

**Finding of No Significant Impact
for the
Drift Creek Unit Habitat Restoration**

Siletz Bay National Wildlife Refuge
Oregon

Introduction

The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment (EA) for a proposed habitat restoration project on the Drift Creek Unit of Siletz Bay National Wildlife Refuge (USFWS 2023a).

This EA was prepared to evaluate the effects associated with the Service’s proposed action to restore estuarine-associated habitats within three tracts in the Drift Creek Unit of Siletz Bay National Wildlife Refuge (NWR, Refuge). The EA determined that the Proposed Action would not result in significant effects, and that preparation of this Finding of No Significant Impact (FONSI) is warranted.

Purpose and Need

The purpose of this proposed action is to restore estuarine-associated habitats in the Drift Creek Unit of the Siletz Bay NWR to improve habitat for native fish and wildlife, including threatened coho salmon.

The project is needed to address the historical loss of tidal wetlands and estuarine salmonid habitat and to increase resiliency of new and existing tidal wetland habitats to sea level rise (SLR), and other effects of climate change. Salmonids within the Siletz watershed include threatened coho salmon, Chinook salmon, steelhead, and coastal cutthroat trout. These species and many other estuarine-dependent fish and wildlife would benefit from restoration of floodplain connectivity and improved habitat complexity. These actions also would help the Service meet priorities outlined in the National Wildlife Refuge System Administration Act (16 U.S.C. 688dd–688ee, et seq.; Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57, Improvement Act); support the Refuge System mission; and be consistent with the purposes of the Refuge and several habitat goals identified in the Comprehensive Conservation Plan (CCP) for the Siletz Bay NWR (USFWS 2013; available at <https://ecos.fws.gov/ServCat/Reference/Profile/43347>), including:

- Goal 2: Restore, enhance, protect, and maintain estuarine habitats characteristic of the North Pacific Coastal Ecosystem,
- Goal 3: Protect and maintain forested wetlands and stream-riparian habitat characteristic of the North Pacific Coastal Ecosystem, and

- Goal 4: Enhance, protect, and maintain instream aquatic habitat for all dependent species including anadromous and estuary-dependent fish.

Selected Action

Adopt Alternative B; Proposed Action Alternative for Implementation

The Service intends to restore approximately 74 acres of estuarine-associated habitats in the Drift Creek Unit of the Siletz Bay NWR to improve habitat for anadromous fish, migratory birds, and a diverse array of other native fish and wildlife. As described in detail in the final EA, this proposal includes dike removal; realignment of drainage ditches and initiation of primary, secondary, and tertiary tidal channels; placement of wood habitat structures; removal of channel obstructions; creation of topographic diversity; control of invasive plant species including reed canarygrass; and planting and seeding to help restore native marsh, shrub swamp, Sitka spruce swamp, and riparian vegetation.

Other Alternatives Considered and Analyzed

No-Action (Alternative A): The no-action alternative represents the current management of the project area. Under the No-Action Alternative, no new actions would be taken, and management of the Refuge would stay the same as per the CCP (USFWS 2013). Alternative A would continue to protect and maintain approximately 74 acres of muted tidal marsh until additional lands are acquired within the approved refuge boundary (defined as the area within which the Service has authority to acquire and/or manage lands through various agreements) from willing sellers to facilitate tidal restoration, where appropriate. For additional information, see final EA Section 2.3 (Description of Management Direction) and Section 2.4, Objective 2.3 (Protect and maintain muted tidal marsh until restored to salt marsh) in the CCP (USFWS 2013).

Native vegetation would continue to be enhanced and/or maintained and invasive plant species controlled using appropriate integrated pest management (IPM) techniques including mechanical/physical, chemical, biological, and cultural means.

This alternative was not selected because it does not meet the purpose and need for action.

Summary of Effects of the Selected Action

An EA was prepared in compliance with the National Environmental Policy Act (NEPA) to provide a decision-making framework that 1) explored a reasonable range of alternatives to meet project objectives, 2) evaluated potential issues and impacts. The EA evaluated the effects associated with two alternatives. The effects evaluation is incorporated as part of this finding.

As described in detail in the final EA, implementing Alternative B would not affect public health or safety; would not result in disproportionately high or adverse human health or environmental effects on minorities and low-income populations and communities; would not result in effects that are highly uncertain or involve unique or unknown risks; would not

negatively impact cultural resources or result in long-term impact to species listed under the Endangered Species Act (ESA); would not cause the destruction of significant scientific, cultural, or historical resources; and would not violate federal, state, or local law or requirements imposed for the protection of the environment. As such, adverse impacts related to the selected alternative are not significant.

Endangered Species Act

The proposed action would increase the availability, amount, and quality of rearing habitat for coho and other native aquatic species populations, including eulachon and green sturgeon. By increasing tidal inundation, increasing habitat complexity, removing channel obstructions, establishing native vegetation, and restoring functions including fish habitat connectivity and large wood dynamics, the proposed action would lead to long-term benefits to threatened and endangered fish.

The short-term, temporary, adverse impacts resulting from the construction phase of the restoration, as described in the final EA, would impact threatened and endangered species. Incidental take of listed fish species would be minimized through best management practices (BMPs) such as fish exclusion barriers. During fill or dewatering of existing ditches and other water features, best practices and permit requirements for de-fishing (i.e., fish salvage) would be followed.

Incidental take of individual fish (e.g., juvenile coho) that may occur during construction would be offset by the sheer number of fish produced in the Siletz Basin in most years and the anticipated increase in production as a result of the restoration. Thus, the loss of a small number of fish would be considered a less-than-significant adverse effect of the proposed action because while the effects would be readily detectable and localized with measurable consequences to listed fish species, the effects would not be detectable or measurable beyond the immediate area of impact.

Because of the overall net beneficial impacts, the proposed action would result in no adverse modification to designated critical habitat. While the proposed action would increase and enhance critical habitat, this increase is not considered significant in the context of ongoing and historic degradation of salmon habitat within the Siletz River watershed and on the Oregon coast.

For aquatic species, including the Oregon coast coho salmon, the proposed action requires consultation with National Marine Fisheries Service (NMFS). The Service and the Bureau of Land Management (BLM), the lead permitting agency for the proposed action, determined that the proposed action falls under the programmatic "Aquatic Restoration Activities in States of Oregon and Washington" Biological Opinion (commonly referred to as ARBO II) issued by NMFS. ARBO II covers all necessary ESA related actions in the proposed project for aquatic species. Further discussion of ARBO II and ESA permitting are described in Appendix A of final EA.

National Historic Preservation Act

Under the terms of Section 106 of the National Historic Preservation Act, the proposed action is an activity that has potential to cause effects to cultural resources due to ground disturbing actions in the habitat restoration. At present, there are no recorded archeological sites within the project area. Pre-restoration surveys have been conducted to confirm this assessment. Throughout planning and implementation, the Refuge and Refuge Historic Preservation Office coordinates and consults with the State Historic Preservation Office (SHPO) and tribes (e.g., the Confederated Tribes of Siletz Indians, a project partner).

The existence of cultural resources cannot be predicted with certainty. If cultural resources are discovered during implementation of the proposed action, work should cease in the vicinity of the discovery and protocols identified in the “Procedures for Inadvertent Archeological Discoveries for the Oregon Coast National Wildlife Refuge Complex” should be closely followed.

Public Review

The draft EA and project details were posted on the Refuge website to solicit public comment for 30 days from February 22 – March 23, 2023. Neighbors were notified of the availability of the draft EA via mail and other interested parties were contacted via email and press release. Copies were available at the Refuge Complex headquarters, 2127 SE Marine Science Drive, Newport, OR 97365. Comments or requests for additional information were submitted via email, fax, or mail.

After the release of the draft EA a public meeting was held on March 9th, 2023, at the Lincoln City Cultural Center and broadcast via Microsoft Teams to answer questions and solicit comments about the project. About twenty-five members of the community attended the meeting. The meeting started with Refuge staff presenting on the details of the project and explaining how comments could be submitted. After the presentation members of the public were able to ask questions and comment on the project. Refuge staff, the project engineers, and subject matter experts were present to respond to questions. Questions and comments made during the meeting were recorded and detailed responses can be found in the response to comments in Appendix C of the final EA.

Public Comments

Comments or requests for additional information could be submitted through email, fax, or by mail. We received 21 comments submissions including written comments submitted via email and verbal comments expressed at the public meeting. The Service’s responses to comments received can be found in Appendix C of the final EA.

We made the following changes to the EA in response to public comments:

- We changed the design slightly on the east side of the Kangas Tract to add an access/maintenance route between the proposed setback dike and existing channel along private property on the east side in response to public comments. This slight change in design is not expected to change the impacts of the project. The proposed action description and corresponding maps (pages 17–18, Figure 3) were adjusted to reflect the design change.
- We added additional language to the Cultural and Historical Resources affected environment section per the request of the Confederated Tribes of Siletz Indians. The additional language provides additional context and descriptions of the tribal history of the area (Affected Environment and Environmental Consequences Cultural and Historical Resources, pages 42–43).
- We updated the Public Outreach section (pages 48–50) to include the description of the notification of the Draft EA and public comment process.
- Throughout the EA we updated language to improve clarity and comprehension but overall, the substance and conclusions were not changed.

Finding of No Significant Impact

Based upon a review and evaluation of the information contained in the EA as well as other documents and actions of record affiliated with this proposal, the Service has determined that the proposal to adopt the Alternative B, the Proposed Action does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102 (2) (c) of the National Environmental Policy Act of 1969 (as amended). The proposed action is not without precedent and is not similar to actions that would normally require preparation of an Environmental Impact Statement. As such, an EIS is not required.

Decision

The Service has decided to select Alternative B, Restoration and Improvement of Additional Estuarine Habitats at Siletz Bay National Wildlife Refuge (Oregon), beginning in 2023. This action is compatible with the purposes of the Refuge and the mission of the National Wildlife Refuge System and is consistent with applicable laws and policies.

Assistant Regional Director, National Wildlife Refuge System

Date

Supporting References

U.S. Fish and Wildlife Service (USFWS). 2013. *Siletz Bay National Wildlife Refuge Comprehensive Conservation Plan*. U.S. Department of the Interior, Fish and Wildlife Service, Region 1, Portland, OR and Oregon Coast National Wildlife Refuge Complex, Newport, OR. 400 pp. <https://ecos.fws.gov/ServCat/Reference/Profile/43347>.

U.S. Fish and Wildlife Service (USFWS). 2023a. *Draft Environmental Assessment for the Drift Creek Unit Habitat Restoration*, Siletz Bay National Wildlife Refuge. Pacific Region, Portland, Oregon. 63 pp.

U.S. Fish and Wildlife Service (USFWS). 2023b. *Final Environmental Assessment for the Drift Creek Unit Habitat Restoration*, Siletz Bay National Wildlife Refuge. Pacific Region, Portland, Oregon. 84 pp.

Note: This Finding of No Significant Impact and supporting references are available for public review at the Oregon Coast National Wildlife Refuge Complex at 2127 SE Marine Science Drive Newport, OR 97365. These documents can also be found on the Internet at <https://fws.gov/refuge/siletz-bay>