Finding of No Significant Impact for the Supplemental Programmatic Environmental Assessment of NOAA National Marine Fisheries Service's Implementation Plan for the Community-based Restoration Program, and its Applicability to the Mill River Restoration Project: State Hospital Dam Removal, Taunton, Massachusetts

I. AGENCY ROLE AND RESPONSIBILITY - United States Department of Agriculture (USDA) – Natural Resources Conservation Service (NRCS)

In accordance with the NRCS regulations [7 Code of Federal Regulations (CFR) 650] implementing the National Environmental Policy Act (NEPA), NRCS has independently reviewed the Programmatic Environmental Assessment (PEA; issued in 2002) and the Supplemental Programmatic Environmental Assessment (S-PEA; issued in 2006) for the Implementation Plan of the Community-Based Restoration Program, prepared by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), and determined that it encompasses the scope of the action proposed by NRCS, and addresses NRCS concerns and suggestions related to the proposed action. Therefore, NRCS has adopted the EA and S-PEA in regards to the proposed action.

The proposed action consists of the removal of the State Hospital Dam, accumulated sediment excavation, reconstructing a natural, meandering stream, pools with grade control riffles, installation of large woody debris, and planting of native wetland vegetation. The dam is located on the Mill River in Taunton, MA, approximately 2.7 miles upstream from the confluence with the Taunton River. A portion of the funding is proposed by NRCS under the Wildlife Habitat Incentives Program (WHIP).

II. NRCS DECISION TO BE MADE

As the delegated Responsible Federal Official for compliance with NEPA, I must determine if the Agency's preferred alternative (Alternative 1) will or will not be a major Federal action significantly affecting the quality of the human environment. The PEA and the S-PEA accompanying this finding have provided the analysis needed to assess the significance of the potential impacts from the proposed action. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under Part VI of this finding.

III. PURPOSE AND NEED FOR ACTION

From a broad perspective, the underlying need for the proposed action is the restoration of a local fishery and of the Narragansett Bay Estuary. The restoration of riverine habitat that supports anadromous fish will help rebuild fisheries stocks thereby ensuring that valuable resources will be available to future generations of Americans. At a more local level, the proposed action will improve the overall ecological conditions in the Mill River, and open up fish passage for river herring, American eel and other resident fish species, promote a healthy coldwater fishery, and alleviate dam owner liability and public safety concerns associated with potential dam failure. Actions proposed to accomplish this are summarized in Part 1 above and in the S-PEA.

IV. ALTERNATIVES CONSIDERED IN THE EA

Three alternatives were analyzed in the PEA and S-PEA and are characterized as follows:

Alternative 1: Agency Preferred Alternative – Restoration with Streamlined NEPA Approach
More specifically: Habitat Restoration Projects – Small Dam Removals

Alternative 2: Restoration without Streamlined NEPA Approach.

Alternative 3: No Action - The State Hospital Dam would remain in place.

V. NRCS' DECISION AND FACTORS CONSIDERED IN THE DECISIONS

After comparing the proposed action (e.g., State Hospital Dam removal) with the evaluations of such actions in the S-PEA, I have chosen to select Alternative 1 as the Agency's Preferred Alternative. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the PEA and S-PEA and balanced those impacts with considerations of the Agency's purpose and need for action. While the PEA and S-PEA evaluated the potential environmental effects of the proposed actions from a broad scale national perspective, the site specific environmental evaluation (EE - prepared by NRCS), and the Community-based Restoration Program NEPA checklist (prepared by NOAA) showed no extenuating circumstances regarding the removal of the State Hospital Dam that were not contemplated in the PEA and S-PEA.

In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination" when choosing the Agency Preferred Alternative (Alternative 1) to implement. Specifically, I acknowledge that based on the PEA and S-PEA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, the Agency's Preferred Alternative (Alternative 1) would result in an overall net beneficial impact to the human environment based on all factors considered.

VI. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the removal of the State Hospital Dam, the Agency is required by NEPA regulations at 40 CFR 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the PEA and S-PEA, review of the NEPA criteria for significant effects, and based on the analysis in the S-PEA, I have determined that the proposed action meets the parameters of a Small Dam Removal as described in Alternative 1 (Agency Preferred Alternative), and that the proposed action would not have a significant effect upon the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) on the proposed action is not required under Section 102(2)(c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Part 1508.27 and from NRCS regulations at 7 CFR Part 650:

1) Section 4.1.4 of the S-PEA (incorporated by reference) evaluated both beneficial and adverse impacts on environmental resources as a result of implementation of Alternative 1. The elevated levels of contaminants that were detected in the upper layer of sediment within the

impoundment will be removed and disposed of on site, capped with clean fill and revegetated in accordance with the Sediment Management Plan that was approved by the Massachusetts Department of Environmental Protection. Potential impacts were covered in the S-PEA and the analysis showed that Alternative 1 does not result in significant impacts to the human environment.

2) Alternative 1 does not significantly affect public health or safety. Implementation of the proposed action will provide long term beneficial impacts to the environment as well as public health and safety by establishing a functioning floodplain that will reduce flooding impacts in the city of Taunton.

3) There are no anticipated significant effects on unique areas such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. Although there will be an adverse effect on historic properties as a result of the dam removal, NOAA (the Federal lead agency for the proposed project) and the consulting project partners have entered into a signed Memorandum of Agreement with the Massachusetts State Historic Preservation Office and the City of Taunton Historic District Commission pursuant to Section 106 of the National Historic Preservation Act. The MOA outlines permanent mitigation actions which when implemented, will be consistent with Federal, State, regional and local historic and archaeological plans and policies.

4) The effects on the human environment are not considered controversial for Alternative 1.

5) Alternative 1 is not considered highly uncertain and does not involve unique or unknown risks.

6) The goal of many of the proposed project proponents is to fully restore the Mill River for anadromous fish and aquatic species passage, improve water quality, and restore natural sediment and nutrient transport regimes, as practicable. Implementation of the proposed action may be one step in the over-arching goal; however, it is not expected to result in future actions that will result in significant impacts, particularly when focusing on the significant impacts which NEPA is intended to help decision makers avoid, minimize or mitigate.

7) Alternative 1 will not result in significant adverse cumulative impacts to the human environment.

8) Alternative 1 will have an adverse effect on historic properties within the project area but these adverse effects will be addressed pursuant to Section 106 of the National Historic Preservation Act (16 W.S.C 470f), through a Memorandum of Agreement (MOA) between NOAA (the Federal Lead Agency for the State Hospital Dam removal), the Massachusetts State Historic Preservation Office (MHC), and any consulting parties. The proposed project as finally implemented will be consistent with Federal, State, regional, and local historic and archaeological plans and policies.

9) Alternative 1 will not adversely affect endangered or threatened species, or critical habitat.

10) Alternative 1 does not violate Federal, State, or local law requirements imposed for protection

of the environment as noted in Section 6 of the S-PEA. The major laws identified with the selection of Alternative 1 include the Clean Water Act, National Historic Preservation Act, Massachusetts Wetlands Protection Act, Massachusetts Dam Safety and the Massachusetts Environmental Policy Act. Implementation of the proposed action will be consistent with the requirements of these laws.

Based on the information presented in the attached PEA and S-PEA, I find in accordance with 40 CFR Part 1508.13 that the selection of the Agency Preferred Alternative (Alternative 1) is not a Major Federal Action significantly affecting the quality of the human environment requiring preparation of an EIS.

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Christine S. Clarke Date
Massachusetts State Conservationist
USDA Natural Resources Conservation Service