

# **Finding of No Significant Impact (FONSI)**

## **Klamath Falls National Fish Hatchery Project**

**October 2020**

We, the U.S. Fish and Wildlife Service (USFWS) as the lead federal agency, have completed an Environmental Assessment (EA) for our proposed development of the Klamath Falls National Fish Hatchery. This document briefly presents why the EA (and other documents made available during the public comment period) supports our Finding of No Significant Impact (FONSI) and the reasons why the proposed action would not have a significant effect on the human and natural environment.

### **DESCRIPTION OF THE PROPOSED ACTION**

The Project site is located at 3875 Lower Klamath Lake Road, near the town of Merrill, approximately 3.2 miles north of the Oregon-California State line and 10 miles south of Klamath Falls in Klamath County, Oregon. The USFWS is interested in developing a hatchery facility to support the culture and release of the endangered shortnose sucker (*Chasmistes brevirostris*) and Lost River sucker (*Deltistes luxatus*) in sufficient quantities to support existing wild populations at levels that are viable and self-sustaining. Both sucker species are long-lived freshwater fish that are endemic to very few lakes in the upper Klamath Basin of southern Oregon and northern California. The species' populations have declined from 75 to 60 percent since 2001, with shortnose sucker at a critical population threshold and the Lost River sucker close behind. Probable extinction of the shortnose sucker is anticipated within 30 to 40 years without recovery efforts and critically low numbers of the Lost River sucker are anticipated within 50 years. The recovery plan for both species calls for the development of a controlled propagation program once the species reaches a population decline threshold to prevent extinction.

### **ALTERNATIVES CONSIDERED**

In accordance with the National Environmental Policy Act (NEPA), an evaluation of the potential environmental impacts associated with proposed Project actions were analyzed in the Final EA. An evaluation of two alternatives were included in the Final EA (No Action Alternative and Full Hatchery Build-Out Alternative). The Full Hatchery Build-out Alternative was selected as the Preferred Alternative for this Project based on the ability to meet the purpose and need, and to meet the recruitment, captive breeding, and salvage goals for the species. As described in detail in the Final EA, implementation of the proposed action will not result in significant impacts to any affected resources.

#### *No Action Alternative*

The Project area is currently developed with the privately owned hatchery, which has been in operation since the late 1990s. From 2016 to the present, the USFWS have successfully propagated shortnose suckers and Lost River suckers at the hatchery using the existing hatchery water source, ponds, and infrastructure. The existing hatchery features within the approximately 25.5-acre Project area are listed in Section 1.4.2 of the Final EA. The No Action Alternative would continue the currently permitted activities with the same facility configuration at the Gone Fishing Hatchery site.

### *Proposed Action (Full Hatchery Build-out)*

Actions of the Full Hatchery Build-out Alternative include reconfiguring and expanding an existing hatchery facility to meet the Project goals and provide a more reliable, safe, and efficiently operated site. These actions include the following:

- Ponds: Construct approximately 12 acres of ponds ranging in size from 0.007 acres to 1.12 acres each, with a maximum combined volume of 1,821,000 cubic feet (42 acre-feet).
- Water Distribution System: Install a new geothermal well to serve as a backup to the existing well; construct a new pumphouse around the well, replace the existing holding tank, and replace the water piping distribution system and aeration system and equipment.
- Hatchery Building: Demolish the existing hatchery greenhouse and construct a new hatchery building (4,000 to 7,000 sq ft) to provide capacity for egg incubation, larval rearing, and salvage quarantine. The building would also be equipped with restrooms, a breakroom, storage, and wet labs for water quality testing.
- Other Buildings: Construct two new maintenance sheds and a new chemical storage shed.
- Equipment and Monitoring: Upgrade the mechanical and Supervisory Control, Automation, and Data Acquisition (SCADA) system supporting the site and install video monitoring systems and alarms.
- Site Access: Construct a fence around the perimeter of the facility and install egress gates.

### **RESOURCE CONCERNS**

Based on internal scoping for the Project, physical, biological, and human resources were analyzed in the EA to determine effects on the human environment:

- Physical Resources: Mineral Resources, Soil and Erosion, Surface/Groundwater Water Quality, Groundwater Quantity, Wetlands, and Air Quality.
- Biological Resources: Noxious Weeds and Invasive Plant Species, Wildlife Habitat, Special Status Animal Species, Invasive Animal Species, and Migratory Birds/Bald and Golden Eagles.
- Human Resources: Historic Properties/Cultural Resources, Hazardous Materials, and Noise.

### **PUBLIC INVOLVEMENT AND REVIEW**

The Draft EA was made available for public review during a 14-day public comment period beginning on September 14, 2020. To facilitate public review during the 14-day comment period, the EA was posted on the Klamath Field Office's website and the notice of availability of the EA was published in the local newspaper (Herald and News) and sent to interested parties. USFWS received 9 comments during the public review period and our response to comments addressed in the EA are attached to Appendix A of the Final EA.

## **DECISION**

The attached Final EA was prepared to analyze and disclose potential environmental consequences pursuant to the NEPA. The project area analyzed in the EA includes 25.5 acres of land within one parcel that is currently partially developed with a fish hatchery facility. The Final EA supports the following findings on physical, biological, or human resources (collectively referred to as the human environment).

### **Effects on Physical Resources**

#### *Mineral Resources*

Approximately 10 acres of the Project area is already developed with a hatchery facility. There is no mining of diatomite proposed, but it would be excavated and transported throughout the site as part of new hatchery construction. Diatomite is abundant across much of Klamath County, and development of the remaining approximately 10.5 acres of this site is expected to be negligible over the short and long term with regard to availability of diatomite mineral resources in the area. Therefore, the impacts to mineral resources would not be significant.

#### *Soil and Erosion*

Approximately 6.7 acres of the remaining Capona soils on the site would be permanently altered for development of the hatchery. Grounds disturbed during construction would temporarily have an increased potential for erosion, but proper Best Management Practices (BMPs) would be installed during and after construction to prevent and control soil erosion. After construction completion, disturbed areas would be developed with hatchery ponds, buildings, etc., and any disturbed grounds stabilized. Therefore, minor impacts in the form of increased erosion potential during construction are expected during the short term but would be mitigated based on construction timing and the implementation of BMPs. Erosion potential of soils would be negligible over the long term due to soils being stabilized by development of hatchery infrastructure. Minor short-term and long-term impacts would occur to Capona soils from permanent disturbance to the remaining 6.7 acres of undisturbed/undeveloped soils on-site.

#### *Surface/Groundwater Water Quality*

Under this alternative, the hatchery would continue to discharge effluent downstream through the ditch system, as is currently performed. The amount of effluent discharged would increase from approximately 3 (gallons per minute) gpm to 7 gpm when averaged out over the course of a year. The hatchery would increase fish production to approximately 13,000 pounds of fish per year and feed approximately 2,500 pounds of food during the month of maximum feeding. USFWS will coordinate with the ODEQ to determine if a NPDES permit is required for hatchery operations. If a permit is required, all permit coordination will be completed prior to the start of construction or hatchery operations (as applicable).

Section 402 of the CWA for construction activities would require a NPDES 1200-C permit (for construction over 1 acre) to be obtained through ODEQ. During the construction, Project design elements, including required BMPs, would be implemented to reduce the quantity of sediment (1) entering drainages, and (2) flowing downstream and violating any federal or state water quality rules and regulations. This alternative would also meet Oregon antidegradation requirements. Construction BMPs would include, but would not be limited to the following:

- A Storm Water Pollution Prevention Plan would be required and implemented that contains erosion and sediment control and pollution prevention BMPs, such as, but not limited to, silt fences, settling ponds, fiber wattles, dust control, and/or earthen berms.
- Water bodies adjacent to construction and staging areas would be identified, and such measures as straw bales, silt fences, and other appropriate sediment control BMPs would be implemented to prevent the entry of sediment and other contaminants into waters.
- To ensure that accidental spills do not enter waters, the storage of petroleum-based fuels and the refueling of construction machinery would not occur outside of approved designated staging/batch plant areas. Furthermore, the project would comply with state and federal water quality standards and toxic effluent standards to minimize any potential adverse impacts from discharges to waters of the U.S.
- No construction materials would be stockpiled or deposited in or near any water bodies.

With the implementation of the BMPs listed above, there would be minor impacts on surface water quality over the short term from increased erosion potential. Impacts to surface water quality would be negligible over the long term due to soils being stabilized by the development of hatchery infrastructure.

Groundwater quality testing from the geothermal well identified constituents outside the parameters for tapwater and human health consumption. The geothermal well water is not suitable for human consumption, and potable water would be brought onto the new hatchery facility. USFWS would perform additional testing regarding use of the geothermal well water on human skin and would complete a job hazard analysis to address any concerns on-site. The geothermal well water has been used for existing hatchery facility operations since 2016 and there have been no impacts identified to shortnose suckers or Lost River suckers as long as the water has been cooled to a suitable rearing temperature. There is no impact expected to groundwater quality over the short or long term of the project.

### *Groundwater Quantity*

This alternative includes installing a new well on-site to back up the existing geothermal well. A new permit to appropriate water would not be obtained, and the new well would use the existing permitted use rate of 0.89 cfs. Only one well would be allowed to pump water at a time and not concurrently. Water withdrawal from the well would increase from existing withdrawal level due to the expanded nature of the hatchery. There have been no indications of strain on the geothermal aquifer, and maximizing the permitted use rate of 0.89 cfs is not expected to strain the geothermal aquifer. Furthermore, the well would be operated within the State of Oregon regulations and water rights associated with the well. USFWS would conduct routine testing of the wells to ensure we are pumping within the water right as well as perform groundwater level monitoring. Therefore, project impacts would be negligible over the short and long term since there would not be an increase of permitted groundwater withdrawals.

### *Wetlands*

This alternative would remove approximately 290 sq-ft (0.007 acres) of emergent wetland from hatchery infrastructure construction activities. To comply with Section 404 of the CWA, authorization would need to be obtained from the U.S. Army Corps of Engineers (USACE) for filling or dredging in the wetland.

USFWS will coordinate with USACE regarding permitting requirements for the Project and obtain any required permits prior to the start of construction. ODSL requires a permit if an activity involves filling or removing 50 cubic yards or more of material in a wetland. Project actions would involve less than 50 cubic yards of fill in the wetland, and an ODSL removal-fill permit would not be required. Impacts to wetlands within the Project area would be minor over the short and long term.

There are wetlands downstream of the Project area that would receive hatchery effluent water; however, this increased water flow would have a minor beneficial impact to the wetlands over the short and long term from additional hydrology during the dry summer months.

### *Air Quality*

Construction activities for this alternative would temporarily emit air pollutants. PM<sub>2.5</sub> pollutants (CO, sulfur oxides [SO<sub>x</sub>], nitrous oxides [NO<sub>x</sub>], mobile source air toxics [MSATs], and greenhouse gases [GHGs]) are generated from heavy-duty diesel engines used by the construction equipment. Short term construction equipment is anticipated to include 1 backhoe, 2 excavators, 2 front loaders, 1 bulldozer, 1 grader, 1 skid steer loader, 4 dump trucks, and several light-duty vehicles and emissions from this equipment would be temporary, primarily during pond and building construction, and concentrated around specific areas at the construction site. Construction equipment emissions have been estimated to produce approximately 1,233 metric tons of CO<sub>2</sub> at 100% usage for 12 months (2,080 hours) and would increase CO<sub>2</sub> emissions locally during construction. All construction equipment would meet EPA emissions standards depending on the engine type (i.e., spark-ignition or compression-ignition), and model year of the equipment used. Therefore, CO<sub>2</sub> emissions will be within federally permitted levels and below the annual 25,000 metric tons reporting requirement for EPA for construction activities.

PM<sub>10</sub> emissions are associated with the dust created from demolition, land clearing, ground excavation, cut-and-fill operations, and road construction. Construction emissions would be greatest during the earthwork phases because of the dust associated with this activity. Fugitive dust can also be produced by winds blowing through the construction site and by trucks carrying uncovered loads. Additionally, mud tracked onto paved roads leading to and from the construction site creates a source of fugitive dust (i.e., road dust) after it dries. There is no fugitive dust creation anticipated during operations and maintenance of the new hatchery facility since the Project area would be stabilized. Fugitive dust, MSAT, and GHG emission increases associated with construction would be minimized to a non-significant level by implementing BMPs and include the following:

- Spraying the soil on-site with water or other similar approved dust suppressant/soil binder.
- Wetting materials hauled in trucks, providing adequate freeboard (space from the top of the material to the top of the truck), or covering loads to reduce emissions during material transportation/handling.
- Providing a stabilized construction entrance (track-out pad), wheel washers, and/or other similar BMPs at construction site access areas to reduce track-out of site materials onto the adjacent roadway network.
- Removing tracked-out materials deposited onto adjacent roadways.

- Wetting material stockpiles to prevent windblown emissions.
- Establishing vegetative cover on bare ground as soon as possible after grading to reduce windblown dust.
- Requiring appropriate emission-control devices on all construction equipment.
- Using only properly operating, well-maintained construction equipment.

Long-term operations and maintenance equipment is anticipated to include 1 skid steer loader, 1 agricultural tractor, 2 electric utility carts, and several light-duty vehicles. Equipment emissions have been estimated to produce approximately 70 metric tons of CO<sub>2</sub> at 50% usage for 12 months (1,040 hours) and would increase CO<sub>2</sub> emissions locally during operation. All equipment would meet EPA emissions standards depending on the engine type (i.e., spark-ignition or compression-ignition), and model year of the equipment used. Therefore, CO<sub>2</sub> emissions will be within federally permitted levels and below the annual 25,000 metric tons reporting requirement for EPA for operations and maintenance activities and would not result in a significant impact.

The project site is located outside of a NAAQS nonattainment area, and no permits are expected. Though construction activities may lead to a temporary increase in emissions and fugitive dust around the construction site, BMPs would be utilized to reduce emissions. The project area is also surrounded by farmland that is disturbed regularly every year through tilling, harvesting, and other farming operations. In comparison of agricultural operations alone, the county contains 482,999 acres of farmland that is regularly disturbed and contributes to fugitive dust and other pollutants. This alternative would have a short-term disturbance to approximately 25.5 acres (or 0.005% of the ground disturbance created from agricultural operations in the county) from construction. Impacts are expected on a county scale to be minor over the short term and construction activities are not expected to violate any air quality standards. Traffic associated with the operation and maintenance of the new hatchery facility would consist of light-duty equipment and vehicle traffic; therefore, impacts to air quality are expected to be negligible on a county scale over the long term.

## **Effects on Biological Resources**

### *Noxious Weeds and Invasive Plant Species*

This alternative includes ground-disturbing activities that would put the Project area at risk for future invasion of noxious weeds. However, most plants on-site are currently non-native or noxious/invasive plant species. BMPs would be implemented during construction to prevent the spread of noxious weeds/invasive plant species and to comply with Executive Order 13112. During construction and until restoration areas are fully established, they would be maintained on a regular basis to prevent the establishment of noxious weeds and invasive plant species. Non-desirable plant species would be controlled by cleaning equipment prior to delivery to the project site and eradicating these species as discovered before the start and during construction. Impacts of increased risk for establishment of noxious weeds/invasive plants would be minor over the short term with implementation of BMPs. After construction, most of the site would be developed, decreasing available grounds for weeds to become established, and impacts are expected to be negligible over the long term since the majority of the hatchery facility would be stabilized and USFWS would implement an invasive species maintenance plan.

### *Wildlife Habitat*

This alternative would permanently remove approximately 6.7 acres of low-quality wildlife habitat. Wildlife species, if present, may be permanently disturbed and displaced to adjacent habitats. Impacts to wildlife and habitat would be minor over the short and long term, based on proximity to developed areas, low-quality habitat conditions lacking cover, and abundant better-quality habitat to the northeast in the Klamath Hills.

### *Special Status Animal Species*

This alternative would remove and replace existing buildings and ponds on-site and develop existing grassland areas. Potential foraging habitat for bat species and Swainson's hawks would be modified, and potential bat roosting/hibernating habitat consisting of on-site buildings would be demolished. During construction, Swainson's hawks may be deterred from using the site for foraging due to increased activity and noise and would experience minor impacts over the short term, if the species are present. Because bats forage at night, construction activities during the day are not expected to impact nightly bat foraging. Areas of disturbance would be surveyed by a qualified biologist prior to the commencement of work. If sensitive bat species are found during surveys, relocation of the species would be performed. Therefore, impacts to sensitive bat species would be minor over the short term, if the species were found to be present. Long-term impacts are expected to be negligible to Swainson's hawks or bats from Project actions since there would be no changes to hatchery infrastructure, and heavy-duty construction equipment would not be present.

An Intra-Service Biological Assessment (BA) has been completed to comply with Section 7 of the ESA and it is included in Appendix A of the Final EA. It was concluded on September 3, 2020 that there would be No Effect to the following USFWS-listed plant and animal species: bull trout, Oregon spotted frog, vernal pool tadpole shrimp, Canada lynx, gray wolf, North American wolverine, northern spotted owl, yellow-billed cuckoo, Applegate's milk-vetch, Greens tuctoria, slender Orcutt grass, and whitebark pine. The USFWS concluded that the proposed Project May Affect but is Not Likely to Adversely Affect the following ESA-listed species: Lost River sucker and shortnose sucker.

### *Invasive Animal Species*

The operation of the hatchery would require the increased use of infection treatment due to the increase in numbers of fish on-site, but the construction of the hatchery would not require any additional infection treatment. The increased number of fish on-site would also attract additional invasive animal species that prey on fish. Through the implementation of netting and pond segregation to the open environment, invasive animal species are not expected to inhabit the site in greater numbers than in current conditions, and impacts would be minor over the short and long term.

### *Migratory Birds/Bald and Golden Eagles*

Migratory birds, bald eagles, and golden eagles, if present, may be disturbed and displaced to adjacent habitats over the short term during construction. Construction activities would occur during the nesting season for various migratory bird species. If construction activities occur during migratory bird breeding/nesting periods (March through August), the Project area (and immediate surrounding habitats) would be surveyed by a qualified biologist for active nests no more than 5 days prior to the commencement of work. If active nests were found during surveys, spatial buffers would be established around such, as

necessary, in coordination with USFWS. Construction activities within the buffer areas would be prohibited until a qualified biologist confirmed that all nests are no longer active. Impacts of this alternative to migratory birds/bald eagles/golden eagles and associated habitat would be minor over the short term since there is abundant suitable habitat in the surrounding area. Impacts over the long term are expected to be negligible as there would be no suitable habitat for migratory birds constructed and bald and golden eagles are not typically attracted to netted pond environments such as a hatchery facility. However, there are no known nesting sites within the standard USFWS buffer of 660 feet for bald and golden eagles (USFWS 2007b).

## **Effects on Human Resources**

### *Historic Properties/Cultural Resources*

There are no historic properties and one cultural resource isolated find identified in the Project area. It was concluded that historic or prehistoric resources eligible for listing in the NRHP are not located in the Project area, the Project will likely have no effect on significant archeological objects or sites, and it is recommended the Project proceed as planned. Thus, there would be no significant effect to cultural resources as a result of the Project. USFWS consulted with the State Historic Preservation Office (SHPO) to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA), and SHPO concurred with the determination on October 13, 2020. A memorandum documenting SHPO Section 106 consultation is included in Appendix A of the Final EA.

In the unlikely event that previously unidentified cultural resources are discovered as a result of this Project, construction activities will cease and the USFWS regional archaeologist will be notified and consulted on how to proceed. Work may not continue in the area of the discovery until USFWS issues a notice to proceed.

### *Hazardous Materials*

This alternative would include construction of a new chemical storage shed. The same chemicals used and stored on-site currently would continue to be used but would be stored in the new chemical storage shed in larger quantities. Chemicals would be stored in compliance with all federal, state, and local laws and regulations pertaining to pollution and contamination of the environment. Thus, impacts from hazardous materials are expected to be negligible over the long term.

There is the potential impact to the environment from the release of a hazardous material brought on-site during construction activities. Contractors would comply with all federal, state, and local laws and regulations pertaining to pollution and contamination of the environment to prevent pollution by hazardous materials. Construction activities are not expected to result in the release of hazardous materials, based on adherence to applicable laws and regulations; therefore, impacts would be negligible over the short term with the proper implementation of BMPs during construction.

### *Noise*

During construction activities, noise could be generated that would constitute a nuisance to nearby residential parcels through the use of diesel engines, back-up alarms, and increased traffic to the Project

area. The Project area is in an agricultural setting and heavy equipment noise is common in this environment. Impacts from increased construction related noise are expected to be minor over the short term and not much louder than existing agricultural noise conditions in the area. Impacts would be negligible over the long term since there is existing ambient noise from agricultural activities surrounding the Project area.

## CONCLUSIONS

It is my determination that the proposed action of the Full Hatchery Build-out Alternative is not a major Federal action significantly affecting the quality of physical, biological, or human resources (collectively referred to as the human environment) under section 102(2)(c) of the National Environmental Policy Act. Accordingly, an environmental impact statement on the proposed action is not required. An EA has been prepared in support of this finding and is attached. This FONSI and supporting references are available for public review online at <https://www.fws.gov/klamathfallsfwo/news/news.htm> or by contacting the USFWS at the Klamath Falls Fish and Wildlife Office upon request.

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U.S. Fish and Wildlife Service

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October 29, 2020

Date

Attachment: Final EA for the Klamath Falls National Fish Hatchery