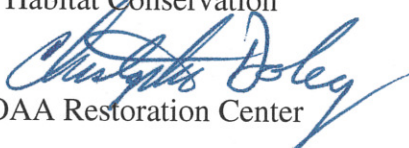




UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

OCT 19 2016

MEMORANDUM FOR: Patricia A. Montanio  
Director, Office of Habitat Conservation

FROM: Christopher Doley   
Division Chief, NOAA Restoration Center

SUBJECT: Finding of No Significant Impact and Final Restoration  
Plan Environmental Assessment for the American  
Cyanamid Superfund Site

The National Oceanic and Atmospheric Administration (NOAA) is the lead federal agency for National Environmental Policy Act (NEPA) compliance of the habitat restoration projects for the American Cyanamid Superfund Site. These projects are designed to help restore natural resources injured and lost natural resource uses affected by in-river discharges of hazardous substances from the American Cyanamid Superfund Site in Bridgewater Township, NJ, which was identified as a National Priority List Site in 1983.

NOAA prepared this Restoration Plan/Environmental Assessment (RP/EA) to set forth: (1) the decision-making process that takes into account all of the environmental impacts of an action and how the public was involved in that decision making, (2) its determination that the selected alternatives (restoration projects laid out in detail in the RP/EA) other than the no-action alternative or the other alternatives considered would be the most ecologically sound alternatives, and (3) its determination that an environmental impact statement (EIS) does not need to be prepared for this project.

NOAA determined that the removal of the Weston Mill Dam in the Borough of Manville and the Township of Franklin, New Jersey; and the Analysis, Engineering and Design of Technical Fish Passage at the Island Farm Weir in Bridgewater New Jersey will compensate for interim losses of natural resource services and uses caused by the in-river hazardous substance releases. The environmental review process has led NOAA to conclude that this restoration action will not have a significant effect, individually or cumulatively, on the quality of the human environment. Therefore, an EIS will not be prepared and I recommend you sign the Finding of No Significant Impact (FONSI). The RP/EA and FONSI have been reviewed by NMFS NEPA, and approved for your signature by NOAA General Counsel.

Attachments:

1. Finding of No Significant Impact (FONSI)



**FINDING OF NO SIGNIFICANT IMPACT  
FINAL IN-RIVER RESTORATION PLAN AND  
ENVIRONMENTAL ASSESSMENT  
FOR THE AMERICAN CYANAMID CO. SUPERFUND SITE,  
BRIDGEWATER TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**

**Background:**

Releases of hazardous substances from the 435-acre American Cyanamid Co. Superfund Site, located adjacent to the Raritan River in Bridgewater Township, New Jersey triggered a natural resource damage assessment and restoration process in accordance with the authority and requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and other applicable Federal and State environmental laws. The property was used for coal tar distillation and production of various pharmaceuticals, rubber chemicals, dyes, resins, and acids from 1915 through 1999. An estimated 800,000 tons of chemical wastes were buried at the site.

Through the Natural Resources Damages Assessment (NRDA) process, the American Cyanamid Trustees (hereafter, "Trustees") including the National Oceanic and Atmospheric Administration (NOAA), U.S. Fish and Wildlife Service (USFWS) and the New Jersey Department of Environmental Protection (NJDEP) conducted restoration planning -- including a public solicitation of project ideas via release for public comment of a Draft Restoration Plan and Environmental Assessment (RP/EA) for the American Cyanamid Co. Superfund Site (Site). The Draft RP/EA was prepared in accordance with the National Environmental Policy Act (NEPA) to fully consider impacts from the proposed restoration action and alternatives. A Finding of No Significant Impact (FONSI) and Final RP/EA, incorporating public comments, were finalized in September 2016.

Releases of hazardous substances from the Site are likely to have caused past and present in-river injuries to surface water and sediment, as well as biological resources that use those habitats. Based on the type and extent of contaminant releases, it is likely that the Site has also contributed to general contamination of surface waters and sediments of the Raritan River and/or its tributaries. To address these impacts, NOAA and the USFWS, as Federal Trustees under the NRDA process, are proposing removal of the Weston Mill Dam and the analysis, engineering and design of a fish passage alternative at the Island Farm Weir.

The NEPA requires an analysis of the effects of major federal actions on the quality of the human environment. NOAA Administrative Order (NAO) 216-6, May 20, 1999, as preserved by NAO 216-6A, "Compliance with the National Environmental Policy Act, Executive Orders 12114, Environmental Effects Abroad of Major Federal Actions; 11988 and 13690, Floodplain Management; and 11990, Protection of Wetlands," contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. § 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. The criteria listed below are relevant to making a Finding of No Significant Impact determination, and have been considered individually, as well as in combination with the others:

(1) Can the proposed actions reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson Stevens Act and identified in Federal Management Plans (FMPs)?

Response: No. As documented in the Final RP/EA, NOAA does not expect the selected projects to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act (MSA). As part of the restoration project screening and prioritization, Essential Fish Habitat (EFH) was taken into consideration in identifying potential sites and selecting sites for implementation where impacts to marine environments providing EFH would be avoided. The dam removal project and fish passage design project will occur in the Raritan River in fresh water non-tidal riverine environments (which are not designated as EFH), where adverse environmental impacts resulting from removal of the dam are expected to be short-term and minor. These minor impacts may include turbidity, sedimentation, physical disturbance of aquatic habitats, noise, temporary displacement or disturbance of fish, and beneficial changes to substrate. Fresh-water river systems are well-recognized as important spawning and nursery habitat for diadromous finfish species. NMFS further believes that long-term environmental impacts to nearby ocean and coastal habitats, and/or EFH will be largely beneficial as a result of project implementation.

(2) Can the proposed actions be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator prey relationships, etc.)?

Response: The selected dam removal project and fish passage design identified in the RP/EA are expected to have no substantial adverse impacts; however, they are expected to have beneficial impacts on ecosystem function and fish and macro-invertebrate species biodiversity by enhancing water quality and benthic habitats. Diadromous finfish are an important, but diminished, riverine and estuarine resource in rivers and estuaries. Their diminishment is due to past industrial practices, including damming and release of chemical waste into waterways. Removal of the Weston Mill Dam will achieve the restoration goals of restoring stream channel bathymetry and hydrology and improving water quality and habitat for fish and wildlife, with a particular emphasis on providing passage for migratory fish. Removal of this dam will bring the base-flow of the river and feeder streams to near natural flow regime. An increase in ecosystem function and species biodiversity is expected as a result of the proposed project. Any potential adverse impacts from the project are expected to be minor, short-term, and localized, and are not expected to decrease ecosystem function or species biodiversity.

(3) Can the proposed actions reasonably be expected to have a substantial adverse impact on public health and safety?

Response: No. The selected dam removal and fish passage design projects are expected to have no negative impacts to public health and safety. The proposed dam removal is located in shallow riverine habitat where motorized boating does not occur and where recreational boating safety is expected to be improved by the removal of a well-known navigational hazard. All work for the removal of the Weston Mill Dam will be subject to the approval of the permitting agency (NJDEP). Public Health and safety guidelines are set by the NJDEP Bureau of Dam Safety and Flood Control and must be adhered to by the applicant.

(4) Can the proposed actions reasonably be expected to adversely affect endangered or

threatened species, their critical habitat, marine mammals, or other non-target species?

Response: No. The selected projects are not expected to adversely affect federally endangered or threatened species, their critical habitat, marine mammals, or other non-target species (collectively, special status species). There are no listed species in the non-tidal and upper portions of the Raritan or Millstone River. The improvement of fish passage should result in greater local availability of forage fishes, thus benefitting special status species.

(5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: No. The proposed action will consist of a dam removal and a fish-passage design that are expected to support recreational fisheries and, therefore, creates a beneficial social impact. Because the project is expected to enhance the public's enjoyment of the natural resources being restored (through increased opportunities for fishing, birding and boating), it provides positive social interactions with the natural environment. These anticipated impacts will be local and not significant at a regional scale.

(6) Are the effects on the quality of the human environment likely to be highly controversial?

Response: No. The selected restoration project will not likely be controversial regarding its effect on the human environment. Impacts to the human environment will include short-term interruption of use by people recreating during the two to three week period of dam removal. Heavy equipment operation will produce noise and disturbance within a limited area. NOAA received no comments from the public on the Draft RP/EA demonstrating concern for the direct impacts to the human environment as a result of the Weston Mill Dam removal and re-design of fish passage at Island Farm Weir.

(7) Can the proposed actions reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: No. There will be no impacts to historic sites or cultural resources, parks, prime farmlands, wetlands, designated wild and scenic rivers, or ecologically critical areas. The proposed fish passage project at Weston Mill Dam involves the removal of a concrete dam that was constructed in the mid-1930s and is ineligible for historic listing. The Trustees coordinated with the State Historic Preservation Office (SHPO) to ensure that the dam removal would not compromise the remnant historic mill foundation that is eligible for historic listing. Consultation included a detailed discussion of the technical means for segmenting the dam being removed in the area of the mill foundation. In a letter dated October 22, 2015, the SHPO formally concurred with the Trustees' proposed plan. Likewise, the projects will not have a substantial effect on Essential Fish Habitat (EFH) since this change is expected to be a beneficial impact within the watershed. The design of fish passage at Island Farm Weir will not entail any construction and therefore will not have impacts to these resources.

(8) Are the effects on the human environment likely to be highly uncertain or involve unique or



unknown risks?

Response: No. There are no consequential uncertainties or risks associated with the planned dam removal. The Weston Mill Dam removal is anticipated for completion in 2017 -- with all permits received prior to completion. Any highly uncertain, unique and unknown risks not already considered or identified will be addressed during the permit process by the permitting agency. Likewise, highly uncertain, unique and unknown risks that may be encountered during the design process for a fish passage at Island Farm Weir will be fully addressed in future NEPA analysis of alternatives, and potential impacts leading to a decision regarding final design.

(9) Are the proposed actions related to other actions with individually insignificant, but cumulatively significant impacts?

Response: No. There have been no other substantial current or planned actions in the vicinity where significant cumulative impacts are likely to occur. NOAA evaluated the restoration project selected in the Final RP/EA in conjunction with other known past, proposed, or foreseeable closely related projects. NOAA considered potentially additive impacts and interaction of these projects within the affected area, and determined that no significant cumulative impacts will occur. The selected projects are consistent with ongoing regional environmental restoration efforts and are not expected to result in cumulatively significant adverse impacts.

(10) Are the proposed actions likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: No. Neither of the selected projects will have an effect on sites designated as Historic Places on the National Register. The Trustees coordinated with the State Historic Preservation Office to ensure that the dam removal would not compromise the remnant historic mill foundation that is eligible for historic listing. In a letter dated October 22, 2015, the SHPO formally concurred with the Trustees' proposed plan. Accordingly, there will be no impact to scientific, cultural or historical resources.

(11) Can the proposed actions reasonably be expected to result in the introduction or spread of a non-indigenous species?

Response: No. The action to remove the Weston Mill Dam is unlikely to result in introduction and spread of non-indigenous species. Movement of plant and animal species is generally not restricted by the presence of the dam with the exception of downstream resident and non-resident finfish and benthic invertebrates. While it is always possible for invasive finfish and invertebrates to move in to the area, at this present time there are no known threats posed by species in the Raritan River and, as such, are not expected to result in the introduction of non-indigenous species. The Island Farm Weir project design will not at this time result in any direct on the ground action and therefore will have no impact.

(12) Are the proposed actions likely to establish a precedent for future actions with significant

effects or represent a decision in principle about a future consideration?

Response: No. Projects similar to the selected project have been implemented before in the Northeast region and within the Raritan River watershed. NOAA expects the permit applicant to employ similar proven methods in implementing this restoration action, such as those taken in the course of the removal of the nearby Calco Dam (2011), Robert Street Dam (2012), and Nevius Street Dam (2013) which met all conditions of applicable State and Federal permits --including the protocols set forward and approved by NJDEP Bureau of Dam Safety and Flood Control.

(13) Can the proposed actions reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Response: No. Implementation of the selected projects would not result in any violation of Federal, State or local laws designed to protect the environment. Prior to implementation, the State, Federal and local permitting authorities will undertake appropriate reviews, while securing any required permits for implementing the selected projects.

(14) Can the proposed actions reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response: No. The selected projects will not result in any substantial cumulative adverse effect on target species or non-target species. The reasons for this conclusion are detailed in the Final RP/EA for the dam removal and fish passage design projects. For example, the Weston Mill Dam removal is designed to achieve recovery of injured natural resources (e.g., fish resources, benthic invertebrates), and any cumulative environmental consequences will be largely beneficial, localized, and not significant at a regional scale.

#### DETERMINATION

Based upon an environmental review and evaluation of the Final RP/EA for the American Cyanamid Co. Superfund Site, as summarized above, NOAA has determined that implementation of the restoration projects does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). Accordingly, an Environmental Impact Statement is not required for this action.



Patricia A. Montanio  
Director, Office of Habitat Conservation  
National Marine Fisheries Service

Date 10/19/10



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

October 5, 2016

MEMORANDUM FOR: Pat Montanio  
Director, Office of Habitat Conservation

FROM: LEATHERY.STEPHEN.L.1365  
Steve Leathery 840071  
Acting NMFS HQ NEPA Coordinator

SUBJECT: American Cyanamid Final RP/Environmental Assessment and  
Finding of No Significant Impact

Digitally signed by LEATHERY.STEPHEN.L.1365840071  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=OTHER, cn=LEATHERY.STEPHEN.L.1365840071  
Date: 2016.10.11 08:21:00 -04'00'

I have reviewed the subject final draft NEPA documents. Comments on the draft documents were provided to the program staff responsible for processing the document for approval. This memorandum serves to notify you that review by HQ NEPA on this document is complete in accordance with NMFS NEPA delegation policy 30-131.

Thank you for the opportunity to review and provide comments.

cc: Jeff Shenot



Jeff Shenot - NOAA Federal &lt;jeff.shenot@noaa.gov&gt;

**Re: Request for Confirmation of NEPA review for American Cyanamid RP/EA and FONSI**

1 message

**Kate Barfield - NOAA Federal** <kate.barfield@noaa.gov>

Tue, Oct 4, 2016 at 1:50 PM

To: Jeff Shenot - NOAA Federal &lt;jeff.shenot@noaa.gov&gt;

Cc: Reyhan Mehran &lt;reyhan.mehran@noaa.gov&gt;, John Catena &lt;john.catena@noaa.gov&gt;, "Jeff P. Smith - NOAA Federal" &lt;Jeff.P.Smith@noaa.gov&gt;, Carl Alderson - NOAA Federal &lt;carl.alderon@noaa.gov&gt;

Jeff:

While you are waiting for confirmation of review from NMFS NEPA folks, here is mine.

I have reviewed both the Final Restoration Plan/Environmental Assessment and the Finding of No Significant Impact for the American Cyanamid dam removal project and have no objection.

The FONSI needs to have its margins restored before signature. All the best.

Kate

On Fri, Sep 30, 2016 at 10:58 AM, Jeff Shenot - NOAA Federal &lt;jeff.shenot@noaa.gov&gt; wrote:

Greetings Patience-

See attached FONSI, which has been revised and reflects changes to address your review comments, as well as a couple issues and minor edits raised by DARRP manager's and GC's reviews.

Assuming this addressed your concerns, OHC would appreciate a NMFS HQ NEPA review memo from you at your earliest convenience.

Thank you!

Jeff

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**2 attachments****AmCy-Final FONSI.docx**

60K

**AmCyanRP\_EA.09\_27\_2016.final.pdf**

1253K