

DRAFT FINDING OF NO SIGNIFICANT IMPACT
33 U.S.C. SECTION 408
PROPOSED CONSTRUCTION OF 600 FOOT LONG BOARDWALK at the
HAVERHILL LOCAL PROTECTION PROJECT IN HAVERHILL, MASSACHUSETTS

Pursuant to the Council on Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] 1500-1508) for implementing the procedural provisions of the *National Environmental Policy Act* (NEPA) (42 U.S.C. 4321 et. seq.) and the U.S. Army Corps of Engineers (USACE) *Procedures for Implementing NEPA* (33 CFR 230), USACE conducted a review of an application submitted under the requirements of 33 U.S.C. Section 408 from the city of Haverhill, Massachusetts to modify a section of the USACE-constructed Haverhill local flood damage reduction project. The 30 foot high concrete floodwall starts on the left bank of the Merrimack River at the Main Street Bridge and extends upstream for about 2,250 feet.

33 U.S.C. Section 408 allows the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE civil works project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the Federal project. A decision on a Section 408 request is a Federal action, and therefore subject to NEPA and other environmental compliance requirements.

Proposed Action and Alternatives

Proposed Action The city of Haverhill, Massachusetts is proposing to modify a section of the existing USACE-constructed Haverhill Flood Risk Management Project to build a riverfront public boardwalk. The section affecting the USACE structure is a 600-foot long section along the Merrimack River floodwall. It will extend from the proposed Harbor Place Development to an existing boardwalk behind Haverhill Bank. The boardwalk is proposed to be 16-ft wide and will be partially constructed on the floodwall which will support the boardwalk's southern edge and will be further supported by columns along the boardwalk's northern edge. Once completed, this section will be part of an approximately 1,200-ft long continuous section of boardwalk located directly along the northern bank of the Merrimack River at Wall Street. The boardwalk is part of a comprehensive rehabilitation of the Haverhill waterfront and is a component of a State Priority Development Area for the Merrimack River Basin.

No Action Alternative If the proposed alteration is not constructed, authorization for the alteration, occupation, or use of a USACE civil works project will not be required. The project will continue to operate without the proposed alteration in place.

Environmental Analysis

The Massachusetts Executive Office of Energy and Environmental Affairs (EEA) evaluated the 600-foot section of boardwalk that will affect the Federal LPP in two separate environmental reviews. This includes approximately 150 feet in EEA No. 15207, Harbor Place Development and 450 feet in EEA No. 15238, Haverhill Boardwalk Project. The projects were approved under the Massachusetts Environmental Policy Act (MEPA) (M.G. L. c. 30, ss. 61-621) and Section 11.06 of the MEPA regulations (301 CMR 11.00). USACE reviewed these documents to determine if the State's environmental analysis satisfies the environmental review that is required under NEPA and all other applicable environmental laws, regulations, Executive Orders, and Executive Memorandums as it relates to potential environmental impacts of the proposed alteration and to the 600-foot section of the USACE-constructed project. The MEPA documents addressed potential impacts to wetlands and waterbodies, Federal and state listed endangered and threatened species, traffic and transportation, environmental quality, and

historical resources. USACE has determined that the environmental documentation provided by EEA satisfies the environmental review required under NEPA and all other applicable environmental laws, regulations, Executive Orders, and Executive Memorandums as it relates to potential environmental impacts of the proposed alteration to the LPP. USACE completed an EA per NEPA and concur that the EEA review has completed all coordination necessary to satisfy the Federal compliance requirements.

An analysis of the potential beneficial or adverse impacts to environmental resources that could be affected by the action indicated there are no significant short- or long-term direct, indirect, or cumulative effects. Under the CEQ NEPA regulations, "NEPA significance" is a concept dependent on context and intensity (40 C.F.R. 1508.27). When considering a site-specific action like construction of a 600 foot long section of a public boardwalk on top of an existing LPP, significance is measured by the impacts at a local scale, as opposed to a regional or nationwide context. The CEQ regulations identify a number of factors to measure the intensity of impact. Review of the NEPA "intensity" factors reveals that the proposed action would not result in a significant impact to the human environment.

Impacts on public health or safety: The overall project is expected to result in a net benefit to public.

Unique characteristics: There are no unique characteristics that would be affected.

Controversy: The effects of the proposed project are not controversial.

Uncertain impacts: The impacts of the proposed project are not uncertain; they are readily understood.

Precedent for future actions: The proposed project action will not establish a precedent for future actions.

Cumulative significance: There are no significant cumulative impacts associated with construction a boardwalk along a 600 foot section of the Haverhill LPP.

Historic resources: The project will have no known negative impact on any pre-contact archaeological site.

Endangered species: The project will have no significant impacts to Federal or state-listed species of concern, rare or endangered species.

Potential violation of state or Federal law: This action will not violate Federal or state laws.

A Notice of Availability was published in the Eagle-Tribune, a regional paper, which announced the beginning of the 30-day public review period. USACE distributed a Press Release simultaneously. Based on my review and evaluation of the environmental effects, I have determined that the proposed minor modification to construct a 600-foot long boardwalk on the Haverhill LPP is not a major Federal action significantly affecting the quality of the human environment. This Federal action, therefore, is exempt from requirements to prepare an Environmental Impact Statement.

Date: _____

Christopher J. Barron
Colonel, Corps of Engineers
District Engineer