

Finding of No Significant Impact

Mercer County Trails Association Proposed Trout Island Recreational Trail At Shenango River Lake Project

1. Project Background:

The Mercer County Trails Association, Inc. is seeking a Real Estate easement from the Pittsburgh District to construct a recreation trail along an abandoned railroad bed that extends from Sharpsville, PA to Orangeville, Ohio, a total of 11.2 miles. Roughly half of the land upon which the trail would be constructed (approximately 5.9 miles) is on Corps-owned property associated with the Shenango River Lake facility. Hunters, mountain bikers, hikers, and bird watchers commonly use the unimproved, abandoned rail line to pursue their specific outdoor interests. The sought after easement will permit the Association to improve the trail and make it safer and user friendly. The Association plans to construct the trail in separate phases as funding becomes available.

2. Purpose and Need for the Action

The construction of the proposed trail will provide a valuable public recreation resource that could be used for a variety of pursuits including walking, bird and wildlife observation, bicycling, jogging, hiking, cross country skiing, and other exercise activities using non-motorized equipment. The trail will provide the opportunity for disabled persons confined to non-motorized and motorized wheelchairs to enjoy the myriad of healthful benefits that a quiet, relaxing, outdoor experience in a rustic country setting inherently provides.

3. Alternative Solutions

An Environmental Assessment (EA) prepared by Winslow Engineering, Inc. for the Mercer County Trails Association evaluated alternative routes including the alternative of "No Action". Several alternatives used portions of local highways and lands currently owned by the Norfolk Southern Railroad. Two alternatives were considered that used local highways for part of the route. They were determined to be too dangerous due to highway and traffic conditions. The "No Action" alternative was rejected because it would deprive local residents of a highly desirable recreational resource that could be used by all age groups as well as the physically disabled.

4. Recommended Plan

The Trails Association received a grant to construct the first phase of the trail, which extends approximately 1.86 miles from Sharpsville along an abandoned railroad line to the existing Trout Island Trailhead just south of the line's junction with an active Norfolk & Southern Railroad line. From the Trout Island Trailhead, the abandoned rail line travels north for about two miles on Norfolk Southern property paralleling active railroad tracks including an active trestle. Due to high potential for accidents, the District and the Association recognize that the Norfolk & Southern Railroad will reject any requests for an easement to construct a recreation trail adjacent to their active line. To avoid the active rail line and Norfolk Southern property, the recreation trail veers off the abandoned line at the trailhead and utilizes local roads where it reconnects to the abandoned rail line further north. The trail then extends approximately 4 miles to the Pennsylvania/Ohio state line (see map, Enclosure 1).

The recommended plan is to construct a paved, asphalt-surfaced trail over three separate phases. The first phase would extend from Mercer Avenue in the Borough of Sharpsville approximately 1.86 miles northeast to the Trout Island Road Trailhead in South Pymatuning Township. Future phases will be delayed until sufficient funds are received. The Trails Association would construct the trail directly atop the existing railroad track ballast with an asphalt-paved surface that is American Disabilities Act accessible. All motorized vehicles, except wheelchairs, would be banned from using the trail. The Trail Association would be 100% responsible for the trail's operation and maintenance.

5. Purpose of the Environmental Assessment

The EA was prepared to meet the reporting requirements of the National Environmental Policy Act and to consider the effects of trail construction on natural and cultural resources. A copy the EA is on file with the Pittsburgh District Office.

The EA describes the present environmental conditions and assesses potential impacts to land use, air quality, fish and wildlife resources, endangered species, vegetation, wetlands, flood plains, cultural resources, transportation, socio-economic resources, and aesthetics.

5.1 Wetlands - The EA indicates that wetlands have developed in places adjacent to the abandoned rail line from surface flow. However, the report does not provide sufficient detail to determine if these wetlands are jurisdictional and regulated by the Corps of Engineers.

The EA indicates that trail construction will include repairing and/or replacing several malfunctioning drainage pipes located under the railroad grade. Prior to the issuance of a real estate easement for construction, the Association must provide the District the locations of all drainage pipes needing repair. District personnel will inspect these sites to determine if wetlands are present and if the proposed drainage pipe repairs could affect said wetlands. Potentially affected wetlands would have to be delineated by the Association using a qualified wetlands specialist. The results of the delineation would be submitted to the Pittsburgh District. Any wetlands would have to be preserved or if unavoidably affected may require mitigation. A Joint Permit, which regulates work in wetlands and/or streams, would have to be obtained from the Pennsylvania Department of Environmental Protection and/or the Corps of Engineers prior to the start of construction.

6. Coordination

All necessary coordination with Federal and state agencies was conducted to fulfill requirements of the US Fish and Wildlife Coordination Act, Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act. To fulfill its Section 106 responsibilities the District contacted Pennsylvania Bureau for Historic Preservation (PABHP). Their letter dated March 2, 2007 (Enclosure 2) stated that the project would not impact any cultural resources.

The District coordinated extensively with the State College Field office of the U.S. Fish and Wildlife Service (USFWS) to meet its Endangered Species and Coordination Act requirements. Based upon an April 3, 2007 letter from the Fish and Wildlife Service (Enclosure 3), in 2003 a Bald Eagle nest was located near the beginning of the PHASE 2 section of the trail. (Bald Eagles are Federally-listed as threatened.) Their letter stated that if the nest was actively used and closer than 1320 feet from the trail the eagles could be negatively affected by trail-related activity. The District was aware of this nest and has been monitoring its use for several years. According to our field personnel, the nest noted in the USFWS letter was abandoned. However,

Bald Eagles are actively using another nest near this location, but it is 1800 feet from the trail and, therefore, would not be affected by the trail's use. Through e-mail (Enclosure 4) the District informed the State College field office about the active Bald Eagle nest in the area. Based upon the latest information, the proposed project would not affect Federally listed endangered or threatened species, or state listed species of concern or their habitat.

According to the requirements set forth in ER 200-2-2, § 11 and 40 CFR § 1501.4(e)(1), the District will mail a notice of availability of the FONSI to concerned agencies, organizations and the general public that may be interested in this small project.

7. Impacts

Minor construction activities (minor clearing and grubbing, soil erosion control devices, cross drainage pipes replacement, final grading, construction of three bridge decks) are needed, causing a slight disturbance to physiography, geology, and soils. Trail operation and maintenance will have minor impact. There will be no effect on water or air quality, or fish and wildlife resources.

8. Availability.

This FONSI will be made available to interested Federal and State natural resource agencies, local libraries and also for public inspection on the District's website.

9. Conclusions

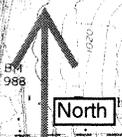
After having carefully reviewed the action proposed in the environmental assessment, I have reasonably concluded that the proposed project would not constitute a major Federal action significantly affecting the quality of the human environment because, in accordance with 40 C.F.R. § 1508.13 there will be no significant impacts to land use, air quality, fish and wildlife resources, endangered or threatened species, vegetation, flood plains, cultural resources, transportation, socio-economic resources, or aesthetics. Moreover, the requirement for a Joint Permit will ensure that all potentially affected wetland resources are properly considered. Therefore, I have determined that the preparation of an environmental impact statement under NEPA is not warranted. The public interest will be best served by the implementation of the proposed action. Further, the proposed work complies with all applicable Federal, State, and local laws and regulations. This Finding of No Significant Impact precedes the Corps of Engineers final decision on the proposed action.

25 April 2007
Date



Stephen L. Hill
Colonel, Corps of Engineers
District Engineer

Proposed Trout Island Trail - Revised Route



PHASE 3

Phases 2 and 3 Trail Extensions on Abandoned Railroad Right of Way

Solid Line is the New Revised Section of Trail Using Local Highways

PHASE 2

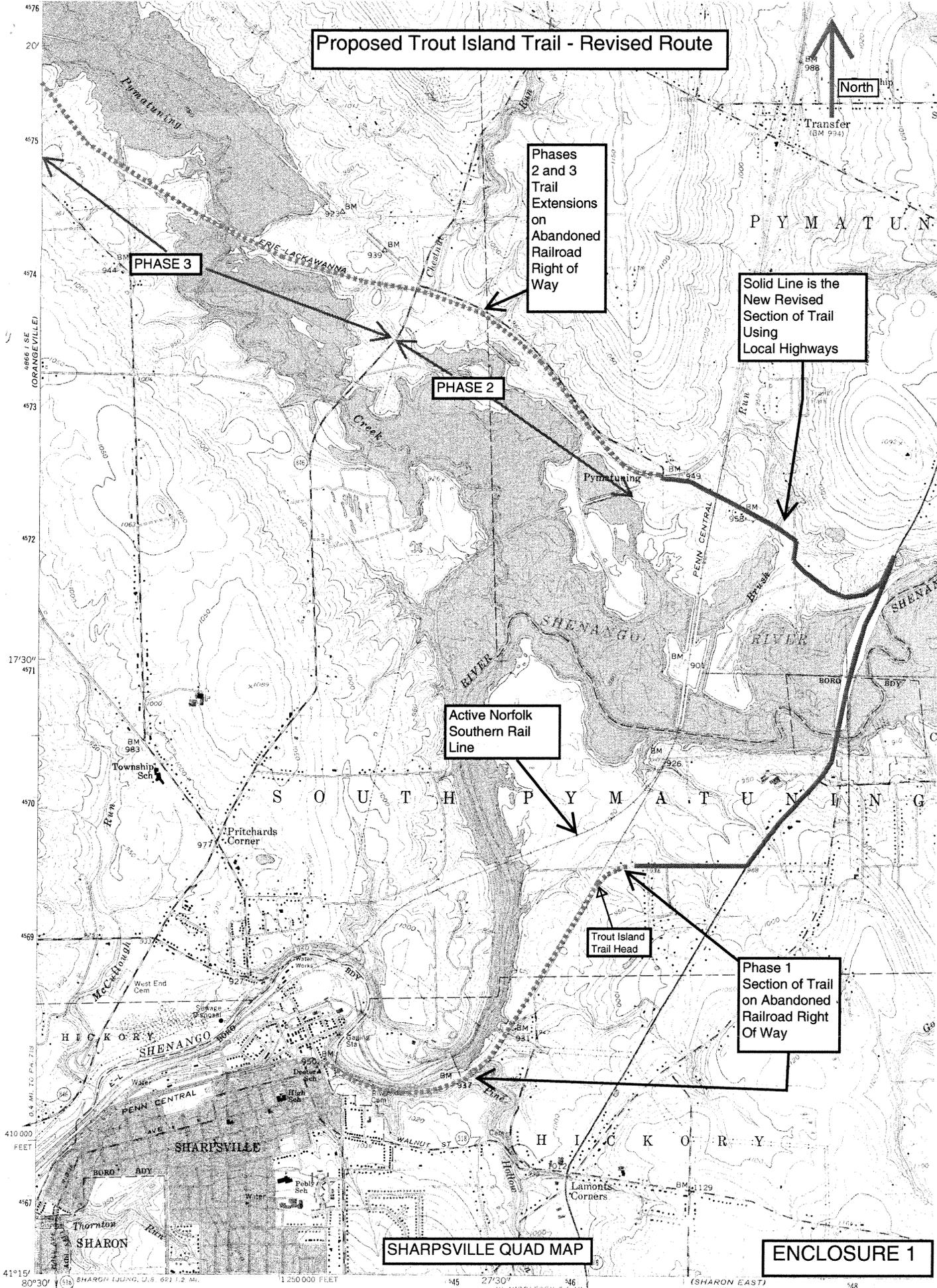
Active Norfolk Southern Rail Line

Trout Island Trail Head

Phase 1 Section of Trail on Abandoned Railroad Right Of Way

SHARPSVILLE QUAD MAP

ENCLOSURE 1





Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

December 14, 2006

Curtis N. Meeder
US Army Corps of Engineers
Pittsburgh District
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

CNM 1/3/07

TO EXPEDITE REVIEW USE
SHP REFERENCE NUMBER

Re: File No. ER 07-0486-085-A
COE: Mercer County Trails
Association, Inc. Recreational Trail
Construction Along Abandoned
Railroad Line, South Pymatuning
Twp., Mercer Co.

Dear Mr. Meeder:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

Based on our survey files, which include both archaeological sites and standing structures, there are no National Register eligible or listed historic or archaeological properties in the area of this proposed project. Therefore, your responsibility for consultation with the State Historic Preservation Office for this project is complete. Should you become aware, from any source, that historic or archaeological properties are located at or near the project site, please notify the Bureau for Historic Preservation at (717) 783-8946.

Sincerely,

Douglas C. McLearn, Chief
Division of Archaeology &
Protection

DCM/tmw

ENCLOSURE 2



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



April 3, 2007

Larry Muskovitz
U.S. Army Corps of Engineers
Pittsburgh Branch
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

RE: USFWS Project #2007-1233

Dear Mr. Muskovitz:

This responds to your February 21, 2007, email requesting information on fish and wildlife resources within the area affected by the proposed Mercer County Trail Association's Rails-to-Trails project, located near Sharpsville in Mercer County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) to ensure protection of fish and wildlife resources.

Federally Listed and Proposed Species

The proposed project is located within the range of the bald eagle (*Haliaeetus leucocephalus*), a species that is federally listed as threatened. Bald eagles typically occur in the vicinity of aquatic ecosystems; they frequent lakes, reservoirs, large rivers (*e.g.*, Delaware River, Juniata River, Susquehanna River), and wetland systems. Their nests are usually built in large trees within two miles of these features. Because eagles are vulnerable to human disturbance, particularly during the nesting season, nests are often located in relatively remote forested areas.

The bald eagle population in Pennsylvania has increased substantially from the three nesting pairs found in the State from 1963 through 1980. In 2006, 116 active bald eagle nests were documented. Because bald eagles are continuing to recover and expand their breeding range in Pennsylvania, new eagle nests may be found in previously undocumented locations.

The Fish and Wildlife Service proposed to remove the bald eagle from the federal *List of Endangered and Threatened Wildlife* on July 6, 1999 (*Federal Register*, Vol. 64, No. 128); recently reopened the comment period on February 16, 2006, due to new information; and simultaneously released draft National Bald Eagle Management Guidelines to provide guidance

ENCLOSURE 3
1 OF 3

on how to comply with the Bald and Golden Eagle Protection Act (*Federal Register*, Vol. 71, No. 32). However, the bald eagle continues to be listed under the Endangered Species Act. Any changes in the regulatory status of the bald eagle can be monitored by accessing the Service's web site (www.fws.gov).

If the bald eagle is delisted, the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) will become the primary law protecting bald eagles. This Act prohibits the take of bald and golden eagles, and provides a statutory definition of "take" that includes "disturb." Currently, there is no regulatory mechanism under the BGEPA to permit disturbance of the bald eagle. However, the Service is in the process of drafting regulations that would authorize disturbance of bald eagles in certain circumstances, provided that the taking is consistent with the preservation of the bald eagle.

Although there is an existing road located next to the bald eagle nest (approximate location is near Pymatuning - bench mark 949), increased human use near the nest and adjacent to the road could directly affect the bald eagle. Therefore, to avoid the direct take of bald eagles, all trail operations (including the construction of trailheads, parking and trail grading) and human use of the existing roadway should be avoided within 1,320 feet of the bald eagle nest.

Since the most recent data on this nest is from 2003, we would be willing to take a look at the bald eagle nest to verify its location relative to project-related activities after the nesting season (Jan 15-July 31). Please contact our office if you would like to set up a site visit after July 31.

Requests for information regarding State-listed endangered or threatened species should be directed to the Pennsylvania Game Commission (birds and mammals), the Pennsylvania Fish and Boat Commission (fish, reptiles, amphibians and aquatic invertebrates), and the Pennsylvania Department of Conservation and Natural Resources (plants).

Aquatic Resources

The Soil Survey for Mercer County indicates that wetlands are likely to occur within the project boundaries. Soils in the project area that may indicate the presence of wetlands include Wyland, Frenchtown, Halsey and Papakating silt loams (hydric); Canfield, Ravenna, and Braceville silt loams (hydric inclusions); and Braceville gravelly loam (hydric inclusions). These soil types are typically found in low flats, depressions, swales, and potholes, and may indicate the presence of wetlands. Any final determination of whether wetlands are present on the proposed project site should include a site visit by a qualified individual trained in wetland identification. Since it also appears that several perennial streams occur within the project boundaries, we further recommend that the applicant avoid, and minimize unavoidable impacts to, aquatic resources when planning and constructing the recreational trail.

If construction in wetlands is likely to result from this project, the Department of the Army has a responsibility under Executive Order 11990 (Protection of Wetlands) to "provide leadership and take action to minimize the destruction, loss or degradation of wetlands . . . in carrying out the agency's responsibilities for . . . providing federally undertaken, financed, or assisted construction and improvements." Any development should be designed to leave streams and

wetlands in their natural state, and include the use of appropriate upland buffers and stream crossings (e.g., arched culverts or conventional culverts with suppressed inverts of six to twelve inches). Such measures help to reduce development impacts in important aquatic habitats, and prevent downstream flooding and water quality degradation.

To reduce the effects of project construction, we recommend that the applicant use best management practices to reduce erosion and sedimentation in aquatic areas, and re-vegetation of affected areas should employ only native plant species. Work around streams should be conducted during periods of low-flow to minimize turbidity.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

If you have any questions regarding this matter, please contact Jennifer Kagel of my staff at 814-234-4090.

Sincerely,

A handwritten signature in black ink, appearing to read "David Densmore", followed by a long horizontal line extending to the right.

David Densmore
Supervisor

ENCLOSURE 3
3 OF 3

Moskovitz, Larry R LRP

From: Moskowitz, Larry R LRP
Sent: Wednesday, April 11, 2007 8:05 AM
To: 'Jennifer_Kagel@fws.gov'
Cc: O'Connell, Harry L LRP; Brudowsky, Charles M LRP; Fowles, Mike LRP
Subject: RE: Re: Fw: RE: Shenango River Lake Rails to Trails Project

Jennifer: The abandoned eagle's nest was located on a platform originally constructed to attract osprey. The nest was last used by bald eagles in 2004/5. That year was a hot dry summer. At that time, our folks observed the eagles shielding the young with their wings on several occasions. The new eagle's nest that I mentioned in an earlier e-mail is sheltered by an oak tree canopy. Our folks feel that the abandoned nest may again be used by the eagles in the future. They use it now as a perching/feeding location. The abandoned nest is located approximately 1300 feet from the proposed recreational trail and about 1200 feet from an active Norfolk Southern Rail line. It is interesting to note that the current nest, although farther from the proposed recreational trail (1800 feet) is also about 1200 feet from the active rail line.

Larry Moskowitz
Planning and Environmental Branch
Pittsburgh District Corps of Engineers
412-395-7205

-----Original Message-----

From: Jennifer_Kagel@fws.gov [mailto:Jennifer_Kagel@fws.gov]
Sent: Monday, April 09, 2007 3:06 PM
To: Moskowitz, Larry R LRP
Cc: Pamela_Shellenberger@fws.gov
Subject: Fw: Re: Fw: RE: Shenango River Lake Rails to Trails Project

Larry:

How long ago was the nest abandoned? We consider nests active for 5 years after abandonment.

Inactive hide details for Jennifer
Kagel/R5/FWS/DOI<<https://email3.fws.gov/icons/graycol.gif>> Jennifer Kagel/R5/FWS/DOI

To <<https://email3.fws.gov/icons/ecblank.gif>>
Pamela Shellenberger/R5/FWS/DOI@FWS
<<https://email3.fws.gov/icons/ecblank.gif>>

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Fw: RE: Shenango River Lake Rails to Trails Project
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To: <Jennifer_Kagel@fws.gov>
From: "Moskovitz, Larry R LRP" <Larry.R.Moskovitz@lrp02.usace.army.mil>
Date: 04/06/2007 09:31AM
cc: "O'Connell, Harry L LRP" <Harry.L.O'Connell@lrp02.usace.army.mil>, "Brudowsky, Charles M LRP" <Charles.M.Brudowsky@lrp02.usace.army.mil>, "Fowles, Mike LRP" <Mike.Fowles@lrp02.usace.army.mil>

Subject: RE: Shenango River Lake Rails to Trails Project

Jennifer: Thanks for your agency's response. (I received your letter after I sent the e-mail below.) For a number of years, our District's field biologists have been monitoring Bald Eagle and Osprey nesting at our reservoir projects. The Bald Eagle nest near Bench Mark 949 that you referred to in your letter was abandoned. A newer Bald Eagle nest is being used in the vicinity of the former one. Our staff determined that this nest is 1800 feet from the proposed trail.

If you have any questions on this issue please don't hesitate to call me. We appreciate your cooperation on this project.

Larry Moskovitz
Planning and Environmental Branch
Pittsburgh District Corps of Engineers
412-395-7205