

Upper St. Anthony Falls Lock and Dam, Lower St. Anthony Falls Lock and Dam and Lock and Dam 1

Section 216 Disposition Study

Q&A – August 1, 2018

STUDY OVERVIEW

Q: What is a Disposition Study?

A: Authorized under Section 216 of the Flood Control Act of 1970, a disposition study gives the Corps the authority to evaluate a project which is no longer serving its authorized purpose.

Q: What is the scope of work for the Disposition Study?

A: A Disposition Study is intended to determine whether a water resources development project operated and maintained by the Corps of Engineers should be deauthorized, and if the associated real property and Government-owned improvements should undergo disposal. The study's focus is on whether Federal interest exists to retain the project for its authorized purpose (navigation).

Q: Why is this study being done?

A: The demand for commercial navigation at Lower St. Anthony Falls lock and dam and Lock and Dam 1 have decreased since Upper St. Anthony Falls lock and dam was closed to navigation in June 2015. The Federal government could save approximately \$1.5M in its yearly operations costs if it did not have to operate and maintain these three locks and dams.

Q: Why all three sites?

A: The demand for lockage at Lower St. Anthony Falls and lock and dam 1 has decreased due to the closure of Upper St. Anthony Falls lock

and dam, indicating that all three sites should be considered in the same study.

STUDY SCOPE AND ALTERNATIVES

Q: What are the potential actions/alternatives being evaluated in the disposition study?"

A: At each of the three sites, the study will evaluate 1) no action, and 2) deauthorize and dispose. No action means to maintain the status quo and continue to operate and maintain the three locks and dams as they have at the time of the study.

Q: What does “disposal” mean?

A: Any authorized method of permanently divesting the Department of the Army’s control of and responsibility for real estate. The first step to dispose of a property is deauthorization, which the Disposition Study is evaluating.

The “Disposal” measure assumes the site(s) will be deauthorized and undergo the GSA Disposal Process in an “as is” condition. The Integrated Disposition Study and Environmental Assessment will evaluate the potential impacts of disposal of the site(s) in an “as is” condition.

Q: Is dam removal included in the Disposition Study scope?

A: No. The study’s focus is on whether Federal interest exists to retain the project for its authorized purpose (navigation). Dam removal is considered ecosystem restoration, which is not an authorized purpose of the sites.

Q: Will the Disposition Study evaluate opportunities to modify the project? How can dam removal be evaluated by the Corps?

A: If opportunities exist to modify the project(s) to serve its authorized or a new authorized purpose (like ecosystem restoration), investigation

of such opportunities will need to occur under the appropriate authority in a different type of study. A feasibility study or major rehabilitation study could be pursued to evaluate potential modifications to the project. However, these studies are subject to availability of funding through the budgeting process and cannot be conducted using Disposition Study funding. In addition, a Corps feasibility study to evaluate dam removal would require a non-Federal sponsor to share in the cost of the study.

Q: What would happen if Congress were to change the scope for this project?

A: Pending Congressional legislation may impact the scope of the Disposition Study, or may direct the Corps to complete a different kind of study to evaluate additional opportunities (e.g., ecosystem restoration) at the sites. If/when legislation is passed, Corps Headquarters will develop "Implementation Guidance" with more specific instructions for executing the requirements of the legislation.

If/when Congressional legislation is passed and Implementation Guidance is developed, the Corps will confirm whether the scoping process will be repeated. More specifically, the Corps will repeat the scoping process if we are directed to evaluate Dam Removal.

IF DEAUTHORIZATION IS RECOMMENDED...

Q: If the Disposition Study recommends deauthorization and disposal of the sites, and ownership is transferred by GSA, how will potential future modification of the site(s), including dam removal, be regulated?

A: Depending on who the potential future owner of the site is, there are a number of regulations that would require evaluation of potential modifications to the site(s).

The National Environmental Policy Act requires that all proposed Federal actions be evaluated for their impact on the environment.

Similarly, the Minnesota Environmental Policy Act requires that all proposed state actions, in addition to some private activities, be evaluated for their impact on the environment. These acts require public disclosure of potential future actions and their associated impacts. In addition, USACE issues regulatory permits for proposed actions in Waters of the U.S., so the Corps will be involved in reviewing potential future modifications of the site(s).

Q: What will happen to the dams if the disposal alternative is selected?

A: The Corps will recommend that Congress deauthorize the locks and dams. Then the locks and dams will be turned over to the General Services Administration for disposal. The dams would pass out of Federal ownership and the Corps would no longer be authorized to operate or maintain the dams or the navigation channel.

Q: If the government disposes of the locks and dams, can they still be operated or must they be removed?

A: Any new owners would have the discretion to leave the locks and dams in place. If the new owner wants to remove the locks and dams, they would have to acquire any state or federal permits and would be required to prepare an environmental assessment or an environmental impact statement prior to removal.

Q: Who will the dams be sold to?

A: Unless directed otherwise by Congress, following deauthorization, the projects will be declared as “excess” and the General Services Administration will dispose of them according to Federal law. In order of priority:

1. The properties are offered first to other Federal agencies that have a program need.

2. If no other Federal agencies require the property, GSA will consult with the Department of Housing and Urban Development to determine if the property is suitable for homeless use. A homeless conveyance must be considered before other public benefit conveyances are considered.
3. Negotiated sale to state or local government or non-profit organization for public purpose. The price may be steeply discounted if partnering with another federal agency.
4. Competitive public sale of property through auction or sealed bid.

Q: Can the locks still be used if the Federal Government does not own them?

A: That will depend upon the future owners and their willingness to operate and maintain the locks.

IF DEAUTHORIZATION IS NOT RECOMMENDED...

Q: What if the no action alternative is selected and the Federal government keeps the dams?

A. The Corps will continue to operate and maintain the sites as long as authorized and funded to do so.

Q: Can anything else be done with the dams if the government keeps them?

A: If the Federal government keeps the dams, and there is a sponsor, the Corps can conduct a feasibility study of additional uses for the projects. The sponsor would have to either share in the cost of the study or fund the entire study. The cost of constructing, operating and maintaining the new features would be funded by the sponsor.

TIMELINE & PUBLIC INVOLVEMENT

Q: How is the study funded and how much will it cost?

A: The study is 100% Federally funded, and will cost approximately \$1.2M to complete.

Q: How will the public be involved in this process?

A: USACE will release a Draft Disposition Report and Environmental Assessment in 2019 for public review. If disposal is recommended, GSA and a potential future owner will lead public involvement opportunities.

Q: When will the study be completed?

A: A draft report and environmental assessment will be available for public review in the spring of 2019 (assuming funding is available). A final report will be forwarded for Corps approval in January 2020. Pending Corps approval, any disposal recommendations will be forwarded to Congress in June 2020.

Q: Why does Congress need to pass legislation?

A: Congress authorized the 9-foot channel, and the three lock and dam sites. Only congress can deauthorize them and direct their disposal.

Q: How can I document my interest in being a potential future owner?

A: You should submit a letter of interest to the St. Paul District. The letter of interest should include the type of organization applying (Federal, State, local government, non-profit or private), contact information, proposed future use of the properties, and a statement of financial capability. This information will be documented in the Disposition Report.

Q: What if I have some great ideas for how to use the three locks and dams?

A: At this time we aren't looking for ideas on future use unless there is a statement of interest in future ownership. You are welcome to partner with other entities on the GSA priority list who are interested in owning the dam. Private parties can participate in the auction or sealed bid sale of the Federal property.

ADDITIONAL INFORMATION

Q: How will impacts of sediment behind the dams be evaluated?

A: The Integrated Disposition Study and Environmental Assessment will evaluate the potential impacts of disposal of the site(s) in an "as is" condition. The EA will not evaluate potential impacts of future modifications to the sites. These impacts would be evaluated and disclosed in future Environmental Assessment(s) or Environmental Impact Statement(s) to be developed by the future owner.

Q: Is recreation a sufficient enough reason to keep the locks and dams in operation?

A: The Corps will consider recreation and other benefits, and will weigh those benefits against the cost of operating the locks and dams. However, Corps decision-making criteria is based on the authorized purpose of the project (navigation), so commercial navigation benefits will be used as the primary factor in assessing Federal interest in retaining ownership of the sites.

Q: How do we portage around the dams?

A: Until Lower St. Anthony Falls Lock and Dam and Lock and Dam 1 are deauthorized, the Corps will continue to provide navigation services at certain times of the year and during certain time periods. The St. Paul District public website posts the hours of operation for each lock and

dam site under the “navigation” heading. Unless otherwise shown on the website the lock hours of operation are :

- [Lower St. Anthony Falls Lock and Dam: 10 a.m. – 8 p.m.](#)
- [Lock and Dam 1: 10 a.m. – 8 p.m.](#)

If portaging around the locks is necessary, the Minnesota Department Natural Resources maintains a guide to water access points on the Mississippi River. See the “Metro Rivers Guide” on the following web page. https://www.dnr.state.mn.us/water_access/index.html

Q: When were the channel markers taken out?

A: the channel markers upstream of Upper St. Anthony Falls were removed in 2015. The channel markers upstream of Lock and Dam 1 were removed in spring 2018.

Q: Why were the channel markers taken out?

A. The channel markers are placed by the U.S. Coast Guard, and are based on the location of the 9-foot channel. Due to a drop in demand for commercial navigation above lock 1, the Corps has given priority to dredging in other parts of the river, and the location of the channel may have moved. Since the location and depth of the channel is not marked, boaters will need to use caution when navigating above lock 1.

Q: What will happen to the river if the properties are disposed of?

A: The Corps would no longer dredge the 9-foot channel upstream of Lock 1.

Q: Is the Corps dredging the channel now?

A: The Corps can’t dredge above Upper St. Anthony Falls because the lock is closed to navigation. Because of the decreased demand, dredging the channel between Lower St. Anthony Falls and Lock and Dam 1 has been given lower priority.

Q: How much of the channel will be affected by deauthorization?

A: With the disposal alternative, the Corps will recommend that a portion of the 9-foot channel project on the Mississippi River upstream of the confluence with the Minnesota River also be deauthorized. The exact extent has not been determined. This means the Corps would no longer maintain the 9-foot channel upstream of that point.

Q: What will happen to the current hydropower operators?

A: Since the proposed federal action would only include disposing of the dams, not removing them, the current hydropower operators will continue to be able to operate.

Q: Will the hydropower projects still be licensed if the federal government does not own the dams?

A: The Federal Energy Regulatory Commission, licenses hydropower projects at both Federal and non-Federal locations.

Q: When do the hydropower licenses expire?

A: The Xcel Energy-owned St. Anthony Falls hydropower license at Upper St. Anthony Falls is due to be renewed in 2034. The Brookfield Renewable-owned Lower St. Anthony falls hydropower license is due to be renewed in 2056. The Brookfield-owned Twin Cities hydropower project at Lock and Dam 1 hydropower license is due to be renewed in 2034. The Minneapolis Leased Housing Association-owned A-Mill Artists' Lofts hydropower license is due to be renewed in 2065.

Q: What will happen to the Crown hydropower license amendment?

A: If Upper St. Anthony Falls lock and dam remains in Federal ownership, the Corps and Federal Energy Regulatory Commission (FERC) will continue to cooperate under the Memorandum of Understanding signed between the two agencies on July 20th, 2016. If Upper St. Anthony Falls lock and dam is no longer in Federal

ownership, Crown hydropower would still need FERC to grant an amendment to their existing hydropower license, but would need agreements with the new property owner.

Q: What about invasive Asian Carp?

A: The legislation that closed Upper St. Anthony Falls lock and dam to navigation did not cite invasive Asian carp as a reason for the closure. The opportunity for invasive Asian carp to move upstream of lock and Dam 1 by using the navigational lock will cease with the cessation of lockages at Lock 1.