Finding of No Significant Environmental Impact
For The Homestead Woolen Mill Dam Removal Project,
A Project of the
National Marine Fisheries Service Community-based Restoration Program

NOAA's National Marine Fisheries Service (NMFS) has prepared a Targeted Supplemental Environmental Assessment (TSEA) for a restoration activity funded through a NOAA Restoration Center Community-based Restoration Program partnership with the FishAmerica Foundation and the NOAA Open Rivers Initiative.

The action is funding of a project entitled the "Homestead Woolen Mill Dam Removal Project." The purpose and need of this project is to remove an obsolete dam from the Ashuelot River in West Swanzey, New Hampshire, to restore diadromous fish passage to upstream spawning and nursery habitat. The TSEA assesses the potential environmental impacts of this project that pertain to the National Historic Preservation Act (NHPA) and the Endangered Species Act of 1973 (ESA) only. The additional potential impacts for this type of project are analyzed in the February 6, 2002 Programmatic Environmental Assessment (PEA) for the Community-based Restoration Program (CRP) Implementation Plan and its June 23, 2006 Supplement (SPEA).

NOAA's Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. §1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. The criteria listed below are relevant to making a Finding of No Significant Impact, and have been considered individually, as well as in combination with the others, and include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?

> Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:
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> "No. Implementation of the CRP is designed to enhance or restore ocean and coastal habitats, and/or fish habitats that are essential to federally managed fish as defined under the Magnuson-Stevens Act or identified in FMPs. Implementation of the CRP and project types evaluated in the SPEA will be beneficial to these habitats."

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

Response: There will be no significant adverse impacts on biodiversity and/or ecosystem function. As concluded by the BO, the proposed action will impact a very small and localized population of dwarf wedgemussels within the project area that may be harmed or killed. The subpopulation of dwarf wedgemussels at the project site is only a fraction of the overall population in the Ashuelot River and the possible loss of a few individuals is not expected to significantly affect genetic diversity or long term productivity of the overall Ashuelot River population. Conservation measures, including siltation control measures and minimization of burial or desiccation of mussels will minimize impacts of incidental take. The action is expected to have net beneficial impacts on biodiversity and/or ecosystem function through restoration of fish passage, improvements to degraded habitat, and possible expansion of suitable wedgemussel habitat.

3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No. Implementation of the CRP is designed to enhance habitat and would benefit the environment, as well as public health and safety. Projects that would alter floodplains or modify stormwater management structures to prevent erosion or improve water quality, and projects that would remove contaminated sediments to restore habitat would beneficially affect public health and safety. No adverse impacts on public health and safety are expected."

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: Although some adverse impacts to a small number or small percentage of animals would be likely, the level of impact on individuals is not likely to have a significant adverse impact on the species at the overall population level. The potential impacts are limited to dwarf wedgemussels at the project site, which comprise only a fraction of the overall population in the Ashuelot River, and are not likely to have a significant adverse impact on the species. The USFWS has reviewed any adverse impacts on species listed as threatened or endangered under the ESA and issued a Biological Opinion that concluded the action is not likely to

jeopardize the continued existence of the dwarf wedgemussel, and issued recommended conservation measures to further reduce incidental take.

5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No significant social or economic impacts are expected. CRP-implemented habitat restoration projects, especially those having an education component, may have a substantial beneficial effect to habitats supporting coastal or marine resources, the projects would likely have a directly related economic and/or social benefit as well. Beneficial impacts would result because education of local citizens and youth about environmental issues in the community and beyond, especially habitat restoration and conservation, would promote environmental understanding of living coastal and marine resources, stewardship, and sustainability of the resources. The sustainability of these resources contributes positively to the long-term economic stability of the affected community."

6) Are the effects on the quality of the human environment likely to be highly controversial?

Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"The quality of the human environment is expected to benefit from the proposed action, and implementation of the CRP to date has not been controversial. Completed projects have been beneficial to the quality of both human and natural environments. However, if the CRP wants to consider funding a proposed project that has an apparent substantial level of controversy, then a subsequent and independent NEPA review will be conducted for the project, and it would require an independent FONSI or other decision document, and would not be covered by this FONSI."

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: No. Although the removal of the Homestead Woolen Mill Dam will result in an adverse effect on a structure considered individually eligible, and as a contributing element to a Small District, for the National Register of Historic Places, NMFS has worked closely with New Hampshire Division of Historic Resources (NH DHR) pursuant to 36 C.F.R. Part 800, of the regulations implementing Section 106 of the National Historic Preservation Act, to reduce and mitigate any impacts to historic and cultural

resources that may be adversely effected during or by removal of the dam. NMFS has entered into a Memorandum of Agreement (MOA) with the NH DHR to reach a resolution of the adverse effects of the proposed project and to mitigate those effects to the extent practicable. NMFS does not consider this level of adverse effects to historic resources significant under NEPA.

8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"Unique or unknown risks to the human environment may be possible in areas that have not been evaluated previously, but without a prior determination regarding the project-specific feasibility it is unlikely a specific proposal would be funded if these uncertainties exist. Occasionally, the CRP may provide a limited amount of funding for project-specific feasibility studies, when appropriate. It is unlikely that conducting habitat restoration feasibility studies would pose any substantial risk to the human environment."

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"The proposed action, when combined with related past, present, or reasonably foreseeable future actions, will not cause cumulative significant impacts to the human environment. Any impacts caused by the proposed action would generally be temporary, minor to moderate impacts due to ground disturbance or other construction-related activities from implementing specific projects, which then result in net long-term or permanent, moderate to substantial beneficial impacts on the affected communities, resources, and ecosystems of the United States. Due to the CRP's national scope and infrequency of projects occurring within the same geographic areas, the temporary negative impacts related to implementation would only be moderate, and isolated to project locations. Also, these negative impacts can be avoided, minimized or mitigated by best management practices and other measures, as described in the SPEA.

Many other federal, state, and local government agencies and private organizations implement similar beneficial projects across the United States to help restore and maintain natural ecosystems. Consequently, if and when other unrelated projects are planned or identified in a project area with spatially or temporally cumulative adverse impacts, the CRP staff can work with grantees to implement best management practices, and/or require project timing that will avoid cumulative adverse impacts, by using special award conditions as described

in the SPEA. The net beneficial impacts resulting from past projects, the proposed actions, and foreseeable future projects would be long-term and beneficial impacts. Overall, the sustainability of resources, especially living coastal and marine resources, would be enhanced."

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: Both the Homestead Woolen Mill Dam and associated Homestead Woolen Mill have been determined by the New Hampshire State Historic Preservation Officer (NHSHPO) to be eligible for the National Register of Historic Places as individual resources and are considered contributing elements within the designated West Swanzey Historic District. NMFS has determined that the undertaking will have an adverse effect and has consulted with NHSHPO, pursuant to 36 C.F.R. Part 800, of the regulations implementing Section 106 of the National Historic Preservation Act.

Cultural resource materials have been developed for this project including a NH DHR Homestead Mill Complex Area Form, NH DHR Homestead Mill Complex Individual Inventory Form, and Phase 1A and 1B archaeological surveys. Opportunities were provided to potential Consulting Parties to participate in project planning through public meetings, and meetings with NH DHR over a three-year period, and written letters were provided to potential Interested Parties to afford them an opportunity to become formally involved in the Section 106 consultation process.

In accordance with 36 C.F.R.800.6 (a)(1) NOAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. 800.6 (a) (1)(iii). NMFS has entered into a Memorandum of Agreement (MOA) with the NH DHR to reach a resolution of the potential adverse effects of and associated mitigation for the proposed project.

Therefore, although some adverse effects to a site have been identified, implementing the measures in the MOA will limit them to a level that is not significant in a "human environment" context.

11) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No. Implementation of the CRP should not cause or promote the introduction

or spread of nonindigenous species, and as described in section 2.2 and 4.1 of the SPEA, some project-specific actions may intentionally be conducted to prevent or avoid the introduction or spread of invasive species, and protect habitat for native species."

12) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

Response: No. Commitment of funds for this undertaking does not obligate NMFS's involvement in future, similar actions. In addition, any future proposed undertaking that may adversely impact historic or cultural resources or threatened or endangered species will require consultation with the appropriate State Historic Preservation Officer, pursuant to 36 C.F.R. Part 800, of the regulations implementing Section 106 of the National Historic Preservation Act, or consultation with the USFWS, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) and additional NEPA analysis.

13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No. As described in Section 6.0 of the SPEA, implementation of the CRP will comply with all federal regulatory requirements, and to the extent possible with and state and local laws, and is expected to enhance or restore habitats and the environment that support coastal and marine living resources."

NMFS and project partners have undertaken extensive pre-application coordination with local, state, and federal permitting authorities. There are no expected outstanding issues and all final permit applications have been submitted. Issuance of permits is expected in July 2009.

14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response: No, this criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities. The response included in the SPEA's associated FONSI states:

"No. As explained in the above response to criterion 9, the proposed action can reasonably be expected to result in cumulative *beneficial* effects on target species (i.e., federally protected or managed species or fisheries). The net cumulative effect could have a substantial positive impact on the target species. The net additive effects resulting from past projects, the proposed action, and reasonably foreseeable future projects that would affect target species would constitute a long-term beneficial impact to those species."

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Targeted Supplemental Environmental Assessment prepared for the Homestead Woolen Mill Dam Removal Project, it is hereby determined that this project will not significantly impact the quality of the human environment as described above and in the TSEA. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

_____ Date 4/13/10

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