

Finding of No Significant Impact for Issuance of a Section 10(a)(1)(A) Permit for Collection and Transport of Spring-run Chinook Salmon for the San Joaquin River Restoration Program

The National Oceanic and Atmospheric Administration Administrative Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. §1508.27 state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQs context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?

Response: No. The proposed action is the issuance of a permit to the US Fish and Wildlife Service (USFWS) to collect eggs and/or juvenile spring-run Chinook salmon (spring-run Chinook) from the Feather River Fish Hatchery (FRFH), located near Oroville, California, for use in testing methods of collection, handling, transportation, rearing, and developing a broodstock program in a facility located on the San Joaquin River, near Friant Dam. The conditions placed on the permit include that no fish will be released into the San Joaquin River unless an experimental population is established on the San Joaquin River in accordance with section 10(j) of the Endangered Species Act (ESA) and associated take exceptions are established under a 4(d) rule. NMFS has determined that the proposed action will not cause any damage to ocean and coastal habitats or to any essential fish habitats as defined under the Magnuson-Stevens Act and identified in FMPs.

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

Response: No. Although spring-run Chinook are listed as a threatened species, the collection of eggs or juveniles will be from excess hatchery stock. These fish are not needed to meet the FRFH’s production numbers or the Feather River spring-run Chinook population. The use of hatchery fish reduces the possibility of having any impact to other spring-run Chinook, or to other fish within the Sacramento River Basin. (Note: please see response to question 4) Therefore, the proposed action will not have a substantial impact on biodiversity. As conditioned, the proposed action will not permit the release of the collected fish and the interaction with the San Joaquin River Basin will be primarily limited to the non-consumptive use of San Joaquin River water at the San Joaquin Fish Hatchery. Hatchery discharges will incur no impacts to water quality. Disease prevention methods are included in the permit. Therefore, the proposed action will not have a substantial impact ecosystem function within the affected area.

3) Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety?

Response: No. The proposed action does not concern or address human public health and safety issues.

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: No. NMFS has reviewed the potential adverse effects of the proposed action on endangered and threatened species and their critical habitat through consultation under Endangered Species Act section 7. This consultation resulted in a biological opinion (Opinion), in which NMFS determined, after reviewing the best available scientific and commercial information, the current status of Central Valley spring-run Chinook salmon, the environmental baseline for the action area, the effects of the proposed action and the cumulative effects that the issuance of Permit 14868, as amended, is not likely to jeopardize the continued existence of the aforementioned listed species and is not likely to destroy or adversely modify designated critical habitat. Critical habitat for this species has been designated in the Sacramento River, however, this action does not affect that area and no destruction or adverse modification of that critical habitat is anticipated. The permit allows collection of fish that would not otherwise contribute to existing spring-run Chinook populations. The permit does not allow release of these fish, and discharges from the hatchery facilities will not degrade water quality or impose adverse disease risk, so there will be no effect on endangered or threatened species, their critical habitat, marine mammals, or other non-target species

5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: There are no significant social or economic impacts interrelated with natural or physical environmental effect.

6) Are the effects on the quality of the human environment likely to be highly controversial?

Response: No. Although the proposed action is controversial in that it can support the larger San Joaquin River Restoration Program (SJRRP) which would have effects on the quality of the human environment, the proposed action itself is a separate and independent action not thought to be highly controversial.

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas?

Response: No. The proposed action would not impact cultural or historic resources, park land, prime farmlands, wetlands, or ecologically critical areas.

8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: No. NMFS determined that the effects of the proposed action would not have any effect on the human environment and that none of these effects would be highly uncertain or involve unique or unknown risks.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: No. The proposed action is the collection of eggs and/or juveniles for study on culturing and transportation methods which is a separate independent action from the projects of the SJRRP. Cumulatively, the issuance of the permit could play a part in the reintroduction efforts to return spring-run Chinook to the San Joaquin River within the SJRRP. The proposed action would not permit the release of spring-run Chinook so does not have any impact on the human environment. NMFS concludes the proposed action will not result in individual or cumulative significant impacts to the human environment over the five years of the permit's life.

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: No. NMFS has determined that there would be no adverse effects to districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources.

11) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

Response: No. The proposed action does not involve the introduction, removal, or movement of any non-indigenous species into or out of the action area. While egg or juveniles of spring-run Chinook will be removed from the FRFH, these fish are not needed to meet the production goals of the FRFH. The permit conditions are that no fish are to be released into the San Joaquin River so there will be no introduction of non-indigenous. While the proposed action will not introduce or spread non-indigenous species, the long term goal of the San Joaquin River Restoration Program is the reintroduction of spring-run Chinook to San Joaquin River where these fish have been extirpated.

12) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

Response: No. NMFS received public comment during the EA process that the issuance of the 10(a)(1)(A) "segmented" the environmental analysis of the reintroduction of spring-run Chinook. The reasoning for the comment was that the issuance of the 10(a)(1)(A) permit was part of the overall SJRRP effort and that the EA needed to include analysis of the 10(j) and 4(d) rules and the release of salmon into the San Joaquin River. The response to this comment was that the proposed 10(a)(1)(A) permit is to specifically address broodstock development and testing of transportation, handling, and rearing techniques. These actions have conservation value for

spring-run Chinook, whether or not the fish are released. While, the issuance of the 10(a)(1)(A) permit would meet some of the goals of the Settlement agreement and also further the goals of the draft recovery plan for Central Valley spring-run Chinook (NMFS 2009a). The Proposed Action meets the criteria for “independent utility”. The test for independent utility is: “Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.” (Federal Register / Vol. 67, No. 10 / Tuesday, January 15, 2002 / Notices) The Proposed Action meets this criterion in that the permit, as conditioned by NMFS, could be issued and carried out absent the implementation the SJRRP. Since the issuance of the 10(a)(1)(A) permit is a separate, single, and complete act, it does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

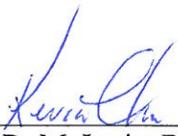
Response: No. Issuance of the 10(a)(1)(A) permit is not expected to result in violations of Federal, state, or local requirements for protection of the environment. NMFS believes the issuance of the 10(a)(1)(A) permit to USFWS will be in compliance with all federal, state, or local laws or requirements imposed for the protection of the environment. In response to comments received in the public comment period on the Draft Environmental Assessment for issuance of the 10(a)(1)(A) permit, NMFS addressed public comments asserting the proposed action would threaten violation of any laws or requirement imposed for the protection of the environment.

14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response: No. The restoration program that the proposed action supports would have a cumulative beneficial effect on spring-run Chinook. In addition, cumulative effects resulting from the restoration of the San Joaquin River would have beneficial effects on other non-target species that could use the San Joaquin River.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for issuance of the 10(a)(1)(A) permit to collect and transport spring-run Chinook for the San Joaquin River Restoration Program and the conclusion reached in the NMFS Biological Opinion for the proposed action, it is hereby determined that the issuance of the 10(a)(1)(A) permit will not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.


 for _____
 Rodney R. McInnis, Regional Administrator

10/03/2012

 Date