



**US Army Corps  
of Engineers** ®  
Walla Walla District  
**BUILDING STRONG**®

# **BOYER PARK MARINA DOCK REPLACEMENT PROJECT APPROVAL**

## **ENVIRONMENTAL ASSESSMENT**

U.S. Army Corps of Engineers  
Walla Walla District

**PPL-C-2019-0073**

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# Table of Contents

1	Introduction .....	1
1.1	Background Information .....	1
1.2	Purpose and Need .....	2
2	Alternatives .....	2
2.1	Alternatives Not Considered Further .....	2
2.1.1	Minor Repair Alternative .....	3
2.1.2	Full Marina Replacement Alternative .....	3
2.2	Alternative 1 – No Action.....	4
2.3	Alternative 2 - The Corps approves repair and upgrades at Boyer Park and Marina.....	4
2.3.1	Project Location.....	4
2.3.2	Project Description .....	4
2.3.3	Project Timeline.....	13
2.3.4	Impact Avoidance and Minimization Measures.....	13
2.3.5	Best Management Practices.....	14
3	Affected Environment and Environmental Consequences .....	15
3.1	Introduction .....	15
3.1.1	Resources Not Examined in Detail .....	15
3.2	Aesthetics and the Visual Environment.....	16
3.2.1	Affected Environment .....	16
3.2.2	Environmental Effects.....	18
3.3	Aquatic Resources .....	19
3.3.1	Affected Environment .....	19
3.3.2	Environmental effects .....	21
3.4	Historic and Cultural Resources.....	22
3.4.1	Affected Environment .....	22
3.4.2	Environmental Effects.....	22
3.5	Recreation.....	23
3.5.1	Affected Environment .....	23
3.5.2	Environmental Effects.....	24
3.6	Socioeconomics .....	25
3.6.1	Affected Environment .....	25
3.6.2	Alternative 2: The Corps approves repair and upgrades at Boyer Park and Marina. 26	
3.7	Soils .....	26

3.7.1	Affected Environment .....	26
3.7.2	Environmental Consequences .....	26
3.8	Water Quality .....	27
3.8.1	Affected Environment .....	27
3.8.2	Environmental Effects.....	27
3.9	Cumulative Effects .....	28
4	Compliance with applicable laws and regulations .....	28
4.1	National Environmental Policy Act .....	28
4.2	Endangered Species Act.....	29
4.3	National Historic Preservation Act.....	29
4.4	Rivers and Harbors Act.....	29
4.5	Clean Water Act.....	30
4.6	Executive Order 11988, Floodplain Management .....	30
4.7	Executive Order 11990, Protection of Wetlands.....	31
5	Coordination and Consultation.....	31
5.1	Agency / Tribal Consultation .....	31
5.1.1	NMFS and USFWS .....	31
5.1.1	State and Tribal Historic Preservation Officers .....	31
5.1.2	Public Involvement .....	31

## List of Tables

Table 1. Aquatic Endangered Species Act proposed, threatened, and endangered species in the proposed action area.....	21
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## List of Figures

Figure 1. The Location of the Proposed Project at Boyer Park and Marina.....	5
Figure 2. Current layout of Boyer Park Marina, with docks labeled 1 through 8 for ease of discussion. ....	6
Figure 3. Summary of proposed changes to Boyer Park Marina.....	8
Figure 4. Details of the proposed new docks. ....	10
Figure 5. An aerial view of Boyer Park Marina (Image courtesy of <a href="http://www.campgroundviews.com">www.campgroundviews.com</a> ).....	17
Figure 6. A view of the marina from the shore (Image courtesy of <a href="http://www.koa.com">www.koa.com</a> ).....	18

# 1 Introduction

## 1.1 Background Information

The US Army Corps of Engineers, Walla Walla District (Corps), proposes to approve a request from the Port of Whitman County (Port) to replace, repair and realign the existing moorage in Boyer Park Marina to ensure the continued safe recreational boating support facilities. The replacement, repair and realignment of these docks would ensure the continued safe use of the structures and bring the structures into compliance with the most recent Endangered Species Act (ESA) design criteria for overwater structures. Overwater structures like boat docks, if not properly designed, can create large amounts of shadow, cover, and habitat for invasive and predatory fish. These invasive predators, such as smallmouth bass and walleye, can then ambush and prey upon ESA-listed native fish, primarily steelhead and salmon.

Boyer Park and Marina is located on approximately 3,500 linear feet and 56 acres of the Snake River about 1.5 miles downstream from the Lower Granite Dam in Whitman County, Washington. Boyer Park and Marina consists of RV sites, a restaurant, a convenience store, a boat launch, and a marina with a fuel float and sewage pump out. The park and marina are owned by the Corps and under a long term lease to the Port of Whitman County.

The marina is located within a protected basin surrounded by a rock breakwater with the entrance at the downriver end. Most of the marina was originally constructed in the early 1970's. The existing docks are modular concrete with foam interiors that are deteriorating (both the floatation and concrete surfacing), steel H-piles that are beginning to loosen, and electrical and potable water systems that need updating to meet the contemporary standards. Without repair, the marina would become unsafe for public use, which would substantially reduce public access and recreational use of the river.

This Environmental Assessment (EA) was prepared in accordance with Engineer Regulation (ER) 200-2-2, *Procedures for Implementing the National Environmental Policy Act (NEPA)*, and the Council on Environmental Quality (CEQ) *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*, Title 40 Code of Federal Regulations (CFR), Part 1500-1508. The objective of the EA is to evaluate potential environmental effects of the proposed action and determine if significant effects would result. If such effects are less than significant, a Finding of No Significant Impact (FONSI) would be issued and the Corps would proceed with the proposed action. If the environmental effects are determined to be significant, an Environmental Impact Statement (EIS) would be prepared before a decision is reached on whether to implement the proposed action. Applicable laws under which these effects would be evaluated include but are not limited to, NEPA, ESA, the Clean Water Act, the Clean Air Act, and the National Historic Preservation Act.

NEPA is a full disclosure law, providing for public involvement in the NEPA process. All persons and organizations that have a potential interest in this proposed action – including the public, other federal agencies, state and local agencies, Native American Tribes, and interested stakeholders – are encouraged to participate in the NEPA process.

## **1.2 Purpose and Need**

The Corps proposes to approve a request from the Port to complete a series of improvements in the park and marina, including the repair, realignment, and replacement of docking facilities in the marina, as well as associated upland improvements. The purpose of the proposed project is to repair and upgrade the existing moorage and facilities in the marina to ensure continued safe recreational boating support services. The proposed action is needed because existing facilities in the marina are deteriorating and pose a risk to marina users as well as the environment. Additionally, marina facilities, including those for potable water and electricity, are approaching the end of their planned lifespan and no longer provide an acceptable level of service.

## **2 Alternatives**

The National Environmental Policy Act and 33 CFR Part 230 *Procedures for Implementing NEPA* require a reasonable range of alternatives be considered during the planning process. Alternatives considered under NEPA must include, at least, the Proposed Action Alternative and the “No Action” Alternative, which provides a baseline from which to compare other alternatives. It is generally acceptable to limit analysis to only these two alternatives, especially when the federal action is a response to a permit or request from a private party. The alternatives identified below were evaluated to determine if they satisfy the purpose and need of the proposed action (Section 1.2):

- (1) Alternative 1: The No Action Alternative (No Change).
  
- (2) Alternative 2: The Proposed Action. The Corps would approve a request from the Port to replace, repair and realign the existing moorage in the marina.

### **2.1 Alternatives Not Considered Further**

As part of the development of the proposed action, a range of alternatives was considered by the Port. In addition, prior to selecting an alternative, the Port commissioned the completion of the *Boyer Marina Market Analysis and Economic Assessment*. This assessment took into account the existing financial status and economics of the marina, current usage, and impacts of the loss of that use. Additionally, the assessment surveyed the existing and potential users of the marina in order to determine the public needs. The results of the assessment indicated that the marina and the surrounding amenities are providing important access and recreational opportunities.

The assessment also provided the Port with information on the potential revenue from the marina (full replacement, partial replacement, and repairs only) along with the capital costs associated with the construction. Revenue and capital costs played an important role in determining the Port's proposed action, ensuring that the Port would make a financially responsible decision.

As part of the initial investigation into the proposed action, a set of design criteria was developed. The primary design criteria was a 40 year design life before major repairs and replacement, upgrading utilities to current standards, bringing the floating docks into compliance with current fish and wildlife standards, and enhancing the public access and recreational use of the river. Since the project is receiving Washington State Recreation and Conservation Office funding, additional criteria were required that included public access compliant with the Americans with Disabilities Act (ADA) and un-gated public moorage.

### **2.1.1 Minor Repair Alternative**

This alternative considered completing only minor repairs to the existing docks without replacing any of them. The existing docks are all in need of repairs to the concrete surfacing, deteriorated timber walers, and missing hardware. This alternative would result in no change in marina configuration and would not result in any repairs to the existing utilities (as the docks would not allow for that). These minor repairs would increase the life span of the existing floating docks; however, they would not provide a long term fix for the docks, would not provide ADA access, and would not improve the utilities. This would simply push additional repairs to the floating docks into the future (less than the 40 year life of the replacement floats) as these structures would still require additional repairs in the near future. Based on the fact that this alternative would not provide ADA access and would result in ongoing maintenance, this alternative was eliminated by the Port.

### **2.1.2 Full Marina Replacement Alternative**

This alternative would include the demolition and replacement of the entire marina. This alternative would result in the upgrade to the entire marina and would meet the purpose and need of the project. As part of the early planning, a total of four different full replacement design alternatives were developed resulting in a wide range of number of slips, types of slips, and access points. All of these designs meet the criteria for the proposed action and the main difference was how the slip configuration and access point impacted the users. However, the capital costs associated with a full replacement would exceed the revenues from the completed marina. The advantages of a full replacement would be the ability to bring the entire marina up to current standards and allow all of the work to be completed at the same time. However, as stated above, the existing revenue of the marina would not support the high construction costs. As a result, this alternative was eliminated by the Port.

It should be noted that high costs alone would not be considered an appropriate reason for the Corps to eliminate an alternative from consideration under NEPA if that

alternative met the purpose and need of the proposed action. However, this section is an accounting of the rationale behind the Port's selection process, not that of the Corps. The ability to support the costs of the proposed action with future revenues is an entirely appropriate consideration for the Port.

## **2.2 Alternative 1 – No Action**

Under the No Action Alternative, the Corps would not approve the Port's request to replace and modernize the docks and marina at Boyer Park. No modifications to Boyer Park and Marina would occur. Without repair the marina would become unsafe for public use, which would substantially reduce the public access and recreational use of the river. The No Action Alternative does not meet the project purpose and need; however, it is carried forward to Section 3 for comparative purposes under NEPA.

## **2.3 Alternative 2 - The Corps approves repair and upgrades at Boyer Park and Marina.**

Under Alternative 2, the Corps would approve the Port's request to replace and modernize the docks and marina at Boyer Park. The proposed action would consist of removal of existing failing infrastructure, repair of salvageable docks, installation of a new fuel float and new personal watercraft (kayak) float, construction of a new vault restroom, and other minor modifications to the park and marina.

### **2.3.1 Project Location**

The Boyer Park and Marina is located on the right bank of the Snake River about 1.5 miles downstream from the Lower Granite Dam in Whitman County (Figure 1). The Boyer Park and Marina encompasses 56 acres providing RV sites, a restaurant, a convenience store, a boat launch, and a marina with a fuel float and sewage pump out. The park and marina are owned by the Corps and under a long term lease to the Port.

### **2.3.2 Project Description**

The proposed action would include elements occurring above and below the Ordinary High Water Mark (OHWM) of the Snake River. The proposed action includes the following elements which are detailed in the subsequent sections:

Work below OHWM:

- Demolition – removal of existing floats, piles, and gangways
- Maintenance and repair of existing floating docks
- Installation of a new fuel float with new sewage pump-out
- Installation of a new fixed pier, gangway, and floating docks with a new personal watercraft float

Upland work above OHWM:

- Minor excavation, grading, and paving
- Installation of new signage
- Installation of a new navigation aid
- Construction of a new vault restroom



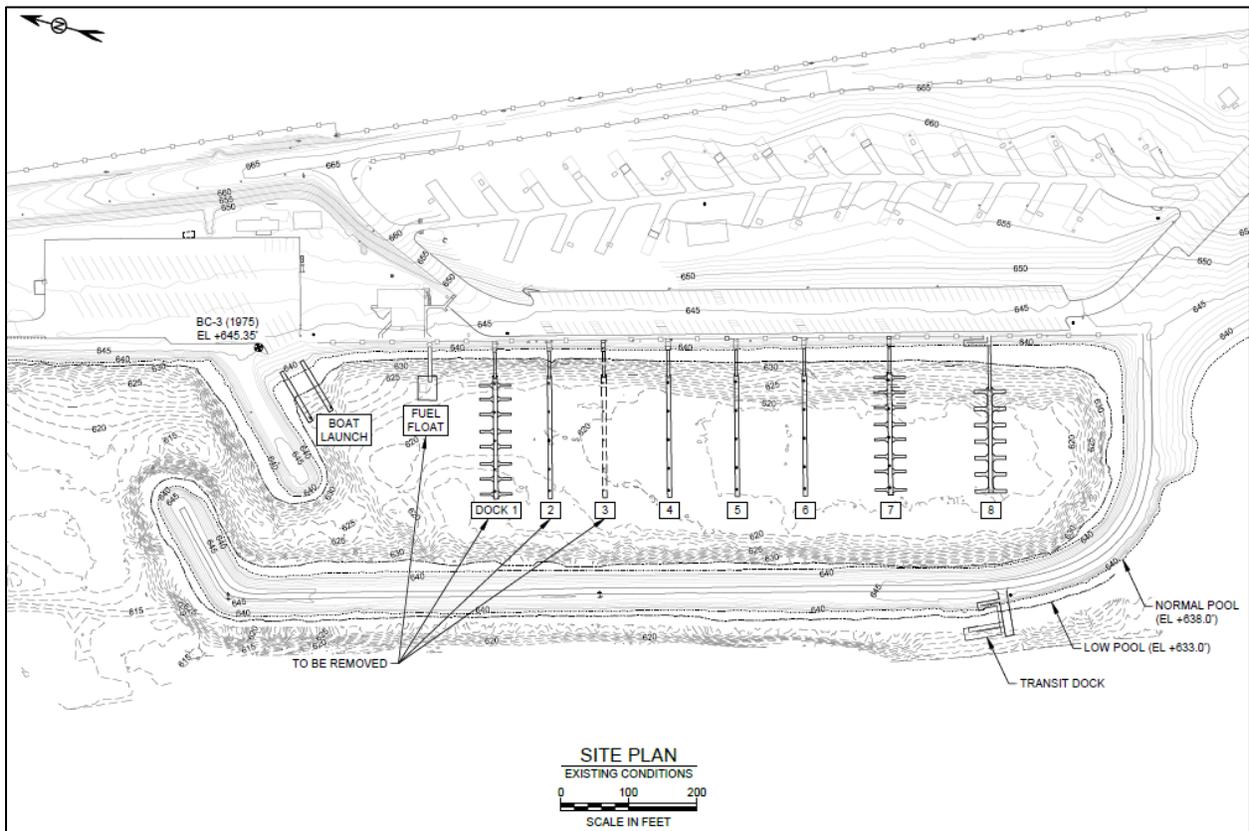
**Figure 1. The Location of the Proposed Action at Boyer Park and Marina.**

Construction would be performed with a combination of land-based equipment and equipment on barges. Land based equipment could include excavators, front-end loaders, cranes, pile driving equipment, and trucks. Marine equipment could include barges, crane barges and small skiffs and workboats. The delivery of materials and equipment to the site would likely be by truck but could include a combination of barges and trucking. Trucking and material delivery could occur at any time of year. Trucks would be needed to transport piles, floats and land-based equipment such as excavators and pile driving equipment to the site. Trucks would also be required for the removal of demolished floats, piles and debris. All staging of equipment and material would be done on paved surfaces already constructed and in use at the park and marina.

### 2.3.2.1 Demolition

For ease of discussion, the existing docks are identified as Docks 1-8 with Dock 1 being the most downriver dock and Dock 8 being the most upriver dock (Figure 2). The fuel float is located downriver of Dock 1 and contains both the fuel station and stationary pump out.

The proposed action would entail the demolition of Docks 2, 3, 7, and the fuel float. Dock 1 would replace Dock 7, as described in the next section. The demolition of the existing docks would entail the removal of the existing piles, floats, and gangways. The existing seventeen (17) steel piles at these floats would be removed using a vibratory hammer and/or direct pull by crane. All of these structures would be removed from the river using either a crane (operated from the uplands or on a barge) or would be floated to the boat launch and removed with an excavator operated above the OHWM. The piles would be disposed of at an approved disposal site or sold to a recycler. The concrete floats would be disposed at a landfill or transferred to a new owner for reuse offsite. The aluminum gangways from Docks 1, 2 and 3 have salvage value and would be retained or recycled by the contractor. The gangway for the fuel float would be reused onsite.



**Figure 2. Current layout of Boyer Park Marina, with docks labeled 1 through 8 for ease of discussion.**

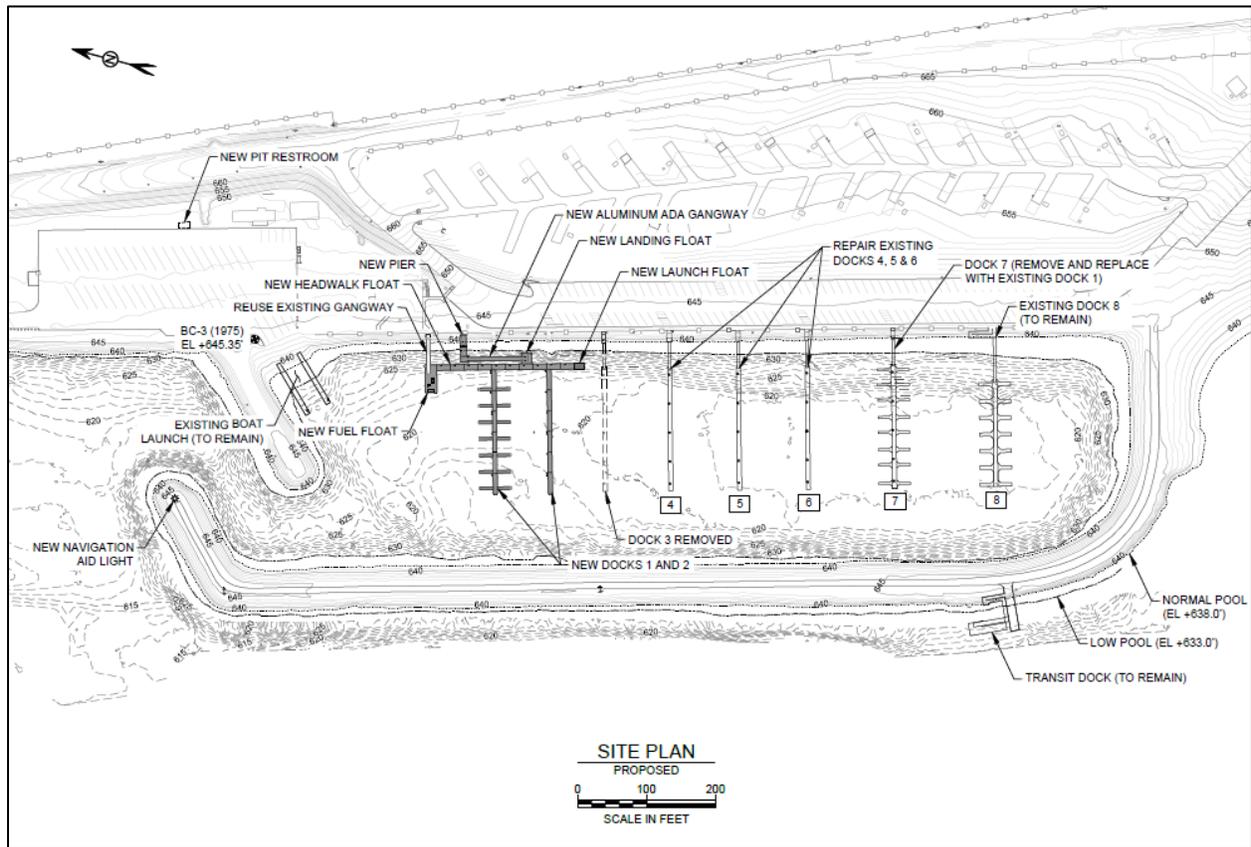
Overall, the demolition of the existing fuel float and Docks 2, 3, and 7 (and moving Dock 1) would result in the removal of approximately 5,880 square feet of overwater structure and the removal of 17 steel piles.

### **2.3.2.2 Maintenance and Repair of Existing Floating Docks**

Docks 4, 5, and 6 are not proposed to be demolished; however, they are showing signs of deterioration and require minor repairs to ensure the continued safe use of the docks. Repair and maintenance on these docks would include replacing deteriorated timber walers (walers are structural beams mounted flush to the deck of a floating dock), repairing concrete decking, replacing missing hardware, and installing pile sleeves. The replacement of timber walers would be completed using only untreated or ammoniacal copper zinc arsenate (ACZA) treated wood, and treatment would comply with the Western Wood Preservers Institute Best Management Practices (BMPs). Design measures would prevent abrasion of the treated wood and reduce the potential for the release of contaminants into the aquatic environment. Where needed, the concrete deck surface would be cleaned and repaired, including crack-sealing and spall repairs. In areas with extensive concrete surface damage the concrete surface would be cut, removed, and replaced with new concrete and/or an epoxy repair compound. The extent of repair to the existing concrete to each of the docks is estimated to be between 10 to 15 percent of the surface. The replacement of missing hardware would include the replacement of the rubber rub strips, replacement of moorage cleats, repair of pile hoops, and repair or replacement of electrical and water lines. All repair work at the existing docks would be done with the floats in the water, and only components or parts of the floats above water would be repaired. Existing utility lines above deck would be painted to reduce potential corrosion, improve aesthetics, and to make them more visible for safety. The repair on these docks would not include new piles or new utilities (water and electrical). The existing steel HP piles (special H beams with the same thickness for flange and span) would be sleeved with high-density polyethylene (HDPE) pipes then filled with concrete and capped. This would prevent further deterioration of the existing steel piles and increase the life of the pile.

Instead of repairing the existing Dock 7, the proposed action would replace the existing Dock 7 with the existing Dock 1 (Figure 3). The existing Dock 1 is in much better condition than Dock 7. Both docks are identical and the relocation of Dock 1 to the Dock 7 location would result in no change in overwater coverage or additional long term impacts to the aquatic environment. The relocation of Dock 1 would occur in the same footprint of the existing Dock 7 and would utilize the same gangway and access. In order to swap the two docks, the existing five (5) steel piles anchoring the existing Dock 7 would be removed. Some of these piles are loose and are in need of repair. The existing piles are inset within the floats and in order to remove Dock 7 the piles need to be removed. As a result, the relocation of Dock 1 would require the installation of five (5) new 12.75- inch steel pipe piles (since the piles for Dock 1 are also inset). The piles would be bare steel (not galvanized or painted) but covered with HDPE plastic sleeves to reduce corrosion, reduce friction between the pile and pile hoops and improve the appearance.

The HDPE plastic sleeves would be black color to prevent ultraviolet (UV) light damage. Anti-perching caps would be installed on all piles. The swap of the two docks would eliminate the existing Dock 7, which is deteriorated to a level beyond minor repairs.



**Figure 3. Summary of proposed changes to Boyer Park Marina.**

### 2.3.2.3 Fuel Float

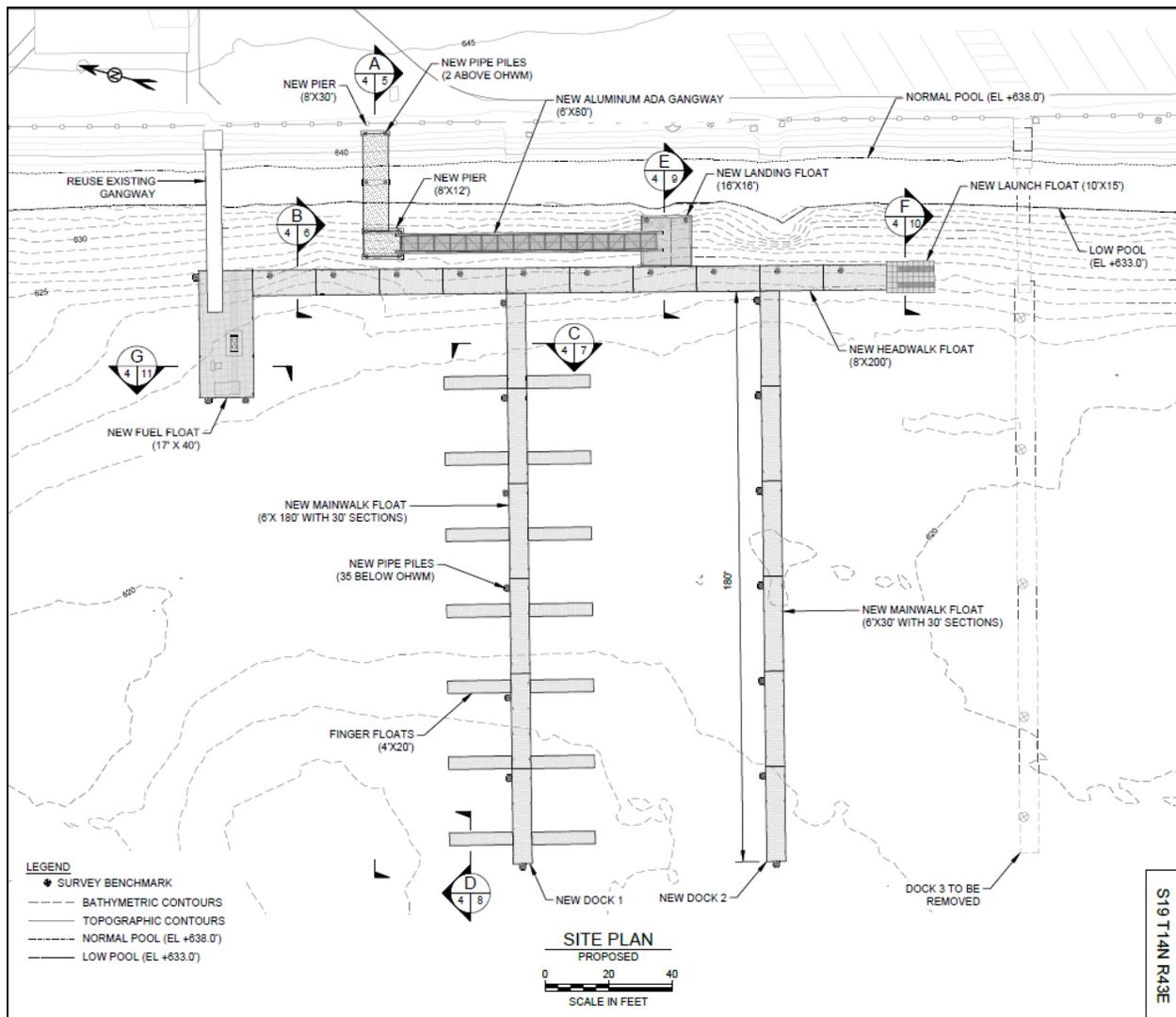
The proposed fuel float would be 17 feet by 40 feet and installed in roughly the same location as the existing fuel float. The existing gangway and concrete abutment would be utilized for the new fuel float. The fuel float would consist of a fuel pump, pump-out station, safety and informational signage, and equipment shed. The equipment shed would be approximately 4 feet by 8 feet and would be utilized for storage of spill prevention and fire suppression supplies. The float would be constructed offsite and consist of an aluminum frame with fully encapsulated foam filled HDPE float drums (white or black in color). Framing for the float would be as open as possible with between 40 and 45 percent functional open area (portion of the float not covered by framing and floatation). The majority of the fuel float would be surfaced with molded fiberglass-reinforced plastic (FRP) grate decking with greater than 60 percent open area. The exceptions to this would be the area of the fuel pump, solid grating covering the utility lines (fuel line and pump-out lines), and the storage shed for spill and fire suppression supplies. Approximately 85 percent of the surface of the float would be covered with FRP grating. The float would be anchored by three (3) 12.75 inch steel

piles. The piles would be bare steel (not galvanized or painted) but covered with HDPE plastic sleeves to reduce corrosion, reduce friction between the pile and pile hoops and improve the appearance. The HDPE plastic sleeves would be black color to prevent UV light damage. Anti-perching caps would be installed on all piles. The fuel float would include the installation of a new fueling system, piping, and upland connections. The fuel float would also include space for a new sewage pump-out, with piping and connection to an existing upland on-site septic system. The piping for both the fuel and sewage would be located immediately upriver of the existing gangway. Overall, the installation of the new fuel float would result in the installation of approximately 680 square feet of overwater structure and the installation of 3 steel piles.

#### **2.3.2.4 New Dock**

Instead of replacing the existing Docks 1-3 with identical structures, the proposed action would redesign the moorage in this portion of the marina to better serve the marina users and provide ADA access. The proposed dock has been designed to avoid and minimize the overall impacts to ESA-listed salmon and steelhead found in the Snake River. Specifically, the proposed dock would entail a single access pier and the floats would comply with all the current standards for overwater coverage on the river and ADA access.

The proposed dock would consist of a fixed pier gangway, a headwalk, and two floating docks (Figure 4). The initial portion of the proposed marina improvement would consist of a fixed pier that would provide access to the dock from upland. The fixed pier would be 8 feet wide and 30 feet long and would extend perpendicular from the shoreline. The second portion of the fixed pier would turn 90 degrees to the south and run parallel to the OHWM. This portion of the fixed pier would be 8 feet wide (internal walking surface) and 12 feet long. The landward end of the fixed pier would be located approximately 12 feet landward of the OHWM and would be accessed from the existing paved walkway. The fixed pier would extend approximately 26 feet waterward of the OHWM. The fixed pier would be aluminum and 100 percent of the surface would be covered with ADA compliant FRP grating (open area greater than 60 percent). The fixed pier would be anchored with a total of eight (8) 12.75-inch steel pipe piles, two (2) of which would be installed above the OHWM to anchor the landward end of the fixed pier. The piles would be bare steel but covered with HDPE plastic sleeves to reduce corrosion, reduce friction between the pile and pile hoops and improve the appearance. The HDPE plastic sleeves would be black color to prevent UV light damage. Anti-perching caps would be installed on all piles.



**Figure 4. Details of the proposed new docks.**

Access to the floating portion of the dock would be provided by a 6 foot wide (internal walking surface) by 80 foot long gangway oriented parallel to the OHWM. The gangway would be aluminum and 100% of the surface would be covered with ADA compliant FRP grating with an open area greater than 60 percent. The gangway would be anchored to the fixed pier at the northern end and the southern end of the gangway would rest on a 16 foot by 16 foot landing float.

The landing float would provide a connection to the headwalk. Framing for the landing float would be aluminum and floatation would be provided by fully encapsulated foam filled HDPE float drums (white or black in color), as required. Framing for the float would be as open as possible with between 45 to 50 percent functional open area. The floatation would allow the top of the float to be elevated approximately 1.5 feet above the OHWM. The entire surface of the float would be covered with ADA compliant FRP grating. The landward edge of the landing float would be located approximately 18 feet

waterward of the OHWM at a water depth of approximately 6 feet below the OHWM. The location of the landing float was selected in order to ensure that the float would not ground out during low pool elevation of +633 feet. The landward edge of the landing float would be at an elevation of approximately +632 feet. The landing float would be anchored with two (2) 12.75- inch piles installed on the landward edge of the float. The piles would be bare steel but covered with HDPE plastic sleeves to reduce corrosion, reduce friction between the pile and pile hoops and improve the appearance. Anti-perching caps would be installed on all piles. The waterward edge of the landing float would be connected to the headwalk.

The proposed headwalk would be 8 feet wide and 200 feet long and would be oriented parallel to the OHWM. The headwalk would provide access to the new dock and to the fuel float. The headwalk would be aluminum and floatation would be provided by fully encapsulated foam filled HDPE float drums (white or black in color), as required. Framing for the headwalk would be as open as possible with between 50 to 55 percent functional open area. The entire surface of the headwalk would be covered with ADA compliant FRP grating. The headwalk would be installed approximately 34 feet waterward of the OHWM at a depth of approximately 13 feet below the OHWM at the landward edge. At minimum pool elevation, the landward edge of the headwalk would be in approximately 8 feet of water. The headwalk would be anchored with ten (10) 12.75-inch piles installed on the landward edge of the float. The piles would be bare steel but covered with HDPE plastic sleeves to reduce corrosion, reduce friction between the piles and pile hoops and improve the appearances. The HDPE plastic sleeves would be black color to prevent UV light damages. Anti-perching caps would be installed on all piles. The northern end of the headwalk would be connected to the new fuel float and a new kayak float would be attached to the southern end of the headwalk. The kayak float would be 10 feet wide by 15 feet long and would provide two launch lanes for kayaks. The kayak float would be a low-freeboard plastic float that would be anchored to the headwalk.

The final elements are two (2) docks that would extend perpendicular to the headwalk. Dock 1 would be installed north of the landing float and Dock 2 would be installed south of the landing float. Dock 1 would be installed approximately 38 feet north of the landing float. Dock 1 would consist of a 6 foot wide by 180 foot long mainwalk and fourteen (14) finger floats (seven on each side) and would provide a total of 30 slips. The finger floats would be 4 feet wide and 20 feet long and would be spaced approximately 20 feet apart. Dock 1 would be anchored with a total of seven (7) piles. Dock 2 would be installed approximately 24 feet south of the landing float. Dock 2 would be 6 feet wide and 180 feet long and would provide linear moorage. This dock would be anchored with a total of seven (7) piles. The mainwalk and finger floats would be aluminum and floatation would be provided by fully encapsulated foam filled HDPE float drums (white or black in color), is required. The floats would be modular to allow for easier construction, transportation, and installation. Framing for the floats would be as open as possible with between 35 to 40 percent functional open area for the finger floats and between 45 to 50 percent functional open area for the mainwalk. The floatation would allow the top of the floats to be elevated approximately 1.5 feet above the OHWM. The entire surface of the floats would be covered with ADA compliant FRP

grating. The two docks would extend approximately 222 feet waterward on the OHWM, which is consistent with the remaining docks in the marina. Water depths below these docks would range between 15 and 18 feet below the OHWM. The proposed docks would not ground out during low pool; however, any existing rocks or debris below the docks that may interfere with the floats or vessels during low pool would be removed. No dredging is proposed, rather any large rock or debris would be lifted out of the water with a crane or excavator. All piles would be bare steel but covered with HDPE plastic sleeves to reduce corrosion, reduce friction between the piles and pile hoops and improve the appearance. The HDPE plastic sleeves would be black color to prevent UV light damage. Anti-perching caps would be installed on all piles. The entrance to each dock would include a gate that can be locked, and new potable water and electric power would be provided to both docks.

Overall, the installation of the new dock would result in the installation of approximately 6,030 square feet of overwater structure and the installation of 42 steel piles (40 of which would be below the OHWM).

#### **2.3.2.5 Pile Installation**

All piles would be installed either from land or using a floating barge with a vibratory hammer and impact hammer. For piles that do not obtain the design penetration depth, an impact hammer may be utilized to complete pile installation. Pile installation is expected to encounter boulders, cobbles, and shallow bedrock. If bedrock is encountered, rock sockets would likely be required to reach a minimum 10 feet of embedment into the bedrock. If a rock socket is utilized, all tailings from the drilling operation would be contained within the interior of the pile or collected and disposed of at an upland disposal site.

#### **2.3.2.6 Excavation, Grading, and Paving**

Minor excavation and grading would be performed at the existing upland walkway and at the new upland fixed pier construction. The existing asphalt walkway between the marina parking lot and the existing and new gangways would be repaired to ensure ADA access. This portion of the project would include minor excavation, grading, and asphalt repairs. The repairs would not result in an increase in impervious surfaces. Best Management Practices would be applied to eliminate potential run-off into the river. Excavated material would be reused as backfill or for grading whenever possible; any excess excavation material would be disposed of at an approved upland location.

#### **2.3.2.7 New Signage**

New signage would be installed adjacent to the existing parking lot to inform the public of marina safety warnings and guidance for its use.

### **2.3.2.8 New Navigation Aid**

Navigation on the Snake River would not be impacted by the proposed action. However, to increase the safety of the marina, a new solar-powered navigation aid light would be installed at the northwestern tip of the existing rock breakwater.

### **2.3.2.9 New Pit Restroom**

A new pre-fabricated vault restroom would be installed east of the boat ramp parking lot. The work would include excavation and a concrete pad. The new restroom would be located outside of the 200 foot shoreline zone (greater than 200 feet from the OHWM). The restroom would sit on a 12 foot by 22 foot concrete pad and would require excavation to a depth of 4 feet and six inches to accommodate the 750 gallon vault.

### **2.3.3 Project Timeline**

The typical in-water work window in the mainstem Snake River is August 1 through 31. However, park and marina usage peaks in the summer months and construction during this time would adversely affect park users. Due to this, the Port is currently negotiating with the State of Washington and NMFS to work within the basin during a proposed September 1 through February 28 work window. The proposed work window is outside of the primary outmigration of juvenile salmonids.

Pile and dock removal, pile installation, float installation, and dock repair would occur within the normal in-water work window of August 1 through 31, or the proposed work window of September 1 through February 28, during years 2021 through 2024. The proposed project would take approximately 3 months to complete, with all of the pile driving occurring within approximately 4 weeks. Uncertainty regarding the work window, compliance timing, and project funding requires a broad timeframe in which the work could be conducted.

### **2.3.4 Impact Avoidance and Minimization Measures**

The proposed action would incorporate a number of design approaches to avoid and to minimize potential adverse impacts from the project. The following features have been incorporated into the proposed action design to minimize potential effects to listed species:

- The size and number of piles have been reduced to the minimum necessary to support the gangway and floats.
- Piles would be installed using a vibratory hammer.
- The surface of the ramp and floats would consist of 100 percent functional grating material to reduce shading, allowing at least 60 percent light penetration to the water.

- Construction of the float would be designed to allow for between 40 to 55 percent functional grating (based on width of the float).
- The gangway would extend from the concrete abutment at an elevation approximately 4 feet above the OHWM.
- Exposed pile tops would be fitted with anti-perching caps to discourage avian predation on juvenile salmonids.
- The grated surfaces of the dock would not be used for storage or any other activities that would inhibit light penetration.

### **2.3.5 Best Management Practices**

Best Management Practices are employed to reduce the potential for construction-related impacts on species and habitats. The following BMPs would be followed for this Project:

- Extreme care would be taken to prevent any petroleum products, chemicals, or other toxic or deleterious materials from entering the water. If a spill were to occur, work would be stopped immediately, steps would be taken to contain the material, and appropriate agency notifications would be made.
- Fueling within the marina would only occur at the fuel dock.
- All equipment operating waterward of the OHWM would be inspected daily for fluid leaks. Leaking equipment would be repaired prior to resuming operation.
- The Contractor would develop and implement a site-specific spill prevention, containment, and control (SPCC) plan, and is responsible for containment and removal of any toxicants released.
- All exposed or disturbed areas, including upland staging areas, would be stabilized to prevent erosion.
- All erosion control devices would be inspected during construction to ensure that they are working adequately.
- Grated surfaces would not be used for storage or other purposes that would reduce natural light penetration through the structure.

## **3 Affected Environment and Environmental Consequences**

### **3.1 Introduction**

This chapter describes environmental resources/components and describes the affected environment and the potential environmental effects of the No Action Alternative and the Proposed Action Alternative.

Thirteen environmental resources were identified as being relevant to this project: aesthetics and the visual environment, aquatic resources, climate change, geology and soils, historic and cultural properties, noise, recreation, socioeconomics and environmental justice, terrestrial resources and wildlife, transportation, vegetation, water quality, and cumulative effects.

However, after review and initial assessments of potential effects to environmental resources, only aesthetics and the visual environment, aquatic resources, historic and cultural properties, recreation, socioeconomics, water quality, and cumulative effects were identified as needing further assessment which could include consultation and/or coordination with other federal, state, and tribal regulatory entities. Environmental resources that were dismissed from further analysis are briefly discussed below and the rationale for their dismissal is provided.

#### **3.1.1 Resources Not Examined in Detail**

##### **3.1.1.1 Air Quality**

The proposed action area is in attainment for air quality standards. The construction of the proposed action may cause de minimus emissions during the active construction phase, but would not impair air quality in the region.

##### **3.1.1.2 Climate Change**

Indications are that average global atmospheric temperatures are trending upward over the previous several decades, and are correlated to increased atmospheric carbon dioxide levels (USGCRP, 2017). In the Pacific Northwest, changes in snowpack, stream flows, and forest cover are already occurring. Future climate change would likely continue to influence these changes. However, these changes are not likely to modify or exacerbate the effects of the proposed action. Water levels in the Snake River are regulated by the four lower Snake River dams, and potential changes to the patterns of spring snowmelt would have little to no effect on the marina.

The effects of the proposed action on climate change is also not substantial. The proposed action has no activities that produce significant emissions, and would not be subject to quantitative analysis. Therefore, climate impacts would be negligible and are not analyzed in further detail.

### **3.1.1.3 Noise**

The proposed action would not cause any appreciable changes in the noise environment, nor would noise levels exceed federal, state, or local government standards. There would be some short-term noise associated with construction activities. However, this noise would typically occur only between the hours of 7am and 6pm, Monday through Saturday. Long-term noise associated with the recreational use of the marina and its associated facilities would remain the same.

### **3.1.1.4 Terrestrial Resources**

The proposed action would be conducted in a developed park and marina. All work and staging of materials would be conducted from previously paved surfaces. No habitat or wildlife would be disturbed by the proposed construction activities.

### **3.1.1.5 Transportation**

The proposed action would be conducted at Boyer Park and Marina, which is located in a relatively unpopulated and low traffic area. While construction equipment and personal would represent a large increase over normal usage, it would still not represent a notable impact to transportation in the region.

### **3.1.1.6 Vegetation**

The proposed action would be conducted in a developed park and marina. All work and staging of materials would be conducted from previously paved surfaces. While some landscaping may be disturbed, there would be no notable impacts to native vegetation.

## **3.2 Aesthetics and the Visual Environment**

### **3.2.1 Affected Environment**

A stated purpose of NEPA is to “assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.” The aesthetic quality of an area is a subjective measure of one’s perception of how visually pleasing an area is, but in general, notable features such as mountains, rivers, open landscapes, and forests can be considered to have a high aesthetic value.

Boyer Park and Marina is located along the Snake River in the canyon carved through the Palouse in eastern Washington. Notable features of high aesthetic value are the river itself as well as the canyon (Figure 5). Given that the park includes a campground, it can be assumed that visitors to the park are highly motivated by the quality of the visual landscape, although the marina itself may detract from that quality, especially where facilities are most in need of repair or replacement (Figure 6).



**Figure 5. An aerial view of Boyer Park Marina (Image courtesy of [www.campgroundviews.com](http://www.campgroundviews.com)).**



**Figure 6. A view of the marina from the shore (Image courtesy of [www.koa.com](http://www.koa.com)).**

**3.2.2 Environmental Effects**

**3.2.2.1 Alternative 1: No Action.**

Under the No Action Alternative, there would be minor adverse effects to aesthetics and the visual environment in the proposed action area. The Port would not repair and replace the docks in the marina, but would allow the marina to continue to function in an inadequate state. The crumbling concrete docks would deteriorate further, exacerbating their adverse effects to the visual landscape. Notable natural features of the viewscape would not be impaired by the failing docks. However, the outdated and decaying infrastructure would undoubtedly distract park goers from the positive aspects of the viewscape and adversely affect aesthetics and visual resources.

**3.2.2.2 Alternative 2: The Corps approves repair and upgrades at Boyer Park and Marina.**

Under the Proposed Action Alternative, there would be minor, less than significant adverse short term effects to aesthetics and visual resources in the proposed action

area, with minor, less than significant beneficial effects in the long term. Temporary impairment of aesthetics would be caused by the repair and replacement of the docks and construction equipment and material, both while in use and while being staged. Land based equipment could include excavators, front end loaders, cranes, pile driving equipment, and trucks. Marine equipment could include barges, crane barges and small skiffs and workboats. Most of this equipment would be brightly colored and none would normally appear in natural viewsapes. Visitors to Boyer Park and Marina may find their enjoyment of the action area's aesthetic values diminished by the presence of construction equipment and activities, although some visitors may find the construction activities to be of interest. Construction and repair would not, however entirely negate the aesthetic values of the action area, and these effects would end with the completion of the proposed project. Therefore these effects would not rise to the level of significance.

Following the completion of the proposed project, there would be minor beneficial effects to aesthetics due to the new and rehabilitated infrastructure. The replacement or repair of crumbling concrete docks and walkways would improve visual resources at the Park by removing unsightly elements of the marina. Additionally, planned features of the upgrade, including FRP decking and HDPE sleeves, would minimize corrosion and decay of the new and repair docks, extending their life. This in turn would maintain beneficial effects to aesthetic resources.

### **3.3 Aquatic Resources**

#### **3.3.1 Affected Environment**

The Snake River Basin has been significantly altered as a result of hydroelectric and agricultural development. Disturbance in the region is greater than a 15% equivalent clear-cut area within the Middle Columbia River watershed. Currently there is only a thin band of riparian vegetation along the Snake River as the natural riparian and floodplain was inundated by the construction of the Federal Columbia River Power System dams. Historically, the Snake River may have had a larger riparian area and small floodplain.

In many places no riparian trees are present at all, often replaced by levees and riprap. Levees were constructed to confine the river and prevent the river from accessing the floodplain. There is little available habitat off the main channel habitats of the middle Snake River and aquatic species would have difficulty accessing them.

While the Snake River dams are run-of-river dams that generally pass the incoming river volume, the forebay pools act much like one large pool. The reservoirs are much deeper and wider than the pre-impoundment Lower Snake River and offer few sources of refugia such as large woody debris or multiple smaller pools with riffles/run sequences. Furthermore, upstream dams alter the movement of sediment through the action area, resulting in few accumulations of suitable spawning gravels, most of the substrate consists entirely of sand.

Boyer Park and Marina sits on a small shelf of land between the canyon walls and the Snake River. The marina is sited within a man-made boat basin on the river right bank of the Snake River.

Within the basin, the aquatic environment is altered to accommodate the needs to boating and moorage. The water is impounded to a degree by the break wall and is likely warmer than the Snake River as a whole. The existing docks do not allow for light penetration and provide habitat for invasive warm water predators such as smallmouth bass. Additionally, fish that may use the basin are likely disturbed by boat traffic, a source of noise and disturbance, and a potential source of contaminants should fuels or lubricants leak from a boat.

As the boat basin is directly connected to and a part of the Snake River, any aquatic species found in Lake Bryan (an impoundment of the Snake River between Little Goose Dam and Lower Granite Dam, created by Little Goose Dam) is likely to occur occasionally in the boat basin and could be affected by the proposed project.

**Resident fish species** include: Rainbow trout (*Oncorhynchus mykiss*), Cutthroat trout (*O. clarki*), bull trout (*Salvelinus confluentus*), mountain whitefish (*Prosopium williamsoni*), largemouth sucker (*Catostomus macrocheilus*), western brook lamprey (*Lampetra richardsoni*) bridgelip sucker (*C. columbianus*), longnose sucker (*C. catostomus*), mountain sucker (*C. platyrhynchus*), northern pikeminnow (*Ptychocheilus oregonensis*), margined sculpin (*Cottus marginatus*), white sturgeon (*Acipenser transmontanus*), carp (*Cyprinus carpio*), channel catfish (*Ictalurus punctatus*), brown bullhead (*Ameiurus nebulosus*), yellow bullhead (*A. natalis*), black bullhead (*A. melas*), smallmouth bass (*Micropterus dolomieu*), largemouth bass (*M. salmoides*), yellow perch (*Perca flavescens*), and walleye (*Sander vitreus*).

**Migratory fish species** include: American shad (*Alosa sapidissima*), Chinook salmon (*O. tshawytscha*), Sockeye salmon (*O. nerka*), Coho salmon (*O. kisutch*), steelhead (*O. mykiss*), and Pacific lamprey (*L. tridentata*).

**Mollusk species** include: Western ridged mussel (*Gonidea angulate*), fingernail clams and pea clams (Family *Sphaeriidae*) and non-native Asian clams (*Corbicula fluminea*).

**Common aquatic insects** include: mayflies, caddisflies, dragonflies, midges, freshwater scuds, and stoneflies.

**Amphibian species** include: western toad (*Bufo boreas*), bullfrog (*Lithobates catesbeianus*), woodhouse toad (*Bufo woodhouseii*), Pacific tree frog (*Pseudacris regilla*), Columbia spotted frog (*Rana luteiventris*), Great Basin spadefoot (*Spea intermontana*), leopard frog (*Rana pipiens*), and long-toed salamander (*Ambystoma macrodactylum*).

Table 1 list aquatic species listed under the Endangered Species Act that may be found at the site of the proposed action:

**Table 1. Aquatic Endangered Species Act proposed, threatened, and endangered species in the proposed action area.**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Species Status</b>	<b>Critical Habitat</b>
Snake River Spring/summer-run Chinook Salmon	<i>Oncorhynchus tshawytscha</i>	Threatened	Final Designated
Snake River Fall-run Chinook Salmon	<i>Oncorhynchus tshawytscha</i>	Threatened	Final Designated
Snake River Sockeye Salmon	<i>Oncorhynchus nerka</i>	Endangered	Final Designated
Snake River Basin Steelhead	<i>Oncorhynchus mykiss</i>	Threatened	Final Designated
Bull Trout	<i>Salvelinus confluentus</i>	Threatened	Final Designated

### 3.3.2 Environmental effects

#### 3.3.2.1 Alternative 1: No Action.

Under the No Action Alternative, effects to aquatic resources are from routine operation and use of the marina. These effects may include disturbance to fish from noise or prop wash and potential leaks of fuel or lubricants from motors. These effects would also include those derived from the existence of concrete docks without light penetrating surfaces, which provide habitat for predatory warm water fish. There would be no additional direct positive or negative effects on aquatic resources under the No Action Alternative.

#### 3.3.2.2 Alternative 2: The Corps approves repair and upgrades at Boyer Park and Marina.

Overall, the proposed action would result in a net increase of 830 square feet of overwater coverage; however, the proposed action is not expected to result in a net loss of habitat functions or quality of the Snake River. This is because the proposed docks have incorporated design elements that would avoid and minimize the potential adverse impacts to the Snake River. The replacement of the existing failing concrete docks with aluminum floats with open framing and surface grating would result in greater light transmission and less habitat for invasive warm-water predator fish. This would likely reduce predation on native salmonids in the marina. This, along with the fact that the existing conditions within the marina are providing a low level of habitat functions and

values mean that the minor increase in overwater coverage would have little potential to generate adverse impacts to the existing habitat conditions.

There are also no potential short or long term adverse impacts associated with the proposed repairs to Docks 4-6 and the replacement of Dock 7 with Dock 1. This is due to the fact that these activities would not change the footprint, design, or use of the structures.

Above the OHWM, all work (demolition, excavation, etc.) would occur in areas that are already heavily disturbed and contain little if any habitat for aquatic species. Since the shoreline above the OHWM is completely developed and devoid of habitat, the proposed action does not have the potential to impact any habitat conditions.

### **3.4 Historic and Cultural Resources**

#### **3.4.1 Affected Environment**

The proposed action is within the Plateau cultural area which encompasses the drainage area of the Columbia, Fraser, and Snake Rivers. These three rivers and their tributaries have provided the resources needed for human occupation for thousands of years. During their extensive occupation along the rivers and tributaries of the Snake River, Native Americans subsisted on the abundant salmon and aquatic resources available. Traditional Cultural Properties (TCPs) and Historical Properties of Religious and Cultural Significance to Indian Tribes (HPRCSITs) reflect important fishing locations and fishing villages native peoples occupied for collecting such resources.

When the first European settlers arrived circa 1888, the local area was reformed to support agricultural practices. The earliest settlers established a small agricultural business and subsequent owners added an orchard operation. The land was acquired by the federal government in the 1960s with Boyer Park and Marina established in early 1970s.

Preliminary research revealed no archaeological sites within the project's boundary and five archaeological surveys conducted in the affected area.

#### **3.4.2 Environmental Effects**

##### **3.4.2.1 Alternative One: No Action.**

Implementation of Alternative 1 would result in no changes to any processes affecting cultural resources, and would have no potential to affect historic properties.

### **3.4.2.2 Alternative Two: The Corps approves repair and upgrades at Boyer Park and Marina.**

Based on the literature search, and minimal new testing conducted in support of the proposed action, the Corps has determined that the proposed action would result in “No Adverse Effects to Historic Properties”. Research of records associated with Lower Granite Dam construction indicate that past disturbances encompassed the entire area of the proposed action. Extensive dredging occurred in the vicinity of the boat basin, and the resultant materials were placed on the park to level the area. Testing around and inland from the boat basin failed to find the bottom of the fill, even at depths of up to 5.5 feet below the surface.

As the proposed action does not seek to expand the facilities at the park, only improve ADA accessibility, and bring certain facilities up to modern standards, the Corps has determined that the proposed action would have no significant effects to historic and cultural resources.

## **3.5 Recreation**

### **3.5.1 Affected Environment**

Boyer Park is a popular recreation hub featuring long term and transient boat moorage, shaded campsites for RV's with full and partial hookups, camp cabins, a small on-site motel, and tent sites. As currently configured, Boyer Park and Marina features:

#### ***Marine Services***

- 150 boat slips
- Gasoline and diesel fuel
- Boat launch available for a fee
- Overnight moorage with a 150 foot guest dock
- Electrical power available in 30 amp service
- Estimated minimum moorage depth of approximately 12 feet

#### ***Day-Use & Campground Accommodations***

- 45 full-hookup RV sites (20, 30 and 50 amp service, sewer and water)
- 16 partial-hookup RV sites (30 amps, water)
- Three tent sites

- RV pump out station
- Four cabins overlooking the Snake River
- Restrooms
- Showers
- Laundry
- Picnic tables
- BBQ pits
- Pay telephone
- Convenience store
- Restaurant

### **3.5.2 Environmental Effects**

#### **3.5.2.1 Alternative 1: No Action.**

Under the No Action Alternative, there would be minor adverse effects to recreation in the proposed action area. The Port would not repair and replace the docks in the marina, but would allow the marina to continue to function in an inadequate state. The crumbling concrete docks would deteriorate further, impeding recreational activities such as power boating, kayaking, and sailing. Ultimately the docks could fail entirely or become unsafe for use, at which point the marina could be closed entirely.

#### **3.5.2.2 Alternative 2: The Corps approves repair and upgrades at Boyer Park and Marina.**

Under the Proposed Action Alternative, there would be minor, less than significant adverse short term effects to recreation in the proposed action area, with minor, less than significant beneficial effects in the long term. The existing boat launch and parts of the marina may be partially closed during demolition/construction. However, the park and marina would remain open during construction with minimal impacts other than loss of use of certain floats during construction. Navigation in the Snake River would not be affected. Following completion of the proposed action, adverse effects to recreation would cease.

Completion of the proposed action would have beneficial effects to recreation by improving the quality of services provided by the Park and Marina. This would include safer and more stable moorage, improved facilities for personal watercraft, and an improved fuel float.

## **3.6 Socioeconomics and Environmental Justice**

### **3.6.1 Affected Environment**

The socioeconomic effects of the proposed action would be seen primarily within communities in southeastern Washington (Asotin, Columbia, Garfield and Whitman Counties) that most use the park and marina.

The combined population of the four counties was 78,707 as of July 1, 2018 (US Census Bureau 2019). Almost two-thirds of the population is within Whitman County, home to Washington State University in the city of Pullman, with 49,791 residents. Of the remaining 28,916 residents, 22,610 live in Asotin County, 4,059 in Columbia County, and 2,247 in Garfield County.

Median household income in the four counties in 2017 was \$43,793, over \$20,000 lower than that for the state as a whole, which was \$66,174 in 2017. About 18.3 percent of the residents had incomes below the poverty line. This figure is primarily driven by a 21.4% poverty rate in comparatively populous Whitman County, as poverty rates in Asotin, Columbia, and Garfield Counties were all below 14 percent. The average for the state of Washington in 2017 was 11 percent.

About 82.3 percent of residents of the four counties identified as white alone, not Hispanic or Latino in 2017, followed by 5.9 percent Hispanic or Latino, 5.8 percent Asian, and 3.7 percent of residents who identify as two or more races. This is considerably less diverse than the state as a whole, where only 68 percent of the population identified as white alone.

### **3.6.2 Environmental Effects**

#### **3.6.2.1 Alternative 1: No Action.**

Under the No Action Alternative, there would be minor adverse effects to socioeconomics in the proposed action area. The Port would not repair and replace the docks in the marina, but would allow the marina to continue to function in an inadequate state. The crumbling concrete docks would deteriorate further, potentially becoming entirely unusable. Although, it is difficult to quantify the degree to which environmental justice communities are users of the marina, boating and outdoor recreation can be an important and low-cost form of entertainment. It is likely that cost-sensitive users of the marina may also be those most adversely affected by the greater travel times required to access other marinas and boat launches, were the marina to close. Closure of the marina could also represent a loss of tourist income for the four counties, though this effect would be very small.

### **3.6.2.2 Alternative 2: The Corps approves repair and upgrades at Boyer Park and Marina.**

Under the Proposed Action Alternative, there would be minor, less than significant adverse short term effects to socioeconomics in the proposed action area, with minor, less than significant beneficial effects in the long term. Temporary adverse effects to socioeconomically disadvantaged residents could be caused by the repair and replacement of the docks. Construction and repair would prevent residents from using the marina for the duration of the work period. However, these effects would end with the completion of the proposed project and would not rise to the level of significance. Long term beneficial effects would be seen if the proposed maintenance preserves low-cost recreational opportunities at the Park and Marina. Neither the construction itself, nor the completed repairs would represent a notable source of employment or income above the existing baseline.

## **3.7 Soils**

### **3.7.1 Affected Environment**

The entire upland project area is sited over Hermiston silt loam soils. This soil series consists of deep, well drained soils that formed in silty alluvium. It is typically found on stream bottoms and low terraces with slopes of 0 to 3 percent (Web Soil Survey 2019), as is the case at the proposed project location. This soil structure, because of its high silt content is highly erodible, with a tendency to detach, crust, and produce high rates of runoff.

### **3.7.2 Environmental Effects**

#### **3.7.2.1 Alternative 1: No Action.**

Under the No Action Alternative, there would likely be no immediate significant impacts to soils in the project area. The Port would not repair and replace the docks or upland facilities in the marina, but would allow the marina to continue to function in an inadequate state. No ground disturbing activities would take place. The potential failure of the docks would have little potential to impair soils within the proposed action area.

#### **3.7.2.2 Alternative 2: The Corps approves repair and upgrades at Boyer Park and Marina.**

Under the Proposed Action, there would be minor, detrimental short-term effects on soils in the project area. Excavation for the vault toilet would have the potential for some soil loss due to erosion of excavated and staged materials. However, expected soil loss would be minimal due to the restroom location adjacent to the paved parking lot and through application of BMPs for dust control including applying dust suppressants,

covering trucks, and covering excavated material. No future impacts to soils would be anticipated upon completion of the proposed activities.

## **3.8 Water Quality**

### **3.8.1 Affected Environment**

Water quality throughout the Snake River Basin has been affected by dams and diversion structures, water withdrawals, agricultural practices, road construction, mining activities, and general urbanization and development.

Lake Bryan, where Boyer Park and Marina is located, is listed on the Washington Department of Ecology 303(d) list for year round temperature exceedance. Dams, channel simplification and widening, and vegetation removal are major contributors to increased river temperatures. Increases in water temperature can have a considerable effect on salmonid metabolism, growth rate, disease resistance, migration timing, fry emergence, and smoltification.

Waste effluents from municipal and industrial plants can constitute a continuous source of water pollution. Municipal sewage treatment plant effluents primarily affect water bodies in urban areas, while mining wastes can seriously affect aquatic communities in rural areas. Significant industrial discharges can occur in either urban or rural areas. The Snake River in general is not highly urbanized, although there are some sizable population centers upstream of the proposed action area. Within Lake Bryan, segments of the Snake River are designated as category 5 for pH and temperature. Segments are designated as category 5 for a break-down product of DDT (known as 4,4'-DDE), mercury, dieldrin, temperature, toxaphene, total Polychlorinated Biphenyls (PCBs), and Dioxin (2, 3, 7, 8-TCDD) of 0.013 parts per quadrillion (ppq) (USACE 2011a and ODEQ 2015). Excess nutrients, low levels of dissolved oxygen, presence of heavy metals, and changes in pH in Lake Bryan reservoir can have direct effects to aquatic resources throughout the river system (WADOE 2019).

### **3.8.2 Environmental Effects**

#### **3.8.2.1 Alternative 1: No Action.**

Under the No Action Alternative, there would be negligible adverse effects to water quality in the proposed action area. The Port would not repair and replace the docks in the marina, but would allow the marina to continue to function in an inadequate state. The crumbling concrete docks would deteriorate further, and concrete from the dock surface could fall into the water in the marina. The concrete would be inert and would have no effect on water quality.

### **3.8.2.2 Alternative Two: The Corps approves repair and upgrades at Boyer Park and Marina.**

Under the Proposed Action Alternative, there would be minor, less than significant adverse short term effects to water quality in the proposed action area. Pile driving for the marina and will occur in the wet and will likely cause a short term increase in suspended sediment in the area of pile driving. Because the sediments in the area are coarse, primarily sand and gravel, impacts will be minimal. The proposal, however, is not likely to cause any long-term changes in turbidity and will have a minimal and temporary impact during construction.

Boat sewage and boat fuel are potential sources of pollution. The presence of boats in the additional marina could result in additional petroleum spills, chemicals from marine paints and finishes, and sewage and refuse in the lake. Adverse effects to water quality could result from overwater construction if fuel spills or leaking equipment were to contaminate the marina waters. However, equipment would be checked for leaks and fueled onshore, and this risk would only be present in the form of spontaneous failure of equipment, causing a sudden leak.

## **3.9 Cumulative Effects**

NEPA and the Council on Environmental Quality (CEQ) regulations implementing the Act require federal agencies to consider the cumulative impacts of their actions. Cumulative effects are defined as, “the impact on the environment which results from the incremental impact of an action when added to other past, present and reasonable foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 CFR § 1508.7). Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time.

The Corps did not identify resources with the potential for meaningful cumulative impacts from the proposed action to replace and repair docks at Boyer Park and Marina. The expected impacts would be short term and localized and would not have significant negative impacts to resources. All repairs would be carried out in previously disturbed habitats and would not enlarge the footprint of the park or marina.

## **4 Compliance with applicable laws and regulations**

Section 4 identifies the legal, policy, and regulatory requirements that could affect each proposed alternative. The implications for each requirement are discussed with respect to the proposed action. Summaries of compliance and coordination activities for each of the laws, policies, or regulation are also provided.

### **4.1 National Environmental Policy Act**

This Environmental Assessment was prepared pursuant to regulations implementing the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.). NEPA provides a commitment that federal agencies consider the environmental effects of their proposed

actions prior to implanting those actions. Completion of this environmental assessment and signing of a Finding of No Significant Impact (FONSI), if applicable, fulfills the requirements of NEPA.

## **4.2 Endangered Species Act**

The Endangered Species Act (ESA) established a national program for the conservation of threatened and endangered fish, wildlife and plants and the habitat upon which they depend. Section 7(a)(2) of the ESA requires federal agencies to consult with the USFWS and NMFS, as appropriate, to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their critical habitats. Section 7(c) of the ESA and the federal regulations on endangered species coordination (50 CFR §402.12) require that federal agencies prepare biological assessments of the potential effects of major actions on listed species and critical habitat.

Potential effects to threatened and endangered species were analyzed in May 2019 in the (attached) *Boyer Park Marina Dock Replacement Project -Snake River Biological Assessment* (BA). The determination in the BA stated that this action, as proposed, “*may effect, but is not likely to adversely affect*” threatened and endangered species or critical habitat. The BA was submitted by the Corps Seattle Regulatory Division to the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS), hereafter referred to as “the Services”. Should the Services concur with the determination, they will send letters of concurrence to the Corps. Upon receipt of these letters, compliance with ESA would be considered complete.

## **4.3 National Historic Preservation Act**

The National Historic Preservation Act (NHPA) of 1966 as amended, directs federal agencies to assume responsibility for all cultural resources under their jurisdiction. Section 106 of NHPA requires agencies to consider the potential effect of their actions on properties that are listed, or are eligible for listing, on the National Register of Historic Places (NRHP). The NHPA implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, requires that the federal agency consult with the State Historic Preservation Officer, Tribes and interested parties to ensure that all historic properties are adequately identified, evaluated and considered in planning for proposed actions.

Consultation with the Washington State Historic Preservation Office (SHPO), Confederated Tribes of the Umatilla Indian Reservation (CTUIR), Confederated Tribes of the Colville Reservation (CCT), and the Nez Perce Tribe (NPT) is currently on-going; but preliminary efforts have resulted with a finding of No Adverse Effect to Historic Properties (36 CFR § 800.5(d)(1)).

## **4.4 Rivers and Harbors Act**

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted on, over, or under navigable waters of the United States be

approved/permitted by the Corps of Engineers Regulatory Division. Regulated activities include the placement/removal of structures, work involving dredging, disposal of dredged material, filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway.

The Corps Seattle Regulatory Division is reviewing the proposed action in response to a permit application from the Port. Completion of this review is dependent upon satisfactory completion of ESA and Section 106 consultation as described above. Following the conclusion of consultation, the Regulatory Division would issue a Letter of Permission to the Port for the proposed action.

#### **4.5 Clean Water Act**

The Federal Water Pollution Control Act (33 U.S.C. §1251 et seq., as amended) is more commonly referred to as the Clean Water Act (CWA). This act is the primary legislative vehicle for federal water pollution control programs and the basic structure for regulating discharges of pollutants into waters of the United States. The act was established to restore and maintain the chemical, physical, and biological integrity of the Nation's waters and sets goals to eliminate discharges of pollutants into navigable water, protect fish and wildlife, and prohibit the discharge of toxic pollutants in quantities that could adversely affect the environment.

Discharge of dredged or fill material below the line of ordinary high water requires evaluation under Section 404. The Corps Seattle District Regulatory Division has determined that the proposed action would not involve placement of fill below the ordinary high water mark.

Under Section 401, an activity involving a discharge into waters of the U.S. authorized by a federal permit must receive a CWA Section 401 Water Quality Certification (WQC) from the appropriate certifying agency or Tribe. The Corps Seattle District Regulatory Division has determined that the proposed project would not involve a discharge in waters of the United States.

Section 402 of the CWA also regulates ground disturbance that could potentially cause storm water run-off into waters of the U.S. Activities involving construction or soil disturbance on the shoreline or upland have the potential for storm water runoff and would be subject to the storm water provisions of Section 402 if the area of soil disturbance would be more than an acre and would discharge storm water into surface water. The proposed action would not involve soil disturbance of more than one acre, therefore it does not require a storm water permit under Section 402.

#### **4.6 Executive Order 11988, Floodplain Management**

This Executive Order outlines the responsibilities of federal agencies in the role of floodplain management. Each agency must evaluate the potential effects of their actions on floodplains and avoid undertaking actions that directly or indirectly induce development in the floodplain or adversely affect natural floodplain values.

While the proposed action would be located in the 100-year floodplain, it would not directly or indirectly induce growth in the floodplain or adversely affect natural floodplain values. The proposed action would occur entirely within the developed footprint of Boyer Park and Marina and would consist primarily of repairs designed to maintain the present state of development. The only entirely new element of the proposed action is the vault toilet, which is located upland and out of the 100-year floodplain.

#### **4.7 Executive Order 11990, Protection of Wetlands**

This order directs federal agencies to take actions to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands when undertaking federal activities and programs.

The proposed action would not result in the destruction, loss, or degradation of wetlands.

### **5 Coordination and Consultation**

#### **5.1 Agency / Tribal Consultation**

##### **5.1.1 NMFS and USFWS**

The Corps Seattle District Regulatory Division is consulting with NMFS and USFWS for potential effects to ESA-listed species.

##### **5.1.2 State and Tribal Historic Preservation Officers**

Consultation with the Washington SHPO, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Colville Reservation, and the Nez Perce Tribe, is on-going; but preliminary efforts have resulted with a finding of No Adverse Effect to Historic Properties (36 CFR § 800.5(d)(1)).

##### **5.1.3 Corps of Engineers Seattle Regulatory Division**

The Corps Seattle District Regulatory Division is determining compliance with the Clean Water Act and Rivers and Harbors Act. The Regulatory Division has determined that the project is in compliance with the Clean Water Act and will issue a Letter of Permission for Section 10 of the Rivers and Harbors Act following the conclusion of consultation with the Services and the Washington State Historic Preservation Officer, and after the Corps has reached a Finding of No Significant Effects.

##### **5.1.4 Public Involvement**

This EA is being distributed to federal, state, and local agencies, Tribes and the public for a 30-day review and comment period. It is available on the Walla Walla District Corps of Engineers website at [www.nww.usace.army.mil/Missions/Environmental-Compliance](http://www.nww.usace.army.mil/Missions/Environmental-Compliance). The distribution list includes the following:

Blue Mountains Land Trust  
Columbia-Snake River Irrigators Association  
Nez Perce Tribe  
Northwest Power and Conservation Council  
Palouse Audubon Society  
Snake River Salmon Recovery Board  
The Confederated Tribes of the Umatilla Indian Reservation  
Tri-state Steelheaders  
Washington Association of Wheat Growers  
Washington Department of Agriculture  
Washington Department of Natural Resources  
Washington Office of the Governor  
Washington Public Ports Association  
Washington Recreation and Conservation Office  
Washington State Water Resources Association  
Whitman County Departments of Environmental Health, Parks, and Emergency  
Management