

Finding of No Significant Impact
Mason Mine 280, Section 1135 Environmental Restoration Project
Wills Creek Lake, Ohio

1. I have conducted an environmental assessment in the overall public interest concerning implementation of the Section 1135 Environmental Restoration Project at Wills Creek Lake, Coshocton County, Ohio. The purpose of the project is to effectively restore the degraded structure, function, and dynamic processes of the Wills Creek Lake aquatic ecosystem, adjacent to the abandoned Muskingum Mine 280 outfall, to a less degraded, more natural condition. The project is authorized by Section 1135 of the Water Resources Development Act of 1986 (WRDA 1996), as amended.

2. The possible consequences of the project have been studied for biological, cultural and social effects. Another factor bearing on my assessment was the capability of the project to meet the public needs for which it was proposed. The following references that assessment:

a. Biological Considerations. The Huntington District has taken reasonable measures to assemble and present the known or foreseeable environmental impacts of the project in the environmental assessment. These impacts involve biological and human resources. No impacts to biological resources would occur as a result of the proposed action. All adverse effects of project implementation are insignificant or may be avoided through management techniques.

b. Social Well-Being Considerations. The proposed project will provide construction traffic access to the dam safety assurance construction site. No significant economic or social well-being impacts are foreseen as a result of the proposed action. No archeological resources are recorded in the project area and the selected project alternative would not impact significant unrecorded archeological sites because it involves use of existing roadways.

c. Coordination with Resources Agencies. Pursuant to the Fish and Wildlife Coordination Act (FWCA) of 1958, coordination with the U.S. Fish and Wildlife Service and the West Virginia Department of Natural Resources has been maintained throughout the study. No effects on fish and wildlife would occur as a result of the proposed action. Also, in accordance with the Endangered Species Act, as amended, the recommended plan would not impact listed species.

d. Other Pertinent Compliance. No prime or unique farmland under the Farmland Protection Policy Act will be involved. The proposed action is also in compliance with the National Historic Preservation Act, (Section 10632 CFR 300), Executive Order (EO) 11988 (Floodplain Management) and EO 11990 (Protection of Wetlands).

e. Other Public Interest Considerations. There has been no significant opposition to the proposed action by State or local Governments, or organized environmental groups. Comments received during the public review period have been included in the Final Environmental Assessment. There are no unresolved issues regarding the implementation of the project.

f. Section 176(c) Clean Air Act. The proposed action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the proposed action will not exceed *de minimis* levels or direct emissions of a criteria pollutant or its precursors and is exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Districts' continuing program responsibility and generally cannot be practicably controlled by the District. For these reasons a conformity determination is not required for this action.

5. I find the Mason Mine 280, Section 1135 Environmental Restoration Project has been planned in accordance with current authorization as described in the Environmental Assessment. The project is consistent with National policy, statutes, and administrative directives. This determination is based on thorough analysis and evaluation of the project and alternative courses of action. In conclusion, I find the proposed Mason Mine 280, Section 1135 Environmental Restoration Project will have no significant adverse effect on the quality of the human and/or natural environment.

DATE

ROBERT D. PETERSON
Colonel, Corps of Engineers
Commanding