



DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

REPLY TO
ATTENTION OF:

CENWS-PM-PL-ER

2009 Cedar River Side Channel PL84-99 Replacement Project
King County, Washington

FINDING OF NO SIGNIFICANT IMPACT

1. Background. The Seattle District, United States Army Corps of Engineers (Corps) with the City of Renton as the local project sponsor constructed the Cedar River Section 205 Flood Damage Reduction project between 1998 and 2000. The project consisted of dredging within and constructing concrete floodwalls and earthen levees along the lower 1.25 miles of the Cedar River.

A groundwater-fed spawning channel constructed near River Mile 5.0 of the Cedar River (within Ron Regis Park) was constructed during this time period to serve as mitigation for the anticipated loss of salmonid spawning habitat in the lower 1.25 miles of the Cedar River following the initial and maintenance river dredging operations. This ground-fed channel including the groundwater collection pond was approximately 24,000 square feet in size with one braided portion. From the pond, the channel flowed approximately 1,100 feet into the Cedar River. Maintenance dredging of the Cedar River was expected to occur every 3 to 10 years to maintain the flood protection benefits. To date, no maintenance dredging has been done.

During the February 28, 2001 Nisqually Earthquake, a landslide occurred adjacent to the groundwater spawning channel. The landslide blocked the mainstem river and flow was eventually diverted along the alignment of the original spawning channel. Diversion of the main flow through the spawning channel resulted in the loss of the original channel's function as off-channel habitat. In response, the City of Renton requested assistance from the Corps under Public Law 84-99 to replace the channel to provide the functional equivalent of the long-term mitigation required for the Cedar River Section 205 Flood Damage Reduction project.

The City of Renton Surface Water Utility will be required to monitor and maintain the channel to provide spawning and rearing habitat. Monitoring will include: adult and redd counts, fry production surveys, and riparian habitat monitoring. Maintenance will include cleaning and/or repair of the entire channel including intake structure and outlet.

2. Purpose and Need. The purpose of this project is to reestablish a salmonid spawning and rearing side-channel along the Cedar River functionally equivalent to the original spawning channel¹ destroyed by the Nisqually earthquake.

¹ The mitigation provided by the original side channel is described in the final environmental impact statement for the Cedar River Section 205 Flood Damage Reduction Study (Corps 1997).

3. Proposed Action. The project consists of the following design elements to create an approximately 10,000-square foot salmonid spawning and rearing side-channel with a reliable water source:

- The construction of an intake structure (consisting of concrete box culvert, trash rack, control valve, geogrids, and approximately 140 feet of pipe) at the upstream end of the channel to convey flow from the Cedar River.
- The construction of an open-channel outlet approximately 1,150 feet downstream from the intake structure in order to allow flow to re-enter the Cedar River and adult/juvenile fish to migrate to or from the channel.
- The excavation of approximately 14,000 cubic yards of floodplain sediments² (i.e., gravel, sand and silts) and shaping for a distance of 950 feet within the existing drainage course in order to create the replacement channel, with an average bottom dimension of 10 feet.
- The addition of anchored large woody debris into five alcoves to create rearing habitat and to provide cover within the constructed channel.
- The addition of anchored large woody debris into the channel bank at several locations to create pool habitat.
- Large woody debris partially buried into the left bank upstream from the outlet to stabilize the bank.
- The addition of 600 to 900 cubic yards of gravel to create spawning habitat.
- The construction of a 12-foot wide gravel-surfaced maintenance path adjacent to the west side of the channel for the length of the project.
- The installation of native trees, shrubs and plants at two locations – along the new channel and between the Cedar River and the new channel within an existing disturbed area – in order to mitigate for vegetation disturbance and tree removal (approximately 60 to 100 cottonwood and alder trees) resulting from the construction of the channel and maintenance road.
- The installation of a gate across the access road to deter illegal vehicular access.
- The installation of educational signs to inform the public of salmon within the Cedar River basin as well as the impacts of illegal activities on the habitat area.

Project construction is anticipated to be during the summer of 2009 with in-water work occurring June 16th through August 15th. Project plantings would likely occur during the fall of 2009. Future maintenance work may be necessary for cleaning and/or repair of the channel, including the intake structure and outlet.

² The quantity of material excavated from the side channel is amended from the draft EA and NOP based on updated calculations; the design prism has not changed.

4. Impacts Summary. Pursuant to the National Environmental Policy Act, the attached Environmental Assessment (EA) has been prepared. The EA is tiered from the 1997 Final Environmental Impact Statement (EIS) for the Cedar River Section 205 Flood Damage Reduction project and assesses the narrow topic of the spawning side-channel component of the Flood Damage Reduction Project that had been addressed in that EIS. As the EIS has previously conducted a comprehensive evaluation of a spawning side-channel as a mitigation component in the context of the Cedar River Flood Damage Reduction project and as the central features of that Flood Damage Reduction project have been constructed and have long been in operation, this EA focuses primarily on whether the proposed replacement channel constitutes a functional equivalent to the spawning side-channel as assessed in the 1997 EIS and as it was constructed in the period 1998 through 2000. The EA also evaluates whether the environmental impacts directly associated with the construction of the replacement side channel are consistent with those evaluated for the original Cedar River spawning channel, and whether the construction-phase impacts would cause significant effects to the quality of the human environment. Construction timing is constrained by the Washington Department of Fish & Wildlife and Endangered Species Act (ESA) in-water construction fish windows established for this specific project which are from June 16 to August 15.

Impacts from the construction of the side channel are expected to be minor and temporary in nature. Temporary impacts will result from noise disturbance, air quality, and vehicle traffic impacts due to increased operation of equipment such as dump trucks. The project area is classified as an attainment area for all criteria pollutants except CO, ozone, and PM₁₀. For CO and ozone, the region is classified as a maintenance area, which is a provisional attainment status that must be maintained for several years before being reclassified as full attainment. There are three pockets of PM₁₀ non-attainment areas in the region, including industrial areas in Seattle, Kent, and the Tacoma Tidel flats. The project site is located outside of these areas.

The work complies with the Clean Water Act (CWA). A 404(b)(1) evaluation, which demonstrates compliance with the substantive requirements of the CWA, is required for work involving discharge of fill material into the waters of the United States. A 404(b)(1) evaluation was prepared by the Corps and a 401 water quality certification was issued by the Washington Department of Ecology (Ecology) dated March 19, 2004 and amended December 2, 2008. Approximately 300 square feet of wetlands would be filled by the project, but the impacts of this loss are expected to be offset by the creation of the new aquatic habitat comprising the 10,000-square foot side channel.

The work has been analyzed pursuant to the Coastal Zone Management Act. The Washington Department of Ecology concurred that the project is consistent with the Washington Coastal Zone Management Program upon issuance of the 401 water quality certification dated March 19, 2004.

A Biological Evaluation (BE) was prepared and submitted to the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) on July 30, 2002. Supplemental documentation was submitted to NMFS on May 9, 2008. The BA and supplement concluded that the proposed project is *not likely to adversely affect* species protected under the Act, largely because construction will occur when Chinook, steelhead, and bull trout are least

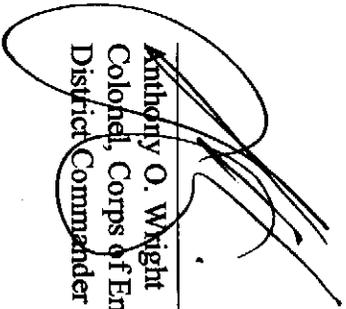
likely to be present in the project area, and the project will provide approximately 10,000 square feet of off-channel habitat. A concurrence letter from the USFWS was received on February 27, 2004. Concurrence letters from NMFS were received on June 10, 2003 and May 30, 2008.

As required under Section 106 of the NHPA, the Corps has coordinated with the Washington State Office of Archeology and Historic Preservation and the Muckleshoot Indian Tribe. No recorded prehistoric or early historic Native American archaeological deposits are located within the project site. A cultural resources survey was conducted in the project area and a cultural resource report was prepared as part of the Section 106 of the National Historic Preservation Act compliance process. A letter from the State Historic Preservation Officer dated May 20, 2008 concurring with the Corps finding of No Historic Properties Affected has been received.

5. Finding. The conclusion drawn in the June 1997 EIS and Record of Decision (ROD) regarding the Cedar River Flood Damage Reduction project has been revisited. The alternative recommended in the accompanying EA would establish a replacement spawning side-channel off the Cedar River providing in excess of full functional equivalency to the spawning side channel that was developed and constructed as mitigation for the Flood Damage Reduction project before that original side-channel was destroyed by earthquake. Even though the replacement channel (approximately 10,000 square foot of aquatic habitat) is smaller in size than the original channel (approximately 24,000 square foot of aquatic habitat), once constructed it will provide substantially in excess of full functional equivalency to the original channel, based principally on improved reliability of flow and more habitat complexity. Because the replacement channel will provide substantially greater than exact functional equivalence over the life of the project, this surplus of functions and services will compensate for the temporal loss of side-channel habitat since the original channel was destroyed in 2001. Because the present proposal would provide greater than functionally equivalent mitigation to compensate for the adverse effects of construction, operation, and maintenance of the Flood Damage Reduction project, the conclusions of the 1997 EIS and ROD as to the project's net environmental effects, as mitigated, remain valid. Furthermore, based on this assessment and on coordination with Federal and State agencies, the temporal consequences of the proposed project during the construction phase would not result in significant adverse environmental impacts. The temporal effects of the recommended alternative would be consistent with the nature and extent of effects evaluated in 1997 EIS regarding construction of the spawning side-channel mitigation component of the Cedar River Flood Damage Reduction project. Moreover, the construction of the replacement side-channel is not considered a major Federal action having a significant impact on the quality of the human environment because the construction-phase effects of the recommended alternative are substantially similar to the effects of establishing the mitigation component of the Flood Damage Reduction project. The 1997 EIS addressing that project continues to provide a valid assessment of the net effects of the Cedar River Flood Damage Reduction project including its spawning side-channel mitigation component on the quality of the human environment. As such, the proposal for a replacement side-channel does not present substantial changes in the proposed action that are relevant to environmental concerns, pursuant to 40 CFR 1502.9(c)(1), and the proposal thus does not require preparation of an EIS supplement.

I have determined that the proposed establishment of a replacement side channel has been fully evaluated in the accompanying environmental documentation, and that planning for this project complies with all applicable laws, regulations, and agency consultations, including the Clean Water Act and National Environmental Policy Act. Based on the analysis described above and provided in more detail in the Environmental Assessment, this project is not a major Federal action significantly affecting the quality of the human environment and, therefore, does not require the preparation of an environmental impact statement.

24 May 03
Date


Anthony O. Wright
Colonel, Corps of Engineers
District Commander