

DRAFT**FINDING OF NO SIGNIFICANT IMPACT (FONSI)****MILL RIVER BANK STABILIZATION
WHATELY, MASSACHUSETTS
HAZARD MITIGATION GRANT PROGRAM - FEMA-4097-DR-MA**

Heavy rain in 2011 from Hurricane Irene caused flood flows on the Mill River resulting in bank erosion in the vicinity of the Town of Whately's (The Town) drinking water wells and pumps. Sections of sheet pile that had been placed between the wells and the river for protection became disconnected from each other and began leaning into the Mill River putting the wells in jeopardy of being destroyed by flood waters. The Town applied for assistance under the Hazard Mitigation Grant Program (HMGP) - FEMA-4097-DR-MA which authorizes the Federal Emergency Management Agency (FEMA) to provide hazard mitigation grants to local governments, state agencies and eligible private non-profit organizations in Massachusetts.

The Town is proposing to move the river into a former river meander channel to further the distance between the river and the wells. The Town feels that this is a better long term solution with fewer environmental impacts than continuing to stabilize the river banks with hard armoring.

In accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Parts 1500-1508) and FEMA regulations for NEPA compliance (44 CFR Part 10), FEMA prepared an Environmental Assessment (EA) to meet their responsibilities under NEPA to fully understand and consider the environmental consequences of actions proposed for federal funding. The purpose of the EA is to analyze potential environmental impacts from the proposed project, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). In the EA process, two (2) alternatives were considered for detailed analysis: the "No Action Alternative" of leaving the well in jeopardy of failing and the "Proposed Action Alternative" of channel relocation of the Mill River. Other alternatives considered, but eliminated from detailed analysis include; adding sheet pile and riprap, adding a rock toe with fabric encapsulated soil lifting above, and moving the wells elsewhere.

FEMA evaluated the proposed project for any potential significant adverse impacts to existing physical resources (air quality, transportation/traffic, aesthetic and visual resources, and historic and cultural resources), natural resources (water resources, floodplains, wildlife, vegetation, threatened and endangered species, and wetlands), socioeconomic resources (human health and safety, and environmental justice), and cumulative impacts.

The draft EA and draft FONSI were made available for viewing online at <http://www.whately.org/> and in person at the Town of Whately Town Hall, located at 218 Chestnut Plain Road, Whately, MA 01093, (413) 665-4400 and The Town Library, located at 202 Chestnut Plain Rd, Whately, MA 01093, (413)

665-2170. The documents were also posted on FEMA's website: <http://www.fema.gov/resource-document-library>.

CONDITIONS

The Town of Whately shall comply with all prescribed conditions set forth in the EA, including, but not limited to the following conditions. Failure to comply with these conditions may jeopardize the receipt of federal funding.

1. Compliance with all of the terms and conditions specifically defined in the July 13, 2015 US Fish and Wildlife Service (USFWS) Biological Opinion (BO). These include, but are not limited to:
 - a. USFWS BO - Section 02400 Bank Treatment, Section 2.3. Fabric Encapsulated Lift Bank Treatments - fabric shall be 100% biodegradable.
 - b. USFWS BO - Section 00200 Advertisement for Bid - Project shall be complete no later than November 30, 2015, so no work will be done in the channel or otherwise from April 1 to May 31.
 - c. USFWS BO - Section 02100 Water Management, Erosion and Pollution Control, Section 1.3 Submittals - the Contractor must submit an in-stream erosion control plan to be approved by the Owner and Engineer; the Contractor must also submit a Spill Prevention Plan for approval prior to work. This spill prevention plan will include measures to refuel away outside of the channel and wetlands, using biodegradable hydraulic fluids, having a spill cleanup kit and all absorbent materials necessary for spills or refueling, and for storing all vehicles outside of the channel and wetlands.
 - d. USFWS BO - Section 3.4.H. Control of Chemical Waste - the Contractor must take special measures to prevent chemicals, fuels, oils, greases, herbicides, and insecticides from entering the drainage ways.
 - e. USFWS BO - All new channel construction will be completed outside of the actively flowing Mill River with bulk bag check dams preventing water from entering the channel construction area.
 - f. USFWS BO - Once the new channel is constructed, the check dams will be moved to block off the existing channel and allow water through the new channel.
 - g. USFWS BO - While work is being completed in the existing channel (filling with soil and large wood), no actively flowing water will be moving through this work area.
2. The Town or its designees are responsible for obtaining and complying with all required local, state, and federal permits and approvals.
3. If human remains or archaeological materials are discovered during the course of project implementation, the Town or its designee shall immediately stop construction activities in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm until FEMA concludes consultation with the Town, the State Historic Preservation Office, and applicable Tribal Historic Preservation Officer. These parties shall consult to determine the appropriate course of action and disposition of remains in accordance with applicable local, state, federal and tribal regulations.
4. The Town shall manage and dispose of excavated soils and waste materials in accordance with applicable local, state, and federal regulations. If hazardous/contaminated materials are

discovered during construction, the work shall cease until the Town can implement appropriate procedures and secure additional permits if needed.

5. Construction vehicles and equipment will be stored on site during the project. All construction activities will be performed using qualified personnel and in accordance with the standards specified in Occupational Safety and Health Administration (OSHA) regulations. Appropriate signage will be posted onsite and in the vicinity.
6. The Town shall notify FEMA and MEMA should the scope of work change, including substantial design changes, additional ground disturbance, further vegetation removal, or other unanticipated changes to the physical environment.

FINDINGS

Based on input and consultation with agencies, identified sources documented in the EA, Town officials, and in accordance with the FEMA regulations for environmental considerations and Executive Orders on Floodplains, Wetlands, and Environmental Justice, FEMA finds that the Proposed Alternative, as defined in the EA, will have no significant impact on the natural or human environment. As a result of this Finding of No Significant Impact, an EIS will not be prepared (44 CFR Part 10.8) and the proposed project with prescribed conditions may proceed. If a change in the scope of work occurs, MEMA and FEMA must be notified to evaluate if the proposed change would alter the potential impacts on the environment. Under most situations, however, the modification or addition of one or more elements of the construction plan will not alter the findings of this EA.

APPROVED:

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