FINDING OF NO SIGNIFICANT IMPACT

Mill Run Watershed PA-461 A&B (Tamarack Dam) Release of Federal Interest
Mill Run Watershed, Crawford County, Pennsylvania

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

In accordance with the NRCS regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the following proposed action and alternatives to the proposed action.

The proposed action would be the release the remaining NRCS interest in Mill Run Watershed Project PA-461 A&B (Tamarack Dam) to the Sponsoring Local Organization (SLO), the Pennsylvania Fish and Boat Commission (PFBC).

II. NRCS DECISION TO BE MADE

As the delegated responsible Federal official for compliance with NEPA, I must make the decision whether the proposed action, which is also the agency’s preferred alternative (Alternative 2), would constitute a “major federal action significantly affecting the quality of the human environment” thereby requiring preparation of an Environmental Impact Statement to meet the requirements of the National Environmental Policy Act (NEPA). The EA referenced in this finding provides the analysis needed to assess the significance of the potential impacts from the selected alternative.

The EA is located in the administrative file for the Mill Run Watershed Project PA-461 A&B, in the Pennsylvania NRCS State Office, Harrisburg, Pennsylvania.

III. PURPOSE AND NEED FOR ACTION

The underlying need for action is to allow PFBC to correct the imminent and known dam safety hazard at Mill Run PA-461A before expiration of an $11.5 million dollar grant. The dam has been designed and permitted, meeting all applicable state dam safety standards and criteria for new dam construction. The proposed design does not meet federal (NRCS) design criteria. PFBC has indicated that it does not have the time needed to re-design and re-permit the dam to meet NRCS standards, and have it constructed by the date required by the grant.

Releasing the federal interest in the project would allow PFBC to proceed with addressing the dam safety threats and would continue the downstream flood protection provided by Mill Run PA-461 A&B.

IV. ALTERNATIVES CONSIDERED IN THE EA.

Two alternatives were analyzed in the EA as follows:

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V. NRCS’S DECISION AND FACTORS CONSIDERED IN THE DECISION

Based on the evaluation in the EA, I have chosen to select alternative 2 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. While some minor short-term adverse impacts will occur during project construction, selection of the agency’s preferred alternative (Alternative 2) is expected to result in short and long term beneficial impacts to the environmental resources potentially impacted by the preferred alternative.

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 Section 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on a review of the NEPA criteria for significance, and based on the analysis in the EA, I have determined that the proposed action, alternative 2 (agency preferred alternative), is not likely to have a significant impact upon the quality of the human environment, particularly when focusing on the significant adverse impacts NEPA is intended to help decision makers avoid, minimize, or mitigate. Therefore, preparation of an environmental impact statement (EIS) is not required. This finding is based on the following factors as required by Council on Environmental Quality’s NEPA implementing regulations at 40 CFR Section 1508.27 and NRCS regulations at 7 CFR Part 650:

1. The Programmatic EA evaluated both the beneficial and adverse impacts of the proposed action, which is to release the federal interest of Mill Run PA-461 A&B. The analysis indicates the proposed action will result in long-term beneficial impacts for environmental resources (i.e., soil, air, water, animals, plants, and human resources). As discussed in the analysis (discussed in detail in Section 7 and incorporated by reference), though some minor, primarily short-term adverse effects may occur during construction, Alternative 2 will not result in significant adverse impacts to the human environment.

2. The proposed action will not result in significant adverse effects on public health or safety. Mill Run PA-461A&B was designed and constructed to prevent flood damage downstream and is classified as a High Hazard Dams. In the current condition, Pennsylvania Department of Environmental Protection (PA DEP) Division of Dam Safety, NRCS, and PFBC consider the Tamarack embankments to be unsafe. Alternative 2 allows the identified dam deficiencies to be repaired to meet the PA DEP Dam Safety criteria by January of 2019. Flood damage downstream of the dams would be maintained and provided at an earlier date.

3. As analyzed in section 3.0 of the EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from selection of Alternative 2. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing Alternative 2 would have adverse effects on these resources. On the contrary, Alternative 2 is expected to reduce environmental risks to floodplains, migratory birds, and scenic beauty.
4. The effects on the human environment are not considered controversial for Alternative 2. There are no impacts associated with the proposed action that would be considered to be controversial.

The state and local community is strongly supportive of Alternative 2. At a regularly-scheduled meeting of the Meadville City Council on October 18, 2017, at which discussion of the release of federal interest was on the agenda, the Honorable Mayor Leroy Sterns twice asked for opposition to NRCS releasing federal interest. Instead, three people spoke in support of allowing the repair of Mill Run PA-461 A&B. Also, by 12:00 PM that day, the Council had received 36 emails and letters of support. Two different Letters to the Editor in the Meadville Tribune, the local newspaper, preceding the City Council Meeting also encouraged the repair of the embankments.

5. The effects of Alternative 2 are not considered highly uncertain nor does Alternative 2 involve unique or unknown risks.

6. Alternative 2 will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.

7. Alternative 2 will not result in significant adverse cumulative impacts to the human environment as described in Section 7.0 of the attached EA. Alternative 2 is intended to protect public health and safety, restore lacustrine fish and wildlife habitat, and provide for recreational activities at the lake. Though some minor, primarily short-term adverse effects may occur during construction, the cumulative effect of these individual actions on the quality of the human environment are not expected to be significant.

8. The proposed action will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources. NRCS follows the procedures developed in accordance with a nationwide programmatic agreement between NRCS, the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers. The EA indicates that following the existing agreement and procedures provided under the National Historic Preservation Act and ACHP regulations that no adverse effects are expected.

9. The proposed action will not adversely affect endangered or threatened species or critical habitat. The United States Fish and Wildlife Service, which has jurisdiction over these species, has reviewed our conclusions and has concurred with our findings that the proposed action will have no adverse effect or impact to endangered or threatened species. While there are no federally listed or proposed threatened or endangered species within the area, this project will restore habitat that could be used by species of concern.

10. The proposed action will not violate Federal, State, or local law requirements imposed for protection of the environment as noted in section 7.0 of the EA. Consultations required by the Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, National Historic Preservation Act, and Marine Mammal Protection Act have been completed. Alternative 2 is consistent with the requirements of these laws. The SLO will obtain any needed permits before they begin implementation of the project.
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Based on the information presented in the attached EA, I find in accordance with 40 CFR Section 1508.13 that the selection of the agency preferred alternative (Alternative 2) is not a major Federal action significantly affecting the quality of the human environment requiring preparation of an EIS.

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Denise Coleman, State Conservationist

Date