Finding of No Significant Impact
for
Rehabilitation of New Creek Site 1 Dam
Mineral County, West Virginia

I. INTRODUCTION

The rehabilitation of New Creek Site 1 dam is a federally assisted action authorized for planning under Public Law 83-566 (the Watershed Protection and Flood Prevention Act of 1954) and by Public Law 106-472 (the Small Watershed Rehabilitation Amendments of 2000). The Small Watershed Rehabilitation Amendments of 2000 authorizes the Secretary of Agriculture to provide technical and financial assistance to local project sponsors for the rehabilitation of dams installed under the Flood Control Act of 1944. Local sponsors of the New Creek Site 1 dam are the Potomac Valley Conservation District, West Virginia Conservation Agency, and the City of Keyser.

The proposed action includes the rehabilitation of the New Creek Site 1, which is located within the New Creek-White's Run Watershed of Grant and Mineral Counties, West Virginia. In accordance with Natural Resources Conservation Service (NRCS) regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed a Supplemental Watershed Plan-Environmental Assessment (Plan-EA) of the proposed action. The Plan-EA was conducted in consultation with local, State, and Tribal Governments; Federal agencies; and interested organizations and individuals. Data developed during the assessment are available for public review at the following location:

U.S. Department of Agriculture
Natural Resources Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505
304-284-7540

II. RECOMMENDED ACTION

The recommended action is to bring New Creek Site 1, with Federal assistance, into compliance with current NRCS and West Virginia Department of Environmental Protection (WVDEP) dam design safety and engineering criteria and performance standards, while maintaining flood control protection from the 500-year+ storm event.

Rehabilitation measures include constructing a blanket and toe drain system near the downstream embankment toe; flattening the downstream embankment slope; replacement of the principal spillway riser structure; relocation of the auxiliary spillway; and reconstruction of the downstream end of the principal spillway outlet conduit.

III. EFFECT OF RECOMMENDED ACTION

Implementation of the Recommended Action would provide rehabilitation of New Creek Site 1 so that it meets current NRCS and WVDEP design criteria and performance standards and maintains the existing level of flood protection.

Detailed field investigations identified two perennial watercourses within the study area comprising a total of approximately 650 linear feet, both identified as unnamed tributaries to New Creek. Stream 1/1A (125 linear feet) feeds the Site 1 reservoir, while Stream 2 (524 linear feet) is associated with the principal spillway outlet. Stream 1 is an approximately three-foot wide, well-defined, partially shaded natural channel

containing flow primarily in shallow and deep runs with pools. Average depth of flow in the study area is approximately 1.5 inches. Stream 2 is an approximately four-foot wide, open, artificially channelized (concrete) stream with generally shallow flow. Average depth of flow in the study area is approximately 4 inches. Permanent impacts to Waters of the U.S. would include a total of 38 linear feet, 18 linear feet of Stream 2 being contained within a conduit pipe and 20-feet of Stream 2 impacted due to the construction of a new plunge pool at the end of the principal spillway conduit pipe. Temporary impacts to an additional 75 linear feet of Stream 2 would be required to blend the new outlet channel to the tributary. No permanent or temporary wetland impacts would be generated by implementation of the proposed action.

The U.S. Fish and Wildlife Service has made a "no effect" determination that the proposed action will not affect federally listed endangered or threatened species. Furthermore, the West Virginia Department of Natural Resources (WVDNR) identified no known records of any state rare, threatened, or endangered species within the project area.

Through coordination with the West Virginia Division of Culture and History, the State Historic Preservation Office, it has been determined that the proposed action is in compliance with Section 106 of the National Historic Preservation Act. It is the opinion of the State Historic Preservation Office that the proposed action would have "no effect" on archaeological historic properties. Additionally, Tribal Ancestral Lands Consultation conducted by NRCS determined that the study area is not within ancestral land areas of interest for tribes with historic or cultural interest in West Virginia.

The proposed action would have no impact on prime and unique farmland soils and is in compliance with the Federal Farmland Protection Policy Act. Best management practices would be implemented throughout the construction period to minimize temporary air, noise, and erosion effects.

IV. ALTERNATIVES CONSIDERED

Two alternatives were evaluated in detail in the Plan-EA. Each of these alternatives would meet the purpose and needs of the project and involve the same physical improvements and environmental effects.

1. No Federal Action (Sponsors' Rehabilitation) Alternative: This alternative is equivalent to the Sponsor's Rehabilitation alternative and the Future Without Project condition. Federal funds would not be expended with this alternative. Sponsors would rehabilitate Site 1 using state and/or local funding to comply with WVDEP and NRCS dam safety regulations for a high hazard dam.

2. Rehabilitation with Federal Assistance (Selected Alternative): Federal and non-federal funds would be expended to rehabilitate Site 1 and meet the purpose and need for the project. Rehabilitation measures include constructing a blanket and toe drain system near the downstream embankment toe; flattening the downstream embankment slope; replacement of the principal spillway riser structure; relocation of the auxiliary spillway; and reconstruction of the downstream end of the principal spillway outlet conduit.

Other alternatives considered but eliminated from detailed study were decommissioning, non-structural measures (relocation, flood proofing, etc), realignment of the vegetated auxiliary spillway, conveying auxiliary spillway flows to New Creek through a closed conduit system, retaining the spillway design flood by either raising the existing dam or constructing a new flood control dam upstream, increasing flood storage volume, and No Action. These alternatives were eliminated from detailed consideration because they were found to not be reasonable in comparison to rehabilitation taking into consideration costs, logistics, and existing technology.

V. CONSULTATION and PUBLIC PARTICIPATION

A public scoping meeting was held on February 16, 2017, to solicit agency and public comments and relevant information on the project. Project information and requests for comments were sent to 61 regulatory and resource agencies, Sponsors, local stakeholders, and public officials.

The Plan-EA was made available to all participating and interested agencies, groups, and individuals for review and comment between July 28, 2023, and August 28, 2023. A Public Meeting was held on August 14, 2023, to present the Watershed Plan-EA and solicit public and agency comments. No comments were received. Agency consultation and public participation to date have shown no unresolved conflicts with implementation of the recommended action.

VI. CONCLUSION

Based on the evaluation contained within the Plan-EA summarized above, I find the proposed action is not a major Federal action significantly affecting the quality of the human environment. I have determined an environmental impact statement for the Rehabilitation of New Creek Site 1 is not required.

JON BOURDON Digitally signed by JON BOURDON
Date: 2024.09.12 21:45:46 -04'00'

JON BOURDON
State Conservationist

Date