

**Finding of No Significant Impact for the Environmental Assessment on Eel River Headwaters
Restoration Project, Plymouth, 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 reviewed the Environmental Assessment (EA), prepared by the U.S. Fish and Wildlife Service (USFWS) as the lead agency in August 2009, for the Eel River Headwaters Restoration Project in Plymouth, MA, and determined that it encompasses the scope of action proposed by NRCS and addresses NRCS concerns and suggestions related to the proposed action. Consequently, NRCS, a cooperating agency in the assessment, has adopted the EA.

The proposed action consists of two components: (1) restoration of seven former commercial cranberry bog cells, including the removal of agricultural-related berms and grade controls, restoration of a sinuous stream channel and reconnected floodplain, extensive native wetland plantings, removal of one culverted stream crossing, and improvements at two road crossings; and (2) reconfiguration of a downstream masonry dam (Sawmill Dam) and related stream channel improvements involving the partial removal of the dam to allow unrestricted river flow and the renovation and repair of the remainder of the historic structure which will remain in place. A portion of the funding for component (1), restoration of former commercial cranberry bog cells, is proposed by NRCS under the Wetlands Reserve Program.

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 EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the selected alternative. 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

The underlying need for action is to improve the overall ecological conditions in the upper Eel River; improve fish passage; promote a healthy coldwater fishery; improve water quality; re-establish rare wetland communities; and provide the public with passive recreational and education opportunities. Actions proposed to accomplish this are summarized in Part I above and described in detail in the EA.

IV. ALTERNATIVES CONSIDERED IN THE EA

Four alternatives were analyzed in the EA and are characterized as follows:

Alternative 1: Agency Preferred Alternative – restoration of seven former commercial cranberry bog cells and reconfiguration of the Sawmill Dam to allow unrestricted river flow.

Alternative 2: Sawmill Dam would be reconfigured and former commercial cranberry bogs would not be restored.

Alternative 3: The former commercial cranberry bogs would be restored and the dam would be left undisturbed.

Alternative 4: No Action – the dam and cranberry bogs would remain in their current condition.

V. NRCS' DECISION AND FACTORS CONSIDERED IN THE DECISIONS

Based on the evaluation in the EA, 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 EA and balanced those impacts with considerations of the Agency's purpose and need for action.

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 EA, 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 action analyzed in this EA, 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 EA, review of the NEPA criteria for significant effects, and based on the analysis in the EA, I have determined that the action to be selected, Alternative 1 (Agency Preferred Alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) on the final 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) The EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources (i.e., soil, air, water, animals, plants, and human resources). As a result of the analysis (discussed in detail in Section 4 of the EA and incorporated by reference), Alternative 1 does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decision-makers avoid, minimize, or mitigate.
- 2) Alternative 1 does not significantly affect public health or safety. The indirect effects associated with the implementation of the proposed action are anticipated to provide long term beneficial impacts to improve natural ecosystem functions. Specifically, soil, water, air, fish and wildlife, and plants will be improved and protected through selection of Alternative 1.
- 3) As analyzed in Section 4, there are no anticipated significant effects to threatened and endangered species, natural areas, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from selection of Alternative 1. NRCS regulations (7 CFR Part

650) and policy (GM 420 Part 401 and GM 190 Part 410), require that NRCS identify, assess, and avoid effects to prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing Alternative 1 would have significant adverse effects on these resources.

- 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) Alternative 1 will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
- 7) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decision-makers avoid, minimize, or mitigate, Alternative 1 does not result in significant adverse cumulative impacts to the human environment as discussed in Section 4. Alternative 1 is, however, anticipated to result in beneficial long-term impacts as a result of implementation of the conservation practices.
- 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 USFWS, the Massachusetts State Historic Preservation Office (MHC), and any consulting parties (36 CFR Part 800, and 33 CFR Part 325) as discussed in Section 4. The USFWS has entered into a MOA with the MHC to mitigate for impacts of the proposed project according to the *Reconnaissance and Intensive (Locational) Historical and Archaeological Surveys, Eel River Headwaters Restoration Project, Plymouth Massachusetts*, accepted by MHC in July 2009 (and incorporated by reference). The MOA accepts all of the recommended mitigation actions presented in the final Intensive (Phase 1B) Survey as Stipulations for the proposed action. The proposed project as finally implemented will be consistent with Federal, State, regional, and local historic and archaeological plans and policies.
- 9) Alternative 1 occurs within critical habitat of the federally endangered Northern Red-bellied Cooter, and within habitat of the Eastern Box Turtle and the Bridle Shiner, both species of Special Concern in Massachusetts. NRCS has concluded, and USFWS has concurred, that the proposed action will not adversely affect threatened and endangered species or destroy or adversely modify designated critical habitat. As noted in Section 4 of the EA, The Massachusetts Natural Heritage and Endangered Species Program (NHESP) has approved the Eastern Box Turtle Protection and Habitat Enhancement Plan that will be implemented under Alternative 1 and the USFWS is currently working with NHESP to develop a protection plan for the Bridle Shiner.
- 10) Alternative 1 does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 7 of the EA. The major laws identified with the selection of Alternative 1 include the Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Endangered Species Act, National Historic Preservation Act, and the Fish and Wildlife Coordination Act. Alternative 1 is consistent with the requirements of these laws.

Based on the information presented in the attached EA, 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.

Carl Gustafson Acting for

10-7-2009

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

Date