



FINDING OF NO SIGNIFICANT IMPACT

Marsh Creek Watershed PA-602 (Hamilton Dam) Watershed Project Marsh Creek Watershed, Tioga 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 is the rehabilitation of Hamilton Dam (PA-602) to meet current applicable design, performance, and safety criteria with a service life of 100 years.

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 Environmental Assessment (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 Marsh Creek Watershed Project PA-602, in the Pennsylvania NRCS State Office, Harrisburg, Pennsylvania.

III. PURPOSE AND NEED FOR ACTION

The purpose of the project is to provide flood damage reduction for recurrences up to and including a 100-year, 24-hour flood currently provided by PA-602 for public safety, bridges, roads, agricultural and other lands, buildings, structures, infrastructure, and other features, enhance the existing secondary water supply storage for the Borough of Wellsboro, maintain the incidental recreational and habitat values at Hamilton Lake (and adjacent riparian lands), and comply with current applicable design, performance, and safety criteria for a High Hazard Class dam. The need for this project is to continue providing flood damage reduction downstream from the dam, address current applicable NRCS and Commonwealth of Pennsylvania design, performance and safety criteria to reduce the risk of loss of human life, continue providing secondary source water for public water supply, and continue supporting and improving the recreational uses and aquatic and terrestrial wildlife habitat at Hamilton Lake and surrounding riparian lands

IV. ALTERNATIVES CONSIDERED IN THE EA.

The following alternatives were considered in the development of this plan:



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1. ***No Action/Future Without Federal Project (FWOP)***

The FWOP Alternative describes the most likely future condition that could be expected if NRCS takes no action. It describes what is most likely to happen in the absence of any developed federal alternative or changes in law or public policy.

2. ***Rehabilitation to Current High Hazard Class Dam Standards***

The rehabilitation Alternative includes federally-assisted upgrading of the existing dam to current applicable standards. Four different rehabilitation alternatives were considered.

3. ***Decommissioning of Dam with Nonstructural Measures***

The Decommissioning Alternative includes federally-assisted removal of the entire dam and stabilizing the site. This alternative also includes acquisition and demolition of existing residential and public structures in the downstream 100-year floodplain.

4. ***Nonstructural Measures (Acquisition or Relocation of At-Risk Structures and Floodproofing)***

This alternative includes acquisition and demolition, relocation, and flood protection of structures in the breach inundation area so that the hazard class can be lowered and less stringent dam safety standards can be evaluated.

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 EA evaluated both the beneficial and adverse impacts of the proposed action, which is the rehabilitation of Hamilton Dam (PA-602) to meet current applicable design, performance, and safety criteria with a service life of 100 years. 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).
2. The proposed action will not result in significant adverse effects on public health or safety. Marsh Creek PA-602 was designed and constructed to prevent flood damage downstream and is classified as a High Hazard Dams. Alternative 2 allows the dam to

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meet current applicable design, performance, and safety criteria with a service life of 100 years. Flood damage reduction downstream of the dams would be maintained.

3. 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, floodplains, migratory birds, park lands, prime farmlands, rare, threatened, and endangered species of plants and animals, scenic beauty, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, as discussed in Section 5 and incorporated by reference, it is not anticipated that implementing Alternative 2 would have adverse long-term effects on these resources.
4. Wetlands along the periphery of Hamilton Lake will be temporarily impacted during the lake drawdown period associated with construction at the dam. As the elevation of Hamilton Lake rises due to the elevated pool for municipal water supply storage, existing wetlands will be permanently inundated. New wetlands will likely form along the periphery of the new shoreline and head of Hamilton Lake.
5. As discussed in the analysis (Section 5.1 of the attached EA), 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. The effects on the human environment are not considered controversial. There are no impacts associated with the proposed action that would be considered to be controversial.
6. The effects of Alternative 2 are not considered highly uncertain nor does Alternative 2 involve unique or unknown risks.
7. Alternative 2 will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
8. Alternative 2 will not result in significant adverse cumulative impacts as described in Section 5.2 of the attached EA. Alternative 2 is intended to protect public health and safety, maintain lacustrine fish and wildlife habitat, provide for recreational activities at the lake, and increase the municipal water supply storage. 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.
9. 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.
10. 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

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species within the area, this project will restore habitat that could be used by species of concern.

11. The proposed action will not violate Federal, State, or local law requirements imposed for protection of the environment as noted in section 5.0 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.

VII. Consultation – Public Participation

Public scoping meetings were held in March 2016, April 2017, and June 2018. The US Army Corps of Engineers was requested to be a cooperating agency and formally accepted this request in December of 2016. One Federal agencies (USFWS), four State agencies (Fish and Boat Commission, Game Commission, Department of Conservation and Natural Resources, and Department of Environmental Protection), Susquehanna River Basin Commission, and several local groups were involved in part or all of the scoping and planning processes.

Specific consultation was conducted with the State historic preservation officer concerning cultural resources and historic properties in the watershed. Comments from the State historic preservation officer were used in the development of this plan.

The environmental assessment was transmitted to all participating and interested agencies, groups, and individuals for review and comment in October 2018. Public meetings were held throughout the planning process to keep all interested parties informed of the study progress and to obtain public input to the plan and environmental evaluation.

Agency consultation and public participation to date have shown no unresolved conflicts with the implementation of the selected plan.

VIII. Conclusion

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.



Denise Coleman, State Conservationist



Date