# FINDING OF NO SIGNIFICANT IMPACT

## 2017 Nisqually Park Levee Rehabilitation

## Pierce County, Washington

**1. Background.** The Nisqually Park Levee provides flood protection for residences, national park facilities, and public infrastructure in Pierce County, Washington. Flooding on the Nisqually River in October, November, and December, 2015, caused erosion damage near the levee in two locations, totaling approximately 340 linear feet. Before the 2015 flood, the levee provided a 500-year level of protection. In its present damaged condition, the levee is estimated to provide a 4-year level of protection.

**2. Proposed Action.** The Seattle District, U.S. Army Corps of Engineers (Corps) has determined that the preferred alternative is the Repair in Kind Alternative. This repair will return the levee to a condition resembling the pre-flood condition and level of protection. The actions to be taken will be as described in Section 2.3 of the accompanying environmental assessment (EA). Those actions are briefly summarized as follows:

a. All repairs to the levee will be in the footprint the structure occupied before flood damage. The work at the upstream location will require construction activity on the riverbed to (1) temporarily divert an active low-flow channel away from the levee toe for the period of construction, and (2) to provide access to the repair site without disrupting road traffic.

b. The Corps will construct repairs in two locations totaling 390 feet in length. At Site 1, riverbed material deposited in the scoured toe area will be excavated, then the buried toe will be reconstructed with 6- to 17-ton stone, incorporating 2- to 4-ton stone as needed to fill voids and provide tight interlocking. The riverward slope will be restored at 2H:1V, using 6- to 17-ton stone below 8 feet from the levee crest. At Site 2, the damaged area will be deconstructed by removing, salvaging, and stockpiling remnant riprap and other existing material as practicable. Red alder saplings will be removed from the slope. Streambed materials deposited over the buried toe will be excavated to assess the extent of scour damage and the toe will be reconstructed if necessary using 2- to 4-ton stone. The largest riprap will be worked to the toe of the slope, and the slope rock will be supplemented with additional 2- to 4-ton stone as necessary to reconstruct the 2H:1V slope. If necessary, Class V riprap will be incorporated to fill voids and provide tight interlocking. At both sites, six inches of topsoil will be placed over the upper 10 feet (slope length) of the riverward slope and hydroseeded. The levee crown (Site 2) or area between the levee crest and the road shoulder (Site 1) will be surfaced with crushed rock. Disturbed soil on the levee, access routes, and staging areas will be hydroseeded with native grasses.

c. Existing roads and the levee crest will be used for both access and for temporary staging of equipment and materials. The riverward slope will be regraded, either by benching down or temporarily placing a fill ramp, to provide access to the levee toe of Site 1.

d. The project is planned and designed to avoid and minimize project impacts to the maximum extent feasible. The rehabilitated levee will be confined to the pre-damage footprint. All access and staging will be in previously developed or disturbed uplands, with the exception of temporary use of the braided riverbed for access to the upstream repair site and the temporary river channel diversion. At Site 1, construction activities and staging will occur September 5, 2017 or later. Construction activities at Site 2 could begin in August 2017. At Site 1, noise-generating activities will be performed between two hours after sunrise and two hours before sunset through 23 September. Project repairs require in-water work, and all proposed in-water work would be completed during the approved in-water work window (16 July – 30 September) for this area. The proposed construction effort is expected to take approximately 6-8 weeks total.

**3. Impacts Summary.** Pursuant to the National Environmental Policy Act (NEPA), the Corps prepared an EA. The EA discloses the environmental impacts associated with the proposed action and whether that action would cause significant impacts to the quality of the human environment as briefly summarized below.

- The Corps does not issue permits for its own civil works activities. Nevertheless, the Corps has accepted responsibility for the compliance of its civil works projects with Section 404 of the Clean Water Act (CWA), as well as the obligation to seek water quality certification under Section 401. The repairs at Site 1 will include minor deviations to the pre-flood condition in that the repair will include use of larger rock on the slope and in the buried toe and could require fill to temporarily divert the Nisqually River during construction. The project is not expected to change the footprint of the structure from the pre-damage condition. The provisions of the regional conditions under Nationwide Permit (NWP) 3 allow for minor deviations in the design for the repair and maintenance of existing structures pursuant to the Corps' CWA, Section 404 permitting program. The Corps has concluded that Site 1 is functionally analogous to NWP 3 to comply with Section 404 and the general Water Quality Certification issued by the US Environmental Protection Agency (EPA) for proposals meeting the criteria of NWP 3, under Section 401 of the CWA. EPA has Section 401 CWA authority over this work since Site 1 is completely on Federal land (Mount Rainier National Park). At Site 2, which is on non-federal land, the Corps concluded that the proposed repairs at Site 2 are not subject to regulation under Sections 401 and 404 of the CWA. The exemption from the requirement to evaluate the effects of discharges of fill material into waters of the United States under 33 USC 1344(f)(1)(B) applies because all riverward work at the repair site will be conducted on a currently serviceable structure (i.e., the levee) within the pre-damage levee footprint and the character, scope, and size of the resulting structures will not change as compared to the original fill design. Therefore, the proposed repairs at Site 2 do not require a 404 (b)(1) evaluation nor a Section

401 water quality certification. The 390-foot length of levee repair and the land needed to install the earthen river diversion would be expected to disturb less than 1 acre of land; therefore, a Section 402 permit would not be required.

- The Corps has determined that the proposed rehabilitation activities comply with the policies, general conditions, and activities as specified in the Pierce County Shoreline Management Use Regulations. The Corps submitted a Coastal Zone Management Consistency Determination to the Washington Department of Ecology (Ecology) on 26 October 2016. Verification from Ecology of the project's consistency with the enforceable polices of the Washington State Coastal Zone Management Program was received on 13 December 2016.

- The Corps consulted with the Washington State Historic Preservation Officer (SHPO) and the Nisqually Indian Tribe, Muckleshoot Indian Tribe, Puyallup Tribe of Indians, and the Squaxin Island Tribe as required by the National Historic Preservation Act. The Corps notified the tribes on 22 November 2016, and asked them to identify any concerns and sought information about properties of religious or cultural significance that might be affected by the project. The tribes did not comment on the undertaking. There are no properties listed in the National Register of Historic Places (NRHP) or the Washington State Historic Site Register in the project vicinity, and no NRHP-eligible historic properties have been identified within the Area of Potential Effect (APE). One cultural resource has been identified and documented in the APE: the Nisqually Park Levee; however, the levee is recommended not eligible for inclusion in the NRHP. The Corps has made a determination of ***no adverse effect to historic properties*** for the Repair In-kind Alternative and has determined that no construction monitoring for cultural resources will be required. The Corps notified the SHPO of our finding of ***no adverse effect to historic properties*** 21 February 2017. The SHPO agreed with our determination on 27 February 2017.

- Based upon the baseline condition of the repair sites, construction occurring during the in-water work window, isolation of the work site from flowing river water including capture of fish from the isolated area, and implementation of mitigation measures including bird surveys and construction timing, the proposed action ***may affect, but is not likely to adversely affect*** marbled murrelet and northern spotted owl or their designated critical habitat, and ***will have no effect*** on Coastal-Puget Sound Distinct Population Segment bull trout or gray wolf. A Biological Assessment analyzing the anticipated effects was transmitted to US Fish and Wildlife Service (USFWS) on 17 November 2016. In a letter dated 20 March 2017, USFWS concurred with the Corps' determination.

- Unavoidable adverse effects associated with the Preferred Alternative would be: (1) a possible temporary and localized increase in turbidity in the Nisqually River which could disrupt fish use of the area; (2) temporary and localized increase and disruption of traffic by construction vehicles including workers traveling to and from the site and the transport of materials; (3) temporary and localized increase in noise, vibration, air pollutant emissions, and human activity which may disturb nearby residents and fish and wildlife in the area; and (4) removal of tree

saplings and shrubs from within the proposed construction area. These unavoidable impacts would be short in duration, minor, and local and are less than significant. Mitigation is included in the project design to address impacts to water quality, vegetation, wildlife, fish, traffic, and cultural resources. Implementation of avoidance and minimization measures and Best Management Practices will limit the impact of the overall project.

**4. Finding**. I find that the proposed action will not result in significant adverse environmental impacts and complies with all applicable laws, regulations, and agency consultations, including the CWA, Endangered Species Act, National Historic Preservation Act, Coastal Zone Management Act, and NEPA, as well as applicable Executive Orders. Based on the analysis described above and provided in more detail in the accompanying EA, the 2017 Nisqually Park Levee Rehabilitation is not a major Federal action significantly affecting the quality of the human environment and therefore does not require preparation of an environmental impact statement.

24 MAR 17
Date

JOHN G. BUCK
Colonel, Corps of Engineers
District Commander