FEDERAL EMERGENCY MANAGEMENT AGENCY

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PA-10-WA-1817-PW-00142

Title: MJMA017-Samish Hatchery River Intake

NEPA DETERMINATION

Non Compliant Flag: No
EA Draft Date:
EA Final Date:
EA Public Notice Date:
EA Fonsi Date:
Level: STATEX
EIS Notice of Intent Date:
EIS ROD Date:

Comments: On hold pending preparation of Biological Assessment. Removed and dredged 520 cubic yards of sediment from the forebay, ladder and below the Samish River channel intake to restore flows to the intake and fish ladder. Work was done under an expedited HPA. WDFW is proposing to construct an access road to place equipment to dredge below the weir. This work will require a seperate HPA. The JARPA application didn't check a box for Corps of Engineers Permits.
- sstephe9 - 04/20/2009 21:48:12 GMT
The project included using heavy equipment in water to remove sediment debris from above a fish hatchery intake weir (500 cubic yards (CY)), 167 CY from below the weir, and 155 CY from the adult pond. - tsnowde2 - 02/01/2010 21:32:12 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
	No Catex Categories were selected	

EXTRAORDINARY CIRCUMSTANCES

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comments
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Not Applicable	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would affect waters, including wetlands, of the U.S.	FEMA received a copy of a letter and email from USACE to WDFW in relation to the work accomplished at Samish Hatchery (see attachments). The USACE chose not to pursue any enforcement or permitting actions on this work and administratively closed the case. - tsnowde2 - 03/24/2010 17:33:19 GMT
	Completed	Project may require Section 404/401 or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is located in a coastal zone area and/or affects the coastal zone	Project is debris removal to restore an inland hatchery to predisaster condtion and does not

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Environmental Law/ Executive Order	Status	Description	Comments
			affect coastal resources. - tsnowde2 - 02/01/2010 22:03:07 GMT
	Completed	State administering agency does not require consistency review - Review concluded	
Executive Order 11988 - Floodplains	Completed	Located in floodplain or effects on floodplain/flood levels	Per 44 CFR 9.5 (c) (1), project is exempt from floodplain review. GProbst, Environmental Specialist - gprobst - 04/27/2009 14:44:24 GMT
	Completed	No adverse effect on floodplain and not adversely affected by the floodplain - Review concluded	
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	FEMA made an ESA determination that the project is Not Likely to Adversely Affect bull trout, Puget Sound (PS) Chinook salmon and steelhead, and PS Chinook Critical Habitat. FEMA prepared a Specific Project Information Form (SPIF) and submitted it with a request to USFWS and NMFS for concurrence with this determination. FEMA received concurrence with its determination from USFWD and NMFS. See attachments for SPIF and concurrence letters. - tsnowde2 - 01/29/2010 18:44:01 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	
Farmland Protection Policy Act (FPPA)	Not Applicable	Project does not affect designated prime or unique farmland - Review concluded	
Fish and Wildlife Coordination Act (FWCA)	Completed	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	
	Completed	Project does not have potential to take migratory birds - Review concluded	

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Environmental Law/ Executive Order	Status	Description	Comments
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project located in or near Essential Fish Habitat	FEMA determined that this project would have No Adverse Effect on Essential Fish Habitat for Chinook and coho salmon, based on PBA conservation measures documented in the Specific Project Information Form (SPIF) and the NMFS concurrence letter (attached). - tsnowde2 - 01/29/2010 19:00:41 GMT
	Completed	Project does not adversely affect Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments) - Review concluded	The scope of work has been reviewed and meets the criteria in Appendix B programmatic allowances, item I, section B & L of FEMAs programmatic agreement (PA) amended April 9, 2007. - jrobel - 04/22/2009 22:20:06 GMTThe scope of work has been reviewed and meets the criteria in Appendix B programmatic allowances, item I, section L (not B) of FEMAs programmatic agreement (PA) amended April 9, 2007. - sking7 - 03/24/2010 22:44:16 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Special Conditions required on implementation of Projects:

The applicant is responsible for implementing, monitoring, and maintaining Best Management Practices (BMPs) to control erosion and reduce sediment. Applicant is responsible for compliance and permitting, if any, with the appropriate governing Federal, state, and local agency for all requirements related to work, such as a U.S. Army Corps of Engineers permit and/or the Washington Department of Fish and Wildlife, Hydraulic Project Approval. When these permits are required, applicant must maintain documentation of compliance with applicable nationwide permit (NWP), exemption from requirements, or obtain individual permits from U.S. Army Corps of Engineers prior to construction, unless exempt by the NWP from pre-construction notification.

Source of condition: Clean Water Act (CWA) Monitoring Required: No

Applicant shall comply with the conditions stated in the specific project information file (SPIF) and NMFS and/or USFWS concurrence letters (attached). Failure to do so may jeopardize funding. Documentation may be required at closeout.

Source of condition: Endangered Species Act (ESA) Monitoring Required: No

Applicant shall comply with the conditions stated in the specific project information file (SPIF) and NMFS and USFWS concurrence letters (attached) under ESA. Failure to do so may jeopardize funding. Documentation may be required at closeout.

Source of condition: Magnuson-Stevens Fishery Conservation and Management Act (MSA) Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

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This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.