Finding of No Significant Environmental Impact
For The Lower Shannock Falls 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 the American Recovery and Reinvestment Act (ARRA). Other funding for the proposed project is being provided by the Natural Resources Conservation Service (NRCS), United States Fish and Wildlife Service (USFWS), and Rhode Island Coastal Habitat Restoration Trust Fund.

The proposed action is a project entitled the "Lower Shannock Falls Dam Removal Project." The purpose of this project is to remove an obsolete dam from the upper Pawcatuck River in Richmond and Charlestown, Rhode Island, to restore diadromous fish passage to upstream spawning and nursery habitat. The TSEA assesses the potential environmental impacts of this project that pertain to historic properties listed on the National Register of Historic Places pursuant to the National Historic Preservation Act (NHPA) 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). The PEA, SPEA and TSEA are incorporated in this Finding of No Significant Impact (FONSI) by reference.

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 FONSI, 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: 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 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: 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:

"Yes, but the effect will be a beneficial impact, not an adverse one. By improving specific coastal or marine habitats that will benefit a range of species inhabiting them, as well as the natural resource services the public receives from the affected ecosystem, implementation of the CRP and projects considered in the SPEA will have a substantial beneficial effect on biodiversity and ecological functions in the affected areas. As mentioned in Section 4.7, the sustainability of resources would be enhanced; especially the living coastal and marine resources, and coastal ecosystems and communities within the United States would experience higher diversity and health."

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

Response: 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 be beneficial to 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: There are neither marine mammals nor species listed under the Endangered Species Act (ESA) present at this site or affected by the restoration of continuous flow in this reach of the Pawcatuck River. While some non-listed non-target species may individually be impacted (e.g. invertebrates), the action involves relatively short-term disturbance, and long-term impacts on non-target populations are not anticipated. 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:

"As described in Section 4.1, implementation of the CRP and the project types evaluated in the SPEA are expected to have no significant adverse effects on endangered or threatened species. Many of the projects that are evaluated in the SPEA are proposed to specifically benefit federally protected species, and would have substantial beneficial effects on those species. However, as described in the SPEA, if a proposal has a potential for adverse impacts to federally protected species, the CRP will conduct an evaluation of the effects and, if needed, prepare a project-specific biological assessment to determine the impacts. Depending on the level of impact, the CRP may initiate either formal or informal consultation(s) on a project-level basis with either the U.S. Fish and Wildlife Service (FWS) or NMFS as appropriate. Consultations completed with the FWS or NMFS will ensure that the CRP is implemented in accordance with all applicable provisions of the Endangered Species Act. If project impacts are not described in the SPEA, a targeted supplemental EA or EIS will be completed to ensure compliance with NEPA."

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

Response: 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: 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 Lower Shannock Falls Dam will result in a finding of adverse effect on the Lower Shannock Falls Dam and Shannock Village Historic District, the Natural Resources Conservation Service (NRCS), acting as lead federal agency, has worked closely with the RI SHPO 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. NRCS has entered into a Memorandum of Agreement (MOA) with the RISHPO to reach a resolution of the adverse effects of the proposed project and to mitigate those effects to the extent practicable. NMFS has determined that the direct, indirect and cumulative impacts of the proposed action and alternatives which include the effects of mitigation measures under the MOA will have minimal adverse effects to historic and cultural resources within the Area of Potential Effect and those effects will not be significant.

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

Response: 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: This criterion was adequately considered in the SPEA, which analyzed a broad range of restoration activities, such as removal of the Lower Shannock Falls Dam followed by fish passage at Horseshoe Falls Dam and Kenyon Mill Dam. 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: The lead federal agency (NRCS) has determined that the undertaking will have an adverse effect on the Lower Shannock Falls Dam and Shannock Village Historic District and has consulted with the RISHPO pursuant to 36 C.F.R. Part 800 of the regulations implementing Section 106 of the National Historic Preservation Act.

A cultural resources assessment was completed in 2007 (Public Archeology Laboratory, 2007,Cultural Resources Assessment Shannock Fish Passage Feasibility Study, Richmond and Charlestown Rhode Island). Opportunities were provided to potential Consulting Parties to participate in project planning through written letters to potential Interested Parties and public meetings 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), NRCS 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). NRCS has entered into a Memorandum of Agreement (MOA) with the RISHPO to reach a resolution of the potential adverse effects of and associated mitigation for the proposed project.

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

Response: 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 represent 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 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: 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 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 September 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: 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 Lower Shannock Falls Dam Removal Project, it is hereby determined that this project will not result in direct, indirect or cumulatively significant impacts to the quality of the human environment, and particularly historic properties and cultural resources, as described above and in the TSEA. In addition, all other beneficial and adverse impacts of the proposed action have been addressed in the PEA/SPEA to further support this finding of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

Date 12/28/05

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