

Finding of No Significant Impact for Issuance of a Section 10(a)(1)(A) Enhancement of the Species Permit for the Collection, Transport, and Release of Spring-run Chinook 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 Central Valley spring-run Chinook salmon (spring-run Chinook) eggs from both the Feather River Fish Hatchery (FRFH) and from the Salmon Conservation and Research Facility (SCARF), then release juveniles hatched from these eggs, along with translocated juvenile spring-run Chinook into the San Joaquin River. 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 hatchery stock. The use of hatchery fish reduces the possibility of having any impact to other spring-run Chinook, or to other fish within both the Sacramento and San Joaquin River Basins. The release of spring-run Chinook into the San Joaquin River could only benefit threatened California Central Valley steelhead, as the addition of salmon eggs and carcasses would provide additional nutrients to the local food web. Therefore, the proposed action would only have a minimal, beneficial impact on biodiversity and/or ecosystem function.

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 in which NMFS determined that the issuance of Permit 17781, under ESA Section 10(a)(1)(A) 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. In conducting the consultation, NMFS reviewed the best available scientific and commercial information, and the opinion covered the current status of spring-run Chinook, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects. 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 hatchery fish that would not otherwise contribute to existing spring-run Chinook populations. 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 effects.

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 of issuing an ESA Section 10(a)(1)(A) permit for collection, transport, and release of spring-run Chinook to be reintroduced into the San Joaquin River by 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 spring-run Chinook eggs from the FRFH and SCARF facilities, then the release of hatched juveniles and translocated juveniles or yearling spring-run Chinook into the San Joaquin River, 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. 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 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, and the spread of non-indigenous species as a result of the proposed action would be prevented through the use of Aquatic Invasive Species (AIS) prevention protocols. 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. 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 of the SJRRP. Since the issuance of the ESA Section 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 ESA Section 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 permit to USFWS will be in compliance with all federal, state, or local laws or requirements 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?

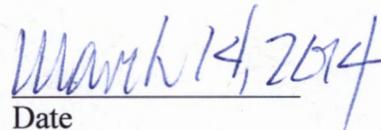
Response: No. The restoration program that the proposed action supports would have a cumulative beneficial effect on spring-run Chinook. In addition, cumulative effects resulting from the restoration of the San Joaquin River would have beneficial effects on other non-target species that could use the 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 ESA Section 10(a)(1)(A) permit, Permit 17781, to collect and release 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 Permit 17781 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.



William W. Stelle, Jr.
Regional Administrator



Date