

FINDING OF NO SIGNIFICANT IMPACT

2005 TEMPORARY OPERATIONS PLAN FRANCIS E. WALTER DAM AND RESERVOIR CARBON AND LUZERNE COUNTIES, PENNSYLVANIA

The Francis E. Walter Reservoir, originally known as Bear Creek Reservoir, is located near the convergence of Bear Creek and the Lehigh River in Luzerne and Carbon Counties in northeastern Pennsylvania. It is a man-made impoundment created by the U.S. Army Corps of Engineers in 1961 by damming the Lehigh River at the confluence with Bear Creek. The 3,000-foot long, 234-foot high earth-fill dam creates a 80-acre pool at the normal 1,300-foot National Geodetic Vertical Datum (N.G.V.D.) elevation and controls a drainage area of 288 square miles. The reservoir is approximately 86 miles north of Philadelphia, 20 miles southeast of Wilkes-Barre, 39 miles south of Scranton and 23 miles north of Allentown. The project area is part of the Pocono Mountain complex.

F.E. Walter, in addition to aiding in flood control along the Lehigh River, is operated for recreation and drought emergency water storage for salinity repulsion in the Delaware River Estuary. The primary purpose of the project is flood control. A secondary purpose is recreation. The F.E. Walter Reservoir was authorized in House Document No. 587, 79th Congress, 2nd Session for Lehigh River flood control protection. The reservoir project was also authorized for recreation as part of Public Law 100-676, Section 6, dated November 17, 1988.

F.E. Walter Reservoir plays a vital role in providing flood control and recreation in the Lehigh River watershed. In the recent past, public interest has grown in regard to modifying operations at F.E. Walter Reservoir to benefit in-lake and downstream recreation meanwhile maintaining flood control capabilities, and protection of the environment. Due to the recent construction of a new access road across the top of the dam a physical restriction on pool operations has been removed. As a result, the opportunity to further evaluate and study the public recreational alternatives associated with the reservoir has emerged. An Environmental Assessment has been developed that evaluates the raising of the current operation base pool elevation of 1300' N.G.V.D. to 1335' N.G.V.D. beginning in mid-April 2005 and ending in October 2005 at which time the pool will be returned to the operation base pool elevation of 1300'. During this period of time water quality, flow, and recreational data will be collected to evaluate the planned change. The data will be used to consider long-term reservoir operational plans that enhance public recreation.

The 2005 plan of operation includes a temporary summer recreational pool elevation of 1335 feet with a pool fluctuation of no more than 5 feet, a minimum target flow downstream of 250 cubic feet per second (cfs), and additional recreational boating releases of 750 to 1000 cfs. Meeting the objectives of the plan is directly dependent on seasonal environmental conditions and normal reservoir operations, specifically flood control. As a result of public comments received on the 2005 proposed plan and Draft Environmental Assessment, the project partners have modified the plan to reflect concerns and recommendations received from the public and to balance the various uses of the resource. The final plan to be implemented in 2005 is described as follows:

- Maintain a target flow of 750-1000 cfs during May 14th and May 15th
- Maintain a target flow of inflow equals outflow with a 750 cfs minimum for May 28th
- Maintain a target flow of inflow equals outflow with a 500 cfs minimum for May 29th
- Maintain a target flow of inflow equals outflow for May 7th-8th; May 21st-22nd; June 4th-5th; and June 18th-19th
- Maintain a target flow of 750 cfs for June 11th-12th; June 25th-26th; July 2nd-3rd; July 23rd-24th; August 6th-7th; and August 20th-21st
- Maintain a target flow of 750-1000 cfs for September 3rd-4th; September 17th-18th; and October 1st-2nd

In addition, the following target flow management constraints will be in place:

- Temporarily raise the pool from 1300' to 1335' between May and October
- Begin raising the pool the Monday after the first weekend of trout season (April 18th, 2005) with a target to reach a pool elevation of 1335' by May 1st
- Limit pool fluctuation between 1330' and 1335' in May and June for lake spawning enhancement
- Increase target minimum release flow to 250 cfs between May and September for downstream fishery and water quality enhancement. Beginning on July 1st, if a target release cannot be met due to limited pool storage, then the minimum target flow will be reduced to 200 cfs until the pool returns to a storage level that could sustain the next scheduled release

Coordination with resource agencies conducted for the 2002 F.E. Walter Emergency Drought Storage Environmental Assessment was utilized for this Environmental Assessment. That project was coordinated with the Delaware River Basin Commission, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency Region 3, Pennsylvania Department of Environmental Protection, Pennsylvania Historical and Museum Commission, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission, and Pennsylvania Department of Conservation and Natural Resources. The 2005 F.E. Walter study plan was developed through coordination with the Pennsylvania Fish and Boat Commission, Pennsylvania Department of Conservation and Natural Resources and Delaware River Basin Commission. The plan was presented to the public at a public information workshop on 24 February 2005 at the Split Rock Lodge located in Carbon County, Pennsylvania. This forum allowed attendees to directly question project partners and comment on the proposed plan. In addition, the public was afforded the opportunity to comment on the 2005 plan and future plans by submitting written comments directly to the Philadelphia District Corps or by providing their comments via the project website at www.nap.usace.army.mil/Projects/FEWalter/index.htm.

The Environmental Assessment has shown that the proposed activity is not likely to jeopardize the continued existence of any species or the critical habitat of any fish, wildlife or plant, which is designated as endangered or threatened pursuant to Section 7 of the Endangered Species Act, as amended.

Work in waters of the United States, including wetlands, must be in compliance with Section 404 of the Clean Water Act. No work will be performed within the waters of the United States. Therefore, a review of impacts associated with the potential discharge of fill material has not been performed as per Section 404 (b)(1) of the Clean Water Act. The requirements of Executive Order 11990, Protection of Wetlands, are therefore met.

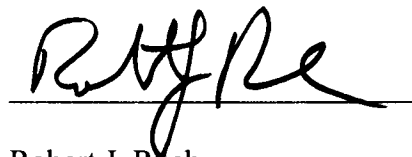
The Commonwealth of Pennsylvania requires a 401 State water quality certification for any work, which may affect water or waterways in the state. This project entails an operational management change at F.E. Walter Reservoir and does not require any physical instream or riparian work. As a result, a water quality certificate from the Commonwealth is not required.

In accordance with guidelines established under Section 106 of the National Historic Preservation Act of 1966, as amended, the Pennsylvania Historical and Museum Commission determined that the proposed plan would have no effect on archaeological sites or historic structures.

An environmental assessment was prepared in accordance with the provisions of the National Environmental Policy Act of 1969, as amended. This EA assessed conditions at the project site and evaluated the potential impacts of the 2005 operational study plan on existing resources in the immediate and surrounding areas to include: physical, chemical, and biological characteristics of the aquatic and terrestrial ecosystem; endangered and threatened species; hazardous and toxic materials; aesthetics and recreation; cultural resources; and the general needs and welfare of the public. The U.S. Army Corps of Engineers and its partners will continue to pursue additional studies and data collection efforts to evaluate the 2005 plan and to refine potential future plan modifications.

Upon reviewing the Environmental Assessment, I find that potential negative environmental impacts associated with this project will not be significant. Any adverse impacts will be short-term and minor in nature. The 2005 Operational Study Plan at F.E. Walter is expected to have positive effects by increasing in-lake fishery habitat, protecting downstream water quality and aquatic habitat, and increasing whitewater recreational opportunities. Based upon this finding, preparation of an Environmental Impact Statement is not required.

Date 18 Apr 05



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