maintain natural ecosystems. Consequently, if and when other unrelated projects are planned or identified in a project area with spatially or temporally cumulative adverse impacts, the CRP staff can work with grantees to implement best management practices, and/or require project timing that will avoid cumulative adverse impacts, by using special award conditions as described in the SPEA. The net beneficial impacts resulting from past projects, the proposed actions, and foreseeable future projects would be long-term and beneficial impacts. Overall, the sustainability of resources, especially living coastal and marine resources, would be enhanced."

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: This criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. In addition, based on our review of the proposed action and the analysis conducted by the California Department of Parks and Recreation, it was determined that the action has no potential adverse impacts to cultural and historical resources. The response included in the SPEA's associated FONSI states:

"No. Implementation of the CRP is not expected to result in significant adverse impacts to sites in or eligible for listing in the National Register of Historic Places. As described in the SPEA, if a project has a potential for adverse impacts to historic or cultural resources, the CRP will conduct an evaluation of the effects and prepare a project-

specific historical and cultural resource assessment to determine the impacts. Depending on the level of impact, the CRP will initiate consultation(s) on a project-level basis with either the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), as appropriate. Consultations completed with the SHPO or THPO will ensure that the CRP is implemented in accordance with all applicable cultural and historic resource protection laws and regulations. If project impacts are not described in the SPEA, a targeted supplemental EA or EIS will be completed to ensure compliance with NEPA."

11) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

Response: This criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No. Implementation of the CRP should not cause or promote the introduction or spread of non-indigenous species, and as described in section 2.2 and 4.1 of the SPEA, some project-specific actions may intentionally be conducted to prevent or avoid the introduction or spread of invasive species, and protect habitat for native species."

12) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

Response: No. The commitment of funds for this action does not obligate NOAA's involvement. In addition, any future proposed action requires a new BiOp and additional NEPA analysis. Consultation with NMFS Protected Resources on this project and any others that may impact species listed under the Endangered Species Act will ensure that this action and future actions have no significant adverse effects.

13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Response: This criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No. As described in Section 6.0 of the SPEA, implementation of the CRP will comply with all federal regulatory requirements, and to the extent possible with and state and local laws, and is expected to enhance or restore habitats and the environment that support coastal and marine living resources."

14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response: This criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No. As explained in the above response to criterion 9, the proposed action can reasonably be expected to result in cumulative *beneficial* effects on target species (i.e., federally protected or managed species or fisheries). The net cumulative effect could have a positive impact on the target species. The net additive effects resulting from past projects, the proposed action, and reasonably foreseeable future projects that would affect target species would constitute a long-term beneficial impact to those species."

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Targeted Supplemental Environmental Assessment prepared for the Willow Creek Road 2nd Bridge Area Fish Passage Project and the BiOp, it is hereby determined that this project will not significantly impact the quality of the human environment as described above and in the TSEA. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

Dean L. Smehil Date 8 Jul 2011

For Patricia Montanio
Director, Office of Habitat Conservation
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce