



**US Army Corps  
of Engineers**®

St. Paul District

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# **Appendix H – Draft FONSI**

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Upper St. Anthony Falls Lock and Dam

Section 216 Disposition Study

Draft Integrated Disposition Report and  
Environmental Assessment

**December, 2020**

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# Appendix H FONSI

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## DEPARTMENT OF THE ARMY

U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
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### FINDING OF NO SIGNIFICANT IMPACT

#### Upper St. Anthony Falls Lock and Dam Section 216 Disposition Study Minneapolis, Minnesota

The U.S. Army Corps of Engineers, St. Paul District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated XX 2021, for the Upper St. Anthony Falls Lock and Dam Disposition Study, Minneapolis, Minnesota, addresses whether or not the Federal project is serving its authorized purpose(s), and if not, whether or not sufficient Federal interests exist for the Federal government to continue to own, operate and maintain the project. The study is based on an evaluation and comparison of the benefits, costs, and impacts (positive or negative) of continued operation, maintenance, repair, replacement, and rehabilitation, or lack thereof. If the analysis determines that the project is not serving its authorized purpose(s), the study will then examine whether or not it is feasible to dispose of some or all of the Federal property and the means by which the property will be disposed. The final recommendation is contained in the report of the Chief of Engineers, dated XX.

The Final IFR/EA, incorporated herein by reference, evaluated the environmental effects of proposed disposal the Upper St. Anthony Falls Lock and Dam (USAF) facility in its entirety or disposal of separable elements with monetary incentives to a willing entity to expedite disposal. The recommended plan is complete deauthorization and disposal combined with a monetary incentive to the transferee. This plan recommends that Congress deauthorize the project, ending the Corps' primary navigation mission at the USAF Lock and all other secondary missions, including recreation. It will be recommended that most lands and all Federally-owned project features be transferred to another entity. Any existing Real Estate out-grants and agreements would transfer with the property. The recommended plan would preserve the rights-of-way which provide access to Lower St. Anthony Falls Lock and Dam. These rights-of-way would be retained until such time as the Lower St. Anthony Falls project is deauthorized. The Corps would no longer have a physical or legal presence at the Upper St. Anthony Falls site. The site would cease to be a Federal property. The Federal government would no longer be responsible for future operation and maintenance of the disposed property.

In addition to the "no action" plan, four alternatives were evaluated. The alternatives included:

- Alternative 1: Complete Deauthorization and Disposal;
- Alternative 1a: Complete Deauthorization and Disposal with a payment incentive for the new owner after transfer of the site;
- Alternative 2: Partial Deauthorization and Disposal which disposes of some facilities, and maximizes public access for stakeholder interests, but Federal government continues to provide funds to maintain the retained facilities; and,
- Alternative 2a: Partial Deauthorization and Disposal with a partnership agreement, which disposes of some facilities and maximizes public access and stakeholder interests. The Federal government remains to operate the retained facilities, but a local sponsor provides funds to cover most Federal costs to operate and maintain the site.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

**Table 1: Summary of Potential Effects of the Recommended Plan**

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Each action alternative would involve some degree of property transfer and associated operations and maintenance responsibilities, but assumes no physical or operational changes from current conditions. Therefore, this EA concludes no effects to

any of the resources with the exception of cultural and historic properties. All practicable and appropriate means to avoid or minimize adverse effects to cultural and historic properties were analyzed and incorporated into the recommended plan.

No compensatory mitigation is required as part of the recommended plan.

Public review of the draft EA and FONSI was completed on XX, 2021. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI. A 30-day state and agency review of the Final IFR/EA was completed on XX, 2021.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan would have no effect on federally listed species or their designated critical habitat.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that the recommended plan would have no potential to cause effects on historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). No discharge of dredged or fill material is anticipated.

A water quality certification pursuant to section 401 of the Clean Water Act was determined unnecessary as there would be no discharge into navigable waters.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. Prior to the implementation of any action alternative, additional state and/or federal review would be needed, likely triggering additional NEPA compliance that could include the need for an additional Environmental Assessment or Environmental Impact Statement.

Technical, environmental, economic, and cost effectiveness criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

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Date

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Karl Jansen  
Colonel, Corps of  
Engineers District  
Commander