Appendix D:

Draft Finding of No Significant Impact (FONSI)

DRAFT FINDING OF NO SIGNIFICANT IMPACT

POOL 6 DREDGED MATERIAL MANAGEMENT PLAN
WINONA COUNTY, MINNESOTA;
BUFFALO AND TREMPEALEAU COUNTIES, WISCONSIN

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 February 2020, for the Pool 6 Dredged Material Management Plan addresses the long-term plan for managing material dredged in Pool 6 of the Upper Mississippi River (UMR) for the purposes of continued operation and maintenance of the 9-foot Navigation Channel in Pool 6.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would be used to manage an estimated 1,500,000 cubic yards of material over a 20 year period. The recommended plan consists of:

- Periodically placing dredged material at any of twelve sites identified in the TSP and other actions in furtherance of that purpose. The IFR/EA prioritizes the twelve sites for implementation, using cost to split the sites into three tiers and identify the Federal Standard plan.

In addition to a "no action" plan, several alternatives were evaluated which are detailed in Chapter 5 Formulation of Alternatives and Plan Selection. In summary, the St. Paul District evaluated the management of material dredged from the seven routine dredge cuts at a number of existing (historic) and potential dredged material placement sites in the vicinity of Pool 6 on the UMR. Current local land uses were assessed and local river and land use management representatives in Pool 6 were contacted to develop a list of sites potentially suitable for permanent placement of dredged material. Once identified, sites were evaluated based on aspects of economic, environmental, social, and cultural resource impacts. Finally, alternative plans were developed that would meet the study objectives. Pool 6 has historically had great success in beneficial use of material, so the study team decided to attempt to maximize opportunities for beneficial use within the alternative plans.

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	☒	☐	☐
Air quality	☒	☐	☐
Aquatic resources/wetlands	☒	☐	☐
Fish and wildlife habitat	☒	☐	☐
Threatened/Endangered species	☒	☐	☐
Historic properties	☐	☐	☒
Other cultural resources	☐	☐	☒
Floodplains	☒	☐	☐
Hazardous, toxic & radioactive waste	☐	☐	☒
Hydrology	☒	☐	☐
Land use	☒	☐	☐
Navigation	☒	☐	☐
Noise levels	☒	☐	☐
Public infrastructure	☒	☐	☐
Socio-economics	☒	☐	☐
Environmental justice	☐	☐	☒
Soils	☐	☐	☒
Tribal trust resources	☐	☐	☒
Water quality	☒	☐	☐
Climate change	☒	☐	☐

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the Dredged Material Management Plan and appendices will be implemented, if appropriate, to minimize impacts. These could include the use of trees for site screening and constructing berms around hydraulic placement sites to minimize turbidity within return carriage water.

No compensatory mitigation has been included in the recommended plan to reduce environmental impacts below NEPA significance thresholds. The recommended plan would result in unavoidable minor adverse impacts to wetlands. In accordance with the Clean Water Act, compensatory mitigation for unavoidable impacts to waters of the United States would likely be provided through the purchase of in-kind credits in a wetland bank within the watershed.

Public review of the draft IFR/EA was completed on _(to be determined)_. All comments submitted during the public comment period were responded to in the Final IFR/EA. A 30-day state and agency review of the Final IFR/EA was also completed on _(to be determined)_.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, (ESA) the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species: the northern long-eared bat (NLEB), and that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule under the Endangered Species Act. On March 22, 2022, the U.S. Fish and Wildlife Service announced a proposal to reclassify the NLEB as endangered under the ESA. The proposed reclassification, if finalized, would remove the current 4(d) rule as these rules may be applied only to threatened species. While the U.S. Army Corps of Engineers has determined that the recommended plan will have no effect on any other federally listed species or their designated critical habitat, additional ESA review and coordination will be completed during the implementation phase for individual features of the Recommended Plan to ensure that compliance is met with the ESA.

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 effect on historic properties.

Pursuant to the Clean Water Act of 1972, as amended, all discharges of dredged or fill material associated with the recommended plan will be compliant with the section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix E of the IFR/EIS. When hydraulic dredging methods are used to place material at the Homer placement site, excess carriage water would be returned to the river. This discharge is addressed in Nationwide Permit 16, which also includes Section 401 Water Quality Certification from the MPCA. For any proposed wetland fill, water quality certification pursuant to section 401 of the Clean Water Act will obtained from the Minnesota Pollution Control Agency prior to construction. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Technical, environmental, and economic 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

KARL D. JANSEN
Colonel**,** Corps of Engineers
District Commander