



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
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Portland, Oregon 97232-4181



In Reply Refer to:  
FWS/R1/MBHP

## FINDING OF NO SIGNIFICANT IMPACT

**Decision to Issue a Depredation Permit to the U.S. Army Corps of Engineers,  
Portland District for Avian Deterrence at the  
Bonneville, The Dalles, and John Day Projects, Multnomah, Sherman Counties, Oregon;  
Skamania and Klickitat Counties, Washington  
U.S. Fish and Wildlife Service Portland, OR  
November 2023**

Pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C 4321 et seq.), the U.S. Army Corps of Engineers, Portland District (Corps) prepared a Draft Environmental Assessment (EA) dated 31 March 2023, and a Final EA dated 16 June 2023, for Avian Deterrence to support passage of juvenile salmonids addresses the project purpose to operate fish passage facilities at the Bonneville, The Dalles, and John Day Projects, Multnomah, Sherman Counties, Oregon; Skamania and Klickitat Counties, Washington. The U.S. Department of Agriculture – Wildlife Services and U.S. Fish and Wildlife Service (Service) were cooperating agencies during this EA process.

The Corps' Final EA, June 2023, (Corps' EA) incorporated herein by reference, assessed and disclosed the environmental impacts of a reasonable range of alternatives considered in the EA including their Proposed Action. The Corps' Finding of No Significant Impact (FONSI), dated 19 July 2023, and incorporated herein by reference, determined that their proposed action (Alternative B) would not cause significant adverse effects on the quality of the human environment.

In 2020, the U.S. Army Corps of Engineers (USACE), Bonneville Power Administration (BPA) and Bureau of Reclamation (Reclamation) prepared the Columbia River System Operations Environmental Impact Statement (CRSO EIS) (USACE *et. al.* 2020b) which was accompanied in 2020 by the National Marine Fisheries Service (NMFS) issuing *Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Continued Operation and Maintenance of the Columbia River System* (2020 CRS BiOp) and Service issuing the *Endangered Species Act Section 7 Biological Opinion for the Operations and Maintenance of the 14 Federal Dams and Reservoirs in Washington, Oregon, Idaho and Montana* (USFWS 2020) describing environmental impacts

associated with the continued operation and management of the Columbia River System of 14 dams, including the Projects. The Corps' EA tiers to the CRSO EIS.

Pursuant to 50 CFR 21.100, the Corps submitted a migratory bird depredation permit application, dated 28 July 2023, for the capture and release of 40 American white pelicans from the fish ladders, capture and release or euthanasia of double-crested cormorants from the fish ladders, and lethal take of 400 California gulls, 100 ring-billed gulls, and 30 (combined capture/release and lethal take) double-crested cormorants at the Projects, to reinforce nonlethal actions. The decision by the Service to issue a permit is a federal action. This FONSI documents the Service's permit decision, includes a summary of the options considered, describes the public involvement process, and explains the reasons for selecting the Selected Option described below.

The Corps' EA explains that the Service may use the EA in evaluating a potential application from the Corps for a depredation permit issued pursuant to 50 C.F.R. § 21.100. Pursuant to 40 CFR 1506.3, the Service adopts the Corps' Final EA for purposes of making an informed decision on the Corps' permit request. Service adoption of the EA is supported by the following. Consistent with 40 CFR 1506.3(c), the Service has determined that the actions covered by the Corps EA are substantially the same as those present in Service's proposed action on the Corps' depredation permit action. Additionally, consistent with 40 CFR 1506.3(a), the Service has independently determined that that the Corps EA meets the standards for an adequate environmental assessment because it appropriately assesses a reasonable range of alternatives actions, appropriately discloses the environmental effects those alternatives, and the Corps followed all NEPA procedural requirements including those ensuring appropriate public notice and comment.

Our decision to issue the depredation permit is consistent with the Migratory Bird Treaty Act (MBTA; 16 U.S.C. §703-712), its underlying treaties, and implementing regulations, and that it complies with all other applicable Federal laws and regulations. The MBTA gives the Service broad authority to protect birds and to regulate their taking. Authorized take pursuant to a Service depredation permit will not potentially threaten American white pelicans, double-crested cormorants, California gulls, ring-billed gulls or other wildlife or plant populations (50 CFR 13.21(b)(4)).

During drafting of the EA, the Corps modified its proposed action to incorporate all Service-recommended avoidance, minimization, monitoring, and adaptive management strategies into the Corps' proposed action. Those measures were discussed and analyzed in the Corps EA.

## **PUBLIC SCOPING AND TRIBAL CONSULTATION**

The Corps' draft EA was made available for a 30-day public review, from 1 March through 31 March 2023. The Corps requested comments from federal and state agencies, as well as interested parties including interest groups and tribes. No comments were received during the public review period. The nature of the Service's permit issuance decision is one with existing precedent and is not similar to one that normally requires preparation of an environmental impact statement. No additional information is available beyond what was made available during the

public comment period for the draft EA, so no additional public review of this document is required (40 CFR 1507.3). An electronic copy of this FONSI and permit decision has been posted on the Service's website: <https://www.fws.gov/media/avian-deterrence-bonneville-dalles-and-john-day-projects>.

## EFFECTS AND FINDINGS

The potential effects of issuing a deprecation permit authorizing the preferred alternative (Alternative B) were analyzed under Alternative B of the Corps' EA. A summary assessment of the potential effects is listed in Table 1 below.

Table 1: Summary of Potential Effects of Alternative B

Section in Environmental Assessment incorporated by reference	Effects	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
4.4	Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6	Fish and Wildlife and Associated Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.7	Threatened/Endangered Species/Critical Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	Public and Worker Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.9	Noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1	Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.11	Socioeconomics and Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the proposed action. Best management practices (BMPs) as detailed in the EA will be implemented, as appropriate, to avoid, minimize, rectify, or reduce impacts as described in 40 CFR § 1508.20(a)-(d). BMPs to minimize impacts to recreation and fish and wildlife are included in Section 3.3.2 of the Corps' EA.

## COMPENSATORY MITIGATION

No compensatory mitigation is required as part of the proposed action in the EA or required as the Selected Option (issue deprecation permit as described under Alternative B) in this FONSI.

## **OTHER ENVIRONMENTAL AND CULTURAL COMPLIANCE REQUIREMENTS**

### **ENDANGERED SPECIES ACT**

Based upon a review of the alternatives described in the Columbia River System Operation (CRSO) EIS, the proposed actions analyzed in the 2020 National Marine Fisheries Service (NMFS) and Service CRSO Biological Opinions (BiOps), evaluation of the ESA species and designated critical habitat located in the action area, and coordination with the Services, the Corps determined that the impacts associated with the Proposed Action in the EA were previously analyzed in the CRSO BiOps. Issuance of a depredation permit, as described in the application, will not have additional impacts.

### **NATIONAL HISTORIC PRESERVATION ACT**

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined the physical features, such as avian wires, have been evaluated prior to the installation of those features. Issuance of a depredation permit, as described in the application, will not have additional impacts.

### **CLEAN WATER ACT SECTION 401**

The Proposed Action would not involve activities resulting in the discharge of pollutants, dredged or fill material under Section 404 of the Clean Water Act. As such, no Section 404(b)(1) evaluation or Section 401 water quality certification is required. The Proposed Action in the EA also would not involve point source discharges of pollutants requiring a permit under Section 402 of the Act. Issuance of a depredation permit, as described in the application, will not have additional impacts.

### **OTHER LAWS AND EXECUTIVE ORDERS**

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. A list of other applicable environmental and cultural resource laws and executive orders is included under Sections 5.1 and 5.2 of the EA.

### **SERVICE DETERMINATION**

We have found the application submitted for the permit under 50 CFR 21.100 meets the issuance criteria and our decision is consistent with the Migratory Bird Treaty Act (MBTA; 16 U.S.C. §703-712), its underlying treaties, and implementing regulations, and that it complies with all other applicable Federal laws and regulations. Therefore, the Service will issue a depredation permit as described in this FONSI and in Alternative B of the EA pursuant to 50 CFR 21.100. The permit will authorize the capture and release of 40 American white pelicans from the fish ladders, capture and release or euthanasia of double-crested cormorants from the fish ladders, and lethal take of 400 California gulls, 100 ring-billed gulls, and 30 (total) double-crested cormorants at the Projects, to reinforce nonlethal actions as requested by the U.S. Army Corps of

Engineers. The term for this permit type is up to one year, will be effective 1 February 2024 and will expire 31 January 2025. Permit renewal requests may be considered.

## **PUBLIC NOTICE**

An electronic copy of this FONSI has been posted on the Service's website:  
<https://www.fws.gov/media/avian-deterrence-bonneville-dalles-and-john-day-projects>

A handwritten signature in black ink, appearing to read "Nanette W. H. Af".

Chief  
Migratory Birds and Habitat Program