

FINDING OF NO SIGNIFICANT IMPACT

Supplemental Environmental Assessment to the Upper Ohio Navigation Study, Pennsylvania Final Feasibility Report and Integrated Environmental Impact statement

For the purpose of the

Temporary Conveyance Bridge and Associated Structures at Montgomery Locks and Dam, Borough of Monaca, Beaver County, Pennsylvania

The U.S. Army Corps of Engineers, Pittsburgh District (Corps) is presenting an environmental analysis in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended. The Supplemental Environmental Assessment (SEA) dated October 2023, to the Upper Ohio Navigation (UON) Study, Pennsylvania Final Feasibility Report and Integrated Environmental Impact Statement (FR/EIS) evaluates potential environmental impacts associated with the proposed construction of a temporary conveyance bridge, temporary concrete platform, temporary gravel turnaround area, temporary construction access road, temporary security fence and the relocation of a stormwater drainage pipe outfall to the west of the esplanade at Montgomery Locks and Dam.

The SEA, incorporated by reference, considered two alternatives for the Proposed Federal Action. The preferred alternative, ultimately the Proposed Federal Action, includes the following activities:

- Clearing and regrading 1.7 acres of land, including approximately 1.5 acres of riparian hardwood forest
- The partial removal of an existing dirt access road
- Removal of 28 linear feet (LF) of existing 24" high density polyethylene (HDPE) stormwater drainage pipe located at the southeast corner of the work area, and removal of the apron and endwall surrounding the pipe's outfall
- Derrick stone (large cut rock supporting the slope below the esplanade) will be removed and replaced as needed in order to remove the 24" HDPE stormwater drainage pipe
- Installation of 360 LF of pipe, a manhole, two catch basins, an endwall and rock apron that will move stormwater from the southeast corner of the work area to the northwest corner of the work area
- Removal of existing security fence and installation of a new security fence
- Construction of a temporary gravel access road for construction
- Construction of a temporary gravel turnaround area
- Construction of a temporary concrete platform for temporary conveyance bridge

- Construction of a temporary downstream conveyance bridge

In addition to the preferred alternative, a “no action” alternative was evaluated. For the no action alternative and the preferred alternative, the potential effects to the following resources were evaluated:

	No Action Alternative		Preferred Alternative	
	Minor Effect	No Effect	Minor Effect	No Effect
Recreation and Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Riparian Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fish and Wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened and Endangered	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic Properties and Other Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Physiography and Hydrology	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Human Health, Safety, and Noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Traffic and Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tribal Trust Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Economics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Clean Water Act

The Proposed Action will not involve the placement of dredged or fill materials within Waters of the United States (WOTUS), Section 404 nor Section 401 of the Clean Water Act (CWA) are triggered. Section 402 of the CWA is applicable as the proposed work area is over one acre of land. USACE will receive a National Pollution Discharge Elimination System (NPDES) Construction Stormwater General Permit (PAG-02) from the Beaver County Conservation District for the 1.7 acres of earth disturbance described in the SEA.

Endangered Species Act

The Corps consulted with U.S. Fish and Wildlife Service (USFWS) regarding the Montgomery New River Chamber Construction Project in a letter dated December 21,

2022. USACE determined that constructing the temporary conveyance bridge and its associated structures within the proposed work area would be not likely to adversely affect ESA protected bat species. USFWS concurred with this determination on August 10, 2023. To ensure minimized risk to protected bats, trees will only be cleared within the October 1 to March 31 timeframe.

National Historic Preservation Act and Tribal Consultation

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that no historic properties will be affected (i.e., no effect) by the Proposed Federal Action, as specified in 36 CFR § 800.4(d)(1). Consultation with the PA State Historic Preservation Office (SHPO) was initiated on February 9, 2023. In a response dated March 7, 2023 the PA SHPO concurred with USACE's no effect determination. To date, no protected tribal resources, treaty rights, reserve rights, or other tribal rights have been identified. Therefore, the proposed action should not have an effect any known tribal trust resources.

Fish and Wildlife Coordination Act

Coordination under this Act occurred during the Ohio River Main Stem Study (ORMSS) and the UON FR/EIS. The recommendations made by the USFWS were captured within the ORMSS document in its Fish and Wildlife Coordination Act 2(b) report and the Upper Ohio Planning Aid Report. The Fish and Wildlife Coordination Act 2(b) report laid out a number of recommendations, essentially summarizing that impacts to floodplains be minimized and the restoration of floodplains should be maximized.

The Proposed Action would be located within the 100-year floodplain and would also require tree removal and construction within the 100-foot buffer of the Ohio River. However, water from the proposed work area does not enter into the river directly. The narrowest buffer between the proposed work area and the receiving water is 135 feet. After the construction of the Montgomery New River Chamber is completed, the proposed work area will be restored to its current grade and appropriate vegetation re-established, and therefore the 100-year floodplain and riparian resources within this area will be only temporarily impacted. The proposed action is compliant with the coordination completed in the FR/EIS.

Bald and Golden Eagle Protection Act

As per the USFWS database, a bald eagle's nest is located 1.25 miles away from the Locks and Dam, within 330 feet of Montgomery Dam Road. A second bald eagle's nest that is not listed in the USFWS database was located during a site visit on April 13, 2023 by USACE Pittsburgh District Staff. This nest is located approximately 1,200 feet to the southwest of the proposed work area. The construction that is proposed to be performed within the proposed work area is outside of the regulated buffers for nests and is not expected to have an effect on either of the eagle's nests described above. If the proposed

construction methods will be conducted in a manner that will impact the nests, USACE's contractor will be required to obtain an Eagle Take Permit in advance of any impact.

Executive Order 11988, Floodplain Management (EO 11988)

The proposed work area is located within the Regulatory Floodway and the Base Flood Plain. USACE has taken EO 11988, Floodplain management and USACE's Engineering Regulation (ER) 1165-2-26 Implementation of Executive Order 11988 on Flood Plain Management, published on March 30, 1984 into consideration and has provided the necessary level of analysis for a project of this scale. The implementation of either the No Action Alternative or the Proposed Action will not induce any further development within the floodplain as the purpose of the work is to support the Montgomery portion of the UON. The Proposed Action would temporarily create the means to safely and efficiently transport materials and construction personnel to and from the new river chamber construction site but would not induce or encourage further development beyond what has previously been outlined within the UON Project.

Public notice for the SEA will be completed on November 30, 2023. Comments received during the 30-day public notice period will be addressed in the final SEA.

After having carefully evaluated all aspects of the Proposed Federal Action and based on the EA, I have reasonably concluded that the Proposed Federal Action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required and will not be prepared.

Date

NICHOLAS O. MELIN
COLONEL, Corps of Engineers
District Commander