

## FINDING OF NO SIGNIFICANT IMPACT

### **Restoration Plan and Environmental Assessment for the Ashtabula River and Harbor Ashtabula, Ohio**

The U.S. Fish and Wildlife Service (the “Service”), representing the U.S. Department of the Interior (DOI), is a cooperating agency pursuant to the National Environmental Policy Act (NEPA) for the final Restoration Plan and Environmental Assessment (RP/EA) for the Ashtabula River and Harbor Natural Resource Damage Assessment (NRDA). The Service and the Ohio Environmental Protection Agency (Ohio EPA) propose to implement restoration to benefit natural resources injured by the release of hazardous substances into and near the Ashtabula River and Harbor. The Service and Ohio EPA (the “Trustees”) initiated an NRDA to assess damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), for natural resource injuries resulting from exposure to hazardous substances, including but not limited to polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs).

The release of hazardous substances injured natural resources under the trusteeship of the Service and Ohio EPA, including but not limited to, migratory birds, fish, and their supporting ecosystems. The recovered natural resource damages compensate for these injuries to trust resources at and near the Ashtabula River and Harbor. Compensation will include rehabilitating, replacing, and acquiring equivalent natural resources at various locations within the Ashtabula River and Harbor watershed depending upon the availability and participation of willing landowners.

Under CERCLA, damages recovered from parties responsible for natural resource injuries are used to “restore, replace, rehabilitate and/or acquire the equivalent of the injured natural resources. *See*, 42 U.S.C. § 9607(f)(1). Any funds used by the Federal Trustee (DOI) to implement restoration activities are subject to the requirements of NEPA, 42 U.S.C. § 4321. Accordingly, the Trustees developed the RP/EA to identify restoration alternatives that address the resources injured and ecosystem services lost due to the release of hazardous substances, and to analyze the effects of those alternatives on the human environment. The RP/EA lists and describes three alternatives. The preferred alternative consists of preservation of riparian corridors, and restoration of terrestrial and floodplain habitat. The acquisition of a selected site is an essential first step in meeting the Trustees’ restoration goals. Selection of various alternatives will be determined by participation of willing landowners. These actions will compensate for injuries to natural resources by preserving aquatic, wetland, terrestrial, riparian and floodplain habitat for affected natural resources including migratory birds and fish.

#### DETERMINATION

Based upon an environmental review and evaluation of the Final Restoration Plan and Environmental Assessment for the Ashtabula River and Harbor NRDA, I have determined that restoring, rehabilitating, replacing and/or acquiring the equivalent of injured resources within the natural resource damage assessment area as described under Alternative B in the Final RP/EA

for the Ashtabula River and Harbor Site is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, an Environmental Impact Statement will not be prepared.

Reasons:

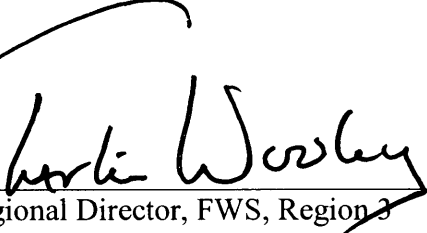
- 1 A number of federally listed threatened or endangered and candidate species would receive further protection and benefit through wetland, associated upland and aquatic habitat preservation and improvement. Specific restoration projects will be evaluated for impacts to federally listed species under section 7 of the Endangered Species Act prior to implementation. Protective measures (Appendix A), which should provide for no adverse effects, would be taken during implementation of all projects.
- 2 Implementation of the proposed action may result in minimal short-term impacts to habitat due to physical manipulation needed to restore and enhance ecological systems. These projects would also protect and improve the quality of natural resources by directing and controlling human impacts on those resources in the area. All necessary permits will be obtained and regulations, policies and laws followed.
- 3 When project areas have been determined, and prior to making final decisions about these projects, the Field Supervisor, Reynoldsburg Ecological Field Office, will initiate consultation with the Ohio State Historic Preservation Officer and, with the assistance of the FWS Regional Historic Preservation Officer, will complete the Section 106 process as described in 36 Code of Federal Regulations Part 800. (Section 6.1)
- 4 Preservation of habitats through acquisition of land or Environmental Covenants will only be from willing sellers or participants. Neighbors adjacent to land purchased for preservation under this restoration will retain all of their current rights to their land. Since habitat preservation would be through fee title or easements with willing sellers who would be paid fair market value, acquisition procedures would have little or no impact on the market price, or on landowners who choose not to sell.
- 5 A Notice of Availability was published in the Ashtabula Star Beacon. Copies of the RP/EA were available for review at the offices of the Ohio Environmental Protection Agency, Twinsburg, Ohio. Copies were also provided by surface mail and/or email to members of the public requesting them. Comments were accepted from March 25 through April 30, 2008. A public meeting was held on April 22, 2008 at the Lakeside High School, 6600 Sanborn Road, Ashtabula, Ohio. The Trustees gave a presentation on the restoration alternatives, and a formal question and answer period followed. Written comments were considered during and after the comment period and have been addressed in the Final RP/EA. The public comments received did not identify any significant environmental issues or impacts. No written comments were received that required substantive modification of the RP/EA, and comments received indicate a general acceptance and approval of the proposed action. As indicated in the RP/EA, the proposed alternative will have no or inconsequential effects on social, economic,

recreational, biological, and cultural resources. Conversely over the long term, restoration projects are expected to benefit trust resources.

Supporting References:

1. Natural Resource Restoration Plan and Environment Assessment for the Ashtabula River and Harbor Site
2. Section 7 Endangered Species Consultation (Appendix A of Restoration Plan and EA)
3. Public Comments (Section 7 of Restoration Plan and Environmental Assessment for the Ashtabula River and Harbor Site)

ACTING

  
Regional Director, FWS, Region 3

Date:

10/30/09