

Draft Environmental Assessment

Badger Equipment Site Mississippi River Pool 6 Winona, Minnesota 2025

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1 Introduction

1.1 Background

Pool 6 of the Mississippi River is located between Lock and Dam 5A at River Mile 728.5 and Lock and Dam 6 at River Mile 714.1. Pool 6 borders the city of Winona, Minnesota at the upstream end and extends downstream to the Village of Trempealeau, Wisconsin and is located within the Upper Mississippi River National Wildlife and Fish Refuge. Pool 6 has seven active dredge cuts where maintenance dredging has occurred since 1970. These cuts are expected to produce approximately 1.5 million cubic yards of dredged material over the next 20 years. Pool 6 is different than most pools managed by the U.S. Army Corps of Engineers St. Paul District (Corps) because all the material dredged from Pool 6 over the last 30+ years has been placed at smaller sites and is used by the local community for beneficial use purposes such as construction fill, road maintenance, or cattle bedding. This method of dredged material management provides a valuable commodity to the community and reduces land acquisition needs and costs to the Federal Government.

The Pool 6 Dredged Material Management Plan (DMMP) was completed in January 2023. This long-term plan for managing dredged material placement sites categorizes them as follows:

- **Permanent Placement** sites are areas where dredged material would be placed by the Corps and it would be unlikely that the material would be moved again.
- **Open Beneficial Use** sites are areas where dredged material would be stockpiled and then removed on an as-needed basis by private or local entities.
- **One-time Beneficial Use** and **Private Beneficial Use** sites are opportunities for using dredged material for a specific purpose. Examples include construction fill for developing an upland area, or for creating and enhancing islands or habitat within the river system.
- **Transfer** sites are critical to efficiently moving material from barges onto land, providing shorter truck routes to identified placement sites.

Currently, the majority of dredged material from Pool 6 is placed at Homer, an open beneficial use site. However, Homer alone does not meet the Corps' anticipated long-term dredged material placement needs in Pool 6. Because of this, the Corps will continue to look for additional opportunities for dredged material placement within Pool 6.

Fastenal, a manufacturing and supply company located in Winona, Minnesota, approached the Corps in 2024 to request up to 100,000 cubic yards of dredged material for future building construction at their Badger Equipment Site (Badger). Fastenal requested dredged material to be stockpiled in an open field on their property located on West Fifth Street (Figure 1). Under the Pool 6 DMMP, the Badger site would be categorized as a private beneficial use site. Therefore, the proposed project is to place up to 100,000 cubic yards of dredged material on the Badger site which would help replenish dredged material capacity needs in Pool 6.



Figure 1. Project Location

1.2 Purpose and Need

The Corps is responsible for maintaining the Upper Mississippi River, 9-Foot Navigation Channel Project. An integral component of the 9-foot Navigation Channel is annual maintenance dredging to ensure adequate water depth for commercial navigation passage. The sediment dredged from the river is taken to nearby placement sites that have been designated and developed for temporary or permanent storage of dredged material. Placing dredged material on the Badger site fulfills the Corps' need to find opportunities for the use and placement of dredged material for the purpose of maintaining the 9-Foot Navigation Channel Project.

1.3 Authority

The U.S. Army Corps of Engineers (Corps) is authorized to maintain a navigable channel on the Upper Mississippi River (UMR). Authority for continued operation and maintenance of the UMR 9-Foot Navigation Channel Project is provided in the Rivers and Harbors Act of 1930 (P.L. 71-520), as amended. Original authority for the Corps to work on the Mississippi River was provided in the Rivers and Harbors Act of 1878. In addition, pursuant to Section 1103(i) of the Water Resources Development Act of 1986 (33 U.S.C. § 652(i)), Congress authorized the Corps to dispose of dredged material from the system pursuant to the recommendations of the Great River Environmental Action Team (GREAT) I study, which were implemented, in part, in the Channel Maintenance Management Plan (CMMP). The proposed project is authorized by the referenced legislation and its purpose is compatible with the Corps' operations and maintenance appropriation. The project is consistent with the 2023 Pool 6 DMMP.

2 Alternatives

2.1 No Action Alternative

The No Action Alternative would be to continue mechanically placing dredged material at the Homer site per the Pool 6 DMMP. However, the Homer site does not have the available capacity to meet the Corps' long-term dredged material placement needs in Pool 6; therefore, additional sites and/or opportunities would still be needed. Without additional placement opportunities, Homer could reach capacity and dredging needs would not be met. This action would result in a greater chance of grounding, resulting in imminent closure conditions as discussed in Section 1.2. For purposes of this assessment, the No Action assumes that only the Homer site would be used over the next five years. Should another suitable placement site become available, a separate environmental analysis will be completed at that time.

2.2 Proposed Alternative

The Proposed Alternative would be to place up to 100,000 cubic yards of dredged material at the Badger site for channel maintenance purposes, which would also promote beneficial use. Material would be dredged from nearby dredge cuts, barged to the Port Authority transfer site, unloaded directly from barges into dump trucks, and then hauled two miles to the Badger site via the route shown in Figure 2. Dredging and use of the Port Authority transfer site were

covered under previous NEPA documents. The scope of this EA is limited to the transport and placement of dredged material at the Badger site.

Dredged material would be placed mechanically on the Badger site over a two to three week period each year for approximately five years or until the 100,000 cubic yard need is met. Material would be piled in a less than one-acre area within the lot as outlined in red on Figure 2 and not spread out across the entire lot. The exact location of the stockpile within the lot would be determined by Fastenal prior to the first placement of dredged material; however, for the purpose of this environmental assessment, the entire area outlined in red was evaluated. Once the dredged material is placed on site, the federal action ends and subsequent use by the landowner is beyond federal responsibility and control.

2.3 Other Alternatives Considered

Two Fastenal sites were included in the Pool 6 DMMP as private, one-time beneficial use opportunities: the Madison Silo and Evanson sites. Both sites are located in Winona, Minnesota and within approximately one mile of the Port Authority transfer site. However, both sites have existing wetlands and are unpermitted. The Evanson site is assumed to have more adverse environmental impacts than the proposed site; therefore, the Corps will not stockpile dredged material for Fastenal on this site at this time. The Madison Silo site does have a one-acre upland area available for material placement but can only hold 10 - 20,000 cubic yards, which is less than a typical dredging job. Once the site is full, the remaining 90 - 80,000 cubic yards would need to go to another placement site. Therefore, the Madison Silo site was not considered for further evaluation.



Figure 2. Haul route from the Port Authority transfer site to the Badger site.

3 Affected Environment and Environmental Consequences

3.1 Natural Resources

3.1.1 Air Quality

The U.S. Environmental Protection Agency is required by the Clean Air Act to establish air quality standards that primarily protect human health. These National Ambient Air Quality Standards (NAAQS) regulate six major air contaminants across the U.S. When an area meets criteria for each of the six contaminants, it is called an "attainment area" for the contaminant; those areas that do not meet the criteria are called "nonattainment areas." Winona County, Minnesota is classified as attainment areas for each of the six contaminants and is therefore not a region of impaired ambient air quality (U.S. Environmental Protection Agency, 2025). This designation means that the study area has relatively few air pollution sources of concern.

Under the No Action Alternative, the operation of excavators to move material from the barge to the Homer site would temporarily increase vehicle emissions and slightly degrade air quality in the immediate vicinity of the study area. The Proposed Alternative would have a greater effect on emissions and air quality compared to the No Action Alternative as additional equipment such as dump trucks and bulldozers would be needed to transport and place material at the Badger site. However, impacts would be short-term and negligible under both the No Action and Proposed Alternatives due to the relatively short timeframe for material placement (two to three weeks per year for approximately five years, or until the 100,000 cubic yard need is met). To minimize air emissions, the Corps contractor would be required to comply with all applicable federal, state, and local air resource requirements

3.1.2 Water Quality

The Minnesota Pollution Control Agency has included both the Northwest and Southeast Bays of Lake Winona on the 303(d) list of impaired waters. These waters are within the vicinity of the project area but are not adjacent to the placement site or haul route. Waters are impaired for fish and shellfish consumption as well as swimming and boating due to mercury and nitrogen and/or phosphorus (USEPA 2024). As both the No Action and Proposed Alternatives would be mechanically placing material into uplands, there would be no effect on water quality.

3.1.3 Soils

Soils on the Badger site are classified as urban land – Finchford complex which is not considered prime farmland. Finchford complexes consist of very deep, excessively drained soils that formed in coarse textured alluvium or glacial outwash and are typically found on stream terraces in river valleys.

No Action Alternative – The No Action Alternative would have no effect on soils beyond existing conditions. The Homer site is already being used to store dredged material on top of the existing soils.

Proposed Alternative – The Proposed Alternative would have a minor effect on soils at the Badger site by temporarily storing dredged material on top of the existing soils. Once the

dredged material is used for construction, the existing soils under the stockpile would be exposed once again.

3.1.3.1 Hazardous, Toxic and Radioactive Waste (HTRW)

A Phase I HTRW analysis was conducted in July 2024, in accordance with ER-1165-2-132, Water Resource Policies and Authorities HTRW Guidance for Civil Works Projects. Based on the desktop search and on-site inspection, a Phase II assessment was recommended. Although there are no known contaminants on-site, it was possible that potential contaminants could have migrated to the site from adjacent properties. Due to this potential contamination, a Phase II HTRW analysis was recommended and completed in November 2024.

The Phase II assessment was intended to determine the presence of heavy metals, polychlorinated biphenyls (PCBs), diesel fuel, and gasoline in the soil. Only diesel range organics (DRO), calcium, and magnesium were detected above their respective soil reference value (SRV). Exceedance of DRO was only found around the decommissioned railroad tracks and was likely due to the sampling methods breaking a creosote coated railroad tie. Higher levels of DRO were not found in any other sample locations. No earthwork is proposed for either the No Action or the Proposed Alternative that would increase the risk of further DRO releases within the project area. The potential exposure of DRO to human health and the environment is de minimis. Although elevated levels of calcium and magnesium are above the background levels, high concentrations of both nutrients have not been shown to be a concern to human health. The Phase II assessment determined that no further investigation was necessary, and that the findings of the assessment do not adversely affect the Badger site's use for dredged material storage. Accordingly, there are no known HTRW concerns within the project area and no known HTRW concerns with either the No-Action or Proposed Alternatives.

3.1.4 Wetlands and Aquatic Habitat

There are no wetland or aquatic habitats within the project area (Figure 3) or at the Homer site; therefore, the No Action and Proposed Alternatives would have no effect on wetlands or aquatic habitat.

3.1.5 Floodplain

Both the Homer and Badger sites are located outside of the regulatory floodway. Therefore, the No Action and Proposed Alternatives would have no effect on the floodplain.

3.1.6 Wildlife and Terrestrial Habitat

The Badger site is a fenced-in, undeveloped lot in a predominantly industrial area with limited habitat value. Vegetation on the site consists of grasses, weedy species such as common mullein, Canada thistle and wild parsnip, and trees along sections of the fence line. The fence could limit some wildlife from accessing the property, but potential wildlife that could use the site include birds, squirrels, mice, rabbits, and potential deer able to jump over the fence. There are no eagle nests located in or near the Badger site.

One species of concern for dredged material placement sites is the bank swallow (*Riparia riparia*). The bank swallow is a small songbird that builds nests in the steep, vertical soil surfaces along riverbanks and more recently at artificial landscapes such as dredged material placement sites. Bank swallows nest in groups as small as ten or as large as two-thousand, and

nesting can begin at a site as quickly as overnight if suitable vertical environments are available. The nesting season for bank swallows occurs between April and August in Minnesota.

No Action Alternative – The Homer site is an existing dredged material placement site and would continue to be used if the Proposed Alternative is not pursued, depending on the Homer site's capacity limitations. The Homer site consists of a large sand pile with limited wildlife habitat. Wildlife would avoid the area while dredged material is being placed or removed from the site but would return afterward. As mentioned, bank swallows could use the Homer site for nesting. To prevent impacts to the bank swallow, the Homer site is presently being inspected prior to placement and if vertical faces are present, they are immediately graded to remove potential nesting locations. If nests are present, a buffer is placed around the nest location in which no work can be performed. The buffer distance is coordinated with U.S. Fish and Wildlife Service and is large enough to prevent nests from damage due to heavy equipment and vibration. If there is a large nesting population, placement is stopped entirely and continues once nesting is over, which may take up to 36 days.

Proposed Alternative – The Proposed Alternative would have a temporary and minor impact on wildlife and terrestrial habitat. Wildlife would avoid the area while dredged material is being placed on site but would return to the area afterward. The dredged material would also convert a portion of the site into a sand pile which would have limited wildlife habitat. Similar to the No Action Alternative, bank swallows could start to use sand piles on the Badger site. Avoidance and minimization measures to avoid impacts to bank swallows during construction would be the same as those discussed in the No Action Alternative.



Figure 3. Wetlands and Aquatic Resources

3.1.7 Threatened and Endangered Species

3.1.7.1 Federally Listed Species

The USFWS Information for Planning and Conservation (IPaC) website was consulted on February 6, 2025 to identify potential presence of federally listed threatened and endangered species within the action area which are listed below in Table 1. No critical habitat was identified in the action area.

	Common Name	Scientific Name	Status
Bats	Northern long-eared bat	Myotis septentrionalis	Endangered
	Tricolored bat	Perimyotis subflavus	Proposed Endangered
Birds	Whooping crane	Grus americana	Experimental Population, Non- Essential
Mussels	Higgins eye	Lampsilis higginsii	Endangered
	Sheepnose	Plethobasus cyphyus	Endangered
Insects	Monarch butterfly	Danaus plexippus	Proposed Threatened

Northern long-eared bat

The Northern long-eared bat (NLEB) is a medium-sized bat that hibernates in caves and mines in the winter and in the summer roosts singly or in colonies under the bark or in cracks and crevices of trees. NLEB is relatively widespread, and USFWS lists NLEB as an endangered species because a fungal pathogen causing white-nose syndrome is sharply reducing populations.

Tricolored bat

The tricolored bat is one of the smallest bats native to North America. During the winter, tricolored bats are found in caves and mines. During the spring, summer and fall, tricolored bats are found in forested habitats where they roost in trees, primarily among leaves. Female tricolored bats exhibit high site fidelity, returning year after year to the same summer roosting locations. Female tricolored bats form maternity colonies and switch roost trees regularly whereas, males roost singly.

Whooping crane

The whooping crane breeds, migrates, winters and forages in a variety of habitats, including coastal marshes and estuaries, inland marshes, lakes, open ponds, shallow bays, salt marsh and sand or tidal flats, upland swales, wet meadows and rivers, pastures, and agricultural fields.

Summer foods include large nymphal or larval forms of insects, frogs, rodents, small birds, minnows, and berries. Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities would occur within a National Wildlife Refuge or National Park.

Higgins eye

Higgins eye is a freshwater mussel that occurs in the Upper Mississippi River (UMR) from Pool 2 in the Twin Cities, Minnesota to Pool 18 near Burlington, Iowa and several of the UMR's larger tributaries. Suitable habitat for Higgins eye typically includes deep and shallow water areas of various stable substrates in large streams and rivers with moderate current. Fish hosts for this species include suager, walleye, yellow perch, largemouth bass, smallmouth bass and freshwater drum. Higgins eye are most commonly associated with diverse, high-density mussel beds.

Sheepnose

Suitable habitat for sheepnose is typically found in shallow areas of large rivers and streams that contain moderate to swift currents with substrate containing coarse sand and gravel. Sheepnose may occur in aquatic areas ranging from riffles of a few inches in depth to runs that exceed six meters in larger rivers. The only confirmed fish host for this species is the sauger.

Monarch butterfly

Monarch butterflies are large and conspicuous, with bright orange wings surrounded by a black border and covered with black veins. The bright coloring of a monarch serves as a warning to predators that eating them can be toxic. During the breeding season, monarchs lay their eggs on their obligate milkweed host plant, and larvae emerge after two to five days. Larvae develop over a period of 9 to 18 days, feeding on milkweed and sequestering toxic chemicals as a defense against predators. The larva then pupates into a chrysalis before emerging 6 to 14 days later as an adult butterfly. There are multiple generations of monarchs produced during the breeding season, with most adult butterflies living approximately two to five weeks. Monarch butterflies live mainly in prairies, meadows, grasslands and along roadsides.

Effects

Dredged material placement at either the Homer site under the No Action Alternative or the Badger site under the Proposed Alternative would have no effect on listed bat species, as no tree clearing would occur at either site. Neither site includes wetland, stream or riverine habitat; therefore, the No Action and Proposed Alternatives would also have no effect on the whooping crane or listed mussel species. Neither the No Action nor Proposed Alternative would have an effect on the monarch butterfly. The Homer site consists of sand and does not have suitable habitat for the monarch butterfly. Furthermore, milkweed, essential to monarch reproduction and survival, does not exist on the Badger site.

3.1.7.2 State Listed Species

The Minnesota Department of Natural Resources Natural Heritage Information System was consulted to identify potential presence of state listed species within one-half mile of the project area. Two species were identified, timber rattlesnake (threatened) and warmouth (species of

concern). Timber rattlesnakes are typically found on forested bluffs, south or west-facing rock outcrops and bluff prairies along the Mississippi River valley. One timber rattlesnake was found on the Badger site in 2000; however, there have been no additional sightings since then. The Badger and Homer sites are not located on bluffs or south or west-facing outcrops; therefore, the No Action and Proposed Alternatives would have no effect on timber rattlesnakes. Warmouth inhabit freshwater habitats such as ponds, lakes, streams, swamps, and canals. These habitats are not found on either the Badger or Homer site; therefore, the No Action and Proposed Alternatives would have no effect on warmouth.

3.1.8 Invasive Species

The Badger site is disturbed and is dominated by invasive species such as common mullein, Siberian elm, Canada thistle, and wild parsnip.

The No Action and Proposed Alternatives would have no effect on invasive species beyond existing conditions. Dredged material would be piled on top of existing sand at the Homer site and existing vegetation at the Badger site. Regardless of dredged material placement location, contractors will be required to clean previously used equipment prior to bringing it onto the project site and prior to removing it from the site to prevent the spread of invasive species. Equipment is required to be inspected to ensure they are free from soil residuals, egg deposits from plant pest, noxious weeds, plant seeds, aquatic plants and animals and residual water. If at any point, equipment are found to be contaminated with invasive species, they will immediately be decontaminated until all invasive species have been removed.

3.2 Socio-economic Resources

3.2.1 Aesthetic Values

The Badger site is an undeveloped parcel in an industrial area of Winona. The site is currently a fenced-in, open field as shown in Figure 4.



Figure 4. Street view of the Badger Equipment site.

No Action Alternative – The No Action Alternative would have no effect on aesthetic values beyond existing conditions. Dredged material has been and will continue to be placed at the Homer site.

Proposed Alternative – The Proposed Alternative would have a temporary, minor effect on aesthetics as dredged material would be stored on the site until needed for construction (approximately 5 years) or until the landowner finds another use for the material.

3.2.2 Noise

Noise levels within the project area are similar to that of other small cities along semi-remote reaches of the Upper Mississippi River (UMR). There would be occasional to frequent commercial and recreational traffic through the navigational channel. Noise levels increase as commercial and recreational watercraft move through the project area and decrease as watercraft leave the area with higher noise levels during daylight hours when boat traffic is typically higher. Winona is also home to the Winona Municipal Airport which is a small regional airport with less than ten arrivals/departures per day (Flight Aware 2025). Noise would increase when aircraft are arriving or leaving the airport but would then return to baseline levels.

No Action Alternative – The placement of dredged material at the Homer site would have no effect on noise levels beyond existing conditions. Noise would briefly increase while dredged material is being offloaded at the site but would return to normal afterward.

Proposed Alternative – The Badger site is located in an industrial area of Winona adjacent to the Winona Municipal Airport. Noise levels would temporarily increase while dredged material is trucked to and placed at the Badger site; however, material would only be placed over a two to three week period once every year for up to five years. The nearest residences are approximately 350 feet from the Badger site.

3.2.3 Transportation

Winona is a small city on the Mississippi River and major roads through the area include Highways 43 and 61.

No Action Alternative – Offloading dredged material at the Homer site would have no effect on transportation as material is transferred from barges directly to the site.

Proposed Alternative – The transportation of dredged material from the river to the Badger site would have a minor, temporary effect on transportation. Approximately 150 dump trucks (five trucks, 30 trips) would haul the material two miles via the haul route per day as shown on Figure 2 over a two to three week period once every five years. The haul route passes through an industrial area with very few residential buildings and would therefore have a minimal impact to Winona residents.

3.2.4 Commercial Navigation

Commercial navigation on the UMR generates \$673 million annually while also supporting the economic activity of agriculture, mining, energy and manufacturing by providing cost-effective, safe, environmentally-friendly shipping services (UMRBA 2016). For example, nearly half of the nation's grain exports are moved by barge, making commercial navigation extremely important to the nation's food supply and economy. Both the No Action and Proposed Alternatives would

have a positive effect on commercial navigation by allowing for continued channel maintenance which would allow for reliable commercial navigation within Pool 6.

3.3 Cultural Resources

No Action Alternative – For the placement of dredged material at Homer, the Corps has made the determination of no historic properties affected based on previous review and compliance for the Pool 6 DMMP. The original compliance documentation that addressed the dredging and material placement at these locations is the CMMP EIS and the Pool 6 DMMP. As no new locations would be disturbed as a part of this action, the Corps has determined compliance is sufficient and additional coordination is not necessary.

Proposed Alternative – To comply with Section 106 of the National Historic Preservation Act (NHPA) pursuant to 36 CFR 800.14(b)(2), the Corps is implementing the use of the Programmatic Agreement (PA), titled *Programmatic Agreement Among the U.S. Army Corps of Engineers, St. Paul District, the Minnesota State Historic Preservation Office, the Wisconsin State Historic Preservation Office, Iowa State Historic Preservation Office and the Advisory Council on Historic Preservation Regarding Dredged Material Placement for the Continued Operation and Maintenance of the Upper Mississippi River 9-Foot Channel Project, executed on August 23, 2022. The Corps completed historic property identification efforts and no properties are known to exist within the proposed alternative. The Corps will follow the process outlined in the PA prior to implementation of the Proposed Alternative.*

3.4 Cumulative Effects

Cumulative effects are those effects on the environment that result from the proposed action when added to the effects of past, present, and reasonably foreseeable actions conducted by the Corps or others. Cumulative effects analysis recognizes that the most serious environmental impacts may result from the combination of individually minor effects of multiple actions over time, rather than the direct or indirect effects of a particular action.

Analyzing cumulative effects requires identifying the environmentally relevant area and the past, present, and future actions in that area that would contribute incrementally to the overall effect. The environmentally relevant area is determined by both location and time. Future actions are those that are reasonably likely to occur. A future project is only considered in this analysis if there is sufficient information on the project to understand what its incremental contribution to cumulative effects might be. The scope of the cumulative effects analysis is limited to the city of Winona and the adjacent 9-foot Navigation Channel Project.

3.4.1 Past, Present and Future Projects

- Nine-Foot Navigation Channel: The operation, maintenance, and navigation use of the main channel of the UMR at its current authorized level is expected to continue.
- Winona Municipal Airport: The operation, maintenance, and aviation use of the airport is expected to continue at the current level.
- New building construction at the Badger Equipment site: The existing building located on the Badger site will eventually be torn down and a new building constructed in its place. The dredged material being stored on site will be used in construction of the new building and associated features (i.e. parking lot, etc.).

3.4.2 Cumulative Effects Analysis

Cumulative impacts on the environment are the result of the incremental impacts of past actions, the proposed action, and reasonably foreseeable future actions. The scope of the cumulative effects analysis is limited to the city of Winona and the adjacent area of the 9-foot Navigation Channel Project. The proposed action would not have a significant impact to natural resources when added collectively to the other past, present, and reasonably foreseeable actions within the scope of analysis. There could be some cumulative adverse effects to transportation, noise and potentially public safety resulting from increased truck traffic. The proposed action would not impact aquatic habitat or wetlands and would only have a marginal short term adverse impact to terrestrial habitat and associated wildlife but would be temporary and expected to have no long-term appreciable impacts regionally. Overall, the proposed action would have no significant cumulative adverse or beneficial effects.

4 Environmental Compliance

4.1 National Environmental Policy Act

The National Environmental Policy Act (NEPA; 42 USC § 4321 et seq.) establishes the broad national framework for protecting our environment. NEPA's basic policy is to assure proper consideration to the environment prior to undertaking any major federal action. Two alternatives have been presented and the significance of the project's impacts have been evaluated. The document will be distributed to agencies, the public and other interested parties to gather any comments or concerns.

4.2 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act prohibits anyone from taking, possessing, or transporting an eagle, or the parts, nests, or eggs of such birds without prior authorization. Disturbing an eagle to a degree that causes, or is likely to cause injury to an eagle, decrease productivity or cause nest abandonment are considered forms of take. Activities that directly or indirectly lead to take are prohibited without a permit. There are no bald eagle nests in the project or within 660 feet of the project area.

4.3 Clean Water Act

The Clean Water Act (CWA; 33 USC § 1251 *et seq.*) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Section 404 of the CWA regulates the discharge of dredged or fill material into waters of the United States. The proposed project would not result in a discharge of dredged or fill material into a water of the United States; therefore, the Sections 404 and 401 of the Clean Water Act do not apply. The footprint of the disturbance area for the proposed action would be under one acre; therefore, a separate stormwater permit is not anticipated to be needed.

4.4 Endangered Species Act

The Endangered Species Act (16 USC § 1531 et seq.) provides for the conservation of threatened and endangered plants and animals and the habitats in which they are found. There are four federally listed species that are listed for the action area. The proposed action would have no effect on the NLEB, tricolored bat, whooping crane, Higgins eye, sheepnose or monarch butterfly. For additional details on these determinations, see Section 3.1.8.1.

4.5 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA; 16 USC §§ 661–667e) requires federal agencies to coordinate with the U.S. Fish and Wildlife Service and applicable state agencies when a stream or body of water is proposed to be modified. The proposed action was coordinated with the applicable agencies and will not result in modification to any stream or other body of water; therefore, the FWCA does not apply.

4.6 National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended by Public Law 96-515 (94 Stat. 2987), established national policy for historic preservation, authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places, and created the Advisory Council on Historic Preservation. Section 106 specifies that federal agencies, must consider the effect of the action on any property included in or eligible for the National Register of Historic Places. To comply with Section 106 of the National Historic Preservation Act (NHPA) pursuant to 36 CFR 800.14(b)(2), the Corps is implementing the use of the Programmatic Agreement (PA). The Corps completed historic property identification efforts and no properties are known to exist within the proposed alternative. The Corps will follow the process outlined in the PA prior to implementation of the proposed action.

 Table 2. Compliance with Environmental Protection Statutes and Other Environmental

 Requirements

Environmental Requirement	Compliance ¹
Federal Statutes	•
Bald and Golden Eagle Protection Act of 1940, as amended	FULL
Clean Air Act, as amended	FULL
Clean Water Act, as amended	FULL
Coastal Zone Management Act, as amended	NA
Endangered Species Act of 1973, as amended	FULL
Farmland Protection Policy Act of 1981	FULL
Federal Water Project Recreation Act, as amended	NA
Fish and Wildlife Coordination Act, as amended	FULL
Land and Water Conservation Fund Act of 1965, as amended	NA
Migratory Bird Treaty Act of 1918, as amended	FULL
National Environmental Policy Act of 1969, as amended	PARTIAL
National Historic Preservation Act of 1966, as amended	FULL
National Wildlife Refuge Administration Act of 1966	NA
Noise Pollution and Abatement Act of 1972	FULL
Watershed Protection and Flood Prevention Act	FULL
Wild and Scenic Rivers Act of 1968, as amended	NA
Executive Orders, Memoranda	
Floodplain Management (E.O. 11988)	FULL
Safeguarding the Nation from the Impacts of Invasive Species (E.O.	
13112)	FULL
Protection and Enhancement of Environmental Quality (E.O. 11514)	FULL
Protection and Enhancement of Cultural Environment (E.O. 11593)	
Protection of Wetlands (E.O. 11990)	FULL
Analysis of Impacts on Prime and Unique Farmland (CEQ	
Memorandum, 30 August 1976)	FULL

¹ The compliance categories used in this table were assigned according to the following definitions:

a. Full – All requirements of the statute, EO, or other policy and related regulations have been met for the current stage of planning.

b. Partial – Some requirements of the statute, EO, or other policy and related regulations remain to be met for the current stage of planning.

- c. Noncompliance (NC) Violation of a requirement of the statute, EO, or other policy and related regulations.
- d. Not Applicable (N/A) Statute, EO, or other policy and related regulations not applicable for the current stage of planning.

5 Summary of Mitigation Measures

- To minimize air emissions, the Corps contractor would be required to comply with all applicable federal, state, and local air resource requirements
- Contractors will be required to clean previously used equipment prior to bringing it onto the project site and prior to removing it from the site to prevent the spread of invasive species. Equipment is required to be inspected to ensure they are free from soil residuals, egg deposits from plant pest, noxious weeds, plant seeds, aquatic plants and animals and residual water. If at any point, equipment are found to be contaminated with

invasive species, they will immediately be decontaminated until all invasive species have been removed.

• To prevent impacts to the bank swallow, the placement site would be inspected prior to placement and if vertical faces are present, they will be immediately graded to remove potential nesting locations. If nests are present, a buffer will be placed around the nest location in which no work can be performed. The buffer distance would be coordinated with U.S. Fish and Wildlife Service but would large enough to prevent nests from damage due to heavy equipment and vibration. If there is a large nesting population, placement may need to be stopped entirely. Placement could continue once nesting is over which could take up to 36 days.

6 Distribution and Review of the Draft Environmental Assessment

This draft environmental assessment is being made available for a 30-day public review and comment period. The document can be viewed at:

https://www.mvp.usace.army.mil/Home/Public-Notices/.

Questions on the project or comments on the Environmental Assessment can be directed to CEMVP_Planning@usace.army.mil. Please address all formal written correspondence on this project to District Engineer, St. Paul District, Corps of Engineers, ATTN: Regional Planning and Environment Division North, 332 Minnesota Street, Suite E1500, St. Paul, Minnesota 55101.

7 References

- Flight Aware. 2025. KONA Airport Stats. Retrieved March 6, 2025 from <u>https://www.flightaware.com/live/airport/KONA#airport-parity-stats-container</u>.
- Upper Mississippi River Basin Association (UMRBA). 2016. Upper Mississippi River: A Vital Resource for Regional Economic Prosperity. Retrieved March 7, 2025 from <u>https://umrba.org/document/economic-profile-upper-mississippi-river</u>.
- U.S. Environmental Protection Agency (USEPA). 2025. Green Book National Area and County-Level Multi-Pollutant Information. Retrieved February 6, 2025 from https://www.epa.gov/green-book/green-book-national-area-and-county-levelmulti-pollutant-information.

2024. How's My Waterway. Retrieved February 13, 2025 from https://mywaterway.epa.gov/community/Winona,%20MN,%20USA/overview.



Regional Planning and Environment Division North

FINDING OF NO SIGNIFICANT IMPACT

In accordance with the National Environmental Policy Act, the Corps of Engineers, St. Paul District (USACE), has assessed the environmental impacts of the following project:

Badger Equipment Site Mississippi River Pool 6 Winona, Minnesota

The purpose of the proposed action is to place 100,000 cubic yards of dredged material at the Badger Equipment site located in Winona, Minnesota which would help replenish dredged material capacity needs in Pool 6. Material would be dredged from nearby dredge cuts, barged to the Port Authority transfer site, unloaded directly from barges into dump trucks, and then hauled two miles to the Badger site. Dredged material would be placed mechanically at the Badger site over a two to three week period each year for approximately five years or until the 100,000 cubic yard need is met. Only the proposed action of hauling and placing the dredged material at the Badger site is covered in the Environmental Assessment (EA). The actions of dredging and use of the Port Authority transfer site were covered under previous NEPA documents. The EA and its attachments are incorporated in this Finding of No Significant Impact (FONSI) by reference.

This FONSI is based on the following factors: the proposed action would have temporary minor adverse effects to noise, air, wildlife, and traffic. Affected resources would be expected to recover from any adverse effects shortly after conclusion of the project. The project would have no effect on federally listed species. Overall, the project would have a beneficial effect to commercial navigation by allowing for continued channel maintenance within Pool 6 and the broader Upper Mississippi River 9-Foot Navigation Channel Project.

Best management practices (BMPs) and other avoidance and minimization measures will be implemented as detailed in Section 5 of the EA. No compensatory mitigation is required as part of the project.

Public review of the draft EA and FONSI was completed and List number of comments received, summarize, and state if addressed in EA. All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, USACE determined that the project will have no effect on federally threatened and endangered species or their critical habitat.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, USACE is implementing the use of the Programmatic Agreement (PA), titled *Programmatic Agreement Among the U.S. Army Corps of Engineers, St. Paul District, the Minnesota State Historic Preservation Office, the Wisconsin State Historic Preservation Office, Iowa State Historic Preservation Office and the Advisory Council on Historic Preservation Regarding Dredged Material Placement for the Continued Operation and Maintenance of the Upper Mississippi River 9-Foot Channel Project, executed on August 23, 2022. The Corps completed historic property identification efforts and no properties are known to exist within the proposed alternative. The Corps will follow the process outlined in the PA prior to implementation of the Proposed Alternative.*

Pursuant to the Clean Water Act of 1972, as amended, the proposed action would not result in a discharge of dredged material into waters of the United States.

For the reasons above, the proposed action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

Date

Jonathan Sobiech Deputy Chief, Regional Planning and Environment Division North