



US Army Corps  
of Engineers®  
St. Paul District

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## **Appendix G: Coordination**

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UPPER ST. ANTHONY FALLS LOCK AND DAM

SECTION 216 DISPOSITION STUDY

REVISED DRAFT INTEGRATED DISPOSITION STUDY  
AND ENVIRONMENTAL ASSESSMENT

June 2025

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# 1 Response to Agency Comments on Draft Report

Theme No.	Theme	Agency	Comment No.	Synopsis of comment	Response No.	RESPONSE
0	General Comments	USEPA	EPA.1	No substantive comments to offer	0	No comment.
1	Lack of details on potential owners and their future plans	MNDNR	MNDNR.1	Given the lack of details on potential owners and their plans, the TSP is not an acceptable and complete plan.	1.1	The Disposition Study Report is a high-level decision document on the transfer of property, and acknowledges that details on the future fate of the property are not known. Under most scenarios we can imagine where a potential owner has an expressed plan (which we currently do not have), additional Federal nexus will triggered that require additional analysis and a decision document under NEPA. Most likely this will be the Corps via the transfer of property, permitting, or funding (e.g., financial incentive). Other federal entities that may be involved include FERC, NPS, or GSA.
1	Lack of details on potential owners and their future plans	MNDNR	MNDNR.2, MNDNR.6	There is no criteria on how potential owners could be evaluated, including the ability to maintain the site for stability at St. Anthony Falls.	-	The Corps does not have criteria other than willingness. If disposal were to undergo GSA process, then GSA would use their criteria, which is based on heirarchy of public use. Any criteria might be determined by Congress if the Corps is directed to dispose (outside of WRDA 2020).
1	Lack of details on potential owners and their future plans	MNDNR	MNDNR.3	TSP is an idea that requires further evaluation	-	See Response No. 1.1
1	Lack of details on potential owners and their future plans	MNDNR	MNDNR.5	TSP does not describe the transfer of flood operation responsibilities.	1.2	See Response No. 1.1. Any willing owner that would take on flood operational responsibilities would be provided guidance by the Corps on operations and maintenance.
1	Lack of details on potential owners and their future plans	MNDNR	MNDNR.8	Report does not disclose how a new owner could disproportionately influence access to the river under Environmental Justice.	-	See Response No. 1.1
1	Lack of details on potential owners and their future plans	MNDNR	MNDNR.10	Potential owners and plans will be subject to state environmental review, permits, and approvals. Permits that could be required include a DNR Public Waters Work Permit and/or Water Appropriate Permit.	1.3	Concur. We would assume this would also trigger MEPA.

Theme No.	Theme	Agency	Comment No.	Synopsis of comment	Response No.	RESPONSE
1	Lack of details on potential owners and their future plans	MNDNR	MNDNR.11	Potential owners should analyze the effects of a proposed action on state-listed species and mitigate if needed.	-	No comment.
1	Lack of details on potential owners and their future plans	NPS	NPS.14	The conclusion of no environmental effects with the exception of historic properties is speculative.	-	Do not concur. The conclusion holds under the stated assumptions (i.e., action is limited to transfer of property, no physical or operational changes made) with the exception of historic properties.
1	Lack of details on potential owners and their future plans	NPS	NPS.19	The Study should include provisions that the Corps will provide technical engineering support to potential new owners for O&M of site features.	1.4	At a minimum, the Corps would provide O&M manuals for project features. Additional engineering support might be possible through negotiations.
2	Concerns over Asian Carp	MNDNR	MNDNR.4	No details on Tainter gate operations as related to fish passage, specifically concerns over Asian carp expansion	2.1	Currently, the route by which water flowing through the Tainter gate is via a 25+ foot vertical drop to the bottom of the lock chamber and velocities flowing through the gate are estimated at XX ft/sec. Fish passage through the Tainter gate is only possible when the lock chamber is filled. The lock has not been operational since 2015 and will continue to be closed until the Corps has been directed otherwise. CITE LITERATURE ON SWIMMING SPEEDS OF ASIAN CARP.
3	Water Quality	MNDNR	MNDNR.7	Recommend additional language on improvements to sewer lines.	3.1	Concur. Additions to the report have been made.
4	Study Scope	MNDNR	MNDNR.9	Report should address the broader context, range of potential options, and full suite of factors in the planning process. This would include the potential future disposition of LSAF and LD1.	4.1	Newest NEPA guidance does not require direct, indirect, and cumulative effects analysis.
4	Study Scope	MNSHPO	MNSHPO.2	Analysis does not disclose direct, indirect, and cumulative effects to historic properties	-	See Response 4.1
4	Study Scope	NPS	NPS.15	The draft FONSI cannot conclude no significant impacts from the proposed action. NEPA cannot be concluded at this time.	4.2	The draft FONSI included in the report is based on the information in the draft report and is provided in the spirit of transparency. The report indicates NEPA is in partial compliance because we have not concluded all analysis and reviews.
4	Study Scope	MNSHPO	MNSHPO.2	Analysis does not disclose direct, indirect, and cumulative effects to historic properties	4.3	See Response No. 4.1. Impacts to historic properties will be addressed under Section 106 compliance.

Theme No.	Theme	Agency	Comment No.	Synopsis of comment	Response No.	RESPONSE
4	Study Scope	NPS	NPS.12	Study does not address the effects from deauthorization, e.g., shoaling / sedimentation in the river bed.	4.4	The effects identified by NPS would be associated with deauthorizing the 9-foot navigation channel and subsequent stoppage of channel maintenance. Deauthorization of the 9 foot navigation channel upstream of LD1 is not a part of the scope of this study, but would be addressed in an additional study (possibly, the LSAF/LD1 Disposition Study). The effects above USAF are already being realized as we cannot use the lock chamber to transport a dredge to this reach.
4	Study Scope	NPS	NPS.13	Study does not follow WRDA 2020; a FONSI should be delayed until there is implementation guidance, or through further refinement of alternatives, or the development of an additional alternative.	4.5	MVP is working with our leadership to expedite the study as directed by WRDA 2018 and WRDA 2020. We are currently taking input on WRDA 2020 through a series of public meetings. We do not assume implementation guidance will be issued.
5	Recreation	MNDNR	MNDNR.12	The site has significance recreational value as a corridor recreation connectivity. MNDNR would like to maintain it as a safe, sustainable portage area and for public access.	5.1	Concur. The report acknowledges recreational significance as part of a new section that generally discusses resource significance.
6	LSAF and LD1 Disposition Study	MNDNR	MNDNR.13	LSAF and LD1 have significant resources; a decision to remove or modify structures should be based on a full examination of the environment, natural resources, legal, recreational, economic, social, and institutional impacts.	6.1	Concur. This will be addressed as part to the LSAF/LD1 Disposition Study.
7	Section 106 Compliance	MNSHPO	MNSHPO.1	Section 106 review may involve re-examination of earlier NRHP-eligibility determinations.	7.1	We lack a report on the lock chamber. The determination on eligible properties are based on proximal properties (i.e., St. Anthony Falls Historic District). We anticipate additional analysis will be completed before formal transfer of properties.
7	Section 106 Compliance	MNSHPO	MNSHPO.3	Corp should consult with all the agencies listed in p. 94 in accordance with Section 106 responsibilities.	7.2	Concur. These agencies will be part of a working group yet to be identified.

Theme No.	Theme	Agency	Comment No.	Synopsis of comment	Response No.	RESPONSE
7	Section 106 Compliance	NPS	NPS.2, NPS.6	TSP does not provide provisions for the preservation of nationally significant historic properties. The transfer of property out of Federal ownership could directly in adverse effects. The Corps should provide a suitable legal instrument to ensure the site is used in a manner compatible with the MNRRA's CMP.	7.3	Concur. The Corps is looking into a PA, covenants, or other agreement in accordance with NHPA. The concern cited in the NPS letter regarding the special provisions would be preserved if another Federal agency were to take over ownership. The NPs has indicated formally that they do not wish to take on this responsibility. Should any or all of the project site no longer be in Federal ownership, MNRRA would retain the same special provisions and oversight of these properties as is afforded MNRRA on the remainder of its 72-mile long park area. We have begun the Section 106 consultation process. The NPS can expect to see an invitation to participate in the Programmatic Agreement. As we move through the Section 106 process a framework will be developed to preserve the Upper St. Anthony Falls Lock and Dam or avoid or minimize potential adverse effects after the lands and other facilities leave government ownership. This framework will involve the participation of interested parties in consultation, and NPS shall be invited. Moreover, it is likely that this formal transfer of properties to the city will need additional environmental analysis under the National Environmental Policy Act (NEPA).
7	Section 106 Compliance	NPS	NPS.3	NPS requests that the Corps initiate Section 106 consultation and postpone issuance of a NEPA determination until the effects have been addressed & resolved.	7.4	Concur. We plan to proceed with issuing a final report by the end of 2021 in accordance with WRDA 2018 and 2020 to expedite the study. We will delay signing the FONSI until the Section 106 Agreement has been finalized.
7	Section 106 Compliance	NPS	NPS.4	If a PA is developed, NPS requests to be an invited signatory party.	7.5	NPS will be an invited signature party to the Section 106 agreement.
8	Environmental Compliance	MNSHPO	MNSHPO.4	Do not agree with "partial compliance" determination or if there is a regulatory precedent for this determination.	8.1	There is no regulatory precedent for the determination of "Partial Compliance". In this case, the partial compliance determination is based on the initiation of consultation with the SHPO and others in accordance with Section 106.

Theme No.	Theme	Agency	Comment No.	Synopsis of comment	Response No.	RESPONSE
8	Environmental Compliance	NPS	NPS.16	Recommend adding MNRRA enabling legislation PL 100-696 to the list of environmental compliance requirements.	8.2	This section of the report is intended to focus on environmental compliance requirements. We do not think this qualifies
9	Mississippi NRRRA	NPS	NPS.1	NPS requests assurance of NPS's ability to protect and enhance the nationally significant resources identified in the MNRRA under the TSP.	9.1	See Response No. 7.3, 7.4, and 7.5
9	Mississippi NRRRA	NPS	NPS.5	The TSP would cause the MNRRA to permanently lose its federal level coordinated oversight of the property.	-	Concur.
9	Mississippi NRRRA	NPS	NPS.20	The TSP is incompatible with the demonstrated federal interest that established MNRRA and its CMP.	9.2	To wit: "Under the full disposal TSP Mississippi National River Recreation Area would lose the special provisions and oversight granted to the park in its authorizing legislation provided in Public Law 100-696, diminishing key protections for seven resource types Congress directed MNRRA to protect. The EA provides no assurances that these resources will not be diminished with a full disposition alternative." As per the MNRRA CMP, the NPS must advise how the proposed plan could be made compatible. As described in the Study report, the Water Resources Development Act of 2020 (ACT) directs the Corps to transfer portions of the site to the City of Minneapolis. This action is included in all Study alternatives (including the TSP). The MNRRA CMP was not intended to prevent the sale or transfer of property.
10	WRDA	NPS	NPS.7	The study does not adequately address the objectives of WRDA 2018 Section 1168 to consider modifications that would improve the overall quality of the environment in the public interest. Corps should have provisions and restrictions to define a potential new owner's development of the site to this end.	10.1	See Response No. 1 . The Corps is currently in the process of developing provisions for protecting the historic integrity of the site. Outside of Section 106, the need for additional restrictions would be identified with the formal transfer of the property, which would trigger additional NEPA review. Placing restrictions as part of the study would be largely speculative.
10	WRDA	NPS	NPS.8	Since there is no guidance on WRDA 2020, the Corps cannot conclude the TSP is fully compatible with WRDA 2020.	-	See Response No. 4.5.

Theme No.	Theme	Agency	Comment No.	Synopsis of comment	Response No.	RESPONSE
10	WRDA	NPS	NPS.11	Given the limitations of WRDA 2020, the TSP should be re-evaluated in terms of reasonableness.	10.2	Concur. The report will be updated.
11	Study Completeness, Effectiveness, Efficiency, and Acceptability	NPS	NPS.9	The Study should reflect the conveyance of property and additional access rights to the City of Minneapolis which will affect the utility and desirability of the remaining property. The ratings for effectiveness, efficiency, and acceptability are inconsistent.	11.1	Concur. The Report will be updated to reflect this.
11	Study Completeness, Effectiveness, Efficiency, and Acceptability	NPS	NPS.10	The majority of public comments suggest deauthorization and complete disposal of the site is not supported. The plan is not fully compatible for effectiveness.	11.2	The report will be updated to consider the comments received.
12	Resource Significance	NPS	NPS.17	There is significant investment in this area for creating a comprehensive recreational, touristic, and interpretive experience. How the TSP could affect this should be evaluated.	-	See Response No. 5.1
13	Cutoff Wall	NPS	NPS.18	The Study does not address concerns about O&M of the cutoff wall below Hennepin Island	13.1	We do not consider the cut off wall as within the scope of this study.



## 2 Outgoing Coordination

These responses were generated for the prior draft report, including alternatives and requirements prior to WRDA 2022, and the revised draft report reflects the most current information and requirements.

### 2.1 2020/02/10 – Notice of Agency Meeting

**From:** Potter, David F CIV USARMY CEMVP (USA)  
**To:** [abdulrahman.muse@metc.state.mn.us](mailto:abdulrahman.muse@metc.state.mn.us); [amy.badedo@state.mn.us](mailto:amy.badedo@state.mn.us); [kim.es.inquiries@kim.gov](mailto:kim.es.inquiries@kim.gov); [bob.meler@state.mn.us](mailto:bob.meler@state.mn.us); [cam.sholly@nps.gov](mailto:cam.sholly@nps.gov); [challie@metc.state.mn.us](mailto:challie@metc.state.mn.us); [charles.zelle@metc.state.mn.us](mailto:charles.zelle@metc.state.mn.us); [charlotte.cohn@state.mn.us](mailto:charlotte.cohn@state.mn.us); [Collins, Melissa \(DNE\)@nps.gov](mailto:Collins, Melissa (DNE)@nps.gov); [cwick@usbr.gov](mailto:cwick@usbr.gov); [dani.dressler@nps.gov](mailto:dani.dressler@nps.gov); [jay.chisholm@state.mn.us](mailto:jay.chisholm@state.mn.us); [jason.boyle@state.mn.us](mailto:jason.boyle@state.mn.us); [jason.spiegel@state.mn.us](mailto:jason.spiegel@state.mn.us); [jtaloni@usgs.gov](mailto:jtaloni@usgs.gov); [jim.bent@state.mn.us](mailto:jim.bent@state.mn.us); [joel.shraef@state.mn.us](mailto:joel.shraef@state.mn.us); [john.waters@state.mn.us](mailto:john.waters@state.mn.us); [john.zypat@ferc.gov](mailto:john.zypat@ferc.gov); [john\\_anfinson@nps.gov](mailto:john_anfinson@nps.gov); [johnm@usbr.gov](mailto:johnm@usbr.gov); [kevin.lewam@usa.gov](mailto:kevin.lewam@usa.gov); [kowal.kathleen@esa.gov](mailto:kowal.kathleen@esa.gov); [Kris.fredson@metc.state.mn.us](mailto:Kris.fredson@metc.state.mn.us); [Launa.bishood@state.mn.us](mailto:Launa.bishood@state.mn.us); [lea.holter@mn.usda.gov](mailto:lea.holter@mn.usda.gov); [Machajewski, Paul R CIV USARMY CEMVP \(USA\)@nps.gov](mailto:Machajewski, Paul R CIV USARMY CEMVP (USA)@nps.gov); [megan.moore@state.mn.us](mailto:megan.moore@state.mn.us); [mike.davis@state.mn.us](mailto:mike.davis@state.mn.us); [mn\\_wetmanager@usd.gov](mailto:mn_wetmanager@usd.gov); [neal.jackson@fws.gov](mailto:neal.jackson@fws.gov); [Nick.Ultuna@fws.gov](mailto:Nick.Ultuna@fws.gov); [patricia.chyba@fws.gov](mailto:patricia.chyba@fws.gov); [Patrick.Phenow@pelican.ehlers@esa.gov](mailto:Patrick.Phenow@pelican.ehlers@esa.gov); [reya.dhambhali@metc.state.mn.us](mailto:reya.dhambhali@metc.state.mn.us); [richard.balsen@fws.gov](mailto:richard.balsen@fws.gov); [robert.illgren@metc.state.mn.us](mailto:robert.illgren@metc.state.mn.us); [robert.tippett@cgaunet.us](mailto:robert.tippett@cgaunet.us); [Sarah.Quamme@state.mn.us](mailto:Sarah.Quamme@state.mn.us); [sarah.beimiers@state.mn.us](mailto:sarah.beimiers@state.mn.us); [sharon.stehler@nps.gov](mailto:sharon.stehler@nps.gov); [stani@usgs.gov](mailto:stani@usgs.gov); [Tapan, Steven R CIV USARMY CEMVP \(USA\)@fws.gov](mailto:Tapan, Steven R CIV USARMY CEMVP (USA)@fws.gov); [teddor.strahl@ferc.gov](mailto:teddor.strahl@ferc.gov); [westlake.kenneth@esa.gov](mailto:westlake.kenneth@esa.gov); [william.wildes@state.mn.us](mailto:william.wildes@state.mn.us)  
**Cc:** [Bischoff, Nanette M CIV USARMY CEMVP \(USA\)@nps.gov](mailto:Bischoff, Nanette M CIV USARMY CEMVP (USA)@nps.gov); [Keenan, Sierra L CIV USARMY CEMVP \(USA\)@nps.gov](mailto:Keenan, Sierra L CIV USARMY CEMVP (USA)@nps.gov); [Malin-Boysen, Susan R CIV USARMY CEMVP \(USA\)@nps.gov](mailto:Malin-Boysen, Susan R CIV USARMY CEMVP (USA)@nps.gov); [Perki, Bradley E CIV \(USA\)@nps.gov](mailto:Perki, Bradley E CIV (USA)@nps.gov); [Stringham, George E CIV USARMY CEMVP \(USA\)@nps.gov](mailto:Stringham, George E CIV USARMY CEMVP (USA)@nps.gov)  
**Subject:** Upper St. Anthony Falls Disposition Study - Agency meeting for Draft Report  
**Date:** Wednesday, February 10, 2021 4:13:33 PM  
**Attachments:** [Agency Meeting\\_022421\\_Agenda.pdf](#)   
[USAF\\_PublicMeeting\\_Pre-Brief\\_revised\\_10Feb2021.pdf](#) 

All:

In accordance with the Fish and Wildlife Coordination Act and National Environmental Policy Act, the Corps of Engineers will be holding an agency-only meeting for the Upper St. Anthony Falls Disposition Study. The purpose of this meeting is to summarize and answer questions on the draft Integrated Report/Environmental Assessment for the study. The report was released for public review on December 18<sup>th</sup>, 2020. Review was briefly suspended between 7 Jan 2021 and 21 Jan 2021, while the draft report was updated to acknowledge Section 356 of WRDA 2020.

The date for submitting comments on the report has been extended to March 18, 2021.

You are encouraged to review the attached pre-meeting informational powerpoint and proposed agenda so that more of the meeting time may be devoted to questions and answers. There will be an additional short powerpoint presentation at the meeting. The draft report and other supporting information are available at: <https://www.mvp.usace.army.mil/MplsLocksDisposition/>.

Details for the Agency web meeting follow:

**Date:** Wednesday, February 24, 2021

**Time:** 9:00 to 11:00 a.m. CST

**Presentation:** 9:00 a.m. to 9:20 a.m.

**Discussion and questions:** 9:20 a.m. to 11:00 a.m. (or earlier if all questions are answered)

**Venue:** Virtual, via Webex : [https://usace1.webex.com/usace1/j.php?](https://usace1.webex.com/usace1/j.php?MTID=m09f91d34fdc8bd205eb2785ec1cd9483)

[MTID=m09f91d34fdc8bd205eb2785ec1cd9483](https://usace1.webex.com/usace1/j.php?MTID=m09f91d34fdc8bd205eb2785ec1cd9483)

**Meeting Number:** 199 412 0190

**Password:** rkUnjPm4529

[Or join by phone:](#)

+1-844-800-2712 US Toll Free

Access code: 199 412 0190

-  
Additional questions on this meeting can be directed to Nan Bischoff,  
[Nanette.m.bischoff@usace.army.mil](mailto:Nanette.m.bischoff@usace.army.mil). (651) 290-5426 or mobile (651) 485-6216.

In addition to the Agency meeting, a public meeting will be held from 2:00 to 4:00 p.m. on  
Wednesday, February 24<sup>th</sup> via the St. Paul District FaceBook page.

## 2.2 2020/12/18 – Federal Register Notice of Availability of Draft Report



82460

Federal Register / Vol. 85, No. 244 / Friday, December 18, 2020 / Notices

### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records in this system of records are stored electronically or on paper in secure facilities. Electronic records are stored on secure networks maintained by the Commission and benefits provider, and on other electronic media as needed, such as encrypted hard drives and back-up media.

### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Information covered by this system of records notice may be retrieved by a member's ID number or by an individual's name.

### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

The Records maintained by a health care facility or dispensary relating to an individual patient's personal medical history, physical condition, or any treatment or examination thereof for non-work-related purposes which come to be in the CFTC's possession are maintained in accordance with GRS 2.7-070, DAA-GRS-2017-0010-0012 and are destroyed 10 years after the most recent encounter.

Records of an individual's enrollment in an agency-sponsored dental plan are maintained in accordance with GRS 2.2-041, DAA-GRS-2017-0007-0005. These records are destroyed when superseded or obsolete, or upon separation or transfer of employee, whichever is earlier.

Records associated with the procurement of contracted services of an agency-sponsored dental benefit program are covered by GRS 1.1, 010, DAA-GRS-2013-0003-0001 and must be maintained for 6 years after final payment of the contract or cancellation of the contract then must be destroyed. The benefits provider has implemented policies and processes to securely destroy records in accordance with the applicable retention schedule or upon instruction from the Commission.

### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Records are protected from unauthorized access and improper use through administrative, technical, and physical security measures employed by the CFTC and benefits provider. Administrative safeguards include maintenance of written policies, standards, and procedures reinforced by training and periodic auditing. Technical security safeguards include restrictions on computer access to authorized individuals who have a legitimate need to know the information; required use of strong passwords that are frequently changed;

multi-factor authentication for remote access and access to many network components; use of encryption for certain data types and transfers; firewalls and intrusion detection applications; and regular review of security procedures and best practices to enhance security. Physical safeguards include restrictions on building access to authorized individuals, use of security guard services, and video surveillance.

### **RECORD ACCESS PROCEDURES:**

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves in this system of records should address written inquiries to the Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. See 17 CFR 146.3 for full details on what to include in a Privacy Act access request.

### **CONTESTING RECORD PROCEDURES:**

Individuals contesting the content of records about themselves contained in this system of records should address written inquiries to the Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. See 17 CFR 146.8 for full details on what to include in a Privacy Act amendment request.

### **NOTIFICATION PROCEDURES:**

Individuals seeking notification of any records about themselves contained in this system of records should address written inquiries to the Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. See 17 CFR 146.3 for full details on what to include in a Privacy Act notification request.

### **EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

### **HISTORY:**

None.

Issued in Washington, DC, on December 14, 2020, by the Commission.

Robert Sidman,

Deputy Secretary of the Commission.

(FR Doc. 2020-27865 Filed 12-17-20; 8:45 am)

BILLING CODE 6351-01-P

## **DEPARTMENT OF DEFENSE**

### **Department of the Army, Corps of Engineers**

#### **Notice of Availability of the Draft Integrated Disposition Report and Environmental Assessment for the Upper St. Anthony Falls Lock and Dam, Hennepin County, Minnesota**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The St. Paul District, Army Corps of Engineers (Corps) is publishing this notice to announce that the draft Integrated Disposition Report and Environmental Assessment (DR/EA) for the Upper St. Anthony Falls Lock and Dam (USAF) is available for public review and comment in accordance with the National Environmental Policy Act (NEPA). The Corps provides all interested persons an opportunity to view and/or print the EA via the internet through the St. Paul District's Home Page (<https://www.mvp.usace.army.mil/>).

**DATES:** To ensure consideration, written comments must be received or postmarked within 60 days from the date of this notice. Any comments received after the closing date may not be considered in final decisions for the Corps' action.

**ADDRESSES:** Comments on the DR/EA may be submitted by one of the following methods:

Email should be sent to:

[MplsLocksDisposition@usace.army.mil](mailto:MplsLocksDisposition@usace.army.mil).

Mail/Courier—Written comments should be sent to: District Engineer, U.S. Army Corps of Engineers St. Paul District, ATTN: Regional Planning and Environment Division North, 180 Fifth Street East, Suite 700, St. Paul, Minnesota 55101-1678.

If submitting comments by email, the following should be included in the subject line or first line of the message "USAF Disposition Study DR/EA Comments". Comments should be specific and pertain only to the issues relating to the action and the EA. The Corps will include all comments in the project record.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be publicly available. While you can ask us in your comment to withhold your personal identifying information from public review, the Corps cannot



guarantee that we will be able to do so. Such information is not required for you to submit comments on the study.

All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be available for public review to the extent consistent with applicable law.

**FOR FURTHER INFORMATION CONTACT:**

General questions about the study may be directed to Nan Bischoff, Project Manager, U.S. Army Corps of Engineers, St. Paul District, 180 Fifth Street East, Suite 700, St. Paul, MN 55101-1678; telephone (651) 290-5426; email: [Nanette.m.bischoff@usace.army.mil](mailto:Nanette.m.bischoff@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The Corps operates USAF Lock and Dam, located on the Mississippi River in Minneapolis, Minnesota. Section 2010 of Water Resources Reform and Reauthorization Act of 2014, Public Law 113-121, directed the Corps to close the lock to navigation operations but to continue to carry out emergency lock operations necessary to mitigate flood damages. Navigation at the lock ceased on June 9th, 2015. Prior to the closure of USAF, the lock operated as part of a system to support navigation on the upper reaches of the Mississippi River 9-foot navigation channel.

Section 216 of the Flood Control Act of 1970 authorizes the Secretary of the Army to review operations of completed projects, when found advisable due to changed physical, economic, or environmental conditions. Disposition studies are a specific type of Section 216 study with the intent to determine whether a water resources development project operated and maintained by the Corps of Engineers should be deauthorized and the associated real property and Government-owned improvements disposed of.

The USAF Disposition Study analyzes three primary alternatives at the USAF site: (1) No action; (2) complete deauthorization by Congress of the Federal missions at the site and disposal of the properties according to Federal law; and (3) partial deauthorization and disposal. The partial disposition alternative will maintain the emergency flood mitigation capability of the structure. If the Corps of Engineers determines that Federal interest no longer exists, it must consider, and may recommend, disposal of the project or separable elements of the project under existing authorities.

The Disposition Study ends when the final report is approved by the Corps of Engineers' Headquarters Office.

Deauthorization would require Congressional Approval.

Results of the study are summarized in the draft DREA, which includes an analysis of potential environmental effects and concludes the action would not constitute a major federal action significantly affecting the quality of the human environment. In accordance with the National Environmental Policy Act of 1969 (NEPA), the Corps is making the draft DREA available for public comments and will be holding one or more virtual public meetings summarizing the report prior to the comment deadline via Facebook Live or similar web-based platform. Additional details on these meeting(s) will be posted at least two weeks beforehand on the Saint Paul District's website: <https://www.mvp.usace.army.mil/>.

**Authority:** The District publishes this notice pursuant to the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 et seq.), and its implementing regulations (40 CFR parts 1500-1508).

**Edward E. Belk, Jr.,**

*Director of Programs.*

(FR Doc. 2020-27964 Filed 12-17-20; 8:45 am)

**BILLING CODE 3720-58-P**

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### Sunshine Act Meetings

**TIME AND DATE:** 1:00 p.m., December 18, 2020.

**PLACE:** This meeting will be held via teleconference.

**STATUS:** Closed. The Board invoked the exemption described in 5 U.S.C. 552b(c)(2) and 10 CFR 1704.4(b). The Board determined that it is necessary to close this meeting to the public since an open meeting would likely disclose information related solely to the internal personnel rules and practices of the agency.

**MATTERS TO BE CONSIDERED:** At this meeting, members of the Board will receive a staff briefing and deliberate on appropriate agency reorganization to accommodate the Executive Director of Operations position.

**CONTACT PERSON FOR MORE INFORMATION:** Tara Tadlock, Director of Board Operations, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004-2901, (800) 788-4016. This is a toll-free number.

Dated: December 16, 2020.

**Thomas Summers,**

*Acting Chairman.*

(FR Doc. 2020-28135 Filed 12-16-20; 4:15 pm)

**BILLING CODE 3670-01-P**

## DEPARTMENT OF EDUCATION

[Docket No. ED-2020-SCC-0087]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Comprehensive Literacy Program Evaluation; Comprehensive Literacy State Development (CLSD) Program Evaluation**

**AGENCY:** Institute of Educational Sciences (IES), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

**DATES:** Interested persons are invited to submit comments on or before January 19, 2021.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting "Department of Education" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Tracy Rimdzius, 202-245-7283.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the

## 2.3 2020/12/16 – Notice of Availability of Draft Report

**From:** Bischoff, Nanette M CIV USARMY CEMVP (USA)

**Sent:** Wednesday, December 16, 2020 12:48 PM

**To:** odorothy@americanrivers.org; amillartistloftshydroproject@gmail.com; audubonminnesota@audubon.org; andrew.davis@brookfieldrenewable.com; Chris.Ercoli@brookfieldrenewable.com; Jeff.Johnson@minneapolismn.gov; Jeff.Johnson@minneapolismn.gov; glmonson@comcast.net; Anfinson, John O. <John\_Anfinson@nps.gov>; Hansen, Craig E. <Craig\_Hansen@nps.gov>; teodor.strat@ferc.gov; info@friendsofpool2.org; kjersti@duvalcompanies.com; ijones@fmr.org; Whitney Clark <wclark@fmr.org>; Edna Brazaitis <ednab@mac.com>; Kevin Legare - 1PZ <kevin.legare@gsa.gov>; Kent.Vnuk@hennepin.us; Doug@spauldingconsultants.com; info@magnoliablossom.net; Evan.Owens@metc.state.mn.us; Jeannine.Clancy@metc.state.mn.us; jeffrey.schwarz@metc.state.mn.us; Karen.Keenan@metc.state.mn.us; Karl.Johnson@metc.state.mn.us; kyle.colvin@metc.state.mn.us; Cruz, Raymond V <raymond.cruz@minneapolismn.gov>; mforney@minneapolisparcs.org; Marc Robins <marc.robins@gmail.com>; free.cjp@gmail.com; charlotte.cohn@state.mn.us; ian.chisholm@state.mn.us; jason.boyle@state.mn.us; jason.spiegel@state.mn.us; joel.stiras@state.mn.us; john.waters@state.mn.us; mike.davis@state.mn.us; megan.moore@state.mn.us; Patrick Phenow <Patrick.Phenow@state.mn.us>; David Stevens <david.stevens@mnhs.org>; amy.hadiaris@state.mn.us; jim.brist@state.mn.us; Laura.Bishop@state.mn.us; Wilde, William (MPCA) <william.wilde@state.mn.us>; Beimers, Sarah (ADM) <sarah.beimers@state.mn.us>; knyberg@parkconnection.org; rep.jim.davnie@house.mn; sen.kari.dziedzic@senate.mn; Christine Goepfert <cgoepfert@npca.org>; chris@niebna.com; dave@twincitiescruises.com; Lee Nelson <lee@ursi.net>; north.star.chapter@sierraclub.org; lhondros@gmail.com; mcm@mnhs.org; info@conservationminnesota.org; dshaw@TNC.ORG; kjensen@trcp.org; Andrew Caddock (caddock@umn.edu) <caddock@umn.edu>; garci128@umn.edu; ellis004@umn.edu; davis194@umn.edu; umcrew@umn.edu; dalgl006@umn.edu; leex2315@umn.edu; anth@umn.edu; Jeffrey Marr <marrx003@umn.edu>; safl@umn.edu; hern0122@umn.edu; pelloso.elizabeth@epa.gov; kowal.kathleen@epa.gov; westlake.kenneth@epa.gov; lea.holter@mn.usda.gov; robert.tippett@cgauxnet.us; neal\_jackson@fws.gov; jfallon@usgs.gov; joshua.straka@mail.house.gov; bill.harper@mail.house.gov; Foley, Libby <Libby.Foley@mail.house.gov>; Jamie.Long@mail.house.gov; mahyar.sorour@mail.house.gov; nicky.leingang@mail.house.gov; andy\_martin@klobuchar.senate.gov; brian.werner@klobuchar.senate.gov; carson\_ouellette@smith.senate.gov; pete\_wyckoff@smith.senate.gov; gabrielle\_rosenfeld@smith.senate.gov; kwallace@umbra.org; lsavato@umrba.org; Tapp, Steven D CIV USARMY CEMVP (USA) <Steven.D.Tapp@usace.army.mil>; Machajewski, Paul R CIV USARMY CEMVP (USA) <Paul.R.Machajewski@usace.army.mil>; brian.k.anderson@xcelenergy.com; Robert W Olson (robert.w.olson@xcelenergy.com) <robert.w.olson@xcelenergy.com>; Sara.P.Barrow@xcelenergy.com


**Cc:** Keenan, Sierra L CIV USARMY CEMVP (USA) (Sierra.L.Keenan@usace.army.mil) <Sierra.L.Keenan@usace.army.mil>

**Subject:** Upper St. Anthony Falls draft disposition study

Attached is the news release announcing the availability of the Upper St. Anthony Falls draft disposition study report.

Nanette M. Bischoff, P.E.  
Project Manager/FERC Coordinator  
Office: (651) 290-5426  
Mobile/Telework: (651) 485-6216

## 2.4 2020/11/10 – Fish and Wildlife Coordination Act (FWCA) Coordination

**From:** [Potter, David F CIV USARMY CEMVP \(USA\)](#)  
**To:** [Utrup, Nick](#); ["Chisholm, Ian M \(DNR\)"](#); [Mike Davis](#)  
**Subject:** USAF Disposition Study (UNCLASSIFIED)  
**Date:** Tuesday, November 10, 2020 3:55:00 PM  
**Attachments:** [Executive Summary from DQC Version 20201027 USAF DispositionReport-EA.pdf](#) 

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CLASSIFICATION: UNCLASSIFIED

All:

I am contacting you on the subject matter because of your agencies jurisdiction over fish and wildlife resources and your previous involvement in the scoping phase of this project.

In accordance with the Fish and Wildlife Coordination Act, I am sharing a summary from a draft report for the Upper St. Anthony Falls Lock Disposition Study (attached). I believe this summary provides enough details to ascertain what agency concerns the proposed action may have to fish and wildlife resources. I ask you to provide your comments/concerns to me within 2 weeks. If you feel that this coordination should be elevated to higher levels, let me know that as well and we can pursue that approach. However, I feel that this would be better handled at the lowest levels possible (hope you are not offended by this).

In accordance with NEPA, we anticipate releasing the integrated draft report/environmental assessment sometime in December for public and agency comments. We will reach out to you again to afford you this opportunity. In general, the EA will conclude no effects on resources as there would be no physical change to the project site.

Thank you,

David Potter  
Tel: 651.290.5713

CLASSIFICATION: UNCLASSIFIED



## 2.5 2020/10/09 – Notice of Draft Report

**From:** [Potter, David F CIV USARMY CEMVP \(USA\)](#)  
**To:** ["Karen Osterkamp \(karen.osterkamp@dnr.iowa.gov\)"; Kirk Hansen \(kirk.hansen@dnr.iowa.gov\); Janvrin, Jeff A - DNR; Ken Westlake \(westlake.kenneth@epa.gov\); Utrup, Nick; Kevin Hanson \(kevin.hanson@dnr.iowa.gov\); Keith Weaver \(keith.weaver@wisconsin.gov\); Utrup, Nick; Sharonne Baylor; Wendy Woyczik \(wendy\\_woyczik@fws.gov\)](#)  
**Cc:** [Bathke, Jill C CIV USARMY CEMVP \(USA\)](#)  
**Subject:** Harpers Slough HREP Repair draft EA (UNCLASSIFIED)  
**Date:** Friday, October 9, 2020 1:10:00 PM

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CLASSIFICATION: UNCLASSIFIED

All:

The draft letter report/Environmental Assessment is now available for agency and public review.

<https://www.mvp.usace.army.mil/Home/PN/Article/2375146/harpers-slough-habitat-rehabilitation-and-enhancement-project-repairs/>


We anticipate the plans will change slightly to reflect the access and sand pads to the M5 island, and should be available Oct 13 or 14.

David Potter

Tel: 651.290.5713

CLASSIFICATION: UNCLASSIFIED

## 2.6 2020/04/27 – FWCA Coordination Request to USFWS

**From:** [Potter, David F CIV USARMY CEMVP \(US\)](#)  
**To:** [Utrup, Nick](#)  
**Cc:** [Keenan, Sierra L CIV USARMY CEMVP \(USA\); Bischoff, Nanette M CIV USARMY CEMVP \(USA\)](#)  
**Subject:** USAF Disposition Study Project Description (UNCLASSIFIED)  
**Date:** Monday, April 27, 2020 3:36:00 PM  
**Attachments:** [USAF Disposition Study for FWCA.pdf](#)

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CLASSIFICATION: UNCLASSIFIED

Hi Nick:

In accordance with the FWCA, attached is description of the Upper St. Anthony Falls Disposition Study and tentatively selected plan. We ask for your input and comments by May 15th. We anticipate a draft report with EA will be issued sometime in June or July. We will also provide agencies an opportunity to comment on the draft EA in accordance with NEPA.

David Potter

Tel: 651.290.5713

CLASSIFICATION: UNCLASSIFIED

## 2.7 2019/07/18 – Federal Register Notice of Intent



The TTY number for further information is: 1-800-877-8339. When the operator answers the call, let him or her know the agency is the Department of Defense and the point of contact is Daniel Weinstein at 571-672-6105.

Jennifer Lee Hawes,  
Regulatory Control Officer, Defense  
Acquisition Regulations System.  
[FR Doc. 2019-15255 Filed 7-17-19; 8:45 am]  
BILLING CODE 5001-06-P

### DEPARTMENT OF DEFENSE

#### Department of the Army, Corps of Engineers

##### Intent To Prepare a Draft NEPA Document for the Upper St. Anthony Falls Lock and Dam Disposition Study, Hennepin County, Minnesota

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent to initiate public scoping and prepare an Environmental Assessment (EA).

**SUMMARY:** The St. Paul District, Army Corps of Engineers (Corps) is conducting a study regarding the disposition of the Upper St. Anthony Falls Lock and Dam (USAF) located at river mile 853.9 on the Upper Mississippi River, in Hennepin County, Minnesota. The study will include an environmental assessment and consider modifications that could improve the overall quality of the environment in the public interest, including removal of federally-owned facilities. The study will evaluate three types of alternatives: (1) No action; (2) deauthorization and disposal of all federally-owned and operated facilities; and (3) partial deauthorization and disposal of features or separable elements not required for flood mitigation operations. The study will also explore opportunities to improve the overall quality and health of the environment and/or enhance recreation. It is anticipated that a preliminary draft report of the integrated Disposition Study and Environmental Assessment (EA) will be available for a minimum 30-day public comment period in the Spring of 2020. The St. Paul District of the Army Corps of Engineers is soliciting public comments on the scope of the proposed study and significant issues that should be analyzed in the EA.

#### **DATES:**

**Scoping Meetings:** The Corps will hold public scoping meetings at the following times and locations during the scoping period:

- Tuesday, August 13th, 2019 from 6:00 p.m. to 8:00 p.m. at the Mill City Museum, 704 South Second Street, Minneapolis, Minnesota 55401.

- Monday, August 19th, 2019 from 6:00 p.m. to 8:00 p.m. at the Michael Dowling School, 3900 West River Parkway, Minneapolis, Minnesota 55406.

At the scoping meetings, the public is encouraged to submit resource information, and identify topics to be considered in the development of the EA. Public meetings will include a presentation and question and answer session. The Corps will require formal comments to be provided in writing, which will be accepted at the meetings or may be submitted at any time during the comment period.

**Comments:** The Corps will accept comments received or postmarked on or before October 20, 2019. Any comments received after the closing date may not be considered.

**ADDRESSES:** Comments may be submitted by one of the following methods:

**Email**—Written comments should be sent to: [MplsLocksDisposition@usace.army.mil](mailto:MplsLocksDisposition@usace.army.mil).

**Mail/Courier**—Written comments should be sent to: District Engineer, U.S. Army Corps of Engineers, St. Paul District, ATTN: Regional Planning and Environment Division North, 180 Fifth Street East, Suite 700, St. Paul, Minnesota 55101-1678.

**Comment Card**—Comment cards provided as part of the public meetings will be collected at the end of the meeting or can be mailed to the address in the MAIL/COURIER section above.

If submitting comments by email, the following should be included in the subject line or first line of the message: "USAF Disposition Study Comments".

**FOR FURTHER INFORMATION CONTACT:** To have your name added to a mailing list for notices related to the preliminary draft report and EA or additional public meetings, submit an email request to [MplsLocksDisposition@usace.army.mil](mailto:MplsLocksDisposition@usace.army.mil). General questions about the study may be directed to Nan Bischoff, Project Manager, U.S. Army Corps of Engineers, St. Paul District, 180 Fifth Street East, Suite 700, St. Paul, MN 55101-1678; telephone (651) 290-5426; email: [Nanette.m.bischoff@usace.army.mil](mailto:Nanette.m.bischoff@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The Corps operates USAF, located on the Mississippi River in Minneapolis, Minnesota. Section 2010 of the Water Resources Reform and Development Act of 2014, Public Law 113-121, directed the Corps to close the lock to navigation operations but to continue to carry out

emergency operations necessary to mitigate flood damages. Navigation at the lock ceased on June 9th, 2015. Prior to the closure of USAF, the lock operated as part of a system to support navigation on the upper reaches of the Mississippi River 9-foot navigation channel. With the lock at USAF now closed to navigation, the demand for both commercial and recreational lockage has decreased at Lower St. Anthony Falls Dam (LSAF) and Lock and Dam 1 (LD 1). A disposition study for LSAF and LD 1 will be conducted separately from the disposition study for USAF, and will follow a similar public scoping procedure. The LSAF and LD 1 disposition study is scheduled to begin in early 2021.

Section 216 of the Flood Control Act of 1970 authorizes the Secretary of the Army to review operations of completed projects, when found advisable due to changed physical, economic, or environmental conditions. Disposition studies are a specific type of Section 216 study with the intent to determine whether a water resources development project operated and maintained by the Corps of Engineers should be deauthorized and the associated real property and Government-owned improvements disposed of. An Initial Appraisal (IA) was conducted by the Corps in 2015 to determine if conditions exist which may warrant further analysis on a completed project as authorized by Section 216. The IA recommended investigation under this authority regarding the future use or disposition of USAF as well as LSAF and LD 1.

The Corps began a disposition study for USAF, LSAF, and LD 1 in early 2018 with the intent that all three sites would be studied and presented in one report. Public scoping meetings for a combined study were held in July 2018. The combined disposition study was put on hold following the enactment of the Water Resources Development Act of 2018 (WRDA 2018). WRDA 2018 contains two sections pertinent to the scope and timing of the disposition studies: Section 1168, entitled "Disposition of Projects" and Section 1225, entitled "Upper Mississippi River protection". The full version of the WRDA 2018 may be found here: <https://www.congress.gov/bills/115th-congress/senate-bill/3021/>.

Following enactment of WRDA 2018, the Corps of Engineers solicited input and published implementation guidance for WRDA 2018, Sections 1168 and 1225. Input was provided by U.S. Senators Amy Klobuchar and Tina Smith of Minnesota, the National Park Service, the Friends of the Lock and



Dam and the city of Minneapolis. The implementation guidance to Sections 1168 and 1225 of WRDA 2018 may be found here: [https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda\\_2018/wrda2018\\_impguide/](https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda_2018/wrda2018_impguide/).

The USAF Disposition Study will analyze three types of alternatives at the USAF site: (1) The no action; (2) complete de-authorization by Congress of the Federal missions at the site and disposal of the properties; and (3) partial de-authorization and disposal. In addition, the study will examine opportunities to augment these three alternatives by considering measures which: (1) Preserve recreational opportunities; (2) enhance recreational opportunities; (3) preserve the health of the ecosystem; (4) enhance the health of the ecosystem; (5) maintain the benefits to the natural ecosystem; and (6) maintain the benefits to the human environment. The partial disposition alternative will maintain the flood control capability of the structure. If the Corps determines that Federal interest no longer exists, it must consider, and may recommend, removal of the project or separable elements of the project under existing authorities.

In accordance with the National Environmental Policy Act of 1969 (NEPA), an Environmental Assessment (EA) for this study is anticipated and will be prepared by the St. Paul District. The Corps is soliciting public comments on the scope of the EA and significant issues that should be addressed. The Corps will also accept comments related to potential new ownership and management measures.

The Disposition Study ends when the final report is transmitted to the Corps of Engineers' Headquarters Office for review and processing of recommendations. Complete and partial de-authorization would require Congressional Approval.

Two public scoping meetings are planned as discussed in the **DATES** section above. The purpose of these meetings is to discuss background of the study, identify the properties and structures that are the subject of the study, discuss the Federal disposal process, instruct parties on how to document their interest in future ownership, provide an opportunity to submit comments, and identify issues that should be addressed in the anticipated EA. While comments and questions will be entertained at the public meetings, the meetings will not be recorded nor minutes prepared. All formal comments will be requested to be provided in writing. Written comments

will be accepted at the meetings. Comments can also be submitted by the methods listed in the **ADDRESSES** section. Once the draft EA is complete and made available for review, there will be additional opportunity for public comment through the NEPA process.

Persons needing reasonable accommodations in order to attend and participate in the public scoping meetings should contact the person listed under the **FOR FURTHER INFORMATION CONTACT** section as soon as possible. In order to allow sufficient time to process requests, please make contact no later than one week before the public meeting.

Written comments, including email comments, should be sent to the Corps at the address given in the **ADDRESSES** section of this Notice. Comments should be specific and pertain only to the issues relating to the action and the anticipated EA. The Corps will include all comments in the project record.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—will be publicly available. While you can ask us in your comment to withhold your personal identifying information from public review, the Corps cannot guarantee that we will be able to do so.

All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be available for public review to the extent consistent with applicable law.

Dated: July 2, 2019.

**Kari Hauck,**

*Acting Deputy Chief, Regional Planning and Environment Division North.*

[FR Doc. 2019-15298 Filed 7-17-19; 8:45 am]

**BILLING CODE 3720-68-P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Collier County Hurricane and Storm Damage Reduction Feasibility Study

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent/NEPA Scoping meeting and public comment period.

**SUMMARY:** In accordance with all applicable laws and regulations, the U.S. Army Corps of Engineers (USACE) plans to prepare a Feasibility Study

with an integrated Environmental Impact Statement (EIS) to evaluate environmental impacts from reasonable project alternatives to protect nearshore areas of Collier County, Florida, from hurricanes and other storms with their associated wind, storm surge, and coastal flooding.

**DATES:** Scoping comments may be submitted until August 23, 2019.

**ADDRESSES:** The public is invited to submit NEPA scoping comments to Mr. David Schulte, Department of the Army, U.S. Army Corps of Engineers, Norfolk District, Fort Norfolk, 803 Front St., Norfolk, VA 23510 or via email: [David.M.Schulte@usace.army.mil](mailto:David.M.Schulte@usace.army.mil). The project title and the commenter's contact information should be included with submitted comments.

**FOR FURTHER INFORMATION CONTACT:** David Schulte, (757) 201-7007.

**SUPPLEMENTARY INFORMATION:** Applicable laws and regulations are section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321-4370, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500-1508). The study authority is Section 4033 of the Water Resources Development Act of 2007 (Pub. L. 110-114), whereby the Secretary shall conduct a study to determine the feasibility of carrying out a project for hurricane and storm damage reduction and flood damage reduction in the vicinity of Vanderbilt, Park Shore, and Naples beaches, Collier County Florida. The primary problem is that existing protection is not adequate to prevent excessive storm damage and flooding from occurring during major coastal storms. Coastal flooding is worsening due to climate change induced sea level rise, which is also amplifying storm surge height. These trends are expected to continue and worsen due to sea level rise accelerating over time, a trend already observed in recent decades. Measures being considered include beach berms and dunes, floodwalls with gates, storm surge barriers, groins, seawalls, buyouts/ elevations of buildings, wet and/or dry flood-proofing of buildings, and nature-based features potentially including mangrove restoration, oyster and/or coral reef restoration, and seagrass restoration.

USACE is the lead federal agency and Collier County will be the non-federal sponsor for the study. The Study/EIS will address the primary problem of the increasing storm damage and flooding occurring and expected to increase in the area by studying all reasonable alternatives and determine the Federal

## 2.8 2018/08/17 - USAF FWCA



ARMY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

August 17, 2018

Regional Planning and Environment Division North

Mr. Peter Fashender  
U.S. Fish and Wildlife Service  
St. Paul Field Office  
4101 American Boulevard East  
Bloomington, Minnesota 55425

Dear Mr. Fashender:

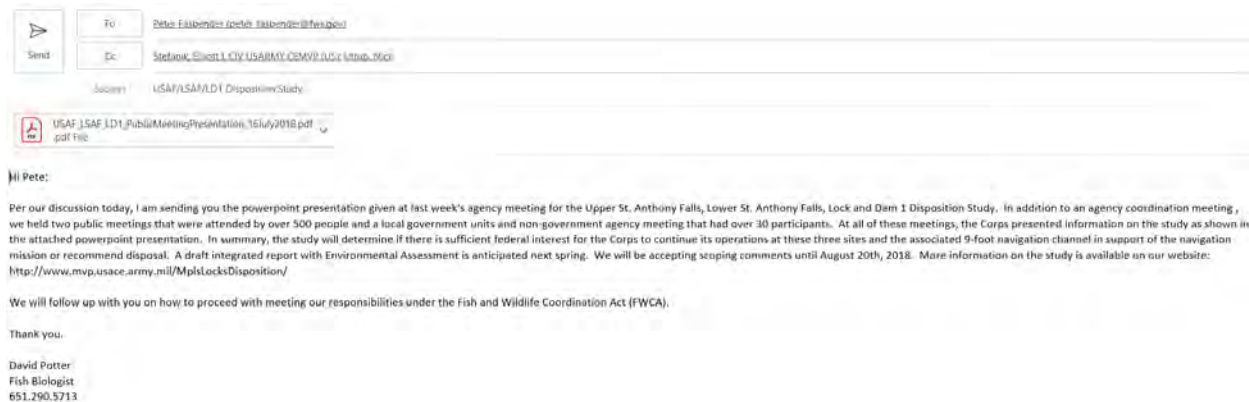
This letter is a follow up to our telephone conversation held on July 27<sup>th</sup>, 2018 regarding the initiation of the Upper St. Anthony Falls, Lower St. Anthony Falls, and Lock and Dam 1 Disposition Study (Disposition Study). This study will determine if there is sufficient federal interest for the Corps to continue operation and maintenance at these three sites and the authorized 9-foot navigation channel or recommend disposal. Release of a draft integrated report with Environmental Assessment is anticipated in the spring of 2019. In accordance with the National Environmental Policy Act, we held a series of scoping meetings with the public, non-government organizations, and local/state/federal government agencies during the week of July 17<sup>th</sup>, 2018. We understand the U.S. Fish and Wildlife Service (FWS) was unable to participate and have subsequently provided you with materials from that meeting. The deadline for scoping comments is August 20, 2018. More information on the study is available on our website: <http://www.mvp.usace.army.mil/MplsLocksDisposition/>.

We are also engaging your office in accordance with the Fish and Wildlife Coordination Act, as amended (FWCA), which would result in a FWCA report commensurate with the extent of the proposed project and the anticipated impacts. Because of the limited scope of the Disposition Study, we believe there will be minimal risk to fish and wildlife resources. For this reason, it is our determination that a FWCA Planning Aid Letter, Memorandum, or similar Report is appropriate and ask for your concurrence. Please don't hesitate to call me if you have questions or would like to discuss further.

Sincerely,

Terry J. Birkenstock  
Deputy Chief, Regional Planning and  
Environment Division North

## 2.9 2018/07/27 – FWCA Coordination



## 2.10 2018/07/03 – Notice of Agency Meeting

**From:** Potter, David F CIV USARMY CEMVP (US)  
**To:** [Amy Spong \(amy.spong@state.mn.us\)](mailto:Amy.Spong@state.mn.us); [Barbara Eggers \(blm\\_es\\_inquiries@blm.gov\)](mailto:Barbara.Eggers@blm-es.inquiries@blm.gov); [Cam Sholly \(cam\\_sholly@nps.gov\)](mailto:Cam.Sholly@nps.gov); [Charles Zelle \(charlie.zelle@state.mn.us\)](mailto:Charles.Zelle@state.mn.us); [Christopher Vick \(cvick@usbr.gov\)](mailto:Christopher.Vick@usbr.gov); [Debra Lohmeyer \(debra.lohmeyer@state.mn.us\)](mailto:Debra.Lohmeyer@state.mn.us); [James Fallon \(jfallon@usgs.gov\)](mailto:James.Fallon@usgs.gov); [Jason Boyle](mailto:Jason.Boyle); [Jim Brist \(jim.brist@state.mn.us\)](mailto:Jim.Brist@state.mn.us); [John Stine \(john.stine@state.mn.us\)](mailto:John.Stine@state.mn.us); [John Zygaj \(john.zygaj@ferc.gov\)](mailto:John.Zygaj@ferc.gov); [john anfinson@nps.gov](mailto:john.anfinson@nps.gov); [Jori Taylor \(taylor.jori@epa.gov\)](mailto:Jori.Taylor@epa.gov); [Katharine Dahm \(kdahm@usbr.gov\)](mailto:Katharine.Dahm@usbr.gov); [Kathleen Kowal \(kowal.kathleen@epa.gov\)](mailto:Kathleen.Kowal@epa.gov); [Ken Westlake \(westlake.kenneth@epa.gov\)](mailto:Ken.Westlake@epa.gov); [Lea Holter \(lea.holter@mn.usda.gov\)](mailto:Lea.Holter@mn.usda.gov); [Mary Boler \(mboler@mplspha.org\)](mailto:Mary.Boler@mplspha.org); [Mike Davis](mailto:Mike.Davis); [Patricia Olby \(patricia.olby@bia.gov\)](mailto:Patricia.Olby@bia.gov); [Patrick Phenow \(patrick.phenow@state.mn.us\)](mailto:Patrick.Phenow@state.mn.us); [Pelloso, Elizabeth](mailto:Pelloso.Elizabeth); [Peter Fasbender \(peter.fasbender@fws.gov\)](mailto:Peter.Fasbender@fws.gov); [Richard Balsano \(richard.balsano@gsa.gov\)](mailto:Richard.Balsano@gsa.gov); [Robert Tippet \(robert.tippet@cgauxnet.us\)](mailto:Robert.Tippett@cgauxnet.us); [Sarah Beimers \(sarah.beimers@state.mn.us\)](mailto:Sarah.Beimers@state.mn.us)  
**Cc:** [Bischoff, Nanette M CIV USARMY CEMVP \(US\)](#); [Mesko, Rachel C CIV USARMY CEMVP \(US\)](#); [Bluhm, Kevin W CIV USARMY CEMVD \(US\)](#)  
**Subject:** July 19th USAF/LSAF/LD 1 Disposition Study - Agency Meeting Details and RSVP info (UNCLASSIFIED)  
**Date:** Tuesday, July 3, 2018 1:57:00 PM  
**Attachments:** [Disposition Study Agency Meeting 071918.pdf](#)

CLASSIFICATION: UNCLASSIFIED

All:

Please see attached for information on this upcoming meeting. We are asking you to RSVP as indicated in the attachment.

David Potter, Biologist  
U.S. Army Corps of Engineers, St. Paul District  
180 5th Street East  
St. Paul, Minnesota 55101  
Tel: 651.290.5713

CLASSIFICATION: UNCLASSIFIED



## 2.11 2018/06/29 – Federal Register Notice – Notice of Intent



Federal Register / Vol. 83, No. 126 / Friday, June 29, 2018 / Notices

30705

*Affected Public:* Individuals or Households; Business or other for-profit.  
*Annual Burden Hours:* 7,333.  
*Number of Respondents:* 44,000.  
*Responses per Respondent:* 1.  
*Annual Responses:* 44,000.  
*Average Burden per Response:* 10 minutes.  
*Frequency:* On Occasion.

Dated: June 26, 2018.

Aaron T. Siegel,  
Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. 2018-14076 Filed 6-26-18; 8:45 am]

BILLING CODE 5001-06-P

### DEPARTMENT OF DEFENSE

#### Department of the Army, Corps of Engineers

**Intent To Prepare a Draft NEPA Document for the Upper St. Anthony Falls Lock and Dam, Lower St. Anthony Falls Lock and Dam, and Lock and Dam 1 Disposition Study, Hennepin and Ramsey Counties, Minnesota**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent to initiate public scoping and prepare an Environmental Assessment (EA).

**SUMMARY:** The St. Paul District, Army Corps of Engineers (MVP) is conducting a study regarding the disposition of the Upper St. Anthony Falls Lock and Dam, Lower St. Anthony Falls Lock and Dam, and Lock and Dam 1 located in the Upper Mississippi River, Hennepin and Ramsey Counties, Minnesota. The study will include an environmental assessment and consider opportunities regarding deauthorization and disposal of any or all of the three lock and dam sites. The study will evaluate two primary alternatives: (1) No action; and, (2) deauthorization by Congress of the Federal missions at the sites and disposal according to Federal law. Deauthorization would include portions of the Mississippi River 9-foot navigation channel and the lands and structures associated with each lock and dam site. It is anticipated that a draft report of the integrated Disposition Study and Environmental Assessment (EA) will be available for a 30-day public comment period in the Spring of 2019. The St. Paul District of the Army Corps of Engineers is soliciting public comments on the proposed study, potential interest in future ownership if disposal of the properties is warranted, and substantive issues that should be analyzed in the EA.

#### DATES:

*Scoping Meetings:* MVP will hold public scoping meetings at the following times and locations during the scoping period:

■ Monday, July 16th from 6:00 p.m. to 8:00 p.m. at the Mill City Museum, 704 South Second Street, Minneapolis, Minnesota 55401.

■ Tuesday, July 17th from 6:00 p.m. to 8:00 p.m. at the Highland Park Senior High School Auditorium, 1015 Snelling Avenue South, St. Paul, Minnesota, 55116.

At the scoping meetings, the public is encouraged to submit resource information, and identify topics to be considered in the development of the EA. Written and oral comments will be accepted at each meeting.

*Comments:* MVP will accept comments received or postmarked on or before August 20, 2018. Any comments that we receive after the closing date may not be considered.

**ADDRESSES:** Comments may be submitted by one of the following methods:

*Email*—Written comments should be sent to: [MplsLocksDisposition@usace.army.mil](mailto:MplsLocksDisposition@usace.army.mil).

*Mail/Courier*—Written comments should be sent to: District Engineer, U.S. Army Corps of Engineers St. Paul District, ATTN: Regional Planning and Environment Division North, 180 Fifth Street East, Suite 700, St. Paul, Minnesota 55101-1678.

*Comment Card*—Comment cards provided as part of the public meetings will be collected at the end of the meeting or can be mailed to the address in the MAIL/COURIER section above.

If submitting comments by email, the following should be included in the subject line or first line of the message: "USAF, LSAF, L/D 1 Disposition Study Comments".

**FOR FURTHER INFORMATION CONTACT:** To have your name added to a mailing list for notices related to the draft report and EA or additional public meetings, submit an email request to [MplsLocksDisposition@usace.army.mil](mailto:MplsLocksDisposition@usace.army.mil).

General questions about the study may be directed to Nan Bischoff, Project Manager, U.S. Army Corps of Engineers, St. Paul District, 180 Fifth Street East, Suite 700, St. Paul, MN 55101-1678; telephone (651) 290-5426; email: [Nanette.m.bischoff@usace.army.mil](mailto:Nanette.m.bischoff@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The St. Paul District, Army Corps of Engineers (MVP) operates the Upper St. Anthony Falls Lock and Dam (USAF), Lower St. Anthony Falls Lock and Dam (LSAF), and Lock and Dam No. 1 (L/D 1), located on the Mississippi River in

Minneapolis and St. Paul, Minnesota. MVP also maintains the navigation channel in proximity to these dams which involves periodic dredging. Section 2010 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), dated 10 June 2014, directed that USAF be closed within one year of the date of enactment of the Act, but did not deauthorize USAF. Prior to the closure of USAF, the three locks operated as a system to support navigation on the upper reaches of the Mississippi River 9-foot navigation channel. With the lock at USAF now closed to navigation, the demand for both commercial and recreational lockage has decreased due to the navigational disconnect in the Mississippi River at USAF. Deauthorization and disposal of one or more of the three sites may be warranted if the sites are deemed to not be fulfilling their authorized purposes. Deauthorization would also preclude maintenance activities of the navigation channel in proximity to these dams. The current authorized purposes are navigation and recreation.

Section 216 of the Flood Control Act of 1970 authorizes the Secretary of the Army to review operations of completed projects, when found advisable due to changed physical, economic, or environmental conditions. Disposition studies are a specific type of Section 216 study with the intent to determine whether a water resources development project operated and maintained by the Corps of Engineers should be deauthorized and the associated real property and Government-owned improvements disposed of. An Initial Appraisal (IA) was conducted by the Corps in 2015 to determine if conditions exist which may warrant further analysis on a completed project as authorized by Section 216. The IA recommended investigation under this authority regarding the future use or disposition of USAF, LSAF, and L/D 1.

The purpose of the Disposition Study is to determine what federal interest exists to retain USAF, LSAF, and/or L/D 1 for its authorized purpose(s) based on an evaluation and comparison of the benefits, costs, and impacts (positive and negative) of continued operation, maintenance, repair, replacement, and rehabilitation, compared to the deauthorization and disposal of the associated real properties. The Disposition Study ends when the final report is transmitted to the Corps of Engineers' Headquarters Office for review and processing of recommendations. Deauthorization would require Congressional Approval.



In accordance with the National Environmental Policy Act of 1969 (NEPA), an Environmental Assessment (EA) for this study is anticipated and will be prepared by MVP. The study will broadly evaluate two primary alternatives: (1) The no action; and, (2) deauthorization by Congress of the Federal navigation-related missions at the sites and disposal of the properties according to Federal law.

Deauthorization would include portions of the Mississippi River 9-foot navigation channel associated with each lock and dam site. MVP is soliciting public comments on the scope of the EA and significant issues that should be addressed. MVP will also accept comments related to potential new ownership and management measures.

Two public scoping meetings are planned as discussed in the **DATES** section above. The primary purpose of these meetings is to provide a general understanding of the background of the proposed action and to solicit suggestions and information on the scope of issues to consider in the EA.

Written and oral comments will be accepted at the meetings. Comments can also be submitted by the methods listed in the **ADDRESSES** section. Once the draft EA is complete and made available for review, there will be additional opportunity for public comment.

Persons needing reasonable accommodations in order to attend and participate in the public scoping meetings should contact the person listed under the **FOR FURTHER INFORMATION CONTACT** section as soon as possible. In order to allow sufficient time to process requests, please make contact no later than one week before the public meeting.

Written comments, including email comments, should be sent to MVP at the address given in the **ADDRESSES** section of this Notice. Comments should be specific and pertain only to the issues relating to the action and the anticipated EA. MVP will include all comments in the project record.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—will be publicly available. While you can ask in your comment to have your personal identifying information withheld from public review, MVP cannot guarantee that we will be able to do so.

All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be

available for public review to the extent consistent with applicable law.

Dated: June 13, 2018.

**Terry J. Birkenstock**,  
Deputy Chief, Regional Planning and  
Environment Division North.  
(FR Doc. 2018-14070 Filed 6-28-18; 8:45 am)  
BILLING CODE 3720-58-P

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Notice of Intent To Adopt U.S. Bureau of Reclamation's December 2015 Final Environmental Impact Report/Environmental Impact Statement/Environmental Impact Statement, Prepare Corps Record of Decision, and Reimburse the Sponsor for the Upper Truckee River and Marsh Restoration Project, City of South Lake Tahoe, El Dorado County, CA

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.  
**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps), Sacramento District, intends to adopt the Bureau of Reclamation's (BOR) December 2015 Final Environmental Impact Report (FEIR)/Final Environmental Impact Statement (FEIS)/Final Environmental Impact Statement (FEIS) for the Upper Truckee River and Marsh Restoration Project and prepare its own Record of Decision (ROD) after the public review period for this Notice of Intent ends. The Corps will use its Tahoe Section 108 program authorization for participation in the restoration activities by reimbursing the California Tahoe Conservancy (CTC), the local sponsor, for final design, construction, and other applicable activities falling under the authorization. During final design and construction, the Corps will serve as the lead Federal agency for compliance with the National Environmental Policy Act (NEPA), and CTC will serve as the lead agency for compliance with the California Environmental Quality Act (CEQA) during the final design and construction activities if designs need to be modified or the river moves from its current alignment prior to design and construction. In the December 2015 Final EIR/EIS/FEIS, the analysis for this ecosystem restoration project evaluated five alternatives to restore aquatic and riparian values and functions on the Upper Truckee River's marsh area near its terminus at Lake Tahoe, South Lake Tahoe in El Dorado County, CA with selection of a preferred alternative to be

constructed. The Corps has reviewed the draft and Final EIR/EIS/FEIS to ensure that all NEPA requirements have been met.

**DATES:** Written comments regarding the scope of the Corps adoption of the BOR's FEIR/FEIS/FEIS, preparation of the Corps ROD, and reimbursement to CTC should be received by the Corps on or before July 30, 2018.

**ADDRESSES:** Send written comments and suggestions to Mr. Mario Parker, Biological Sciences Study Manager, U.S. Army Corps of Engineers, Sacramento District, 1325 J Street, Sacramento, CA 95814, or email him at [mario.g.parker@usace.army.mil](mailto:mario.g.parker@usace.army.mil), or telephone (916) 557-6701, or fax (916) 557-7856.

#### SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* The Corps in cooperation with the non-Federal sponsor, the CTC, proposes to adopt the BOR's December 2015 FEIR/FEIS/FEIS, prepare its own ROD, and reimburse CTC on the final design and construction of the restoration features at the Upper Truckee River and Marsh Restoration Project in South Lake Tahoe, in El Dorado County, CA. Reimbursement for the construction of the ecosystem restoration project is authorized by the Tahoe 108 program authority, which is Section 108 of the Energy and Water Development Appropriations Act, 2005 (Division C of the Consolidated Appropriations Act, Pub. L. 108-447). The relevant authority from the 2005 Consolidated Appropriations Act excerpted is stated below:

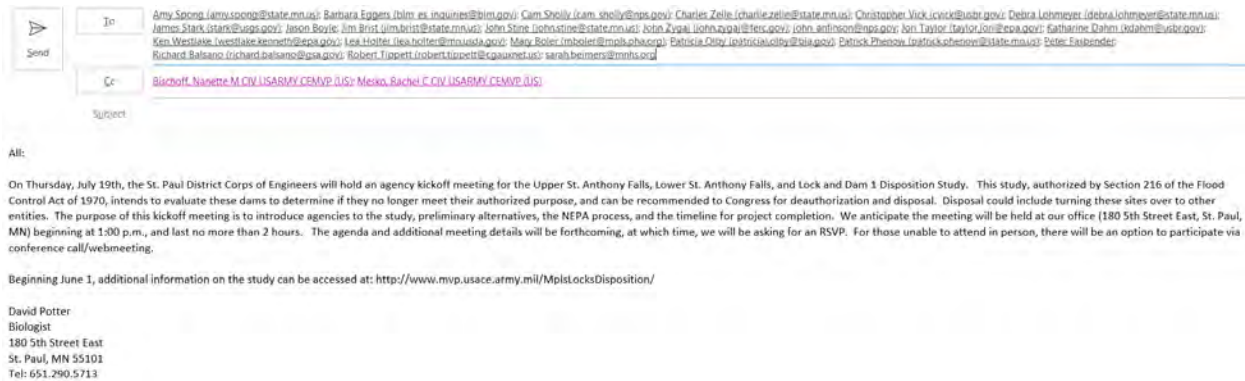
Sec. 108. Lake Tahoe Basin Restoration, Nevada and California. (a) Definition.—In this section, the term "Lake Tahoe Basin" means the entire watershed drainage of Lake Tahoe including that portion of the Truckee River 1,000 feet downstream from the United States Bureau of Reclamation dam in Tahoe City, California.

(b) Establishment of Program.—The Secretary [of the Army] may establish a program for providing environmental assistance to non-Federal interests in Lake Tahoe Basin.

(c) Form of Assistance.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Lake Tahoe Basin, which could include the following:

- (1) Urban stormwater conveyance, treatment and related facilities;
- (2) watershed planning, science and research;
- (3) environmental restoration; and
- (4) surface water resource protection and development.

## 2.12 2018/05/25 – Agency Kickoff Meeting Save the Date Notice



### **3 Incoming Coordination**

#### **3.1 Minnesota Department of Natural Resources**

##### **3.1.1 2021/03/18 – Comments on January 2021 Draft Report**

Office of the Regional Director  
DNR Central Region Headquarters  
1200 Warner Road  
St. Paul, MN 55106

Transmitted by Email

March 18, 2021

Nan Bischoff  
U.S. Army Corps of Engineers St. Paul District  
ATTN: Regional Planning and Environment Division North  
180 5<sup>th</sup> St. E., Suite 700  
St. Paul, MN 55101

Dear Ms. Bischoff:

Thank you for the opportunity to review the US Army Corps of Engineers' (USACE's) Upper St. Anthony Falls Disposition Study (DS). The Minnesota Department of Natural Resources (DNR) recognizes the need for the DS, given that the primary federal project purpose of navigation has ended at the Upper St. Anthony Falls Lock and Dam (USAF). We also recognize, however, that the end of navigation through USAF does not end the federal interest in, and responsibilities related to, future uses of USAF.

We offer our comments regarding the DS, and its Tentatively Selected Plan (TSP) of complete deauthorization and disposal, in the context of the DS's limited scope. Most notably, the DS is focused exclusively on the USAF, per Congressional directive, and the TSP does not identify a potential owner, sponsor, or partner for the disposition. After completion of the DS, it is quite likely that any future proposed modifications to or new uses of the USAF will need to be evaluated separately through formal environmental review. With these considerations in mind, the DNR respectfully submits the following comments for your consideration:

**USAF Disposition Study Comments**

*Unknown Potential Future Owners and Use*

1. The DNR is concerned that the TSP does not include any details about potential owners and how they might use the facility, or what the next step would be if no interested party comes forward. Of even more concern, the TSP does not include any criteria by which the capacity and suitability of a potential owner would be evaluated. Given the complex and extensive public and private infrastructure in the area, this failure to identify eligibility criteria is troubling and renders the TSP far from "an acceptable and complete plan." Rather, with this level of analysis, we view the TSP as an idea that would require considerable further detail to evaluate. MNDNR.1  
MNDNR.2  
MNDNR.3
2. The DS does not explore if or how the operating plan for the tainter gate has been evaluated with regard to passage of invasive carp. How the tainter gate is managed has significant implications for the risk of invasive carp bypassing the falls during flood events. Passing this responsibility to a future owner when the risk is not evaluated in the DS, or without operating sideboards to limit risk, would greatly concern the DNR. MNDNR.4

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3. The DS does not clearly detail how transfer of flood operations responsibilities to a potential new owner would work. The DS should describe how the USACE will evaluate a potential new owner's ability to adequately sustain this function. MNDNR.5
4. The DS should articulate how the USACE would evaluate a potential new owner's ability to adequately maintain the facility, so as to not compromise the integrity of the St. Anthony Falls Dam (owned by Xcel Energy) that is integral to Minneapolis water supply intakes, and to the stability of the river channel for many miles upstream. MNDNR.6

#### *Other DS Comments*

5. DNR suggests adding the following to the first paragraph on p. 77, Water Quality: "The separation of the combined sewers in the Twin Cities during the 1980s and 1990s stopped the flow of raw sewage into the Mississippi River. The separation of the combined sewers had a large, positive impact on the water quality of the Mississippi River." MNDNR.7
6. Pp. 95-96, Environmental Justice. This section states that "the proposed action is not anticipated to disproportionately affect environmental justice," based on USACE's conclusion that the study area does not constitute an environmental justice population and the proposed action would not physically alter the environment. Notably, this section does not consider or address how potential actions of a future owner could influence equitable access to the river. Equitable access for people to the river and its ecological, economic, cultural, and historic significance is important to public welfare, and there is an opportunity for positive change that is not explored in the DS. A project proposed by Friends of the Falls, in cooperation with the Native American Community Development Institute, has received \$2.8 million in Legislative-Citizen Commission on Minnesota Resources (LCCMR) grant funding that provides an opportunity to acknowledge and educate the greater community on the historic and cultural significance of Owámniyomni (St. Anthony Falls) to the Dakota people. MNDNR.8

#### *Disposition Study Scope*

7. In Section 1225 of WRDA 2018, Congress directed USACE to complete a report on the disposition of USAF separately from reports for Lower St. Anthony Falls (LSAF) and Lock and Dam 1 (LD1). Unfortunately, the resulting document is limited in scope and does not address the broader context, range of potential options, and full suite of environment, resource, legal, recreational, economic, social, and institutional factors that should be considered in planning the future of this interconnected federal infrastructure that has profoundly shaped the Mississippi River through Minneapolis and St. Paul. MNDNR.9

#### *Comments for Future Owners*

8. Potential owners should be aware that activities affecting the land and infrastructure covered by the DS are subject to Minnesota law and may need state agency permits and approvals. We invite interested parties to consult with DNR regarding state requirements under our jurisdiction that are relevant to their contemplated use. Similarly, we strongly encourage any entity(ies) that ultimately assumes ownership to include DNR early in their planning efforts. The remaining points in this section provide interested parties with a non-exhaustive list of potential regulatory issues under DNR's jurisdiction. MNDNR.10
9. A DNR Public Waters Work Permit and/or DNR Water Appropriation Permit could apply to future owner activity, depending on the nature of the project, at the USAF location. For example, it is possible that an entity proposing to develop hydropower at USAF would need a DNR Water Appropriation Permit. A DNR permit can be applied for using the [MNDNR Permitting and Reporting System](#).
10. There are several State and Federally listed species in the area of USAF that could be affected by some potential uses of the USAF project area. These include: multiple mussel species, peregrine falcons, bat colonies, and the

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rusty-patched bumble bee. As always with listed species protection, the DNR first works with regulated parties to identify opportunities to avoid impacts and subsequently, if needed, determines mitigation requirements. The DNR recommends that future owners request a [Natural Heritage Information System](#) (NHIS) data review as soon as possible to begin this coordination.

MNDNR.11

11. The Mississippi River is a state-designated water trail administered by the DNR. In this capacity, the DNR seeks to maintain recreational corridor connectivity with the state water trail and portage routes. When the USAF and LSAF locks were closed, the City of Minneapolis and DNR worked together to create and sign a portage around the areas for non-motorized paddlers traversing the Mississippi River. Following any disposition of USAF, DNR will want to ensure that a safe, sustainable, and easily used portage stays in place, and to potentially look at other public water access options for motorized watercraft.

MNDNR.12

#### Future LSAF and LD1 Disposition Studies

Consistent with WRDA 2018, Section 1168(a), DNR anticipates that the disposition study(ies) for LSAF and LD1 will "consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project or separable element of a project." While it flows through a heavily developed urban area, this section of the Mississippi River retains tremendous natural and recreational resources in its current state and also presents significant potential for restoration and enhancement. There are diverse and strongly held interests in the future of the Mississippi River through Minneapolis and St. Paul, and it is essential that the future disposition study(ies) employ a robust and transparent approach to identifying and assessing a full range of alternatives. A decision to remove or modify any structure should be based on a full examination of the environment, natural resource, legal, recreational, economic, social, and institutional impacts and consideration of long-term costs and benefits.

MNDNR.13

Thank you again for the opportunity to review the USAF Disposition Study. The DNR looks forward to further discussion on the future of this critically important section of the Mississippi River.

Sincerely,



Grant L. Wilson  
Central Region Director

Minnesota Department of Natural Resources  
1200 Warner Road  
St. Paul, MN 55106  
Phone: 651-259-5635  
Email: [Grant.Wilson@state.mn.us](mailto:Grant.Wilson@state.mn.us)

CC: Col. Karl Jansen, U.S. Army Corps of Engineers, St. Paul District  
Barb Naramore, DNR Deputy Commissioner  
Katrina Kessler, MPCA Assistant Commissioner  
Andrea Vaubel, MDA Deputy Commissioner

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Dan Huff, MDH Assistant Commissioner  
Patrick Phenow, MnDOT Ports and Waterways  
Ann Pierce, DNR Ecological and Water Resources Acting Director  
Dan Lais, DNR Ecological and Water Resources Central Region Manager  
Liz Harper, DNR Ecological and Water Resources Central Region Assistant Manager  
Melissa Collins, DNR Regional Environmental Assessment Ecologist  
Megan Moore, DNR Mississippi River Coordinator



## 3.2 Minnesota State Historic Preservation Office

### 3.2.1 2021/03/18 – Comments on January 2021 Draft Report



March 18, 2021

District Engineer  
St. Paul District, Corps of Engineers  
ATTN: Regional Planning and Environment Division North  
180 Fifth Street East, Suite 700  
Saint Paul MN 55101-1678

RE: Upper St. Anthony Falls Lock and Dam Disposition Study Draft Report  
Minneapolis, Hennepin County  
SHPO Number: 2018-2529

To Whom It May Concern,

Thank you for the opportunity to review and comment on the *Upper St. Anthony Falls Lock and Dam, Section 216 Disposition Study, Draft Integrated Disposition Report and Environmental Assessment* (December 2020, Revised January 2021). It is our understanding that the Draft Study/EA integrates the results of your agency's deauthorization and disposition study as well as an Environmental Assessment (EA) of potential disposition alternatives in accordance with your agency's responsibilities under the National Environmental Policy Act (NEPA).

In addition to reviewing the Draft Study/EA, our office also appreciated the opportunity to participate in the virtual Agency Meeting that the St. Paul District, Corps of Engineers (Corps) hosted on February 24, 2021.

By letter dated February 26, 2021 from Jonathan Sobiech, Corps Deputy Chief, your agency has initiated consultation with our office regarding the disposition study and expected conveyance of the Upper St. Anthony Falls Lock and Dam (USAF) facility out of federal ownership pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800).

It is generally recommended in 36 CFR Part 800 and recognized guidance from the Advisory Council on Historic Preservation, that the Section 106 process is initiated early in the federal planning process so that a broad range of alternatives may be considered and consulted upon by all parties. We trust that the preparation and release of the Draft Study/EA, which includes the identification of a preferred federal action and an environmental impact assessment for the action per NEPA, does not preclude the opportunity for meaningful consultation of all potential federal undertaking alternatives under Section 106 of the NHPA.

Now that the Section 106 review has been initiated concurrent with the public review of the Draft Study/EA, and because we anticipate a robust and comprehensive consultation process for the proposed federal undertaking involving not only our office, but many other consulting parties, including Native American tribes, and the general public, comments provided at this time are considered at a high level responsive to information pertaining to agency responsibilities under Section 106 and the regulations as presented the Draft Study/EA.

#### Section 5.13 Cultural Resources

This section provides an excellent overview of the history of the St. Anthony Falls area and the historic context associated with navigation on the Mississippi River, including the planning and construction of the USAF to facilitate extension of river navigation upstream of the falls in the mid-20<sup>th</sup> century.

As noted in this section, although the property post-dates the currently designated Period of Significance, the USAF is located within the Saint Anthony Falls Historic District which is listed in the National Register of Historic Places (NRHP). Also,

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#### MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287 [mn.gov/admin/shpo](http://mn.gov/admin/shpo) ■  
[mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

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the USAF has been previously determined eligible for listing in the NRHP as an individual historic property and as a contributing element to the Saint Anthony Falls Locks and Dams Historic District, the latter a historic property determined eligible for listing in the NRHP as part of a previous federal review. Due to the relative age of previous evaluations and determinations made for the USAF by your agency or as part of other federal undertakings of differing magnitude and degree of federal involvement, we anticipate the Section 106 review process will likely involve reexamination of earlier NRHP-eligibility determinations for the USAF in order to account for the passage of time, changing perceptions of significance, or incomplete prior evaluations.

MNSHPO.1

Section 5.13.2 very generally references potential outcomes of the Section 106 process if full or partial disposition of the federal property is determined to be the only feasible alternative. This section also primarily references potential adverse impacts to the USAF, which we agree is certainly important, but it does not discuss potential adverse impacts – direct, indirect, or cumulative – to other historic properties.

MNSHPO.2

#### Section 7.5 National Historic Preservation Act of 1966

The overview of your agency's responsibilities under Section 106 of the NHPA and 36 CFR Part 800 is summarized in this section. As mentioned above, the Section 106 consultation has now been formally initiated by your agency per Mr. Sobiech's February 26<sup>th</sup> letter to our office. To clarify, per Section 106 regulations, your agency is responsible for consulting with the entities listed on page 94, as well as other parties (individuals or groups) with a demonstrated interest in the undertaking's effects on historic properties.


MNSHPO.3

Considering the fact that the Section 106 consultation has only very recently been formally initiated, and only with our office at this point, we believe it is misleading to state in the final sentence of this section that the proposed action, which we understand is Alternative 1a (full deauthorization and disposal of the federal property), is in "partial compliance with this a law." We do not understand, and do not believe that there is a regulatory precedent for, what your agency considers "partial compliance" with Section 106 which requires, prior to approval of a proposed undertaking, that the federal agency to take into account the potential effects of the undertaking on historic properties and afford consulting parties and the public the opportunity to review and comment on documented findings and determinations in this regard.

MNSHPO.4

We look forward to continuing consultation with your agency and other parties regarding this significant federal undertaking. Please feel free to contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us) if you have any questions regarding this comment letter.

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

Cc via email:

Brad Perkl, Corps Archaeologist

### 3.3 National Park Service

3.3.1 2021/05/24 - Meeting with NPS

## 4 Upper St. Anthony Falls Lock and Dam Disposition Study Informal Meeting with National Park Service

Monday, May 24<sup>th</sup>, 1300 on Digital Platform WebEx

### Meeting Notes

#### Attendees:

**USACE:** Jonathan Sobiech, Bradley Perkl, Susan Malin-Boyce, Katie Leslie (Note Taker), David Potter, Sierra Keenan

**NPS:** Craig Hansen, Daniel Ott, Alan Robbins-Fenger

#### Meeting:

**Bradley Perkl:** In reviewing the letter from the Park Service, a lot of the issues that were brought up concerning Section 106 have been partially alleviated. This study was difficult to look at for the EA and NEPA process. The Corps formally started the Section 106 process in February with the tribes and the SHPO. Informally for years with John Anfinson, your predecessor. We started that, and the formation of the Section 106 Working Group, and obviously NPS is going to be a big part of that. The meeting is set for 1 June from 10 to 12, and we will send out minutes.

There was a meeting last week with the tribes and that went well, well we had some technical problems, but went pretty well. They were initial talks with more to follow.

**Craig Hansen:** Appreciate the update on where you all sit in the Section 106 process. Thought reaching out through Dan if we could have this conversation, you know as agencies, before there are 36 other people in the room. As you know, we have the ability to protect things in the corridor, and the ability to provide our assistance, so it's important that we have this conversation. What are we thinking on the Section 106 process?

**Daniel Ott:** Thanks for putting this together. More or less we are really glad we are starting Section 106 and getting a Working Group together. We are just really mindful of that fact that the Lock is in the middle of a whole mess of properties that are historically significant. There is a lot going on there. During your process, we want to ensure cultural properties are protected. As soon as you get a bunch of non-Federal people in the discussion, you will lose a lot of meaningful dialogue. I am interested in how you

will handle that? We are also looking for opportunities not only to be part of the Section 106 process, but to avoid large, sweeping, Section 106 effects. We are looking within our legislation to try and protect things more than simply through a restrictive covenant. We don't want to leave the door wide open for anyone to do anything that they want at the site. Where we want to be on it. To be able to provide input outside of the public context. We want to cooperate, to tell you what to do, but still ensure that during this process you are taking the appropriate resource concerns into account.

**Craig Hansen:** Congress afforded us the ability to provide additional protections. With this ability we need to be able to make meaningful critiques.

**Susan Malin-Boyce:** How would you like to see this expressed? If a PA is an appropriate solution under WRDA 2020, would you see yourself as possible signatories?

**Daniel Ott:** I would love for us to be signatories and to be involved in this process, like we have done with other programs. There are instruments that we are both familiar and comfortable with that can help guide and protect cultural resources. We can build language into future restrictive covenants. There are instruments that we have used in the past that can be used in this setting.

**Susan Malin-Boyce:** That is part of the reason we want you to participate at this level. Do you think your ideas may differ from those of the SHPO? That's what I want to flesh out.

**Daniel Ott:** Differences of opinion happen pretty frequently. As such, we are trying to get expectations up in front, so we don't encounter roadblocks later.

**Jonathan Sobiech:** What are the chances that the Park is going to want the site?

**Daniel Ott:** Zero.

**Craig Hansen:** We are not going to be taking any more property into ownership. We are working with other agencies to uphold the significant values in this corridor, but not being the agencies sort of doing it. We are doing it through coordination rather than ownership.

**Jonathan Sobiech:** I had to ask!

**Craig Hansen:** It would be a large burden to place on the rest of our operation. There is an important role we can play as a cooperator, and hopefully be helpful to the Corps in both the short and long term moving forward.

**Susan Malin-Boyce:** You had asked how we envision the Working Group. We see it as a rather large, comprehensive listening session. Sierra Keenan will act as our facilitator, and Bradley Perkl will present the cultural resource concerns, interests, and complications. We will then go around and ask each consulting party to tell us, in a couple minutes,

what their interest is, and what their vision may be for the property. We are starting by gathering this information to better inform what a realistic mitigation may look like for disposed properties. Also, to gauge the appetite for change within the group. This would enable us to figure out which direction to move in, who is going to be participants, and to better understand any opposition.

**Craig Hansen:** I understand, that makes sense to me.

**Daniel Ott:** Most of these stakeholders don't know the Section 106 process, so this will spin into a variety of different things. It will be important that this plan respects the existing cultural landscape. A TCP makes sense as a lot of good thought have already been put into this. We are just making sure we are doing appropriate property management.

**Susan Malin-Boyce:** One of our concerns is how to address the process, as we do have a project with two components. The disposition study, but also WRDA 2020. WRDA 2020 is explicit in what it

directs us to do, so we may not have a one size fits all, as they also need to track with NEPA. If NEPA ends up being split, so will cultural resources. We may end up with both a PA and an MOA, so I think navigating that in conjunction with our agency and SHPO is the first problem we need to begin addressing.

**Daniel Ott:** This makes sense on a preliminary level. To me, what makes sense is a PA that applies to every particular undertaking on that campus. That would make sense in my experience. If you would come up with a different instrument, we are open to whatever that is. We just want to make sure we are included beyond just being another consulting party and are able to provide meaningful consultation. I don't think any PA you may already have has to be overly detailed, we just need to follow the process for any particular undertaking and provide room as a signatory.

**Susan Malin-Boyce:** Treating this as a campus with multiple components under a PA would have value.

This might provide us significant latitude to have both properties as defined under WRDA and the Disposition study under the same PA, but still go separate paths.

**Daniel Ott:** If you do the campus approach PA it will also take care of the NEPA part. Generally, this is a very particular structure and pretty difficult to reuse. Plans would still have to fit under SOI standards. We are concerned that people are going to install something like a big Ferris wheel, so we are interested in designs with a compatible use but are not trying to be Draconian.

**Bradley Perkl:** Concur, we want to make sure things are still protected once they leave federal control. Once we see what types of documents are need, we will definitely share the language with you guys to get your thoughts. There is a lot of pressure to have the



conveyance to the City be done quickly, but we still don't have their request. If we need a historic covenant perhaps NPS could be a holder of that. We will need to stay in communication and make sure everyone knows what is going on, and what the other parties think. Not going to cut you guys out of the loop.

**Daniel Ott:** We appreciate you saying that. There is a lot of pressure around this, with Congressional action creating difficult situations all we can do is cooperate and collaborate, like we already are. We would like to be useful allies in this process.

**Bradley Perkl:** The initial meeting is set for 1 June.

**Craig Hansen:** Fine with Daniel Ott taking the lead with you moving forward.

**Bradley Perkl:** The response to your letter was initiated. What is the status?.

**David Potter:** We had started a draft assuming a formal incompatibility determination by NPS, but recently, our legal counsel opined the letter was not a formal determination by NPS. Can NPS clarify the 704 process?

**Craig Hansen:** Our take was that this was an opportunity to provide comments to the draft in an attempt to avoid incompatibility. Our comments were the same as in 2018 and 2019

**Alan Robbins-Fenger:** Within the 704 process there is room for interpretation. We provided comments to the draft, but if the issues don't change, it will go to Congress that it is incompatible. There is nothing saying you can't reissue your draft without correction.

**Craig Hansen:** One of our main comments was with the Section 106 process. Really though, we are charged with reviewing the document itself and not the process. When it comes to incompatibility, this is taking away those congressionally mandated abilities to protect these properties.

**David Potter:** In light of this, I believe a formal response to NPS would have limited value and would likely take time. A formal response letter would take a significant amount of time, include that of our leadership at the District and Division levels. We thought this meeting would suffice to alleviate your concerns.

**Daniel Ott:** Really, we are just looking for this level of involvement and cooperation.

**Craig Hansen:** The letter was just asking for that conversation

**David Potter:** We will incorporate the letter and may put this meeting into the coordination appendix.

**Daniel Ott:** We are more interested in meaningful conversation. We would prefer to just talk about these resources rather than forcing 60-day comment periods. Having

conversations about the unique powers of the NPS and how that is supposed to work here as it has with other projects.

**Alan Robbins-Fenger:** Moving forward with Section 106, you have responded to our comments and concerns in our letter, so I think we are okay.

**Daniel Ott:** Any other questions about our letter? I am perfectly happy to keep this dialogue with Dr. Bradley Perkl

**Susan Malin-Boyce:** You are still planning to attend the Section 106 Working Group, right?

**Daniel Ott:** Wouldn't dream of missing that! The more we work together, the better we can coordinate as a unified front.

**Susan Malin-Boyce:** People will be there who were part of the Crown Hydro process, so I do think we needed to extent this meeting to everyone with a specific preservation interest. I think for us to all be on the same page will be advantageous.

**Daniel Ott:** If you are interested, we could join you in a conversation with SHPO. We are more than willing to do that.

**Bradley Perkl:** That would be good. As this Working Group evolves, we do expect some groups to fall out and then we will have a smaller core group working on things. Lots of things have yet to unfold, but as long as we keep up the communication that should be of help. Dan and I can continue our efforts informally, then if needed, we can make things more formalized. All options are still on the table.

**David Potter:** The NPS letter also raised a concern with WRDA 2020 implementation guidance. I don't believe we are getting any. Nanette Bischoff tried, but we weren't successful. Another concern NPS identified was that the draft EA did not adequately address effects of property transfer and changes made to said properties under the new owner. We didn't do that because we don't have a clear vision for this and did not want to speculate. We are re-thinking this approach and may be able to provide some qualitative descriptions of effects in the final EA. I think those were the two main non-Section 106 issues in your letter.

**Alan Robbins-Fenger:** Thanks, that is a high level of concern for us, so thanks for letting us know you are going to incorporate those as best you can

**Daniel Ott:** We are okay. We do have some concerns, but we figure if the dam were to collapse like it did in 1869 you would still come and save the City of Minneapolis.

**Bradley Perkl:** I think Excel owns that, but more to follow on that one.

**Craig Hansen:** NPS certainly doesn't

**Craig Hansen:** It is super helpful to see faces and just to talk about this. Thanks for setting this up.

**Susan Malin-Boyce:** I think we have reached an understanding.

**Jonathan Sobiech:** Thanks for everyone's time, keep on keeping on!

**Bradley Perkl:** Appreciate everyone taking the time to get together and continuing to work through one of the more complicated projects out there. We are all working toward the right things.

**Meeting concluded.**

#### 4.1 2021/03/17 – Comments on January 2021 Draft Report



### United States Department of the Interior

NATIONAL PARK SERVICE  
Mississippi National River and Recreation Area  
111 E. Kellogg Blvd., Ste 105  
St. Paul, Minnesota 55101-1256

IN REPLY REFER TO:

1.A.1 (MISS)

March 17, 2021

District Engineer  
St. Paul District, Corps of Engineers  
180 Fifth Street East  
St. Paul, Minnesota 55101-1638  
ATTN: Regional Planning and Environment Division North,

Dear Colonel Jansen:

Thank you for the opportunity to comment on the Corps' Revised "Upper Saint Anthony Falls Lock and Dam Draft Integrated Disposition Report and Environmental Assessment" (Study). The Mississippi National River and Recreation Area (NRRRA) has previously commented on the USAF Lock and Dam Disposition planning effort on August 20, 2018, and October 18, 2019. Those comments are included in the Study's Appendix G, Coordination, and remain applicable.

The National Park Service (NPS) has reviewed the December 2020 (Revised January 2021) Study, and the Corps' Tentatively Selected Plan (TSP) described therein, in light of the Study's legislated purposes and under applicable environmental review legislation including the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and for compatibility with the Mississippi River and Recreation Area's congressionally-mandated Comprehensive Management Plan (CMP).

Importantly, NPS would note that under the current TSP, the Mississippi NRRRA would lose the special provisions and oversight granted to the park in its authorizing legislation provided in Public Law 100-696, as noted in our comment letter dated October 18, 2019. Further, the TSP could diminish key protections for the seven resource types Congress directed the NRRRA to protect and enhance. The NPS needs assurance that its ability to protect and enhance these nationally significant resources will not be lost or weakened by the TSP.

NPS.1

#### NHPA and Cultural Resources

The Study does not provide adequately substantial and specific provisions for preservation of nationally significant historic properties that would be foreseeably impacted by the Corps' TSP. As the Corps' has noted, the USAF Lock and Dam has multi-layered importance as a contributing property to several National Register of Historic Places designations, including the St. Anthony Falls Historic District, the Saint

NPS.2



Anthony Falls Lock and Dam Historic District, and the Upper Mississippi River 9-foot Navigation Project, as well as immediate proximity to the tribally-significant Falls. Additionally, the USAF Lock and Dam is positioned between two designated National Historic Landmarks, the Pillsbury A Mill and the Washburn-Crosby A Mill, which require a higher degree of protective consideration by the Corps under the National Historic Preservation Act of 1966, as amended. Any of these nationally and culturally significant properties, including the USAF Lock and Dam itself, could be directly adversely affected by disposal of the facility out of federal ownership by the complex's subsequent short and long-term redevelopment.

Towards that concern, the NPS does not concur with the Corps' Draft Finding of No Significant Impact (FONSI) for the Study overall, and particularly its NHPA Section 106 determination that the TSP would have "No Potential to Cause Effects on historic properties." It is reasonably foreseeable that any viable use of the property is predicated on redeveloping the site to serve a new function and potentially impacting historic properties. The USAF Lock and Dam can no longer serve its built function as a navigation structure and presents obvious, unique challenges for reuse "as-is." Under this circumstance and the requirements of the plan to be compliant with NHPA, NPS requests that the Corp's initiate Section 106 consultation, and postpone issuance of a NEPA determination, FONSI or otherwise, until effects of the disposal have been assessed and resolved under 36 CFR 800.

NPS.3

It is likely that development of a Programmatic Agreement for this disposal would be the most expedient tool for satisfying NHPA compliance requirements for this highly contingent planning process. In the event a PA is developed, the National Park Service: MNRRRA would request to be an invited signatory party, on account of the significance of the potentially impacted resources and our enabling legislation's direction to advocate for and protect nationally significant cultural resources within our Park, with special emphasis on coordinating with other federal agencies.

NPS.4

In addition to short-term preservation issues noted above, the Corps' TSP would cause the Mississippi NRRRA to permanently lose its federal level coordinated oversight of the property, as granted in the Park's enabling legislation. Loss of this oversight and shared commitment between the NPS and the Corps to protect the nationally significant values of the Mississippi NRRRA at the site, would allow a future non-federal owner of the property to disregard Congressionally-mandated cultural resource preservation considerations at the property. Such a loss, at such a historically significant and prominent location within the Mississippi NRRRA would have sweeping adverse ramifications upon the cultural resources at the USAF Lock and Dam itself as well as the surrounding historic properties and National Historic Landmarks for generations to come.

NPS.5

NPS requests that the Corps provide a suitable legal instrument that would create a comparable level of federal review and protection to that site if it leaves federal ownership, and to require future owners to manage the property in a manner which is compatible with the Mississippi NRRRA's CMP. NPS would be willing to collaborate with

NPS.6



the Corps to identify an appropriate preservation tool. We would suggest the Corps consider instruments which are similar to those provided in the General Service Administration's Historic Monument / Historic Surplus Property Program. This program provides for NPS oversight of federal surplus property in non-federal hands, creates a unique restrictive covenant which requires protection of character-defining historic features at those properties, and requires that all future development at the site follow the Secretary of Interior's Standards for the Rehabilitation Treatment of Historic Properties. Such specific tools and restrictions are crucial to guarding the nationally significant historic properties in and around the USAF Lock and Dam from reasonably foreseeable Adverse Effects should property leave federal ownership.

#### WRDA 2018 Section 1168

The Study does not adequately address the objectives of WRDA 2018 Section 1168 (a) to *"consider modifications that would improve the overall quality of the environment in the public interest."* The Study does state that *"As per Sections 1168 and 1225, it was not the objective of the study for the Corps to develop measures to enhance or improve recreation opportunities, the human environment and the natural environment, however, the TSP is conducive to the new owner and outside stakeholders developing the site to accomplish these objectives."* Without further provisions and restriction to define a potential new owner's development of the site towards the public interest, the Corps has not fulfilled the requirements of WRDA 2018 Section 1168 for the entire site. Its statement that public interest needs will be met is entirely speculative and it is well within your agency's authority to clearly define future uses of the site towards that end.

NPS.7

#### WRDA 2020

There is no basis for the Corps to state that the Study and TSP are fully compatible with WRDA 2020. The Corps has not yet developed or published guidance in the Federal Register on implementation of WRDA 2020. Given that alternatives are first defined by federal interest, guided by law, policy and guidance, and since that forthcoming guidance for WRDA 2020 has not yet been provided, the Study cannot categorically recommend Alternative 1a as the TSP. Moreover, there is no basis for the Corps, stakeholders, or the public to assess the "completeness" and "appropriateness" of the Study without that guidance, unless (and impossibly) the WRDA 2020 provisions and parcels are removed entirely from the scope of the Study.

NPS.8

#### Study Alternative Evaluation

The Study addresses four criteria upon which the alternative plans are screened: Completeness, Effectiveness, Efficiency and Acceptability. The TSP, Alternative 1A, as evaluated in the Study requires additional review and adjustment of its ratings as stated in Table 4-6.

- Completeness: The City of Minneapolis or designee is only interested in the adjacent land portions of the USAF L/D structure. Provisions of WRDA 2020



also give Minneapolis or designee additional access rights over and/or on the structure. This fact likely diminishes the utility and desirability of the remaining property and/or structure to have a viable purpose to a second ownership entity. The rating should address and reflect this fact.

NPS.9

- Effectiveness: A stated planning objective in the Study is to “*Support future visions for continued use of the USAF Lock and Dam by stakeholders and the public.*” The rating for the TSP indicates this alternative is compatible with future visions for the site. Formal public comment during scoping and comment on early drafts (Study Appendix G), open meetings, informal public comment and the initial directives of WRDA 2020 indicate that deauthorization and complete disposal with no future federal presence is not supported. Stating the TSP is highly, fully compatible for effectiveness appears incorrect.
- Efficiency: Related to the comments under Completeness, it is difficult to understand how a moderate rating can be applied since WRDA 2020 directs the most salient and meaningful portions of the USAF Lock and Dam area to Minneapolis or designee. This will make it much more difficult to attract an entity interested in the remaining structure without increasing a financial incentive significantly.
- Acceptability: As previously noted under Effectiveness, interested stakeholders from various agencies and local governments, non-profits organizations and the general public indicate dissatisfaction with any alternative that includes deauthorization and complete disposal. It is difficult to ascertain why Alternative 1A has received a high rating.

NPS.10

The Study Executive Summary states “*...successful implementation of the TSP depends on the identification of an entity to take ownership of the property.*” (pg. vi). With the limitations imposed by WRDA 2020 and the unknown implications of the yet-to-be issued Corps Headquarters guidance for implementation of WRDA 2020, it would appear a re-evaluation of the reasonableness of Alternative 1A as the TSP needs to be conducted.

NPS.11

The Study TSP includes deauthorization of the navigation mission and secondary recreational mission. The Study does not appear to evaluate the effects from deauthorization. There could be any number of environmental effects both positive and negative. For example, what would be the effects of increased shoaling/sedimentation in the river bed where the 9 foot channel would no longer be maintained? Would shoreline erosion increase or decrease? How would recreational activities be affected?

NPS.12

In summary, the TSP does not adequately incorporate the Corps’ directive legislation for disposing of the site, particularly the Water Resources Development Acts of 2018 and 2020. Additionally, the Corps’ Alternative Evaluation metrics which led to its identification of a TSP does not adequately address those relevant pieces of legislation and important pieces of guidance. NPS requests that the Corps reconsider its evaluation



metrics and the TSP by postponing its finalization until there is WRDA 2020 implementation guidance, or through further refinement of the alternatives, or the development of an additional alternative.

NPS.13

#### Draft FONSI

The Study states that “*each action alternative is a step towards realizing a different future vision for USAF, identifying the environmental effects of this would be largely speculative.*” (pg. 66) If such is the case, then stating in the Draft FONSI that the evaluated environmental resource effects of the TSP would be “unaffected by action” as noted in Table 1 is on its face also speculative. Especially considering that the portion of USAF Lock and Dam in which Minneapolis or designee may request, cannot be assessed for effect at this time. It is also unknown who or what is planned for the remaining areas that Minneapolis is not interested in. Making any assumptions at this time would indeed be speculative. Additionally, Table 1 seems to contradict a statement in the Draft FONSI. The statement reads “*Therefore this EA concludes no effects to any of the resources with the exception of cultural and historic properties.*” The information conveyed in the Table seems in direct conflict with this statement.

NPS.14

The Study under Section 7.1 (pg. 93) states “*The proposed action is in partial compliance with NEPA.*” It is not clear how a Draft FONSI can conclude “*...no significant impacts from this proposed action.*” It would seem if NEPA is not fully concluded and complete then issuing a Draft FONSI at this time stating “*The recommended plan is complete deauthorization and disposal combined with a monetary incentive to the transferee,*” would seem premature.

NPS.15

#### Other Compliance and Statute Reference

We would recommend that reference to the Mississippi NRRA enabling legislation Public Law 100-696 and the attendant Mississippi NRRA CMP Plan be considered as a relevant federal statute relating to federal actions within the NRRA’s 72-mile corridor. Mississippi NRRA’s CMP and review authority are important with respect to specific environmental protections which apply to all federal undertakings in the corridor.

NPS.16

#### Recreation

The Study under Section 5.16 attempts to identify the importance and abundance of recreational opportunities and resources within the USAF Lock and Dam vicinity. The interests and investments currently made and planned by the City, the Minneapolis Park and Recreation Board, Minnesota Historical Society, Minnesota Department of Transportation, the National Park Service, universities and colleges, neighborhood organizations, non-profit entities and private business are exceptionally significant and far reaching in this area. Even in its early planning stages the non-profit group, Friends of the Falls has secured \$2.8 million in funding from the State of Minnesota in addition to \$2.5 million of their own funding to advance the future development of the site. Minneapolis is committed to creating a “*...comprehensive, recreational, touristic, and*



*interpretive experience*" (pg. 87) in coordination with many partners and interests. The Study should recognize these already committed resources and efforts and address how the TSP could affect such efforts. Consider that state and local entities are already committing over \$5 million to the future development of the site and by comparison the Corps analysis in the Study indicates that even under the No Action alternative the federal government would need to commit to expenditures of \$6,906,500 over a 50 year time period.

NPS.17

#### Cutoff wall below Hennepin Island

The NPS is deeply concerned about the US Army Corps of Engineers leaving the site completely, in light of the importance of the USAF lock and dam structure and proximal cut-off wall for maintaining the Twin Cities water supply. The Study states it does not address the issue of the cut-off wall constructed between 1874 and 1876 by the Corps. There seems to be much confusion as to who owns this structure and who should be responsible for its maintenance and repair. Failure of this cut-off wall would have disastrous consequences for hundreds of thousands of people in the Twin Cities Metropolitan Area who rely on the river for their drinking water each day. Failure of this feature may also significantly impact the resources currently owned by the Corps, Xcel Energy, the University of Minnesota and any potential future owners established under this Study. As such, consideration of this indirect effect action should be more fully vetted in the environmental assessment under Section 3.4 of the Study.

NPS.18

Moreover, NPS is concerned that no other organization or institution except the US Army Corps of Engineers can be relied upon to manage that resource adequately in the public interest. NPS requests clear assurance and provisions from the Corps to provide technical engineering support to any new property owner of the site for maintenance of the important and non-conventional water control structures.

NPS.19

#### Mississippi NRRA Comprehensive Management Plan and the Study

We have outlined our concerns with the Study as currently written and the TSP as proposed. The NPS has made suggestions for improving both. We are particularly concerned with the Study's approach to addressing cultural and historic resources under NHPA and as provided for under the Mississippi NRRA's enabling legislation and Comprehensive Management Plan.

The Mississippi NRRA was created as a National Park unit in 1988 encompassing a 72-mile corridor along the Mississippi River under Public Law 100-696, to preserve, protect and enhance these nationally significant river resources: historical, cultural, recreational, scenic, natural, economic and scientific. In 1995, a Comprehensive Management Plan (CMP) for the Mississippi NRRA was adopted that incorporates policy and guidelines of the Congressional mandates embodied in Public Law 100-696. The CMP was developed in concert with federal and state agencies, local governmental units and public stakeholders. The importance of the Corps considering the NRRA's nationally significant

resource values in this Study was clearly articulated during the scoping process through an NPS letter dated August 20, 2018 (Study Appendix G).

Continued Federal Interest and the Mississippi NRRRA Comprehensive Management Plan

The Corps was part of CMP development process as a member of the Mississippi River Coordinating Commission established under Public Law 100-696, §703. As such there is a demonstrated federal interest in upholding the values which the Mississippi NRRRA was created to protect. A continued federal presence at the USAF Lock and Dam by the Corps addresses the policy and guidelines in the CMP and would help assure the protection, preservation and enhancement of the nationally significant river resources.

NPS.20

Mississippi NRRRA Comprehensive Management Plan and Study Incompatibility

The NPS has many concerns about the Study. The Study and attendant TSP is lacking in assurances that protect the river's nationally significant resources. As proposed, the TSP provides no substantial consideration for protecting the site or surrounding resources from reasonably foreseeable Adverse Effects [as defined under 36 CFR §800.5(a)(1)] associated with the potential redevelopment of the site in the short or long term. In accordance with Public Law 100-696 §704 of MNRRA's enabling legislation, NPS is seeking meaningful dialogue with the Corps around these issues and substantial revisions to the Study and TSP in order to address policy and guidelines in the CMP. Without progress towards satisfactory resolution, it may be necessary to invoke further provisions of §704.

We look forward to providing further clarification of our comments. Please direct any questions to me via email at [craig\\_hansen@nps.gov](mailto:craig_hansen@nps.gov) or via phone at 218-387-4885.

Sincerely,

**CRAIG**  
**HANSEN**

Digitally signed by  
CRAIG HANSEN  
Date: 2021.03.18  
15:47:53 -05'00'

Craig Hansen  
Acting Superintendent

Cc: Friends of the Mississippi River, Whitney Clark  
Friends of the Falls, Mark Andrew  
Minnesota State Historic Preservation Office, Amy Spong  
Minnesota Department of Natural Resources, Grant Wilson  
National Park Conservation Association, Christine Goepfert



## 4.2 2019/10/18 – Scoping Comments



IN REPLY REFER TO

### United States Department of the Interior

NATIONAL PARK SERVICE  
Mississippi National River and Recreation Area  
111 E. Kellogg Blvd., Ste 105  
St. Paul, Minnesota 55101-1256

District Engineer  
St. Paul District, Corps of Engineers  
ATTN: Regional Planning and Environment Division North  
180 Fifth Street East  
St. Paul, Minnesota 55101-1638

18 October 2019

Dear Colonel Jansen:

Please find attached the Mississippi National River and Recreation Area's (NRRA) comments on the "Disposition Study for the Upper St. Anthony Falls Lock and Dam, Minneapolis, Minnesota." The NRRA is a unit of the National Park Service that runs with the Mississippi River for 72 miles through the Twin Cities metropolitan area. Rather than repeat our comments on the "Scoping for the Upper St. Anthony Falls Lock and Dam, Lower St. Anthony Falls Lock and Dam, and Lock and Dam 1 Disposition Study" submitted on August 20, 2018, I have attached the original cover letter and comments. The overall context and many of the specific comments apply, although I recognize that the disposition study of the Lower St. Anthony Falls Lock & Dam and Lock & Dam No. 1 will not begin until next year. In this letter, I address the three principal alternatives for the Upper St. Anthony Falls (USAF) Lock, associated lands and related infrastructure.

St. Anthony Falls ranks among the Mississippi River's most important sites. It is the Great River's only major waterfall. Historically, explorers, painters and writers made the falls a national and international landmark. St. Anthony gave birth to the timber and flour milling industries that drove the Minneapolis and regional economies. Minneapolis led the nation and at times the world in flour milling from 1880 to 1930. For these reasons, the falls anchors the St. Anthony Falls National Register of Historic Places Historic District. This district features two National Historic Landmarks and one National Civil Engineering Landmark. The Upper St. Anthony Falls Lock itself is eligible for the National Register as a key part of the river's story. St. Anthony Falls and many of the resources surrounding it are of national significance and, therefore, especially important to the Mississippi NRRA.

## No Action

The Corps needs to clearly define what it means by No Action. The Corps public presentation for this study states that the Corps will:

Continue to operate the flood gate as needed. Continue to allow agreements with the National Park Service to conduct tours at the site. Continue maintenance as needed to preserve the flood gate operation. While the navigation mission and the 9-foot channel will continue to be authorized, the low priority for dredging will continue due to lack of demand. Unless otherwise directed, under the no action alternative the lock would remain closed to all navigation.

What the Corps does not address is the level of maintenance it will conduct for the USAF Lock and related infrastructure. There should also be a statement that says: "Continue maintenance as needed to fully facilitate visitor use and enjoyment." Since the Corps has a recreation mission at the USAF Lock, this is justified and needed, given the great increase in visitation and even greater potential. The USAF Lock saw 25,587 visitors in 2019, and the NRRA and our partners hope to grow that number next year. This level of visitation demands adequate maintenance for the visited portions of the site to a degree that the Corps maintained them before the lock closed. Our concern is that without a committed level of funding needed to maintain the lock's appearance and overall upkeep at it was as of June 9, 2015, there will be a gradual and steady deterioration of the site. Visitors to Corps and National Park Service sites expect professionally maintained facilities, and it would reflect poorly on both if we did not meet those expectations.

The Willamette River disposition study defines the No Action as the "Status Quo Alternative (No Action)" and says this means the Corps will "maintain the current caretaker status. Minimal maintenance activities of the facility shall continue and repairs would be conducted on an "as needed" basis ...." Such an approach to the USAF Lock would lead to a steady deterioration. Again, given the number of visitors coming to this site and its prominent location in downtown Minneapolis this would be unacceptable.

## Cultural and Historical Resources

The USAF Lock has been determined eligible for the National Register of Historic Places. Section 106 of the National Historic Preservation Act considers neglect an adverse effect. If the No Action alternative leads a steady decline in maintenance, this could constitute an adverse effect. The Corps will need to address this matter in its evaluation. As the USAF Lock lies at the center of the St. Anthony Falls National Register Historic District, visible deterioration of the lock and related infrastructure could also impact the historic district.

## Scenic Quality

The USAF Lock's location makes highly visible to millions of people. The St. Anthony Falls area has received over two billion dollars of investment over the past several decades, and the pace of investment is accelerating. Nearly three million people visit the

St. Anthony Falls each year. The lock's condition could detract from the area's scenic and economic values if allowed to deteriorate.

### **Disposal**

*Alternative 2 –Deauthorize the navigation, recreation and flood mitigation missions at USAF and dispose of the entire federal project, including the lock structure, all lands, buildings, and property and portions of the 9-foot channel maintained by the Corps.*

- *Consider structural removal prior to disposal.*
- *Consider disposal without structural removal.*

Disposal of the USAF Lock would have significant consequences for the Mississippi NRRRA. If the lock leaves federal ownership, the NRRRA will lose the special provisions and oversight granted to the park in its authorizing legislation, including Sec. 704. This section provides that:

Before any department, agency, or instrumentality of the United States issues or approves any license or permit for any facility or undertaking with in the Area and before any such department, agency, or instrumentality commences any undertaking or provides any Federal assistance to the State or any local governmental jurisdiction for any undertaking within the Area, the department, agency, or instrumentality shall notify the Secretary.

This section mandates timelines and a recourse with Congress, if necessary, for the NRRRA that non-federal entities would not have to honor, if there was no federal tie to their action. So, disposal could diminish key protections for the seven resource types Congress directed the NRRRA to protect and enhance. The NPS needs assurance that its ability to protect and enhance these seven resource types will not be lost or weakened by disposal. Consequently, the NRRRA could need language in any transfer of the lock, associated lands and infrastructure out of federal control that ensures a high level of review by the NRRRA similar to what it has now. As an example, the NPS's historic monuments program, under which historic properties are transferred out of federal control, provides such protections.

### **Cultural and Historical Resources**

If the USAF Lock is transferred out of federal ownership, we expect that the Section 106 review process would lead to a Memorandum of Agreement, under Section 106 of the National Historic Preservation Act, that would provide for a comparable level of review and protection to that had the sites remained under federal ownership for Section 106 matters. If this does not happen, then the Mississippi NRRRA will lose a critical review authority, and its ability to protect and enhance the site and area's significant qualities will be diminished.



We assume that if the Corps decided to remove any portion of the USAF Lock prior to disposal, the Corps would undertake the required Section 106 and other environmental reviews needed.

#### Recreation

If the Corps disposed of the USAF Lock to an entity that ended or greatly reduced visitor access, this would adversely affect the visitor experience for local, national and international visitors. A new owner could also preclude the Minneapolis Park and Recreation Board from fully implementing plans for its Water Works park development. Friends of the Lock and Dam's proposal anticipates creating a robust visitor experience at the USAF Lock that would bring in hundreds of thousands of visitors. This experience includes providing access to the channel between the guidewall above the falls and the western shore. If a new entity restricted access to this channel, it could greatly limit the visitor experience for those using the amenities at Water Works or coming to a new visitor center at the lock. Thus, the Corps should give priority to opportunities that continue and expand visitor access to the lock, associated lands and related infrastructure.

#### Scenic Quality

New uses of the USAF Lock could adversely affect the scenic qualities of the St. Anthony Falls area and could adversely affect the St. Anthony Falls Historic District as well. The Corps should consider opportunities that do not diminish the scenic or historic qualities of the area.

#### Direct, Indirect and Foreseeable Impacts

NPS guidance on the National Environmental Policy Act (NEPA) states that "Courts have applied what is known as the "hard look" standard in deciding whether or not an agency has fully complied with the environmental analysis requirements of NEPA. This means that there must be evidence that the agency considered all foreseeable direct, indirect, and cumulative impacts; used sound science and best available information; and made a logical, rational connection between the facts presented and the conclusions drawn." (NPS NEPA Handbook Supplemental Guidance). If the Corps recommends disposal, then the Corps should evaluate all foreseeable impacts.

#### **Partial Disposal**

*Alternative 3 – Retain those features of the project that are necessary for flood mitigation while disposing of property and features not needed for flood mitigation. This could include deauthorization of the navigation mission at USAF, and deauthorization of the 9-foot channel upstream of USAF.*

Partial disposition is consistent with the language of WRDA 2018, which directs the Corps study to include a plan for "a partial disposition of the Upper St. Anthony Falls Lock and Dam facility and surrounding real property that preserves any portion of the Upper St. Anthony Falls Lock and Dam necessary to maintain flood control..." (Section

1225 (d)(2) of WRDA 2018.) This alternative is also consistent with the Congressional intent as stated by Senators Amy Klobuchar and Tina Smith to the Corps in their letter of January 8, 2019. Per the above, the Corps should work with the City, Friends of the Lock & Dam and others to transfer the elements not needed for flood mitigation to the public entity most capable of repurposing the lock, associated land and infrastructure for the best results for the human environment, ecosystem and recreational opportunities.

For partial disposal, our comments above on disposal apply to those elements the Corps would dispose of. For those elements the Corps would retain, we assume it would conduct any necessary Section 106 or other environmental reviews needed for any work the Corps undertook on the elements it retained.

Partial disposal could enhance the USAF Lock's visitor use and enjoyment, making it available to far more visitors and in far more ways than exist today. So, those opportunities that offer the greatest benefit in this regard and do so in ways that protects the overall character of the site, the St. Anthony Falls Historic District and the scenic qualities of the area should be favored over any that do not.

Overall, the lock and related lands and infrastructure could be repurposed for visitor access where that access does not interfere with flood mitigation management by the Corps. The USAF Lock, surrounding land and related infrastructure offer a spectacular opportunity to view St. Anthony Falls and to get near it and the Mississippi River. Mill Ruins Park, Mill City Museum and the Stone Arch Bridge together already draw millions of visitors every year. With the plans for Waterworks Park on the West, the river's west bank will be seeing even more visitors. Together, all these sites will provide the USAF Lock with a guaranteed stream of visitors.

For those portions of the lock, related real estate and infrastructure that the Corps does not consider retaining, the Mississippi NRRRA recommends:

- Transferring or selling those portions to an entity that will use such space and infrastructure for recreation purposes, including visitor use and enjoyment.
  - The main parking lot provides an opportunity to build a new structure that could serve recreation and human uses, such as education and interpretation and other amenities for visitor use and enjoyment.
  - The parking area and berm downstream of the restroom to the end of the lock structure and Stone Arch Bridge could also be used as described in the preceding bullet point.
  - Any new structure must be done at a scale and such a way that it does not cause adverse effects to the St. Anthony Falls Historic District, the Stone Arch Bridge National Engineering Landmark, the USAF Lock as an eligible historic site or the critical viewsheds of the St. Anthony Falls area.
- Remodeling or repurposing some spaces within the lock structure for better staff and visitor use while preserving essential aspects of historic character. Such spaces include the:
  - Office/lunch room
  - Restrooms/locker rooms



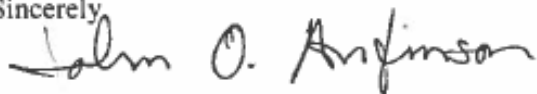
- Lower Control Stand
- Garage
- And other such spaces
- Providing safe and easy access to the entire lock surface, interior of lock, green space below outer lock wall, guidewalls, outdraft barrier, backwater between the inner upstream guidewall and west bank, and upstream dolphins.
  - Lock surface
    - Install appropriate fencing, matching the site's historic character, on entire lock. Get rid of barbed wire.
  - Lock interior
    - Allow tours of tunnels inside the lock, recognizing access issues for some individuals.
  - Green space below outer lock wall
    - Clarify ownership. Corps slides from its public presentation show some of this area as Corps fee title land but not a Corps structure. What ownership or authority does the Corps have for this land? From historic photographs, it appears this lands was part of the coffer dam built for the lock's construction.
    - If the Corps does not have title or authority over this land, it could work with Xcel and other partners to gain access and help
      - Repair the stairs
      - Provide safety railings
      - Provide handicap access
      - Undertake ecological restoration and build a path through the restored green space that brings visitors to the river's edge, where they can see, hear and feel the power of St. Anthony Falls.
  - Guidewalls up and downstream
    - Provide necessary safety fencing to entire length of all the guidewalls and offer access for visitors to walk out on them, either by themselves or with a interpretive staff member.
  - Outdraft barrier
    - Provide access to the concrete portions of this structure, with adequate safety fencing
  - Land between USAF Lock and LSAF Lock
    - Provide public access to the road connecting the two locks to create a better circulation pattern for visitation at the USAF Lock and, possibly, the LSAF Lock.

To facilitate the above recommendations, the Mississippi NRRA believes affirming and expanding the Corps' recreation mission under this alternative, especially for whatever portions of the site it would retain, is important. Taking advantage of this opportunity could provide the Corps with a great public relations tool.



If you have any questions, please contact me at [john\\_anfinson@nps.gov](mailto:john_anfinson@nps.gov) or 651-293-8432.

Sincerely,

A handwritten signature in black ink that reads "John O. Anfinson". The signature is fluid and cursive, with the first name "John" being the most prominent.

John O. Anfinson  
Superintendent

#### 4.3 2018/08/20 – Scoping Comments



IN REPLY REFER TO

### United States Department of the Interior

NATIONAL PARK SERVICE  
Mississippi National River and Recreation Area  
111 E. Kellogg Blvd., Ste 105  
St. Paul, Minnesota 55101-1256

District Engineer  
St. Paul District, Corps of Engineers  
ATTN: Regional Planning and Environment Division North  
180 Fifth Street East  
St. Paul, Minnesota 55101-1638

20 August 2018

Dear Colonel Calkins,

Please find attached the Mississippi National River and Recreation Area's comments on the "Scoping for the Upper St. Anthony Falls Lock and Dam, Lower St. Anthony Falls Lock and Dam, and Lock and Dam 1 Disposition Study." In this cover letter, I address the special context of these locks and dams and of the Mississippi River in the Twin Cities, for these locks and dams do not lie in just any reach of any river. They lie in a unique and very special reach of the nation's greatest river.

St. Anthony Falls ranks among the Mississippi River's most important sites. It is the Great River's only major waterfall. Historically, explorers, painters and writers made the falls a national and international landmark. St. Anthony gave birth to the timber and flour milling industries that drove the Minneapolis and regional economies. Minneapolis led the nation and at times the world in flour milling from 1880 to 1930. For these reasons, the falls anchor's the St. Anthony Falls National Register of Historic Places Historic District. This district features two National Historic Landmarks and one National Civil Engineering Landmark. The Upper St. Anthony Falls Lock itself is eligible for the National Register as a key part of the river's story. The St. Anthony Falls area has received well over two billion dollars of investment over the past several decades, and the pace of investment is accelerating.

Lower St. Anthony Falls Lock and Dam and Lock and Dam No. 1 lie in the reach locally referred to as the "Gorge." The Gorge stretches 8.5 miles, from St. Anthony Falls to the mouth of the Minnesota River. Nowhere on the Mississippi does the river drop so quickly over such a short distance and through such a narrow canyon. From above St. Anthony Falls to the Minnesota River, the Mississippi plummets 110 feet. The bluffs are 80 to 100 feet high and only one-quarter to one-third of a mile apart. Before the locks and dams, turbulent rapids rushed through the gorge at high water. At low flows, the Gorge became a shallow stream filled with sand, gravel and rock bars. Parkways now define both sides and are part of the Grand Rounds National Scenic Byway, drawing millions of people every year to scenic and recreational amenities.

Congress established the National Park Service by the Organic Act of 1916 with the mission "...to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." I recognize that St. Anthony Falls and the Gorge lie within the heart of the river's largest metropolitan area and are hardly unimpaired. Our authorizing legislation takes this into account but is still anchored to the 1916 Organic Act.

While the National Park Service manages other units on the Mississippi River, the Mississippi National River and Recreation Area (NRRRA) is the only one whose mission and focus is the Great River. We are the Mississippi River's National Park. Whatever the outcomes of the Corps Disposition Study, they will impact this National Park Service unit. So, the NRRRA has a special interest and stake in the Disposition Study.

Congress established the NRRRA in 1988 with the direction "To protect, preserve and enhance the significant values of the waters and land of the Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area." Congress emphasized that "There is a national interest in the preservation, protection and enhancement of these resources for the benefit of the people of the United States." The NRRRA, therefore, has a responsibility to the American people to ensure any future actions protect, preserve and enhance the significant values here. This is a national conversation, not just local, which is why organizations like the National Parks Conservation Association and American Rivers are weighing in.

As the history behind the NRRRA's creation demonstrates, the State of Minnesota is also committed to protecting, preserving and enhancing the resources of the Mississippi River through the Twin Cities. In 1973, the State passed the Critical Areas Act to protect areas with exceptional historic, cultural, or aesthetic values or natural systems. Three years later, Democratic Governor Wendell Anderson established a 72-mile stretch of the Mississippi River, including a 4-mile reach of the Minnesota River, and the adjoining lands in the Twin Cities metropolitan region as the state's first critical area. In 1979, Republican Governor Albert Quie extended the Mississippi River Corridor Critical Area designation (E.O. 17-19), and the Metropolitan Council (Resolution 79-48) made the designation permanent the same year.

When Congress established the NRRRA in 1988, it used the same boundary as the Critical Area and did not mandate new rules and regulations. Instead, the State agreed to ensure protection of the significant resources through State laws and regulations. In a key step honoring that agreement, the Minnesota Legislature designated the NRRRA a State Critical Area in 1991. Further binding the NRRRA to the Mississippi River Corridor Critical Area, the Mississippi River Coordinating Commission (1994), Minnesota Governor Arne Carlson (1994) and Secretary of the Interior Bruce Babbitt (1995) signed the NRRRA's Comprehensive Management Plan.

I need to make one final, compelling point for why it is paramount the Corps carefully consider its conclusions and recommendations for the Disposition Study. From their founding in the mid-nineteenth century, Minneapolis and St. Paul began shaping the Mississippi River for navigation and hydropower through the Corps of Engineers and private entities. For the first time since then, there is opportunity to consider a new relationship with the river. The study's outcome will likely shape the river in the Twin Cities for generations to come.

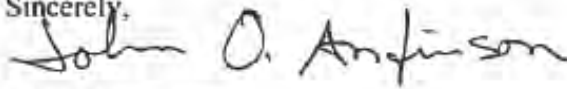
As the above background shows, the Mississippi River through the Twin Cities is of exceptional importance to the nation, State and local communities. Consequently, we have high expectations for a deep and broad analysis to help the American people understand all that No Action, Deauthorization and Disposition could mean. Individual interests will advocate for preserving or

protecting a particular stake or aspect of the Mississippi River tied to one or more of the locks and dams. The NRRA, however, must consider all seven resources identified by Congress in our authorizing legislation and assess the overall benefits or losses of any particular action or recommendation by the Corps.

For the NRRA to fully and fairly do this, we need the Corps to thoroughly respond to the questions we ask and the concerns we raise in our attached comments, as well as to those asked and raised by other interests. We will be available at any time during your analysis to help in whatever way we can.

If you have any questions, please contact me at [john\\_anfinson@nps.gov](mailto:john_anfinson@nps.gov) or 651-293-8432.

Sincerely,

A handwritten signature in black ink that reads "John O. Anfinson". The signature is written in a cursive, slightly slanted style.

John O. Anfinson  
Superintendent



### **Mississippi National River and Recreation Area Resources**

The Act establishing the Mississippi National River and Recreation Area (NRRA) on November 18, 1988, (Public Law 100-696) explains why Congress created the park and defines what the National Park Service (NPS) needs the Disposition Study to address.

#### **TITLE VII – MISSISSIPPI NATIONAL RIVER AND RECREATION AREA, Subtitle A – Mississippi National River and Recreation Area, FINDINGS AND PURPOSES**

- Sec. 701 (a) FINDINGS. – Congress finds that:
  - The Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, cultural, natural, economic, and scientific resource.
  - There is a national interest in the preservation, protection and enhancement of these resources for the benefit of the people of the United States.
- Sec. 701 (b) PURPOSES. – The purpose of this subtitle are:
  - To protect, preserve and enhance the significant values of the waters and land of the Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area.

To adequately evaluate the potential impacts of the No Action and Deauthorization/Disposal alternatives at the Upper St. Anthony Falls Lock, Lower St. Anthony Falls Lock and Dam and Lock and Dam No. 1, the Corps needs to identify and assess the potential impacts to the seven resource types identified in Sec. 701(a).

Because these resources are of national significance, the NRRA’s authorizing legislation also states:

- Sec. 704 (b) FEDERAL AGENCY ACTIVITIES
  - (1) IN GENERAL. — Before any department, agency, or instrumentality of the United States issues or approves any license or permit for any facility or undertaking within the Area and before any such department, agency, or instrumentality commences any undertaking or provides any Federal assistance to the State or any local governmental jurisdiction for any undertaking within the Area, the department, agency, or instrumentality shall notify the Secretary. The Secretary shall review the proposed facility or undertaking to assess its compatibility with the plan approved under section

703. The Secretary shall make a determination with respect to the compatibility or incompatibility of a proposed facility or undertaking within 60 days of receiving notice under this subsection. If the Secretary determines that the proposed facility or undertaking is incompatible with the plan, he shall immediately notify such Federal department, agency, or instrumentality and request such department, agency, or instrumentality to take the actions necessary to conform the proposed facility or undertaking to the plan. The Federal department, agency, or instrumentality shall, within 60 days after receiving the Secretary's request, notify the Secretary of the specific decisions made in response to the request. To the extent that such department, agency, or instrumentality does not then conform such facility or undertaking to the request of the Secretary, the Secretary is directed to notify the Congress in writing of the incompatibility of such facility or undertaking with the plan approved under section 703.

### **The Seven Resource Types – A Brief Description**

The descriptions of the seven resource types below are not comprehensive but should give the Corps a good idea of what they need to consider. We recognize that positive impacts to one type of resource could negatively affect another. The Mississippi National River and Recreation Area Comprehensive Management Plan (CMP), developed in accordance with Sec. 703 (i), provides “a general framework to coordinate natural, cultural, and economic resource protection, visitor use, and development activities” (CMP, General Concept, p. 11). It details policies and actions for seven resource types that contribute to the significance of the area, but it distinctly “recognizes the national significance of the Mississippi River as a natural riverine ecosystem.” In doing so, the CMP states that “fish and wildlife resources, including bottomland forests, bluffland, and riverine habitats will receive greater protection” (CMP p. 12). We will look at all the impacts, however, and weigh the overall effects. (For a copy of the CMP see <https://www.nps.gov/miss/learn/management/lawsandpolicies.htm> or contact the park.)

Economic Resources. The NPS focuses on economic uses of the corridor consistent with the values for which the area was established. Commercial barge shipping, tour boats, marinas, recreation, tourism and hydroelectric power generation fit this focus. The park's authorizing legislation stresses that the park protect, preserve and enhance those uses and resources of national significance, although we also consider the importance of local and regional significance.

Historical and Cultural Resources. The cultural resources of the area consist of evidence of past activities on or near the river. These include burial mounds, campsites, village sites, and ethnographic resources that illustrate the nature of the occupation by Native Americans. The fur trading period, early settlement, and later urbanization, as well as agricultural and industrial activity on or near the river, are included in historic districts, national historic landmarks, national register properties, and locally designated historic sites. All three lock and dam sites have been determined eligible for the National Register of Historic Places.

Natural Resources. The natural resources of the NRR are considered to be the assets or values related to the natural world, such as plants, animals, birds, water, air, soils, geologic features, fossils and scenic vistas. Natural resources are those elements of the environment not created by humans, although they have been affected by human action. The most important natural resource in the corridor is the Mississippi River itself. It is a globally significant riverine ecosystem that must be protected and restored because it serves, in part, as a migratory corridor for wildlife, because it is essential to sustaining the biological diversity of the continent and the natural functions of the numerous aquatic and terrestrial communities of which it is composed, and because it supports the quality of life for the citizens who live and work and play on and near it.

Recreational Resources. The park was specifically designated a Recreation Area. The corridor offers a broad range of recreational and educational experiences closely tied to the character of the resource and complementing other recreational opportunities in the metropolitan area. The variety of passive and active resource-related recreational activities in the Mississippi NRR include fishing, hunting, boating, canoeing, rowing, cross country skiing, snowshoeing, hiking, bicycling, jogging, picnicking, taking photographs, birding, and participating in a variety of interpretive and educational programs.

Scientific Resources. Scientific resources have not been defined specifically, but they include resource related issues and research that can provide a better understanding of the Mississippi River's past and potential future. The park's paleontological remains are an example of resources related to research opportunities and education. These remains lie within the bedrock layers of the river's bluffs and date to the Ordovician Period (444 to 488 million years ago). Research on water quality, the river's fish and mussel populations, changing climate conditions on river flow and what the river was like before it was dammed for hydropower and navigation all fit under scientific research that would benefit the river and its resources. (See CMP pg. 29 Resources Management and "scientific research.")

Scenic Resources. The corridor includes many outstanding vistas, areas of scenic beauty, and tranquil places in the midst of a large urban area. Scenic views can vary from an entirely wild and natural looking setting to the cityscapes of Minneapolis, St. Paul and other communities from the Mississippi River.

### **Fundamental Resources and Values**

Every unit of the National Park System develops a Foundation Document to provide basic guidance for planning and management decisions. A primary benefit of developing a foundation document is the opportunity to integrate and coordinate all kinds and levels of planning from a single, shared understanding of what is most important about the park. For its Foundation Document, the Mississippi NRR identified the following fundamental resources and values:

- Cultural and historic sites that owe their national significance to their presence along the Mississippi River.



- Economic resources supported by the Mississippi River in the NRRRA that are integral to the nation's economy.
- Collaborative relationships with governments, private sector organizations, non-profits, schools, and individuals that help the park to achieve its purpose.
- Healthy aquatic ecosystems that provide for a rich and diverse assemblage of fish, mussels, macro-invertebrates and other species, as well as the opportunity for scientific study.
- Healthy terrestrial ecosystems that provide for a rich and diverse assemblage of plants and animals, as well as the opportunity for scientific study.
- Birds that rely on the Mississippi River Flyway in the NRRRA to provide nesting, resting and feeding habitat.
- Scenic views that allow people to experience the distinctive landscapes of the NRRRA.
- Outdoor recreation opportunities and experiences that connect visitors with the river and its natural places, its cultural and historic sites and its scenic vistas.
- The presence of bluffs, caves, waterfalls and fossil beds that demonstrate the unique geologic character of the Mississippi River in the NRRRA.
- Water Quality – Clean water that supports human use of the Mississippi River and vibrant ecosystems in the NRRRA.

The NRRRA will be reviewing the Corps Disposition Study and Environmental Assessment with these fundamental resources and values in mind.

#### **Site Resources: Land, Infrastructure and Water**

As we understand it, the holdings of the Corps of Engineers at each site include the assets listed below. If we are missing something, please let us know.

- Upper St. Anthony Falls: Lock, guidewalls, outdraft barrier, 15 dolphins, parking lot, and land between lock and spillway.
- Lower St. Anthony Falls: Lock, dam, guidewalls, 3 dolphins, and access roads on each end.
- Lock and Dam No. 1: Locks, dam, guidewalls, bluff retaining walls, road, and land. Does the Corps own the hydroelectric plant powerhouse, just the base or dam portion, or both? We understand the Corps also holds 326 acres of flowage easements in Pool 1.
- Meeker Island Lock and Dam: Did the Corps fully dispose of the Meeker Island Lock and Dam land and infrastructure? The lock ruins are still present along the east bank, the bear traps gates lie on the west side under sand, and the partially demolished dam lies under Pool 1.

In addition to the above resources, the Corps has had the authority and responsibility for the navigation channel. This raises some questions about Pool 1. We recognize that the Upper and Lower St. Anthony Falls pools were the result of hydro power projects. Pool 1, however, is a direct result of the navigation project. The navigation channel is one portion of the pool. Does



the Corps have any long-term responsibility for the pool? Can the Corps walk away without considering the pool or reservoir it would leave behind? What impacts on infrastructure and resources does leaving the pools in place have under deauthorization and disposal? For example, what is the long-term effect of Pool 1 on bridges and other infrastructure through freeze-thaw action?

Since Lock and Dam No. 1 was built before the National Environmental Policy Act, it received no environmental review. In considering the cumulative impact of its alternatives, will the Corps need to consider the natural river as the baseline for determining cumulative impacts?

### **No Action Alternative**

A. Definition of No Action. The Corps needs to clearly define what it means by No Action. The Corps has stated that under the No Action alternative, “the St. Paul District [would] continue to operate the sites as-is.” Does this mean that each site will continue to receive the funding and staff time needed to maintain each in the condition it was as of June 9, 2015, or will funding be used elsewhere, leading to the gradual and steady deterioration of each site? If the Corps prioritizes funding to other locks and dams and to channel maintenance elsewhere, the three sites and navigation channels connecting them will begin to deteriorate. It seems this would constitute a “Phased Reduction of Operation and Maintenance Plan” rather than a No Action Plan. Turning over the visitor center at Upper St. Anthony Falls to the NPS and discontinuing dredging are ways in which the Corps is withdrawing from its historic roles. What else might the Corps discontinue or reduce? We need to know, if we are going to comment on all the effects of a No Action alternative.

The [Willamette River Disposition Study with Integrated Environmental Assessment](#) defines the No Action as the “Status Quo Alternative (No Action),” and says this means the Corps will “maintain the current caretaker status. Minimal maintenance activities of the facility shall continue and repairs would be conducted on “as needed” basis ....” Such an approach to the three sites on the Mississippi River would lead to a steady deterioration.

B. Level of Service. What Level of Service will the Corps use as the basis of the No Action alternative? Level 3 and Level 6 would have substantially different impacts on recreation, economic benefits, natural resources, and, possibly, other resource types identified in the NRRRA’s legislation. Unless the Corps specifies one Level of Service that will not change, it may be necessary for the Corps to assess the impacts under two or more levels.

C. Dredging. What effects will no dredging of Pool 1 or the Lower St. Anthony Falls Pool have?

- **Economic Resources.** What impacts will no dredging have on recreational boating, tour boats and marinas? With no tour boat use, all commercial lockages would end.
- **Natural Resources.** What habitat changes will occur and with what ramifications for fish, wildlife and mussels? Would islands begin to form in the river? Would sandbars begin extending out into the river, bars that could provide mussel habitat? The August 2007

drawdown of Pool 1 to help with recovery efforts at the 35W Bridge suggests that bars will form and that islands could as well.

- **Recreation.** The channel between Lock and Dam No. 1 and Lower St. Anthony Falls Lock and Dam is already silting in, and there is no continuous 9-foot channel. Without dredging, tour boats and larger pleasure boats may eventually find the river in Pool 1 impassable. These consequences will impact at least two aspects of recreational enjoyment.
- **Safety.** The Coast Guard has not placed channel markers in 2018 in response to the Corps not dredging the channel. This could become a safety issue for tour boats and recreational craft.
- **Potential Future Projects.** How might no dredging affect future actions? For example, as more sediment accumulates behind Lock and Dam No. 1, a dam removal project would have to address the impacts and costs of dealing with more sediment.

**D. Other Channel Maintenance.** What is the Corps' plan for dealing with logs and debris that become lodged in the former navigation channel immediately above the Upper St. Anthony Falls Lock? What about debris that collects in the Upper St. Anthony Falls lock chamber? What about Lower St. Anthony Falls and Lock and Dam No. 1 if lock use discontinues at either or both?

The buildup of natural and human-related debris could become unsightly and adversely affect the scenic qualities and historical setting at each site. It could also affect recreational use and safety. If the Corps does not manage the debris, some other entity may have to spend funding on it.

**E. Cultural and Historical Resources.** National Register Structures. All three sites have been determined eligible for the National Register of Historic Places. Section 106 of the National Historic Preservation Act considers neglect an adverse effect. If the No Action alternative leads a steady decline in maintenance at each site, this could constitute an adverse effect. The Corps will need to address this matter in its evaluation. As the Upper St. Anthony Falls Lock lies in the center of the St. Anthony Falls National Register Historic District, adverse effects at the lock could also impact the historic district.

**F. Recreation.** The closure of the Upper St. Anthony Falls Lock has segmented the river for recreational craft and tour boats. The users of recreational craft can only use the river above or below the lock and dam or deal with complicated and more time-consuming effort of portaging or trailering their boats around the lock. Tour boats are now limited to the pools below the falls. If by a change in the Level of Service, the Lower St. Anthony Falls Lock and Lock No. 1 close to recreational craft and/or tour boats, this would further segment the river, compounding the issues just mentioned.

**Visitor access to Lock and Dam No. 1.** In addition to the recreation impacts mentioned above, how will visitor access change under No Action? If the Corps decides to prioritize its funding

elsewhere, or if they go to a lesser Level of Service, will the visitor facilities be open fewer hours or not at all?

G. Scenic Quality. All three lock and dam sites lie within the heart of the Twin Cities metropolitan area and will be highly visible to many people. The St. Anthony Falls area has received well over two billion dollars of investment over the past several decades, and the pace of investment is accelerating. Lock and Dam No. 1 lies within the highly scenic Gorge, directly below the Minnesota Veterans Home and next to the Ford site that will soon see a major new redevelopment. Consequently, the scenic quality of all three lock and dam sites is paramount, and if the No Action alternative could lead to visual impacts, the public will need to know.

H. Project Costs. Long-Term Costs. While the three sites require \$1.5 million in annual maintenance, what is the annual cost when major maintenance is factored in? We assume the economic analysis will address this, but to have the information now would help shape and focus our comments.

#### **IV. Deauthorization and Disposal**

##### The Meaning of Deauthorization and Disposal

Deauthorization and disposition would have significant consequences for the Mississippi NRRRA. For any site or part of a site that leaves federal ownership, the NRRRA will lose the special provisions and oversight granted in its authorizing legislation, including Sec. 704. As stated above, this section provides that:

Before any department, agency, or instrumentality of the United States issues or approves any license or permit for any facility or undertaking within the Area and before any such department, agency, or instrumentality commences any undertaking or provides any Federal assistance to the State or any local governmental jurisdiction for any undertaking within the Area, the department, agency, or instrumentality shall notify the Secretary.

This section then mandates timelines and recourse with Congress, if necessary, for the NRRRA that non-federal entities would not have to honor, if there was no federal tie to their action. So, deauthorization and disposal could diminish and discontinue key protections for the seven resource types defined above. The NPS needs assurance that its ability to protect preserve and enhance the seven resource types Congress identified will not be lost or weakened by deauthorization and disposal. Consequently, the NRRRA could need language in a deauthorization bill that would continue what its authorizing language provides.

B. Navigation. If the Corps deauthorizes and/or disposes of its locks and dams, it is unlikely that a new entity would continue to operate them for navigation. If the Lower St. Anthony Falls Lock and Lock No. 1 close, this would further segment the Mississippi River in the heart of the Twin Cities. The Lower St. Anthony Falls Pool and Pool 1 would become isolated from the rest of the river. Consequently, boaters would have to portage or trailer their boats around the locks and

dams. Upstream fish migration would end and with it the migration of mussels that use specific fish as hosts. Each pool could become a unique ecosystem, especially without dredging.

If Congress deauthorizes the locks and dams, but the Corps cannot find an entity that will take Lock and Dam No. 1 or Lower St. Anthony Falls Lock and Dam, what Level of Service would the Corps implement, and how would this impact recreation and other resources?

C. Dredging and Other Channel Maintenance. We are already seeing the impacts of the Corps no longer maintaining the 9-foot navigation channel. It is unlikely that another entity will take on the Corps' navigation mission of operating the locks, maintaining the channel and keeping up all the related infrastructure. The issues raised under the No Action alternative with regard to no dredging and channel maintenance also apply to deauthorization and disposal scenarios, unless a new entity agreed to resume dredging and lock use. Tour boats, recreational boats and marinas would likely be affected by the ending of navigation under a new owner.

D. Cultural and Historical Resources. If the sites are removed from federal ownership, we expect that the Section 106 review process would lead to a Programmatic Memorandum of Agreement that would provide for an equivalent level of review and protection to that had the sites remained under federal ownership. See also our comments on No Action.

#### E. Recreation

- Visitor Experience and Access
  - Upper St. Anthony Falls Lock. If the Corps disposes of the Upper St. Anthony Falls Lock to an entity that ended visitor access at the Upper Lock, this would adversely affect the visitor experience. Over the past three years of our partnership at the Upper Lock, the NPS and Corps have learned the public has a tremendous interest in visiting the lock. The National Parks Conservation Association and Friends of the Lock and Dam are advocating the lock become a world-class visitor center with the NPS leading the interpretive experience. The Minneapolis Park and Recreation Board's Water Works park development will transform the river's west bank, greatly increasing visitation to this area. A new owner could also preclude or greatly diminish the scope of all these plans.
  - Lock and Dam No. 1. Again, a new owner may not want to continue providing visitor access to this lock, which was designed to let visitors freely cross over the locks and access the outer lock wall.
- As discussed above, deauthorization and/or disposal would most likely end lock use at Lower St. Anthony Falls and Lock and Dam No. 1. This would end tour boat and recreational craft use of the locks and needs to be addressed.
- See comments under No Action and segmenting the river.

F. Scenic Quality. By discontinuing how the Corps has used and managed the three sites and the navigation channel, new uses could adversely affect the scenic qualities of each site and of the river. See also our comments on No Action.



G. Hydroelectric Power. What will happen to hydroelectric power production at Lock and Dam No. 1 and Lower St. Anthony Falls Lock and Dam if Brookfield decides not to take all or part of either site? If Congress deauthorizes the three sites and no other entity comes forward to take over the hydroelectric power generation, would Brookfield continue operating until the Corps finds a solution?

#### H. Direct, Indirect and Foreseeable Impacts

National Park Service guidance on NEPA states that “Courts have applied what is known as the “hard look” standard in deciding whether or not an agency has fully complied with the environmental analysis requirements of NEPA. This means that there must be evidence that the agency considered all foreseeable direct, indirect, and cumulative impacts; used sound science and best available information; and made a logical, rational connection between the facts presented and the conclusions drawn.” (NPS NEPA Handbook Supplemental Guidance)

**Foreseeable Impacts.** If the Corps can reasonably foresee the potential result of disposal or knows who one or more of the sites or portions of one of those sites will go to, then the Corps should have to evaluate these potential impacts of disposition. For example, if the Corps recommends to Congress or GSA that Brookfield get Lock and Dam No. 1, because Brookfield has made it known they want to take over that site, then the Corps should examine the effects of that transfer. Brookfield would have to clearly define what its intentions are with regard to the whole site or the portion or portions it agrees to take so that the Corps can provide a knowledgeable assessment of the known and potential direct, indirect and cumulative impacts.

If the Corps recommends deauthorization but has no likely taker for one or more of the sites, the Corps will need to address how it would manage the sites once deauthorized. If deauthorized, will the Corps have funding to maintain the sites? While there may be interest in acquiring some of the lands and structures associated with each site, it is likely no one will be interested in some elements. If one entity can take the more desirable elements, the possibility that another would take the less desirable ones decreases. This suggests that the Corps could get stuck with some elements indefinitely. If the Corps decides to dispose of one or more of the sites piecemeal, it should evaluate the direct, indirect and cumulative impacts of doing so.

#### 4.4 2017/09/15 – Pre-Study Comments



IN REPLY REFER TO:

### United States Department of the Interior

NATIONAL PARK SERVICE  
Mississippi National River and Recreation Area  
111 E. Kellogg Blvd., Ste 105  
St. Paul, Minnesota 55101-1256

September 15, 2017

Colonel Samuel L. Calkins  
Commander, St. Paul District  
U.S. Army Corps of Engineers  
180 5th St. E., Suite 700  
St. Paul, MN 55101

Dear Colonel Calkins:

We continue to enjoy our excellent relationship with the Corps of Engineers and appreciate the partnership that has developed between our two agencies.

We also look forward to exploring new ideas in the future, both with you and our other outstanding partners in and around the area. Our goal continues to center on providing outstanding interpretive, educational, and recreational opportunities along the Mississippi River corridor. Our commitment to civic engagement, as well as our ultimate success, is predicated largely on our ability to partner with communities, our outstanding Members of Congress, and key partners like the Corps.

As you begin the disposition study for the Upper St. Anthony Falls Lock, Lower St. Anthony Falls Lock and Dam, and Lock and Dam No. 1, one key question that has arisen concerns the potential transfer of these structures to a public or private entity.

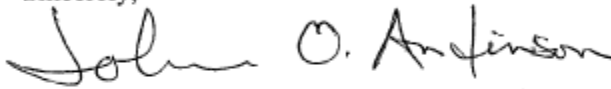
In particular, some have mentioned the National Park Service, Mississippi National River and Recreation Area as a potential owner of the Upper Lock. While we find the Upper Lock to be of significant interest to the story and history of the Mississippi River, it is not within our financial or operational capacity to take ownership of the Lock itself, and therefore, we are not interested in owning it. We feel it is important for the Corps to understand this position prior to beginning the study.

However, within our capacity, we are interested in continuing interpretation and education at the Upper Lock. The park currently has a five-year agreement with the St. Paul District to provide these services and another agreement with the Minneapolis Park and Recreation Board to clean the restrooms. We hope to continue these relationships or ones like them for the long-term. Great partnerships like these make our presence possible. Given strong financial backing from the Mississippi Park Connection (MPC),

Friends of the Lock and Dam and others, and staff support from MPC and our enthusiastic volunteers, we are able to offer tours and programs at the Upper Lock seven days a week for the summer season with great interest and success. In time we hope to extend the number of days we are open.

If you have any questions, you can reach me at [john\\_anfinson@nps.gov](mailto:john_anfinson@nps.gov) or at 651-293-8432.

Sincerely,

A handwritten signature in black ink that reads "John O. Anfinson". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Anfinson" written in a slightly more formal but still cursive style.

John O. Anfinson  
Superintendent

Cc

MWR-Regional Director  
Senator Amy Klobuchar  
Senator Al Franken  
U.S. Representative Betty McCollum  
U.S. Representative Keith Ellison  
Spencer Cronk, City of Minneapolis  
Jayne Miller, Minneapolis Park and Recreation Board  
Christine Goepfert, National Parks Conservation Association  
Katie Nyberg, Mississippi Park Connection  
Whitney Clark, Friends of the Mississippi River  
Kjersti Monson, Friends of the Lock and Dam  
Kevin Baumgard, USACE-MVP  
Nanette Bischoff, USACE-MVP  
Michael DeRusha, USACE-MVP

## 4.5 US Environmental Protection Agency

### 4.5.1 2021/03/15 – Comments on January 2021 Draft Report



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON  
BOULEVARD CHICAGO, IL  
60604-3590  
March 15, 2021

REPLY TO THE ATTENTION OF:  
Mail Code RM-19J

**VIA ELECTRONIC MAIL ONLY**

Nanette M. Bischoff, P.E.  
Project Manager/FERC Coordinator

David Potter, Biologist

Minneapolis Locks Disposition  
U.S. Army Corps of Engineers  
180 5th Street East, Suite 700  
St. Paul, Minnesota 55101

Re: Upper St. Anthony Falls Lock and Dam Section 216 Disposition Study and  
Draft Environmental Assessment, Minneapolis, Minnesota

Dear Ms. Bischoff and Mr. Potter:

The U.S. Environmental Protection Agency has reviewed the Draft Integration Disposition Report and Environmental Assessment (Disposition Report and Draft EA) dated January 2021 for the aforementioned project. U.S. Army Corps of Engineers' (USACE) Draft EA was prepared to evaluate whether Upper St. Anthony Falls Lock and Dam (USAF L&D) should be deauthorized and if associated Federal properties should be disposed. This letter provides our comments on the Draft EA, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The primary authorized purpose for the USAF L&D is navigation. The Lock was ordered closed in 2014, effectively ending its navigation function. The overarching concern is that the USAF L&D is no longer fulfilling its authorized purpose of navigation and the Federal government continues to provide investment through operation and maintenance activities. Additionally, the future deterioration would require additional Federal investment to maintain and preserve the site.

The USACE, having released its initial USAF L&D disposition study in December, 2020, re-released the Disposition Report and Draft EA after updating it to reflect new legislation passed by Congress in the Water Resources Development Act of 2020 which authorized the Secretary of the Army to convey lands adjacent to the USAF L&D to the City of Minneapolis.

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The purpose of the Disposition Report and Draft EA is to determine whether the Federal project is serving its authorized purpose(s), and if not, whether or not sufficient Federal interest exist for the Federal government to continue to own, operate and maintain the project. The study reflects an evaluation and comparison of the benefits, costs, and impacts from continued operation, maintenance, repair, replacement, and rehabilitation. Based on the results of the analysis, the study examines whether or not it is feasible to dispose of some or all of the Federal property and how the property will be disposed.

The Disposition Report and Draft EA analyze three potential alternatives – No Action, Full Disposal and Partial Disposal. The No Action Alternative would require the St. Paul District to continue operation of the site. USACE obligations would continue for the operation, maintenance, repair, rehabilitation, and replacement of retained structures. Full Disposal would include deauthorization by Congress of all USACE Federal missions at the site, leading to complete disposal of the Federal properties at the site. Partial Disposal would include partial deauthorization of Federal missions at the site combined with partial disposal of Federal properties, while retaining floodgate operations and the facilities necessary to support these operations.

Two Full Disposal alternatives are considered: disposing of the Federal property using standard General Services Administration excess property disposal procedures (Alternative 1); and a Full Disposal alternative combined with a monetary incentive offered for the purpose of expediting the disposal (Alternative 1a).

Two Partial Disposal alternatives are considered: partial disposal with the USACE's continued operation of the existing floodgate, maximized public access for stakeholder interests, and Federal investment to maintain retained facilities (Alternative 2); and partial disposal, maximized public access and stakeholder interests, combined with most of the USACE's operational expenses being funded by a new project partner (Alternative 2a).

The USACE's Tentatively Selected Plan (TSP) is Alternative 1a, Complete Deauthorization and Disposal combined with a monetary incentive for expediting disposal. The Disposition Study and Draft EA concludes that the project no longer serves its authorized purpose(s) and that continued operation and maintenance of the site is not in the Federal interest. The TSP recommends that:

- Congress deauthorize the project, ending USACE's primary navigation mission at the USAF Lock and all other secondary missions, including recreation;
- USACE transfer all Federally owned project features to another entity;
- USACE would no longer have a physical or legal presence at the USAF site and the site would cease to be a Federal property;
- Congressional deauthorization language should include granting the Secretary of the Army authority for two years in which to negotiate transfer of property terms, and payment of an incentive to expedite disposal. The incentive will be negotiated within the limits set by Congress; and
- Should a new owner not be identified within two years of deauthorization, the recommended plan will be Alternative 1, which is full disposal without an incentive payment.

The TSP, however, preserves the rights-of-way which provide access to Lower St. Anthony Falls L&D. These rights-of-way would be retained until a later time when the Lower St. Anthony Falls project may be deauthorized.

The Federal action under consideration is limited to deauthorization and disposal of structures that are Federally owned, and does not cover potential impact(s) from disposition to non-Federal uses (e.g., the upper lock being used as a launching point for emergency water rescues by the Minneapolis Fire and Rescue and Hennepin County water patrol). While the Disposition Report and Draft EA identify potential future owners and generally describe potential future uses, they do not disclose potential impacts related to future uses. The Disposition Report and Draft EA state that future regulatory actions will be required to ensure compliance with applicable laws and statutes, including evaluation of potential impacts of any future modifications to the site if the TSP becomes the selected alternative.

After having reviewed the Disposition Report and Draft EA, and associated appendices, USEPA has no substantive comments to offer. We look forward to the results of consultation with Native American groups, the U.S. Fish and Wildlife Service, and the National Park Service in the final Disposition Study and EA.

EPA.1

Thank you for the opportunity to review this project. Please send future NEPA documents concerning this project to Kathy Kowal, the lead NEPA reviewer for this project, at [kowal.kathleen@epa.gov](mailto:kowal.kathleen@epa.gov). Ms. Kowal can be reached at 312-353-5206.

Sincerely,

**KENNETH  
WESTLAKE**

Digitally signed by  
KENNETH WESTLAKE  
Date: 2021.03.15  
16:57:21 -05'00'

Kenneth A. Westlake  
Deputy Director, Office of Multimedia Programs  
Office of the Regional Administrator

CC via email:

Nick Utrup, U.S. Fish and Wildlife Service  
Teodor Strat, Federal Energy Regulatory Commission  
Kevin Legare, General Services Administration  
Richard Balsano, General Services Administration



#### 4.5.2 2019/09/13 – Scoping Comments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 13 2019

MEMO TO THE ATTENTION OF RM-19J

Numerie M. Bischoff, P.E., Project Manager  
Minneapolis Locks Disposition  
U.S. Army Corps of Engineers  
180 5th Street East, Suite 700  
St. Paul, Minnesota 55101

**Re: Scoping Comments – Disposition of Upper St. Anthony Falls, Minneapolis, Minnesota.**

Dear Ms. Bischoff:

The U.S. Environmental Protection Agency received your June 27, 2019 request for comments to inform development of a Draft Environmental Assessment (EA) for the above-referenced project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

In July, 2018, the St. Paul District, U.S. Army USACE of Engineers (USACE) conducted a series of public meetings concerning a Disposition Study (Study) for three locks and dams operated by USACE: the Upper St. Anthony Falls (USAF), the Lower St. Anthony Falls (LSAF), and Lock and Dam 1 (L&D1). The Study's purpose, as authorized by Section 216 of the Flood Control Act of 1970, is to evaluate these dams to determine if they no longer meet their authorized purpose and whether a recommendation can be made to Congress for deauthorization and disposal. Disposal could include turning these sites over to other entities.

Since July, 2018, the scope of the Study has changed, requiring USACE to prepare a separate study just for USAF. A separate study for LSAF and L&D1 is slated to begin in approximately December 2020.

Disposition studies examine the benefits and costs of continuing to operate Federal projects that are no longer serving their authorized purposes. The navigation operations at USAF ceased on June 9, 2015. Since that time, the lock has been operated only for flood mitigation and visitor tours.

The USAF Disposition Study (Study) will analyze three alternatives: 1) The no action alternative (continue operating USAF as it is presently operated); 2) deauthorize all remaining Federal purposes and dispose of the Federal property according to Federal law; and 3) retain those features of the project required to continue USACE operations for flood mitigation while

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deauthorizing and disposing of other features of the project. Additionally, the Study will analyze opportunities to augment the three alternatives by considering measures that: a) maintain or improve the human environment at USAF; b) maintain or improve the natural environment at USAF; and c) maintain or improve recreational opportunities at USAF.

EPA's scoping recommendations are enclosed. We offer recommendations concerning purpose and need, alternatives, and indirect and cumulative impacts analyses. We recognize scoping and other early coordination as an efficient means to resolve potential issues upfront, facilitate accelerated project timelines, inform project decision-making, and improve project outcomes. As such, we appreciate the opportunity to be involved at these early stages of Study development.

Thank you for the opportunity to review this project. When the NEPA document becomes available, please send an electronic copy to Kathy Kowal, the lead NEPA reviewer for this project, at [kowal.kathleen@epa.gov](mailto:kowal.kathleen@epa.gov). Ms. Kowal can be reached at 312-353-5206.

Sincerely,



Kenneth A. Westlake  
Deputy Director, Office of Multimedia Programs  
Office of the Regional Administrator

Enclosure: EPA's Detailed Scoping Comments

CC via email: Nick Utrup, U.S. Fish and Wildlife Service  
Teodor Strat, Federal Energy Regulatory Commission



**EPA'S DETAILED SCOPING COMMENTS CONCERNING THE  
DISPOSITION OF UPPER ST. ANTHONY FALLS  
MINNEAPOLIS, MINNESOTA  
September 13, 2019**

**Purpose and Need / Alternatives Analysis**

Information provided to EPA indicates three alternatives, will be analyzed, along with opportunities to augment the three alternatives by considering measures which maintain or improve the human or natural environment or recreational opportunities at USAF. The analysis and comparison of alternatives is considered the "heart" of the NEPA process. One of the critical elements of NEPA is that project proponents must assess the feasibility and potential impacts of not only the preferred alternative, but also a range of feasible alternatives. The range of alternatives will be based on the project need and the project purpose.

**Recommendations for the forthcoming NEPA document:**

- Identify and substantiate the purpose and need for the proposed project (e.g., typical problems associated with the USACE assets in question (e.g., costs of operation and maintenance, etc.). The project purpose and need statements should be clear and concise.
- Describe potential changes to operations (e.g., flood mitigation) that could result from each proposed alternative. Consider associated environmental and health impacts categories, such as air quality and noise levels.
- Describe potential constraints of any or all alternatives (e.g., Minneapolis water supply needs; current use for water rescues, flood operations, and maintenance; barrier to Asian Carp movement; assets owned by other entities, etc.).
- Describe potential beneficial opportunities provided by one or more alternatives (e.g., improving or enhancing recreation, etc.).
- Clearly describe and depict area of potential socioeconomic effects, as well as effects natural and cultural resources.
- Clearly indicate why and how the particular range of project alternatives was developed, including what kind of public and agency input was used. In addition, alternatives analysis should explain why and how alternatives were eliminated from consideration. The EA should be clear on what criteria were used to eliminate alternatives, at what point in the process the alternatives were removed, who was involved in establishing the criteria for assessing alternatives, and the measures for assessing the alternatives' effectiveness.
- Explain the rationale for generating, evaluating, and eliminating alternatives. If an alternative is eliminated from further consideration because it "does not meet the purpose and need," the NEPA document must adequately describe how or why that alternative doesn't meet the purpose and need.
- Include a discussion of reasonably-foreseeable effects that changes in climate may have on the project area, including long-term infrastructure. This analysis could help inform analyses of the alternatives that consider the deauthorization of all remaining Federal purposes, the disposal of the Federal property according to Federal law, and the retention of those features in the project area required to continue USACE operations for flood mitigation.
- Include a discussion of past and reasonably-foreseeable future costs of maintaining properties (e.g., continuing to operate flood gates, etc.).

### **Indirect Impacts**

Forthcoming NEPA documentation should include reasonably-foreseeable plans for the USAF site (e.g., Central Riverfront Master Plan identified during scoping meetings) if deauthorization/disposition of the Federal property is selected. EPA acknowledges that future visions will be analyzed under separate NEPA analyses. However, in order for reviewers of the current NEPA study for USAF to understand the breadth and extent of potential future actions for the property, EPA recommends all current visions should be identified and discussed in the forthcoming EA. EPA recognizes that fully-designed plans are not available at this time; however, we encourage inclusion of all available information.

### **Recommendations for the forthcoming NEPA document:**

- Describe and visually depict reasonably-foreseeable development concepts (e.g., hydropower, River restoration, Central Riverfront Master Plan, Water Works concept, Friends of the Lock and Dam and VJAA, etc.).
- Discuss whether and how the visions depend on USACE retaining property and/or sharing the site.

### **USEPA Databases**

The following databases can provide environmental information about the project area:

- EnviroMapper<sup>1</sup>: <https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system>
- Envirofacts<sup>2</sup>: <https://www3.epa.gov/enviro/facts/multisystem.html>
- EJSCREEN: <https://www.epa.gov/ejscreen>
- NEPAassist: <https://www.epa.gov/nepa/nepassist>
- Clean Water Act 303(d) Listed Impaired Waters: <https://www.epa.gov/exposure-assessment-models/303d-listed-impaired-waters>

<sup>1</sup> The Watershed Assessment, Tracking & Environmental Results System (WATERS) unites water quality information previously available only from several independent and unconnected databases.

<sup>2</sup> Includes enforcement and compliance information.