U.S. Department of Homeland Security
Region X
130 228th Street, SW
Bothell, WA 98021-9796

FEMA

FINDING OF NO SIGNIFICANT IMPACT

Voights Creek Fish Hatchery Repair and Replacement
Pierce County, Washington
FEMA-1817-DR-WA, PW 1532

The Washington Department of Fish and Wildlife has applied, through the Washington State Emergency Management Division (EMD), to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for Public Assistance funding to repair and replace an existing but flood-damaged fish hatchery. The purpose of the Public Assistance program is to provide financial assistance to state and local governments, federally recognized Tribal governments, and certain private nonprofit entities with the response and recovery from Presidential declared disasters.

The existing Voights Creek Fish Hatchery facilities were damaged during storms in January 2009. The event was declared a Presidential disaster on January 30th, 2009 (FEMA-1817-DR-WA). During disaster event, record flooding occurred in the Voights Creek drainage as a result of torrential rains. Flood-borne woody debris and stream bedload in Voights Creek blocked an existing gravity intake structure that provides the main water source for hatchery operations. Voights Creek completely changed course, severing the connection of the intake to the water source. Other hatchery facilities were also damaged by the storm, including an access road and bridge.

The proposed project is to replace the existing flood-prone Voights Creek Fish Hatchery with a new hatchery outside the 100-year floodplain of Voights Creek. Relocating the hatchery facilities would avoid repetitive damage from future flood events and establish a more secure and reliable source of water for hatchery operations. Mitigation, in the form of stream, riparian and wetland enhancement, is proposed to offset project related environmental impacts, and the project will conform to applicable state and local floodplain protection standards. The project has been approved for funding by the State Legislature and would be funded using state appropriations and federal FEMA funds. The proposed project includes numerous Best Management Practices and mitigation measures.

In accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality regulations implementing NEPA (40 Code of Federal Regulations [CFR] Part 1500 through 1508), and FEMA's implementing regulations (44 CFR 10.9), FEMA prepared a Draft Environmental Assessment (EA) to identify and evaluate potential environmental impacts resulting from the alternatives presented in the EA, and to determine whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact. Alternatives evaluated in the EA included: Alternative A. No Action Alternative, Alternative B. Proposed Action, and Alternative C. Rebuild Hatchery Facilities in Place. As required by NEPA, several other alternatives were identified but not carried forward for various reasons. Additional discussion of those can be found in the Final EA.

FEMA evaluated the proposed project for significant adverse impacts to climate and climate change, geology and soils, vegetation, fish and wildlife, coastal zone, historic and cultural resources, socioeconomics (including minority and low income populations), floodplains and wetlands. The results of these evaluations as well as consultations and input from other federal and state agencies are presented in the Final EA. The proposed action is the environmental preferred alternative, as it has the least collective impact of all the alternatives identified.

The Draft EA was available for public comment for 30 days. Two comment letters were received; one from the public and one from a state agency. Both comments were addressed in the Final EA.

FINDING

Based upon the Public Assistance grant application and Final EA, including the attached conditions; and in accordance with FEMA's regulations in 44 Code of Federal Regulations Part 10 for environmental consideration, including Executive Orders addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898), FEMA determined the proposed project will not significantly affect the quality of the natural and human environment. As a result of this Finding of No Significant Impact, an Environmental Impact Statement will not be prepared (44 CFR Part 10.8) and the project as described in the Public Assistance grant application and Final EA may proceed.

APPROVALS

May 28, 2013

Mark G. Eberlein
Regional Environmental Officer
FEMA Region 10

Date

Attachment A. Conditions

1) If vegetation removal in the project area occurs between March 1 and September 15 when migratory birds may be nesting, a qualified biologist shall conduct a pre-construction survey for active nests. The pre-construction survey shall be conducted in all areas proposed for clearing and occur 15 days prior to commencement of construction activities. If surveys show no evidence of nests, no additional mitigation shall be required. If any active nests are located in the construction area, the nest areas shall be flagged and a no-disturbance buffer zone of 100 feet shall be provided around the active nest and maintained until the end of the breeding season or until the young have fledged.

2) If toxic contamination of soils or groundwater is suspected, discovered, or occurs during the proposed action, the affected media must be tested. If contamination of soil or groundwater is readily apparent or revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Cris Matthews with Ecology's Toxics Cleanup program at the phone number given above.

3) In the event that archaeological materials are discovered during ground-disturbing activities, the contractor will halt excavations in the vicinity of the find (initially allowing for a 100-foot buffer) and contact the WDFW environmental lead, FEMA, concerned Tribes, and DAHP. The following actions will be taken at the site:

   - Implement reasonable measures to protect the discovery site.
   - Take reasonable steps to ensure the confidentiality of the site.
   - Take reasonable steps to restrict access to the site.

   FEMA will conduct further consultation regarding the nature of the archaeological deposits discovered during construction with DAHP and the affected Indian Tribes. If human skeletal remains are discovered, the Pierce County Sheriff, FEMA, and DAHP will be notified immediately, and the above steps followed.

4) The applicant shall obtain all required local, state and federal permits and approvals prior to implementing the Proposed Action Alternative and comply with any and all conditions imposed.

Conditions required from the USFWS BiOP (April 2, 2013):

5) Implement all protocols and standards outlined in USFWS (2012) (Biological Opinion, Appendix C) and NMFS (2000 [NMFS Guidelines for Electroshocking Fish]).

6) Document all bull trout encountered and handled during work area isolation and dewatering by submitting a report to the Service within 30 days of work area isolation. The report should include the number of fish, and their approximate size and condition.
7) Monitoring shall be conducted at a distance of 300 feet downstream of in-water construction activities.

8) Monitoring shall be conducted at three locations along a transect extending perpendicular to the stream; to the extent practicable, one sample location shall be positioned along the transect near the mid-point of the wetted channel.

    a. Monitoring shall be conducted at 15-minute intervals for the first 3 hours from the start of sediment-generating activities. If turbidity levels measured at 300 feet downstream of sediment-generating activities do not exceed 19 NTUs over background for more than 3 hours cumulatively over any 10- hour workday, 11 NTUs above background for more than 7 hours, cumulatively, over a 10- hour workday 41 NTUs over background for more than 1 hour continuously, or 60 NTUs over background at any time, then additional monitoring will be conducted for the remainder of the workday at a frequency of once every 3 hours or during periods of excessive sediment generating activity.

9) If turbidity levels exceed these NTU values, then the amount of take authorized by the Incidental Take Statement will have been exceeded. Sediment generating activities shall cease and the FEMA must reinitiate consultation. The FEMA shall contact the Service's consulting biologist at the Washington Fish and Wildlife Office in Lacey, Washington.

10) If turbidity levels approach the above-listed NTU values, work shall cease and the sediment control procedures should be re-evaluated. Sediment and erosion control measure should be adapted to reduce turbidity levels.

11) Monitoring shall be conducted to establish background turbidity levels upstream and away from the influence of sediment-generating activities. Background turbidity shall be monitored at least twice daily during sediment-generating activities. In the event of a visually appreciable change in background turbidity, an additional sample shall be taken.

12) The FEMA and the applicant shall submit a monitoring report within 30 days following the in-water construction season, to include at a minimum, the following: (a) dates and times of construction activities, (b) monitoring results, sample times, locations, and measured turbidities (in NTUs), (c) summary of in-water construction activities and measured turbidities associated with those activities, and, (d) summary of corrective actions taken to reduce sediment/turbidity.

13) If, during the course of the action (project), incidental take, as described in the BO, is exceeded, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. The FEMA and Pierce County must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

14) The Service is to be notified within three working days upon locating a dead, injured or sick endangered or threatened species specimen. Initial notification must be made to the nearest U.S. Fish and Wildlife Service Law Enforcement Office. Notification must include the

date, time, precise location of the injured animal or carcass, and any other pertinent information. Care should be taken in handling sick or injured specimens to preserve biological materials in the best possible state for later analysis of cause of death, if that occurs. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence associated with the specimen is not necessarily disturbed. Contact the U.S. Fish and Wildlife Service Law Enforcement Office at (425) 883-8122, or the Service's Washington Fish and Wildlife Office at (360) 753-9440.

Conditions required from the NMFS BiOP (March 7, 2012)

15) Conduct all in-water work for as brief a period as practicable between July 16 and September 30.

16) Document all PS steelhead encountered during work area isolation by submitting an In-water Construction Monitoring Report (Appendix I of BO) or equivalent to NMFS within 30 days of work area isolation.

17) When operating machinery below the OHWL, use extreme care to avoid mistakes to minimize the amount of time spent working below OHWL.

18) Monitor erosion control activities, including minimization measures and BMPs, and take corrective action if necessary to ensure protection of riparian areas and waterways. The FEMA shall submit reports on the contractor's compliance with and the effectiveness of the erosion control BMPs, minimization measures, to NMFS within 60 days of project completion.

19) Monitor turbidity levels to ensure that the project complies with Washington State water quality standards. If the project exceeds the water quality standards, the project will have exceeded the amount of take authorized, and FEMA must reinitiated consultation with NMFS. The FEMA shall report the results of the turbidity monitoring to NMFS within 60 days of project completion.

20) If a sick, injured or dead specimen of a threatened or endangered species is found in the action area, the finder must notify NMFS Law Enforcement at (206) 526-6133 or (800) 853-1964, through the contact person identified in the transmittal letter for this Opinion, or through the NMFS Washington State Habitat Office. The finder must take care in handling sick or injured specimens to ensure effective treatment, and in handling dead specimens to preserve biological material in the best possible condition for later analysis of cause of death. The finder should carry out instructions provided by Law Enforcement to ensure evidence intrinsic to the specimen is not disturbed unnecessarily. All reports shall be sent to National Marine Fisheries Service, Washington State Habitat Office, attention: Scott E. Anderson, 510 Desmond Drive SE, Suite 103, Lacey, Washington 98503, to ensure effective treatment, and in handling dead specimens to preserve biological material in the best possible condition for later analysis of cause of death. The finder should carry out instructions provided by Law Enforcement to ensure evidence intrinsic to the specimen is not disturbed

unnecessarily. All reports shall be sent to National Marine Fisheries Service, Washington State Habitat Office, attention: Scott E. Anderson, 510 Desmond Drive SE, Suite 103, Lacey, Washington 98503.