

## Finding of No Significant Impact

### LOWER DEER CREEK FALLS FISH PASSAGE IMPROVEMENTS PROJECT

Lead Federal Agency:  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825

The U.S. Fish and Wildlife Service (USFWS) proposes to grant funds, under the authority of the Central Valley Project Improvement Act (CVPIA) Anadromous Fish Restoration Program (AFRP) and a combination of other state and federal funding sources, to implement a fish passage improvement project on Deer Creek at a site known as the Lower Deer Creek Falls (LDCF) site. Improving fish passage at this site would improve anadromous fish access to spawning, rearing and holding stream habitat, upstream of the project site through replacement of the existing fishway. The project includes improving fish passage conditions that currently hinder fish passage by replacing the LDCF fishway. The project has been determined to qualify for the California Environmental Quality Act (CEQA) Categorical Exemption for Small Habitat Restoration Projects (Section 15333). The proposed action supports objectives of the AFRP Final Restoration Plan, complements other ongoing efforts to improve important aquatic habitats for the benefit of naturally-producing anadromous salmonids in the Central Valley, and may assist in the recovery of Central Valley steelhead and Central Valley spring-run Chinook salmon which are listed as threatened under the Endangered Species Act (ESA).

Documents reviewed in the preparation of this Finding of No Significant Impact (FONSI) include:

- *Central Valley Project Improvement Act Programmatic Environmental Impact Statement*
- *Anadromous Fish Restoration Program Final Restoration Plan*
- *Environmental Assessment: Lower Deer Creek Falls Fish Passage Improvements Project*
- *Intra-U.S. Fish and Wildlife Service Section 7 Evaluation Form*
- *Section 7 Biological Opinion from National Marine Fisheries Service*
- *Intra-U.S. Fish and Wildlife Service Section 106 Consultation Compliance Memo*

These documents are incorporated by reference, as described in 40 Code of Federal Regulations 1508.13.

### Alternatives

In October 2013, an Alternatives Analysis Report was prepared by Northwest Hydraulic Consultants Inc. (NHC) for the LDCF site that discussed potential project alternatives. The alternatives that were described and discussed by the Deer Creek Technical Advisory Committee included:

1. Remove, replace and lengthen the existing fishway (Proposed Action)
2. Retrofit the existing fishway
3. Demolition of the existing rock obstruction

A No Action alternative was not chosen because a lack of action would continue to restrict and / or hinder upstream passage for anadromous salmonid fish species. The alternative to retrofit the existing fishway with baffled chutes (alternative 2), was rejected due to the fact that the project design would be ineffective in meeting the purpose and need of the project. The alternative to demolish the existing rock obstruction (alternative 3), was rejected due to the potential to create unstable conditions in adjacent rock outcrops and the significant dewatering effort which would be required to blast away the rock.

The Proposed Action alternative was selected over other alternatives for best meeting the following project goals:

- Improve upstream fish passage at LDCF
- Minimize maintenance needs for public agencies

Fish passage improvements have been identified as a priority action in the *CVPIA Programmatic Environmental Impact Statement*, *AFRP Final Restoration Plan* and *CALFED's Ecosystem Restoration Plan*, as well as several California Department of Fish and Wildlife publications and plans.

## **Environmental Impacts**

Based upon information contained in the EA, we have determined that this Federal action would not significantly affect the quality of the human environment. The basis for a FONSI is as follows:

1. As a result of formal consultation under the ESA and inclusion of project design features / Resource Protection Measures (RPMs) into the proposed action, short-term adverse impacts to federally listed or special-status species may occur, however long-term benefits would be realized. The short-term adverse effects would not significantly affect the recovery of Central Valley spring-run Chinook salmon or Central Valley steelhead. No adverse impacts to designated critical habitats are expected. The short-term negative impacts are minimal compared to the potential net increase in production due to improved anadromous fish access to spawning, rearing and holding stream habitat, upstream of the project site through the fishway replacement.
2. Short-term minor impacts to wildlife and fisheries may occur from implementing activities related to the fish passage improvements. However, RPMs have been incorporated into the proposed action to minimize effects. The intent of this project is to provide improved salmonid fish passage during most flows. The proposed activities would improve the current passage constraints by replacing the LDCF fishway.
3. The proposed action is not expected to have long-term adverse effects on wildlife or fisheries, and most effects are expected to be beneficial. The passage impediments would be improved and the replanting of riparian vegetation would ensure that the action does not result in a net loss of wetlands or riparian habitat.
4. RPMs have been incorporated into the project as project design features to minimize adverse effects on biological resources, hydrology and water quality and soils and geology. The proposed action is expected to have no negative impact on flooding potential.
5. The proposed action is not expected to have adverse effects on wetlands or floodplains pursuant to Executive Orders 11990 and 11988.
6. Neither short- nor long-term adverse effects on human health or the environment, nor disproportionate adverse effects to low-income or minority populations are expected, pursuant to Executive Order 12898.
7. Based on field surveys and a cultural resources evaluation, the project would not significantly affect cultural resources. However, unknown subsurface cultural resources could be impacted during ground-disturbing activities associated with the proposed project. In the event subsurface cultural remains over 45 years of age are encountered, the project would cease work at the general area of discovery and a professional archaeologist on staff with the USFWS would

be consulted.

In addition to analyzing effects on biological and cultural resources, the EA evaluated the following aspects of the physical and human environment for potential significant effects as a result of the proposed action alternative:

- Aesthetics
- Air Quality
- Agricultural Resources
- Cumulative Impacts
- Environmental Justice
- Hazardous and Toxic Materials
- Hydrology and Water Quality
- Land Use Planning
- Mineral Resources
- Noise
- Population Growth and Housing
- Public Health and Hazards
- Public Services
- Recreation
- Geology and Soils
- Transportation / Traffic

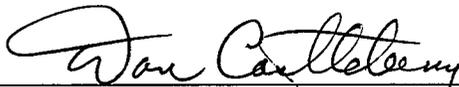
Project design features to minimize environmental effects were incorporated into the proposed action alternative to reduce impacts to a level below significance for those issues for which potentially negative impacts were anticipated.

### **Public Review and Comment**

An initial public scoping notice was published in the legal section of the Chico Enterprise Record and the Oroville Mercury Register on February 11, 2016. No public comments were received during the initial public scoping effort.

### **Conclusion**

Therefore, the USFWS, as lead Federal agency for the proposed AFRP funding, has determined that the Lower Deer Creek Fish Passage Improvements Project proposal does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, an Environmental Impact Statement is not required. An EA has been prepared in support of this finding and is available upon request to the U.S. Fish and Wildlife Service, Red Bluff Fish and Wildlife Office, 10950 Tyler Road, Red Bluff, California 96080.



Mr. Dan Castleberry, Assistant Regional Director - Fish and Aquatic Conservation, Pacific Southwest Region

23 June 2016

Date