



FEMA

FINDING OF NO SIGNIFICANT IMPACT
East Lents Floodplain Restoration Project – Portland, Oregon
PDMC-PJ-10-OR-2005-009

The city of Portland applied to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for funding assistance under the Pre-Disaster Mitigation Program for a floodplain restoration project in the East Lents neighborhood of Portland, Oregon. FEMA is proposing to fund 75 percent of the project. The preferred alternative (proposed action) would increase floodplain storage and conveyance capacity by removing alluvial and man-made fill from the floodplain and terracing the banks along Johnson Creek. Following excavation, the streambank and surrounding floodplain would be planted with native vegetation, which would improve the natural resource functions of the floodplain and enhance riparian habitat, thereby benefiting fisheries and other aquatic resources. The project would be implemented on approximately 35 acres of City owned property south of SE Foster Road from SE 106th Avenue to SE 110th Drive.

In accordance with the National Environmental Policy Act (NEPA) of 1969 and FEMA's implementing regulations, FEMA prepared a Draft Environmental Assessment (EA) to identify and evaluate potential environmental impacts resulting from the alternatives presented in the EA and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). In developing alternatives the following management objectives were applied:

1. Existing Main Channel Modifications: This involved physically reshaping the Johnson Creek banks by creating a tiered, two-stage channel to increase water storage capacity while improving in-stream habitat south of SE Foster Road.
2. Modification to the Adjacent Floodplain: When floodwaters leave the creek channel, these modifications would route and store water in adjacent, excavated channels and basins south of SE Foster Road to reduce flooding in other areas north of SE Foster Road.
3. Structural Diversions: This approach would use engineered structures, such as diversion channels funneled through culverts, to move water to flood storage areas north of SE Foster Road.

The various alternatives were then evaluated against a set of design considerations:

- Ability to store nuisance flood volumes
- Construction feasibility
- Long term stability of the channel and floodplain modifications
- Long term operations and maintenance
- Use of public lands
- Downstream impacts
- Environmental impacts and ease of permitting

Only one of the four alternative options was found feasible when analyzed against the design considerations. The recommended alternative became the proposed action.

PROJECT CONDITIONS

1. In accordance with the Streamlining Agreement between the city of Portland, NOAA Fisheries, US Fish and Wildlife Service and the US Corps of Engineers (USACE), the applicant will implement any requirements of the resultant Biological Opinion into the design and construction of the project. If any unusual circumstances or unknown impacts not fully disclosed in this assessment arise out of this streamlining process, the applicant will be required to notify FEMA for reevaluation of the project under NEPA and the Endangered Species Act (ESA).
2. Prior to construction activities, the applicant will conduct a survey and inventory of the .67 mile stretch of Johnson Creek in the East Lents project area. The condition and extent of the dressed rock Depression-Era riprap will be documented, mapped, and photographed in consultation with the Oregon State Historic Preservation Office.
3. The city of Portland's Streamlining Team has representation from the USACE and prior to implementation of the project, a full wetland delineation and function assessment will be undertaken, as required for compliance with Section 404(b)(1), Clean Water Act.
4. The applicant will have the area reexamined by a qualified archaeologist following removal of vegetation and prior to project excavation and construction. This is due to the limitations that existed during the original surface survey by the presence of dense vegetation throughout the project area.
5. The applicant will have a qualified professional archaeological monitor the soil excavation removal activities in the area where the historic Johnson homestead was noted on the General Land Office map of 1854. Documentation detailing the results of the monitoring effort will be prepared and submitted to the State Historic Preservation Office with a copy to FEMA following the conclusion of this effort.
6. Should any archaeological resources be identified during construction, all work should cease in the immediate area until the significance of the find can be evaluated, in compliance with state and federal regulations and laws.
7. Any change to the approved scope of work would require notification to FEMA for reevaluation for compliance with NEPA and other laws and Executive Orders.
8. This review does not address all Federal, State, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, State, and local laws. Failure to obtain all appropriate Federal, State, and local environmental permits and clearances may jeopardize Federal funding. The following permits (not inclusive) may be required:
 - CWA Section 404 Permit prior to conducting any work in the delineated wetlands, which will include consultation with US Fish and Wildlife Service, Environmental Protection Agency, and the Tribes.
 - Section 7 Biological Opinions from NOAA Fisheries and USFWS.
 - State ODFW Fish Salvage Permit.
 - CWA Section 401 certification by DEQ of federal issuance of the Section 404 Permit.

- State DSL Removal-Fill permit.
- State ODFW concurrence with the Removal-Fill and Section 404 Permits.
- Non-conforming Use Permit – issued by Multnomah County.
- Grading and Erosion Control Permit – issued by Multnomah County.
- Submission of project-specific documents necessary to comply with Oregon DEQ's general 1200-CA construction stormwater permit.
- Floodplain Development Permit – issued by Multnomah County.