



**US Army Corps
of Engineers®**
St. Paul District

Environmental Assessment

**Blackhawk Park Bank Stabilization
Vernon County, Wisconsin
NEPA ID: EAXX-202-00-B6O-1734354140**

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Environmental Assessment
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Environmental Assessment

Blackhawk Park Bank Stabilization

1 Introduction

1.1 Background

Blackhawk Park is a US Army Corps of Engineers (Corps) owned and managed recreation site located on a forested bend in Pool 9 of the Upper Mississippi River (UMR) on the Wisconsin side near river mile (RM) 671. Located near De Soto, Wisconsin, the park features 150 campsites, making it the largest public use facility in Pool 9. Besides its function as a recreational site, Blackhawk Park is also an approved dredged material placement site identified in the St. Paul District's long-term Channel Maintenance Management Plan (CMMP). The placement of excavated material within the park is used to raise low areas to reduce flooding impacts and improve roads. Due to seasonal weather, river current, and low elevation areas along the shoreline, Blackhawk Park experiences erosion and seasonal flooding which degrades the sustainability of parks shoreline. Seasonal flooding also effects the areas where bank stabilization has occurred.

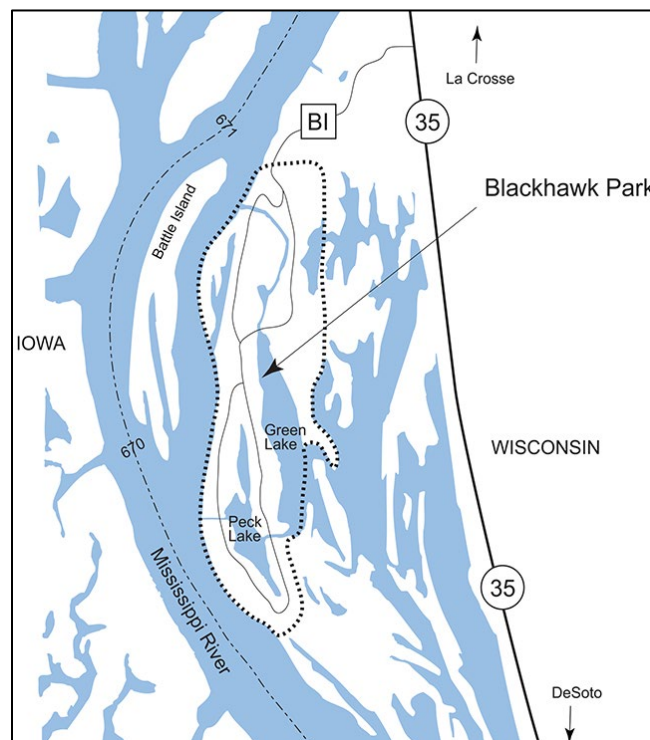


Figure 1. Map overview of Blackhawk Park in Vernon County, WI

1.2 Purpose and Need

The purpose of the proposed project is to stabilize the shoreline at and around Blackhawk Park as remedial measures to correct the damage incurred during the spring 2023 overtopping event. The bank stabilization and erosion protection features include gravel removal, clearing and

grubbing, and rock layout along small channels in areas of erosion. Five sites with seven work areas have been identified within the park as sites that typically take on larger flow events that cause overtopping flows and active erosion. Each site may be implemented independently as the effectiveness of rip rap at any site is independent of what is happening at the other sites. See Figure 5 below for reference.

1. Site 1 encompass an aeration channel with a 42" culvert to allow for flow from the Mississippi River to the channel. The site is divided into two work areas labeled as Site 1 North and Site 1 South.
2. Site 2 is the work within the Battle Slough aeration channel. Riprap work will be completed at the northern portion of the channel, along the east side of the channel, and at the southern portion by the storm drain. The two work areas will be labeled as Site 2 North and Site 2 South to differentiate between the work done at Site 2.
3. Site 3 covers the work area at the storm drain outlet riprap.
4. Site 4 covers the eroding bank work.
5. Site 5 includes Peck Lake inlet riprap work.

1.3 Authority

Blackhawk Park is a US Army Corps of Engineers (Corps) recreation site that is operated and maintained for the UMR inland navigation mission. Additionally, Blackhawk was included in the CMMP and was addressed in the "Final Environmental Impact Statement for 9-Foot Navigation Channel Maintenance Management Plan, Upper Mississippi River, Head of Navigation to Guttenberg, Iowa". The long-term 404(b)(1) Evaluation and Record of Decision (ROD) for the CMMP EIS were signed 7 July 1997. Pursuant to 33 U.S.C. 652(i), the Corps was directed to dispose of excavated material from the UMR system pursuant to the GREAT 1 study. According to paragraph 6.0 of the CMMP, the CMMP is a composite of the GREAT I study recommendations. Original authorization to improve navigation of the Mississippi River was provided by the River and Harbor Acts of 1880, 1882, and 1930. The Flood Control Act of 1944 provides authority to construct, maintain and operate public park and recreational facilities at water resource development projects. Blackhawk Park is currently managed as a recreational site for the UMR project.

2 Alternatives

2.1 No Action Alternative

The No Action Alternative would leave the identified shoreline sites on and around Blackhawk Park in its current degraded condition. The shoreline would continue to erode with time, high water levels, and seasonal flooding. The No Action Alternative will not address the project's objectives, and the degraded areas would continue to erode without reinforcement until such time as another shoreline protection project is proposed.

2.2

2.3 Proposed Alternative

The Proposed Alternative addresses five sites with a total of seven work areas at Blackhawk Park. The work will be done by the Corps Operation Maintenance and Repair team (M&R). This alternative will use twelve stockpile areas for temporary storage of riprap and bedding material and construction equipment staging. The stabilizing material used will consist of approximately

2,245 tons of R140 riprap, 2,865 tons of R30 riprap, 1,148 B1 bedding, and 600 tons B2 bedding. The rock supply will be sourced and delivered by the contractor from a material source that has been approved by a Government Geologist and processed using a Government-approved method. The five sites where shoreline stabilization would occur will require gravel removal, minimal clearing and grubbing of 0.05 acres, minimal removal of trees, and placement of stabilization material. Approximately 2,302 tons of gravel material will be excavated from sites and temporarily stockpiled at location identified in Figure 5. Reference Figure 2 below for identified tree removal and Figure 3 for clearing and grubbing area. See Site 1-5 descriptions below for more information on Proposed Alternative.

Tree Removal:

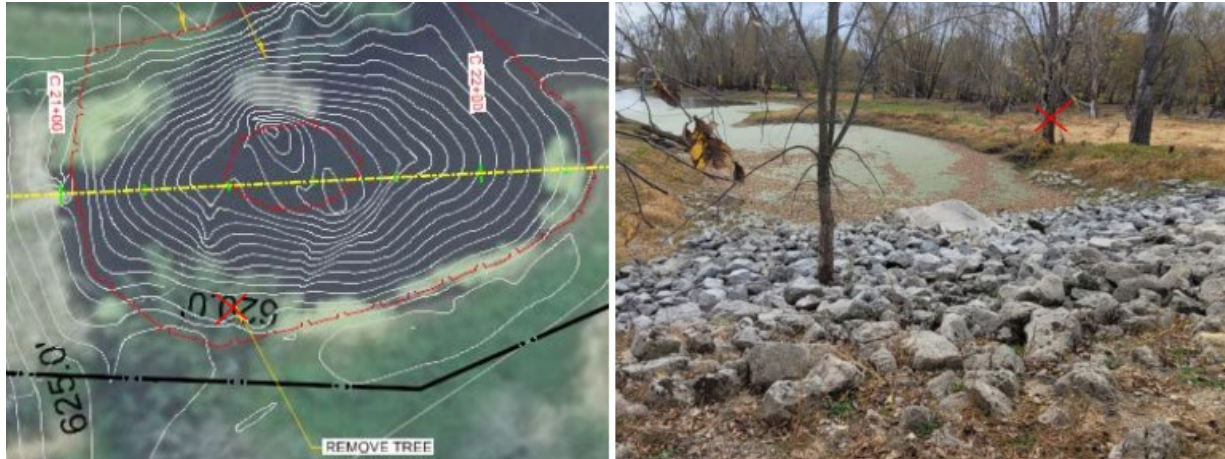


Figure 2. Site 3 Tree Removal (Plainview/Field Photo)

Minimal tree removal planned for construction of this project. If tree felling required for construction and logistic purposes, environmental compliance team will be consulted, and tree removal will follow Best Management Practices with tree felling occurring outside of Tricolored Bat active seasons outlined in Section 4. If minimal tree removal occurs near forested edge, few trees will be felled back into forested edge landscape as herptile “loafing” habitat. Other felled trees and coarse woody debris to include Site 3 tree removal will be hauled offsite to a compost or landfill facility.

Clearing and Grubbing:

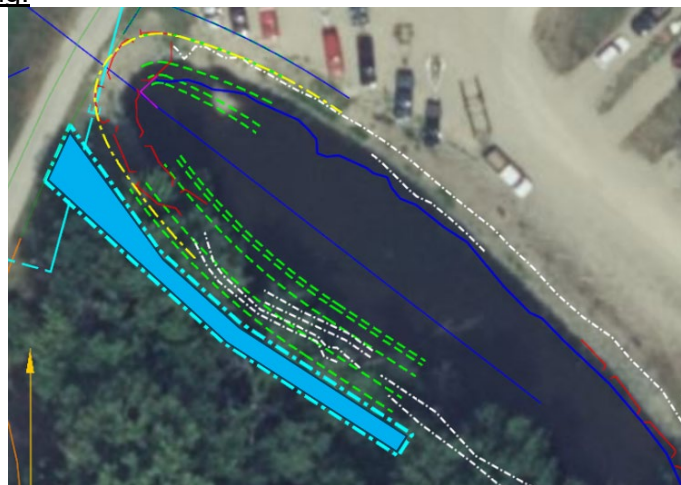


Figure 3. Site 2 North Clearing and Grubbing (Blue shaded polygon 0.05 acres)

Stockpile Sites Pre-Construction:

The Proposed Alternative will utilize twelve cleared areas of minimal vegetation for pre-construction stockpile and staging areas. See Figure 4 below for designated riprap and bedding material stockpile areas.

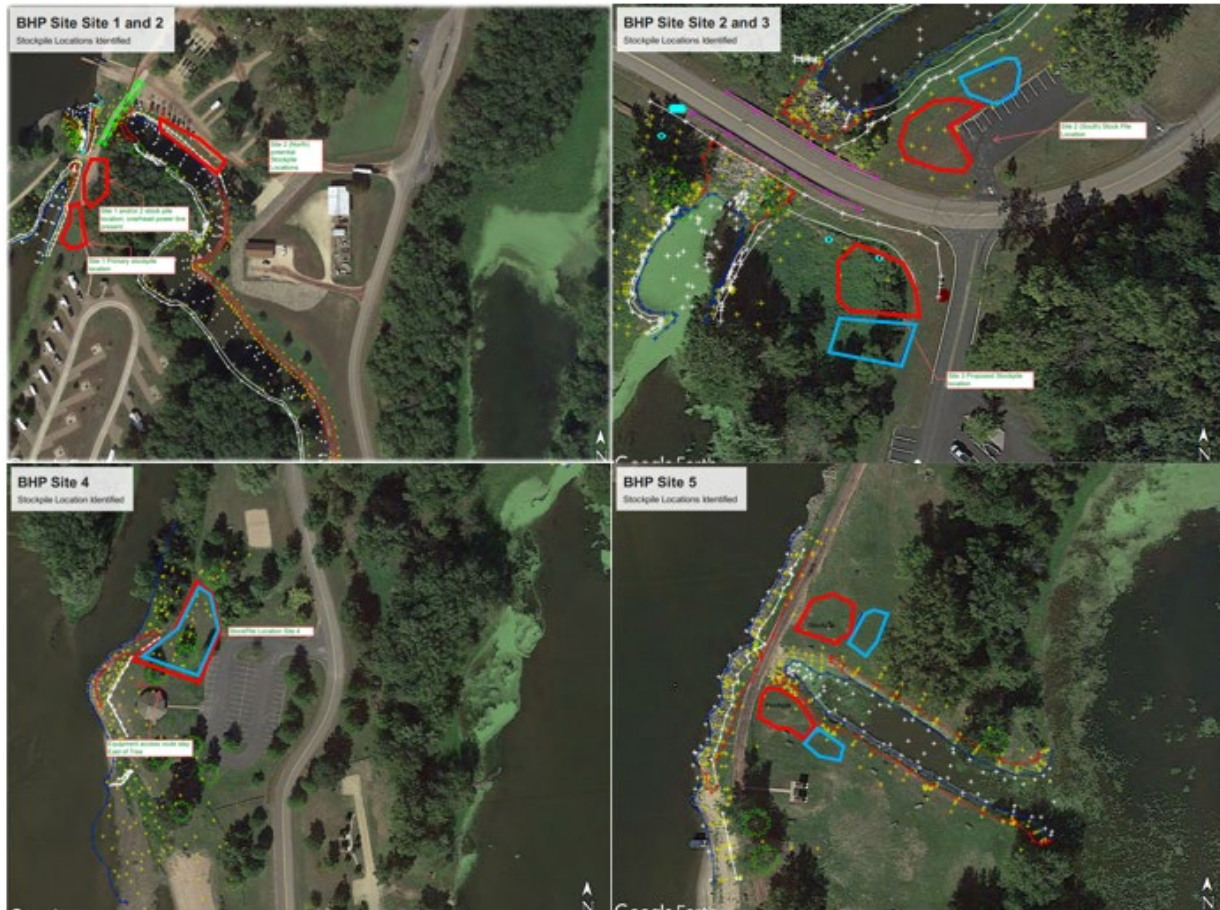


Figure 4. Riprap and bedding stockpile and staging locations

Excavated Material Stockpile Post-Construction

The Proposed Alternative will utilize one cleared area of minimal vegetation for post-construction excavated gravel material stockpile. See Figure 5 below for designated stockpile area. This area will be held temporarily behind park shower facilities until later use as fill for park comfort station construction.



Figure 5. Excavated material stockpile location post-construction (~2,302 tons material)

Bank Stabilization Site Construction:



Figure 6. Blackhawk Park Map Sites 1 through 5

Site 1

Site 1 is divided into two sections, north and south, and currently has a 42" corrugated metal pipe culvert. The culvert is not sloped correctly to angle to the south along the direction of flow, so some sediment has built up on the south end of the culvert. This issue will not be addressed in this project but in a separate, future contract. There is a

degraded riprap area on the north side of the culvert, with very little remaining at the inlet.

At Site 1 North, riprap gradation R30 will be placed with a layer thickness of 21" along the banks and in front of the culvert, to account for high turbulence flow, underlain with 6" of B1 bedding.

At Site 1 South, the south end of the culvert has riprap around it and along the banks extending to the south. As part of this work, the riprap bank protection will tie-in to the existing riprap and extend further to the south, where the banks are showing signs of erosion based on assessment of the conditions on the site visit. The selected gradation is R30 with a layer thickness of 14" for low turbulence flow underlain by 6" of B1 bedding.



Figure 7. Site 1 Bank Stabilization Area

Site 2

Site 2 is divided into two sections, north and south. The northern site has a large culvert that is significantly blocked by sediment (roughly half of the depth). The culvert on the southern end is 72in in diameter. Based on measurements taken on the site visit, and the size of the culvert on the southern end of the channel, the culvert on the northern end is also estimated to be 72in. Both culverts have existing riprap revetment, and there is riprap lining the north bank of the north site.

At the north site, Site 2 North, gravel from the adjacent parking lot gets washed into the channel during overtopping events. As part of the work on this project, the sediment blocking the northern culvert will be excavated and placed at the post-construction temporary stockpile site shown in Figure 5. The worst section is the northwest corner, where the gravel will be cleared, and new riprap placed. The riprap along the north bank extending to the east has been eroded, though not to the same extent. A fresh layer will be added to fill in any missing areas. On the south bank of Site 2 North, the bank is experiencing more significant erosion just past the end of the culvert riprap. To protect

For Site 2 South, the bank is experiencing some slight erosion, especially along the southeast bank adjacent to the existing culvert riprap. The riprap is to be extended along the length of the apparent erosion underlain with bedding material. See Figure 7, 8, and 9 below.



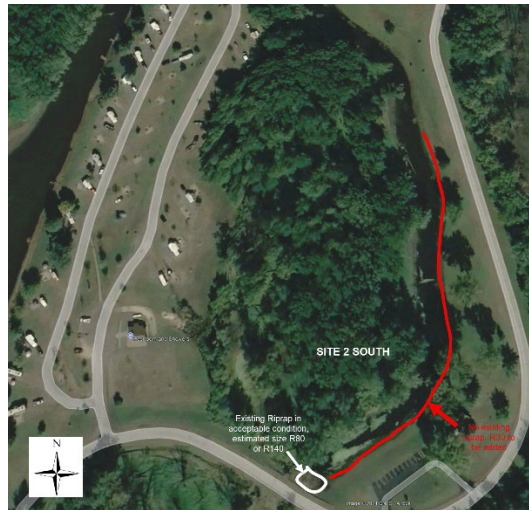


Figure 10. Site 2 South Bank Stabilization No-Existing Riprap

Site 2 South improvement to no-existing riprap shoreline, reference Figure 10, extends for approximate 814ft. In this area R30 size riprap will be placed at a 16in layer thickness with an underlain 6in of B1 bedding. The riprap will extend from the top of the bank to the toe. It will be placed on top of the existing ground with no excavation, clearing and grubbing or tree removal needed.

Site 3

Site 3 is at the outlet of a 72" culvert and extends for an approximate length of 127ft. Erosion is occurring around the banks of the outlet, and the scour appears to be undermining the roots of an adjacent tree. Riprap will be used to line the banks and create a fresh culvert outlet apron. The placement of material at this site will result in an average of approximately 2.5 cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high-water mark.



Figure 11. Site 3 Bank Stabilization Area

Site 4

Erosion occurs at Site 4 as the area is overtopped. There is existing riprap at the toe and a sandy bench above it, where the riprap has been stripped away, and the erosion is cutting into the bank above the riprap. The eroded slope is to be smoothed to a 2:1 (H:V), and riprap will be used to create a gentle slope from the top of bank down to the existing riprap.



Figure 12. Site 4 Bank Stabilization Area

The bank on Site 4 is eroding from behind the existing riprap, causing the top of bank to recede and creating a bench area between the existing riprap and the new bank slope face. At this site, the new top of bank will be regraded to the existing riprap for a variable slope and placement R30 riprap underlain with bedding material for a variable depth with a minimum of 20in thickness. Supplement rock will be placed on the existing riprap as necessary.

Site 5

Erosion occurs at Site 5 as the area is overtopped. There is existing riprap lining both banks of this outlet channel, and most of it is in acceptable condition. The culvert is blocked by sediment and will be cleared at the southern outlet during construction. See Figure 14 below for demolition site where excavated material will be moved to post-construction temporary stockpile area seen in Figure 5 above. Riprap will be placed at the area near the culvert outlet on the northwest corner. There are some areas there where the riprap does not extend all the way up to the existing top of bank, and those areas are exposed to erosion during high overtopping flows. See Figure 12 and Figure 13 below.

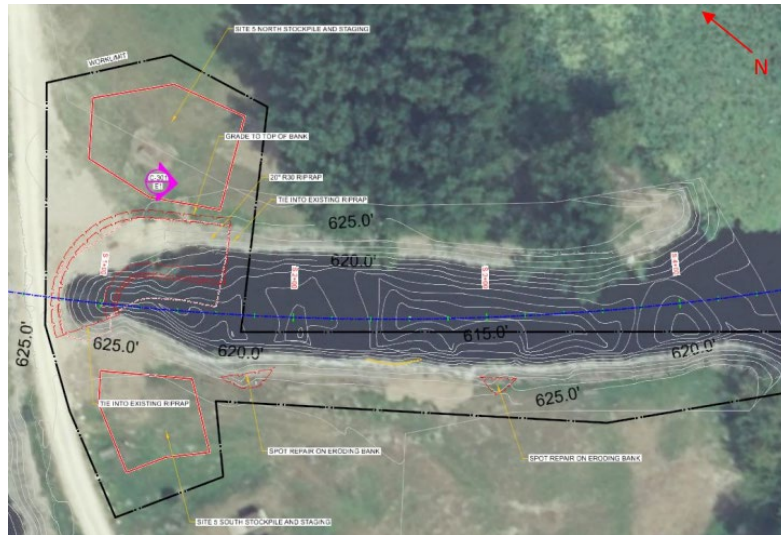


Figure 13. Site 5 Bank Stabilization Area

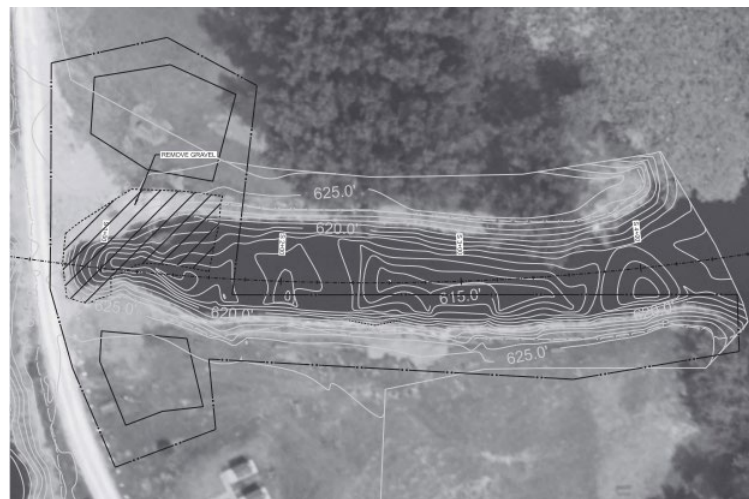


Figure 14. Site 5 Demolition Area

After the gravel removal at Site 5, there will be an established 1V:3H slope from the top of bank to the channel and placement of R30 riprap underlain with bedding material from the top of bank to the channel with a 5ft toe at the channel. The new riprap edge will warp to the existing riprap on the left and right bank. On the right bank, there exists two prominent erosion spots. At this site, placement of rock on the identified eroding area will minimize potential future erosion. Spot repair of the eroding bank area will be performed as necessary.

2.4 Other Alternatives Considered

Other alternatives considered during the planning process to address the shoreline stabilization needs at Blackhawk Park included engineering with nature by stabilization with natural material. Materials such as logs, branches, brush, roots and soil as fill. These materials could be engineered to be used in place of heavy stone riprap material to protect the bank. However, this alternative was screened when compared to the Proposed

Alternative because of the existing use and presence of riprap material for bank stabilization. Additionally, the use of riprap is a known technique and with a high likelihood of success to provide long-term stabilization needs.

3 Affected Environment and Environmental Consequences

3.1 Natural Resources

3.1.1 Air Quality

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

No Action Alternative – The No Action Alternative would require no construction in the project area and therefore its effects on air quality and greenhouse gas are not evaluated.

Proposed Alternative – The operation of heavy equipment during construction would temporarily increase vehicle emissions and slightly degrade air quality in the immediate vicinity of the project area. Heavy equipment includes excavators, loader, and skid loader. Impacts would be short-term and negligible due to the short construction timeframe. It's anticipated that construction would be completed in 26 working days during the summer or fall of 2025. To minimize air emissions, contractors would be required to meet or exceed all federal, state, and local air resource requirements. After construction, maintenance requirements and flooding of shoreline will occur less frequently than under the No Action Alternative.

3.1.3 Water Quality

The Mississippi River within Pool 9, Reach 4, is listed as impaired by the Wisconsin Department of Natural Resources. Impairments include polychlorinated biphenyls (PCBs), phosphorus, mercury, and PCBs in fish tissue. (WNDR, 2024)

No Action Alternative – The No Action Alternative would have minimal to no effect on water quality. The current shoreline would continue to flood during highwater, resulting in erosion and subsequent material deposition into the nearby waterways.

Proposed Alternative – The proposed alternative would result in localized increased in turbidity resulting from in-water placement of rip rap. These increases would be short term with turbidity returning to background levels once construction is completed. During construction of the Proposed Alternative, proper construction methods would be used to minimize adverse effects to bodies of water. In accordance with Nationwide Permit 13 - Bank Stabilization and Clean Water Act Section 401 Water Quality Certification from the Wisconsin Department of Natural Resources, no discharges of excavated or fill material below the ordinary high-water mark of a navigable stream can occur within any water body from March 1st through June 15th. The proposed project will keep construction activities outside of outlined window and USACE will maintain coordination with Wisconsin Department of Natural Resources to ensure compliance. For more information reference Section 4.3. Erosion and sediment control measures also would be implemented to prevent silt from leaving the project areas and entering any downstream waters. The proposed project would not cause adverse effects to bodies of water and USACE

would utilize construction best management practices (BMPs) to protect against erosion and sedimentation of downstream resources. These could include sediment fencing to prevent movement of soil as well as managing construction materials and debris such that no debris, garbage, or fuel enters the water. Exposed soils from equipment staging and material stockpiling would be seeded following construction.

3.1.4 Geology and Soils

Native soils around the existing consist of gravel, loamy sand, and existing riprap. The bank stabilization sites will require alterations to the existing material level and slope of shoreline. More information regarding the geological alteration can be found in the design documents.

No Action Alternative – The No Action Alternative would have no effect to soils in the shoreline areas and no construction would occur.

Proposed Alternative – The Proposed Alternative would create varying changes to soils at the five sites. Riprap will remain the stabilizing material, and new riprap will tie into existing riprap features at these sites. Riprap will also be placed over existing riprap to meet design depths. Extensions of the bank stabilization on some of these sites will alter the existing natural soils to riprap material. The stockpile areas are temporary and will only remain for the duration of construction. Following construction, the stockpile areas will revert to area's original natural soils.

There are no known Hazardous, Toxic, Radioactive, Wastes (HTRW) concerns with either the No-Action or Proposed Alternatives. HTRW Phase I Environmental Site Assessment (ESA) is currently being completed at the subject property by a qualified geologist with no expected recommendation for a Phase II ESA.

3.1.5 Wetland and Aquatic Habitat

Blackhawk Park spans over 5,500 feet of shoreline right off the main channel of Pool 9 on the Mississippi River. The park footprint in total spans around 40 acres of which is mostly comprised of campground with terrestrial habitat, wetland, and aquatic habitat.

No Action Alternative – The No Action Alternative would result in continued erosion of the shoreline resulting in a gradual loss of park wetland.

Proposed Alternative – The Proposed Alternative would stabilize approximately 2,300 linear feet of shoreline. Much of this shoreline has pre-existing riprap material and minor shoreline stabilization extensions to the sites. The work limits of this alternative include construction equipment staging and rock stockpile areas. These areas may have temporary impact to the park's grass but would not affect or permanently impact substantial wetland habitat in and around Blackhawk Park.

3.1.9 Terrestrial Habitat

Blackhawk Park spans around 40 acres of which is mostly comprised of campground with terrestrial habitat, wetland, and aquatic habitat. Inside the park footprint, there exists young vegetation and mature trees.

No Action Alternative – The No Action Alternative would result in no change to terrestrial habitat in Blackhawk Park.

Proposed Alternative – The Proposed Alternative would involve minimal clearing and grubbing of 0.05 acres, as well as minimal mature tree removal to construct. The loss of terrestrial habitat

will be minimal and will not result in a significant impact to terrestrial habitat in the park. See Section 3.6 for more details regarding tree removal.

3.1.11 Threatened and Endangered Species

Federally Listed Species

Table 1. Federally Listed Species

	Common Name	Scientific Name	Status
Mammals	Tricolored bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Birds	Whooping crane	<i>Grus americana</i>	Experimental Population, Non-Essential
Insects	Monarch	<i>Danaus plexippus</i>	Proposed Threatened
Mussels	Higgins eye	<i>Lampsilis higginsii</i>	Endangered
	Salamander	<i>Simpsonia ambigua</i>	Proposed Endangered
	Sheepnose	<i>Plethobasus cyphus</i>	Endangered

*Information for Planning and Consultation (IPaC) data as of 07 February 2025.

Tricolored bat

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

Whooping crane

The whooping crane breeds, migrates, winters and forages in a variety of habitats, including coastal marshes and estuaries, inland marshes, lakes, open ponds, shallow bays, salt marsh and sand or tidal flats, upland swales, wet meadows and rivers, pastures, and agricultural fields. Summer foods include large nymphal or larval forms of insects, frogs, rodents, small birds, minnows, and berries.

Monarch

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

Higgins eye

Lampsilis higginsii are considered “rare” in the Upper Mississippi River system (Kelner, 2024), and there are extensive conservation efforts on-going to promote this species including re-introductions, propagation, and designation of essential habitat areas (USFWS 2004). Higgins

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

USFWS has designated the Whiskey Rock Essential Habitat Area (EHA) for Higgins eye near river mile 657. This area lies in Pool 9 adjacent to the main navigation channel and across from the Capoli Slough HREP. The EHA was believed to contain a viable reproducing Higgins eye populations at the time of its designation. This EHA was critical to mussel species including Higgins eye colonization following construction of the Capoli Slough HREP. The approximate size of the Whiskey Rock EHA is 743,500 m² where Higgins eye density has ranged from 0.12 to 0.20/m² since monitoring of the EHA began in 2004. A healthy Higgins eye population also occurs within Minnesota Slough at the head of the Pool at Reno Bottoms with Higgins eye comprising 0.13% of a diverse mussel community containing 25 live species. Additionally, mussel surveys within other areas of Pool 9 are limited but indicate that Higgins eye may be less abundant outside of the Whiskey Rock EHA and Minnesota Slough at Reno Bottoms.

Salamander mussel

Salamander mussels are small, thin-shelled mussels that inhabit swift-flowing rivers where they shelter under rocks or in crevices. Similar to other freshwater mussels, the salamander mussel relies on a host for reproduction. The mudpuppy (*Necturus maculosus*), the only host for salamander mussel, is a fully aquatic salamander species that is present within the same habitat preferred by the salamander mussel during the summer and fall when female mudpuppies are guarding their nests under large flat rocks. The salamander mussel's larvae (called glochidia) develop on the gills of the mudpuppy before falling off into the stream substrate. Although salamander mussels are presumed to occur within the watershed encompassing the study area, there are no historic or recent records of the species within the UMR proper in Pool 9 (Kelner 2024). Critical habitat for the species is proposed within the watershed connected to Pool 9 but not within the UMR in Pool 9 or adjacent pools.

Sheepnose

Sheepnose mussels are thick-shelled, medium-sized freshwater mussels that typically inhabit shallow areas of large rivers and streams that contain moderate to swift currents with substrate containing coarse sand and gravel. The only confirmed fish host for this species is the sauger. The species inhabit only about 25 percent of their historical range with threats including contaminants, hydrological regime, landscape alterations, lack of connectivity and invasive species (USFWS). Sheepnose occurred historically within Pool 9 but has not been recorded live for several decades with only long dead specimens collected (Kelner 2024).

No Action Alternative – The No Action Alternative would have no effect on federally listed species or their critical habitat.

Proposed Alternative – The Proposed Alternative may affect, but is not likely to adversely affect, the Tricolored Bat and will have no effect on the other Federally Proposed Threatened, Proposed Endangered, or Endangered Species or Proposed Critical Habitat due to lack of habitat in the project footprint, including stockpile locations. To reduce any disruption to potential bat species in the park, tree removal activities will be conducted outside of the Minnesota bat species spring staging activities, 15 April to 14 May, pup season, 01 June to 15 August, and fall swarming, 16 August to 31 October.

Mussel surveys within the in-water footprints of the proposed stabilization features were conducted during September 2024 by wading. No live or dead mussel were collected and as a result no effects on mussels will occur. Federal agency coordination with the Fish and Wildlife Service under the Endangered Species Act, Section 7 occurred on November 15th, 2024. Reference Section 4.4.

State Listed Species

The WDNR Natural Heritage Information System Rare Features Database (NHIS) identified 31 terrestrial and wetland species within a 1-mile radius of the project area and a 2-mile radius for aquatic species in the project area. Of the 36 species identified, there are 6 mussels, 9 fish species, 3 birds, 5 insects, 2 reptiles, 1 amphibian, and 2 snails.

No Action Alternative – The No Action Alternative would have no effect on state-listed species.

Proposed Alternative – Areas where material placement, dredging, or work would occur consist of limited wildlife habitat, much of which is old riprap. Mussel surveys conducted in September of 2024 found no live or dead mussels in these areas. The Proposed Alternative is not expected to substantially impact state listed species.

3.1.11 Invasive Species

The areas where work would occur is turf grass that is frequently mowed and areas with eroded riprap and gravel material. There are no known invasive species within these areas.

No Action Alternative – The No Action Alternative would have no effect on invasive species.

Proposed Alternative – The Proposed Alternative is not anticipated to result in the spread of invasive species not currently present within the project areas. Operators will be required to clean previously used equipment prior to bringing it onto the project site and prior to removing it from the site to prevent the spread of invasive species. Equipment would be inspected to ensure they are free from soil residuals, egg deposits from plant pest, noxious weeds, plant seeds, aquatic plants and animals, and residual water. Before riprap material is stockpiled on site it will be tested and free of objectionable quantities of dirt, sand, clay, rock fines, or other deleterious materials. If at any point, equipment or construction material is found to be contaminated with invasive species, they will immediately be decontaminated until all invasive species have been removed.

3.2 Socio-economic Resources

3.2.1 Recreation

The campground offers 150 campsites, including 73 with electrical hookups. All sites have a picnic table and fire ring provided. Flush toilets and showers are located in the West Camping loop. There are no full-hook up sites, but a dump station and potable water are located within the park. The park also has a beach, two picnic shelters, two boat ramps, two playgrounds, a volleyball court, horseshoe pits, fishing docks. Boating, kayaking, canoeing, and fishing are Blackhawk's most popular forms of recreation.

No Action Alternative – The No Action Alternative would have no effect on recreation beyond existing conditions. The existing shoreline will continue to erode and may hinder accessibility to park reaches. After flood waters recede, the shoreline will continue to degrade and draw in loose materials from park shoreline.

Proposed Alternative – The Proposed Alternative would not have substantial adverse effects on recreation. There may be a temporary disruption to access of rip rap sites during construction, but this would be temporary and relatively brief. Construction noise also may be a

brief distraction for park visitors but is anticipated only for 26 working days. During high water, the stabilized shoreline will protect against erosion and help prevent future maintenance needs and possible recreational access during maintenance.

3.2.2 Aesthetic Values

Blackhawk Park is located on a forested bend with views of the UMR. The park has manicured lawns, trees, campsites, and other recreational features as mentioned above.

No Action Alternative – The No Action Alternative would have no long-term effect on aesthetic values as season flooding, weather, and eroding continue to degrade the existing park shoreline.

Proposed Alternative – Effects from construction would be temporary. Views of the UMR would not be permanently obstructed. The park would aesthetically benefit from having like material spread evenly across its shoreline as a cohesive feature. Degraded lawn from equipment staging and material stockpile areas would be seeded following construction.

3.2.3 Noise

Noise levels in and around the vicinity of the project area are commensurate with that of other remote stretches along the UMR.

No Action Alternative – The No Action Alternative would have no effect on noise levels within the park beyond existing conditions.

Proposed Alternative – The use of heavy equipment for construction would generate a temporary increase in noise levels which could disturb wildlife and people visiting the park. The use of heavy equipment on the site would only be for a short period of time, resulting in a temporary and minor adverse effect. Construction is expected to be completed within 2025 and occur during daylight hours only. Noise levels would return to normal following construction. Noise associated with construction of the project would lead to temporary displacement of some wildlife species. However, birds and other wildlife species are expected to return to the area following construction. No long-term impacts would be expected to occur once construction is complete.

3.2.4 Transportation

There will be no impact to railways or trafficked roads within the project area; therefore, the No Action and Proposed Alternatives would have no effect on transportation.

3.2.5 Commercial Navigation

There will be no impact to the main channel of Pool 9 which is within the project area; therefore, the No Action and Proposed Alternatives would have no effect on commercial navigation.

3.2.6 Local Economic Effects

There will be no effect to local economic conditions, including employment, effects to local businesses, property values or similar. The No Action and Proposed Alternatives would have no effect on local economic conditions.

3.3 Climate Change

The purpose of the Blackhawk Park erosion protection project is to protect the channels within the park from erosion occurring from high flow overtopping events. The risks posed by climate change were accounted for by standard design practices. The consequences of failure are relatively low and would likely just require more maintenance and repair.

Both historic, observed hydrometeorological data, as well as projected, climate-changed hydrometeorological data was reviewed to support qualitative statements about how to incorporate resilience from impacts of climate change over the project life. As evident in the observed and projected streamflow variables considered in this analysis, changing flow conditions will likely impact the proposed project. From the USACE Climate Hydrology Assessment Tool (CHAT) projection, there is a statistically significant trend for the mean projected annual maximum or mean monthly streamflow between 2006 and 2099, with p-values of less than 0.05 in the Mann-Kendall, Spearman Rank-Order, and t-Tests, but no statistically significant trend was detected in the historical simulation between 1950 and 2005. This suggests that there will be an increase in annual maximum of mean monthly streamflow over the next century relative to current conditions.

Additionally, the Vulnerability Assessment Tool suggests that the project area is not vulnerable relative to other HUC-4 watersheds. Available climate literature suggests a warmer and wetter climate in the future, which is in agreement with the CHAT projection analyzed above. Based on the weight of evidence presented in the 65% Design Appendix C Climate Assessment report, hydrology within the project area is anticipated to play a role in how project features perform in the future. In addition to fluctuations in climate, flow and water surface elevations can be influenced by long-term geomorphic change and changes to lock and dam operating plans. Discharge can be influenced by changes in upstream water storage due to dam construction or changes in land use. These other factors make it difficult to determine the role of climate change in affecting the hydrology at the project scale. Reference Black Park Bank Stabilization 65% Design Appendix C, Climate Assessment for more information.

3.4 Cultural Resources

Proposed activities fall within the boundary of archaeological site 47VE819, Battle Axe Battle Ground, however, since its recordation, no archaeological surveys have recovered any artifacts associated with the battle. The Corps has determined that the proposed plan would have 'No Adverse Effect,' upon archaeological site 47VE819. No portion of the Undertaking would alter any of the characteristics of archaeological site 47VE819, which would make the site eligible for the National Register of Historic Places. The Undertaking is limited to the replenishment of eroded riprap and the removal of sediment from culvert outlets. In areas where the riprap is proposed to be expanded into previously unprotected portions of shoreline, the Undertaking will result in minimal ground disturbance and will also ensure that the shoreline is protected during overtopping events.

Tribal consultation and determination of effect was initiated on 13 December 2024 and 29 January 2025 in coordination with the Wisconsin State Historic Preservation Office and the Tribal Historic Preservation Offices of the Ho-Chunk Nation of Wisconsin, Miami Tribe of Oklahoma, Kickapoo Tribe of Oklahoma, Sac and Fox Nation of Missouri in Kansas and Nebraska, Sac and Fox Tribe of the Mississippi in Iowa (Meskwaki Nation), and the Winnebago Tribe of Nebraska. Concurrence was received by the Wisconsin State Historic Preservation Office on 17 January 2025 with acknowledgement that section 106 National Historic Preservation Act consultation requirements had been fulfilled. There were no responses from THPO.

3.5 Additional Environmental Considerations

The Proposed Plan would result in the temporary disturbance of terrestrial habitat to the temporary riprap stockpile placement sites, equipment staging, and construction access to shoreline. Mature trees are present at the site and tree removal will be limited to those

necessary to construct the project in accordance with the plan set. Plan set identifies one tree removal at Site 3. Vegetation removal will occur at Site 2 North with less than 0.05-acre area across the southern bank of the project area. Prior to construction, Maintenance and Repair (M&R) will coordinate a site visit with environmental staff to determine which trees require removal. M&R must coordinate with Regional Planning and Environmental Division North (RPED-N) staff prior to construction to assess potential environmental impacts associated with tree removal (i.e., listed bat species) during the NEPA process. Further coordination with US Fish and Wildlife Service will occur as necessary if the Project is modified and causes an effect not previously considered.

Any existing tree designated to be protected that is damaged by the M&R's operations will be replaced. Trees will be considered damaged if the critical root zone in cohesive soils is compacted, if there are significant wounds that could contribute to rot, or if distress (evident by reduced growth or other observations of distress documented by a forester) is observed prior to closing the contract. Trees shall be replaced in kind on a caliper inch per caliper inch basis (DBH) (e.g. one 6-inch red oak shall be replaced with two 3-inch red oaks, three 2-inch red oaks, or six 1-inch red oaks).

3.6 Cumulative Effects

The CEQ regulations (40 CFR §§ 1500–1508) implementing the procedural provisions of NEPA, as amended (42 USC § 4321 et seq.) define cumulative effects as:

“..... which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.” (40 CFR 1508.1(g)(3))

Cumulative effects analysis recognizes that the most serious environmental impacts may result from the combination of individually minor effects of multiple actions over time, rather than the direct or indirect effects of a particular action (Council on Environmental Quality, 1997).

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

The scope of the cumulative effects analysis includes the area of Blackhawk Park, park shoreline, and projects that have or will occur within the park.

3.7.1 Past, Present and Future Projects

Blackhawk Park Operations and Maintenance – Routine maintenance is conducted to ensure the integrity and safety of visitors to the park. Minor maintenance has been completed in the past 10 years, including rip rap placement in the areas proposed as a part of this action.

Aeration Channel Dredging – Approximately 350 cubic yards of material was excavated from an existing aeration channel located within Blackhawk Park. The channel feeds the backwater system of Green Lake and the Genoa Fish Hatchery. The Hatchery has a mussel trailer on the channel as part of their mussel program and the channel had filled to the point where water supply to the trailer was being impacted. Excavated material consisted mainly of gravel that washed in from the adjacent parking lot during a 2023 flood event. Material was placed on site.

Pool 9 Dredge Material Management Plan – Work is currently underway to develop a draft excavated material management plan for Pool 9 within the Mississippi River. Blackhawk Park would continue to be included as a proposed dredge placement site. There is no current timeline for releasing the draft document.

3.7.2 Cumulative Effects Analysis

Cumulative impacts on the environment are the result of the incremental impacts of past actions, the Proposed Alternative, and reasonably foreseeable future actions. Significant changes to the environment were made through construction of the park. The Proposed Alternative would not adversely affect the biodiversity of the area or permanently fragment the habitat beyond existing conditions. Routine operations and maintenance within Blackhawk Park, aeration channel dredging and the Pool 9 DMMP would not result in negative cumulative effects in conjunction with the stabilization of park shoreline. Therefore, there would be no adverse long-term cumulative impacts to the park or recreation. Overall, the Proposed Alternative would cause no significant adverse cumulative impacts on the aquatic or terrestrial ecosystem.

4 Summary of Best Management Practices

- Erosion and sediment control measures would be implemented to prevent silt from leaving the project areas and entering any downstream waters.
- All areas of disturbed ground will be reseeded with grass following construction.
- To minimize air emissions, contractors would be required to meet or exceed all federal, state, and local air resource requirements.
- To mitigate any disruption to potential bat species in the park, tree removal activities will be conducted outside of the Minnesota bat species spring staging activities, 15 April to 14 May, pup season, 01 June to 15 August, and fall swarming, 16 August to 31 October.

5 Environmental Compliance

5.1 National Environmental Policy Act

The National Environmental Policy Act (NEPA; 42 USC § 4321 et seq.) establishes the broad national framework for protecting our environment. NEPA's basic policy is to assure proper consideration to the environment prior to undertaking any major federal action. Two alternatives have been presented and the significance of the project's impacts have been evaluated. The document will be distributed to agencies, the public and other interested parties to gather any comments or concerns. If no significant impacts to the environment are found, a Finding of No Significant Impact (FONSI) will be signed by the District Engineer.

5.2 Bald and Golden Eagle Protection Act

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

5.3 Clean Water Act

The Clean Water Act (CWA; 33 USC §1251 *et seq.*) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Section 404 of the CWA governs the discharge of dredged or fill material into waters of the U.S. Although the Corps does not process and issue permits for its own activities, the Corps authorizes its own discharges of dredged or fill material by applying all applicable substantive legal requirements, including public notice, opportunity for public hearing, and application of the section 404(b)(1) guidelines. 33 CFR 336.1.

Section 401 water quality certification is required for actions that may result in a discharge of a pollutant into waters of the United States to ensure that the discharge complies with applicable water quality standards. The Wisconsin Department of Natural Resources is the agency responsible for issuing Clean Water Act Section 401 water quality certification. Under the 2021 Nationwide Permit (NWP) 13 Bank Stabilization available for use in Wisconsin, the Wisconsin Department of Natural Resources certifies actions under outlined conditions. In application to bank stabilization construction activities, no discharges of excavated or fill material below the ordinary high-water mark of a navigable stream can occur within any water body March 1st through June 15th. These conditions are outlined in the certification by the State of Wisconsin's, 2021 NWP 401 Water Quality Certifications. The Project will keep construction activities outside of outlined window and will maintain coordination with Wisconsin Department of Natural Resources and Operations and Maintenance to ensure compliance.

The Corps has determined that each of the proposed activities are single and complete as the effectiveness of bank stabilization at each site is independent of the effects of the other work sites. Under the NWP outlined conditions, Site 2 South exceeds an activity of 500ft in length along the bank. Under the NWP outlined conditions, Site 3 exceeds an average of one cubic yard per running foot, as measured along the length of the treated bank below the ordinary high-water mark. For Site 2 South and Site 3, the District Engineer has determined that the activities would result in no more than minimal adverse environmental effects. This determination was made from an assessment of the environmental conditions as there is no critical habitat in the action area, and the activity would only result in temporary discharge coming from a small-scale construction effort.

A Clean Water Act Section 404(b)(1) evaluation will not be prepared.

5.4 Endangered Species Act

The Endangered Species Act (16 USC § 1531 *et seq.*) provides for the conservation of threatened and endangered plants and animals and the habitats in which they are found. There are six federally listed species that are listed for the action area. The proposed project may affect, but is not likely to adversely affect, the Tricolored Bat; and no effect on the other federally proposed or listed species or proposed critical habitat. Federal agency coordination under the Endangered Species Act, Section 7 occurred on November 15th, 2024. In accordance with the IPAC process, the Fish and Wildlife Service has a 15-calendar day period to send a notification if the proposed Action does not meet criteria. As of November 30th, 2024 no notification was received allowing the Action to proceed. See Section 3.1.11 for details and Appendix A for consultation letter. The monarch butterfly was recently listed as Proposed Threatened by USFWS on 12 December 2024.

5.5 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA; 16 USC 661–667e) requires federal agencies to coordinate with the U.S. Fish and Wildlife Service and applicable state agencies when a stream or body of water is proposed to be modified. The proposed project was coordinated with Fish

and Wildlife Services and the Wisconsin Department of Natural Resources. Coordination occurred 15 November 2024 through the USFWS Planning and Consultation system IPaC under Project Code 2025-0020233. A copy of the FWCA coordination can be found in Appendix A.

5.6 National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended by Public Law 96-515 (94 Stat. 2987), established national policy for historic preservation, authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places, and created the Advisory Council on Historic Preservation. Section 106 specifies that federal agencies, must consider the effect of the action on any property included in or eligible for the National Register of Historic Places.

The Corps has determined that the proposed plan would have 'No Adverse Effect,' upon archaeological site 47VE819. This determination was coordinated with the Wisconsin State Historic Preservation Office (SHPO) and the Tribal Historic Preservation Offices (THPO) of the Ho-Chunk Nation of Wisconsin, Miami Tribe of Oklahoma, Kickapoo Tribe of Oklahoma, Sac and Fox Nation of Missouri in Kansas and Nebraska, Sac and Fox Tribe of the Mississippi in Iowa (Meskwaki Nation), and the Winnebago Tribe of Nebraska on 13 December 2024 and 29 January 2025. The Wisconsin SHPO concurred on 17 January 2025. There were no responses from THPO.

Table 2. Compliance with Environmental Protection Statutes and Other Environmental Requirements

Environmental Requirement	Compliance¹
<i>Federal Statutes</i>	
Archaeological and Historic Preservation Act	FULL
Bald and Golden Eagle Protection Act of 1940, as amended	FULL
Clean Air Act, as amended	FULL
Clean Water Act, as amended	FULL
Coastal Zone Management Act, as amended	NA
Endangered Species Act of 1973, as amended	FULL
Farmland Protection Policy Act of 1981	NA
Federal Water Project Recreation Act, as amended	FULL
Fish and Wildlife Coordination Act, as amended	FULL
Land and Water Conservation Fund Act of 1965, as amended	FULL
Migratory Bird Treaty Act of 1918, as amended	FULL
National Environmental Policy Act of 1969, as amended	FULL
National Historic Preservation Act of 1966, as amended	FULL
National Wildlife Refuge Administration Act of 1966	NA
Noise Pollution and Abatement Act of 1972	FULL
Watershed Protection and Flood Prevention Act	FULL
Wild and Scenic Rivers Act of 1968, as amended	NA
<i>Executive Orders, Memoranda</i>	
Floodplain Management (E.O. 11988)	FULL
Safeguarding the Nation from the Impacts of Invasive Species (E.O. 13112)	FULL
Protection and Enhancement of Environmental Quality (E.O. 11514)	FULL
Protection and Enhancement of Cultural Environment (E.O. 11593)	FULL
Protection of Wetlands (E.O. 11990)	FULL
Analysis of Impacts on Prime and Unique Farmland (CEQ Memorandum, 30 August 1976)	NA

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

- a. Full – All requirements of the statute, EO, or other policy and related regulations have been met for the current stage of planning.
- b. Partial – Some requirements of the statute, EO, or other policy and related regulations remain to be met for the current stage of planning.
- c. Noncompliance (NC) – Violation of a requirement of the statute, EO, or other policy and related regulations.
- d. Not Applicable (N/A) – Statute, EO, or other policy and related regulations not applicable for the current stage of planning.

6 Distribution and Review of the Draft Environmental Assessment

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

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

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

7 References

- U.S. Fish and Wildlife Services, Information Planning and Consultation (IPaC). 11 November 2024 and 07 February 2025.
<https://ipac.ecosphere.fws.gov/location/ILWT2RSE5ZELTAHVU4RL3Q6NAM/resources>
- State of Wisconsin, NWP 401 Water Quality Certifications. 2021. Wisconsin Department of Natural Resources. <https://www.mvp.usace.army.mil/missions/regulatory/nwp/>
- South Coast Air Quality Management District. 2023. Off-road Mobile Source Emission Factors (Scenario Years 2007 – 2025). Retrieved from: <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/off-road-mobile-source-emission-factors>
- Kelner, D. (2024). Upper Mississippi and Illinois River Navigation Reach Mussel Species Distribution and Relative Abundance. U.S. Army Corps of Engineers, St. Paul District.
- St. Paul District, USACE. 18 November 2024. Design Documentation Report, Operation and Maintenance, Blackhawk Park Erosion Protection, 65% Design Document and Appendices.



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St. Paul District

Appendix A: Correspondence and Coordination

Blackhawk Bank Stabilization and Erosion Protection Project

Environmental Assessment

February 2025

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Appendix A – Correspondence and Coordination

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1 Introduction

This appendix documents the pertinent correspondence and coordination related to the Blackhawk Park Bank Stabilization and Erosion Protect Projects Environmental Assessment (Study).

This appendix will document the correspondence and coordination with agencies, the public, and tribal partners throughout the Study. The Study's correspondence and coordination are ongoing, and this appendix will be updated as comments and correspondence are received.

2 Agency

Federal agency coordination under the Endangered Species Act, Section 7 occurred on 15 November 2024 and 7 February 2025. See Attachment 1 for letters of consistency and concurrence from the US Fish and Wildlife Service.

3 Tribal Nations

Tribal consultation and determination of effect was initiated on 13 December 2024 and 29 January 2025 with the Wisconsin State Historic Preservation Office and Tribal Historic Preservation Offices (THPO) of Ho-Chunk Nation of Wisconsin, Kickapoo Tribe of Oklahoma, Sac and Fox Nation of Missouri in Kansas and Nebraska, Sac and Fox Nation Oklahoma, Sac and Fox Tribe of the Mississippi in Iowa (Meskwaki Nation), and Winnebago Tribe of Nebraska. Concurrence was received by the Wisconsin State Historic Preservation Office on 17 January 2025 with acknowledgement that section 106 National Historic Preservation Act consultation requirements had been fulfilled. There were no responses from the THPO.

Reference Attachment 2 of this document.

4 Public Review

The Study environmental assessment will be made available for a 30-day public review and comment period. The document can be viewed at: <https://www.mvp.usace.army.mil/Home/Public-Notices/>. Following the public review period, this appendix will be updated with comments and coordination accordingly.

Reference Attachment 3 of this document following the public review period.

5 Attachments

Attachment 1 - Agency



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793



In Reply Refer To:

11/15/2024 16:51:58 UTC

Project code: 2025-0020233

Project Name: Blackhawk Park Bank Stabilization O&M

Subject: Consistency letter for 'Blackhawk Park Bank Stabilization O&M' for specified threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey).

Dear Chloe Foster:

The U.S. Fish and Wildlife Service (Service) received on **November 15, 2024** your effect determination(s) for the 'Blackhawk Park Bank Stabilization O&M' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Minnesota-Wisconsin DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Higgins Eye (pearlymussel) (<i>Lampsilis higginsii</i>)	Endangered	No effect
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	No effect
Salamander Mussel (<i>Simpsonaias ambigua</i>)	Proposed	No effect
	Endangered	
Sheepnose Mussel (<i>Plethobasus cyphus</i>)	Endangered	No effect
Whooping Crane (<i>Grus americana</i>)	Experimental	No effect
	Population, Non-Essential	

Determination Information

Thank you for informing the Service of your "No Effect" determination(s). Your agency has met consultation requirements and no further consultation is required for the species you determined will not be affected by the Action.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the Minnesota-Wisconsin Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

Species-specific information

Freshwater Mussels: Freshwater mussels are one of the most critically imperiled groups of organisms in the world. In North America, 65% of the remaining 300 species are vulnerable to extinction (Haag and Williams 2014). Implementing measures to conserve and restore freshwater mussel populations directly improves water quality in lakes, rivers, and streams throughout Minnesota and Wisconsin. An adult freshwater mussel filters anywhere from 1 to 38 gallons of water per day (Baker and Levinton 2003, Barnhart pers. comm. 2019). A 2015 survey found that in some areas, mussels can reduce the bacterial populations by more than 85% (Othman et al. 2015 in Vaughn 2017). Mussels are also considered to be ecosystem engineers by stabilizing substrate and providing habitat for other aquatic organisms (Vaughn 2017). In addition to ecosystem services, mussels play an important role in the food web, contributing critical nutrients to both terrestrial and aquatic habitats, including those that support sport fish (Vaughn 2017). Taking proactive measures to conserve and restore freshwater mussels will improve water quality, which has the potential to positively impact human health and recreation in the States of Minnesota and Wisconsin.

You have indicated that your Action will have no effect (NE) on Federally listed mussel species. However, state-listed mussels may occur in your Action area. Contact the Minnesota or Wisconsin Department of Natural Resources to determine effects to state-listed mussels.

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Coordination with the Service is not complete if additional coordination is advised above for any species.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Blackhawk Park Bank Stabilization O&M

2. Description

The following description was provided for the project 'Blackhawk Park Bank Stabilization O&M':

Stabilize eroded bank shoreline in the park with riprap material. Riprap material will be placed along banks of six locations around the shoreline of Blackhawk Park. Minimal vegetation removal around shoreline where riprap will be placed.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.45123165,-91.22066116519986,14z>





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793



In Reply Refer To:
Project code: 2025-0020233
Project Name: Blackhawk Park Bank Stabilization O&M

11/15/2024 16:46:31 UTC

Federal Nexus: yes
Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for
'Blackhawk Park Bank Stabilization O&M'

Dear Chloe Foster:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on November 15, 2024, for 'Blackhawk Park Bank Stabilization O&M' (here forward, Project). This project has been assigned Project Code 2025-0020233 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (DKey), invalidates this letter. *Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid. Note that conservation measures for northern long-eared bat and tricolored bat may differ. If both bat species are present in the action area and the key suggests more conservative measures for one of the species for your Project, the Project may need to apply the most conservative measures in order to avoid adverse effects. If unsure which conservation measures should be applied, please contact the appropriate Ecological Services Field Office.*

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	NLAA
	Endangered	

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete for northern long-eared bat and/or tricolored bat and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat or tricolored bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat or tricolored bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat and/or tricolored bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat and Tricolored Bat DKey.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Higgins Eye (pearlymussel) *Lampsilis higginsii* Endangered

- Monarch Butterfly *Danaus plexippus* Candidate
- Salamander Mussel *Simpsonaias ambigua* Proposed Endangered
- Sheepnose Mussel *Plethobasus cyphus* Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2025-0020233 associated with this Project.

Attachment 2 - Tribal Nations

From: [REDACTED]
To: [Leslie, Katie E CIV USARMY CEMV \[USA\]](#)
Subject: [Non-DoD Source] SHPO Review: 24-2622/VE - Blackhawk Park- Bank Stabilization and Dredging
Date: Monday, February 17, 2025 11:53:34 PM

Good afternoon, Katie:

We have completed our review of WHS #24-2622, Blackhawk Park- Bank Stabilization and Dredging project updates, and continue to concur with your determination the proposed federal undertaking will have No Adverse Effect on historic properties.

It is the opinion of the WI SHPO you have fulfilled your section 106 of the National Historic Preservation Act (NHPA) consultation requirements with our office. If your plans change or cultural materials/human remains are found during the project, please halt all work and contact our office.

Please use this email as your official SHPO concurrence for NHPA requirements of the project. If you require a hard copy signed form, please contact me and I will provide you a signed copy as soon as possible.

Take care,

Tyler

Tyler B. Howe, PhD
Compliance Section Manager
State Historic Preservation Office

Wisconsin Historical Society
816 State Street, Madison, WI 53706



Wisconsin Historical Society
[Collecting, Preserving, and Sharing Stories Since 1846](#)

From: [REDACTED]
To: [Leslie, Katie E CIV USARMY CEMVP \(USA\)](#)
Subject: [Non-DoD Source] SHPO Review: 24-2622/VE - Blackhawk Park- Bank Stabilization and Dredging
Date: Wednesday, January 8, 2025 10:52:04 AM

Good morning, Katie:

We have completed our review of WHS #24-2622, Blackhawk Park- Bank Stabilization and Dredging project and concur with your determination the proposed federal undertaking will have No Adverse Effect on historic properties eligible for, or included on, the National Register of Historic Places (NRHP).

It is the opinion of the WI SHPO you have fulfilled your section 106 of the National Historic Preservation Act (NHPA) consultation requirements with our office. If your plans change or cultural materials/human remains are found during the project, please halt all work and contact our office.

Please use this email as your official SHPO concurrence for NHPA requirements of the project. If you require a hard copy signed form, please contact me and I will provide you a signed copy as soon as possible.

Cheers,

Tyler

Tyler B. Howe, PhD
Compliance Section Manager
State Historic Preservation Office

Wisconsin Historical Society
816 State Street, Madison, WI 53706



Wisconsin Historical Society
[Collecting, Preserving, and Sharing Stories Since 1846](#)

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:
Wisconsin Historical Society, State Historic Preservation Office, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable.

I. GENERAL INFORMATION

- ☒ This is a new submittal.
☐ This is supplemental information relating to Case #: _____, and title: _____
☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement. The title of the agreement is: _____
- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): _____
- b. Federal Agency Contact Person: Jonathan Sobiech Phone: [REDACTED]
- c. Project Contact Person: Katie Leslie Phone: [REDACTED]
- d. Return Address: 332 Minnesota Street Suite E1500 City: St. Paul Zip Code: 55101
- e. Email Address: [REDACTED]
- f. Project Name: Blackhawk Park Bank Stabilization and Dredging, Vernon County, Wisconsin
- g. Project Street Address: Blackhawk Park
- h. County: Vernon City: _____ Zip Code: _____
- i. Project Location: Township [REDACTED], Range [REDACTED], East ☐ or West ☒ Section [REDACTED] Quarter Sections _____
- j. Project Narrative Description—Attach Information as Necessary.
- k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle showing APE.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- ☒ Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials, per 36 CFR 800.11.
☐ Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials, per 36 CFR 800.11.

III. FINDINGS

- ☐ No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.
☒ The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
☐ The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach supporting documentation as described at 36 CFR 800.11.

Authorized Signature: LESLIE.KATIE.ELIZABETH.153388483 Digitally signed by LESLIE.KATIE.ELIZABETH.153388483
 Date: 2024.12.12 10:21:54 -0500 Date: _____

Type or print name: _____

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- ☐ Agree with the finding in section III above.
☐ Object to the finding for reasons indicated in attached letter.
☐ Cannot review until information is sent as follows: _____

Authorized Signature: _____ Date: _____
 HP-05-07 (9-28-18)



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1678

13 December 2024

Regional Planning and Environment Division North

SUBJECT: Blackhawk Park Bank Stabilization and Dredging, Vernon County, Wisconsin

Dr. Tyler B. Howe,
Wisconsin Historical Society
Division of Historic Preservation and Public History
816 State Street
Madison, WI 63706

Dear Dr. Howe,

The U.S. Army Corps of Engineers, St. Paul District (Corps) is initiating consultation under Section 106 of the National Historic Preservation Act of 1966, as amended, per its implementing regulations 36 CFR Part 800, on proposed shoreline stabilization and dredging at Blackhawk Park (Undertaking). The Corps has determined that the Undertaking has the potential to cause effect to historic properties under 36CFR§800.3(a), and consequently will require a determination of effect within the Area of Potential Effect (APE).

Area of Potential Effect

Blackhawk Park is a Corps recreation site located on a forested bend in Pool 9 of the Upper Mississippi River, near River Mile 671. The APE is limited to the five areas of proposed shoreline stabilization, a single proposed area for dredging, and ten stockpile areas for the temporary storage of riprap. The riprap placement and staging areas are indicated in Figures 1 through 13.

Undertaking

The Undertaking will replenish riprap from the shoreline that was eroded during previous flood overtopping events. Rip rap will also be extended into unprotected portions of the shoreline. At Area 4, (Figure 10), riprap will be extended vertically which will require limited shoreline shaping to replace eroded sediment. Dredging of the aeration channel in Area 2, north, will remove gravel that has eroded into the channel from the adjacent parking lot. Staging areas are all located in areas previously impacted by the construction and maintenance of Blackhawk Park and will result in minimal ground disturbance (Figures 3 through 13).

Historic Properties Identification

The entire APE has been surveyed with negative results; however, one archaeological site 47VE819, Battle Axe Battle Ground is located within the APE. Archaeological surveys have been conducted within Blackhawk Park in 1982, 1983, 1989, 1992, 1999, 2012, 2016, 2017, however, no surveys have recovered any artifacts associated with the battle.

Determination of Effect

In accordance with 36CFR§800.5(b), the Corps has made the determination of 'No Adverse Effect.' No portion of the Undertaking would alter any of the characteristics of archaeological site 47VE819, which would make the site eligible for the National Register of Historic Places. The Undertaking is limited to the replenishment of eroded riprap and the continuance of routine dredging. Additionally, the placement of riprap onto unprotected portions of the shoreline will result in minimal ground disturbance.

The Corps is providing this information pursuant to 36 CFR§800.2(c)(1), and we look forward to your review and comment. If you have any questions please contact Katie Leslie, archaeologist, at [REDACTED]

Sincerely,

**Jonathan
Sobiech**

Digitally signed by
Jonathan Sobiech
Date: 2024.12.13
12:12:56 -06'00'

Jonathan J. Sobiech
Deputy Chief, Regional Planning and
Environment Division North

Distribution List:

Dr. Tyler Howe, Wisconsin State Historic Preservation Office
Mr. William Quackenbush, Ho-Chunk Nation of Wisconsin
Tribal Historic Preservation Office, Kickapoo Tribe of Oklahoma
Ms. Lisa Montgomery, Sac and Fox Nation of Missouri in Kansas and Nebraska
Mr. Chris Boyd, Sac and Fox Nation, Oklahoma
Ms. Tieranny Keahna, Sac and Fox Tribe of the Mississippi in Iowa (Meskwaki Nation)
Ms. Sunshine Thomas-Bear, Winnebago Tribe of Nebraska



Figure 1. Blackhawk Park bank stabilization, sites 1 through 4.



Figure 2. Blackhawk Park bank stabilization, site 5



Figure 3. Site 1, riprap placement areas.



Figure 4. Site 1, riprap staging areas.



Figure 5. Site 2 north, riprap placement area



Figure 6. Site 2 south, riprap placement area



Figure 7. Site 2, riprap staging areas.



Figure 8. Site 3, riprap placement area.



Figure 9. Site 3, riprap staging areas.



Figure 10. Site 4, riprap placement area.



Figure 11. Site 4, riprap staging area.



Figure 12. Site 5, riprap placement area.

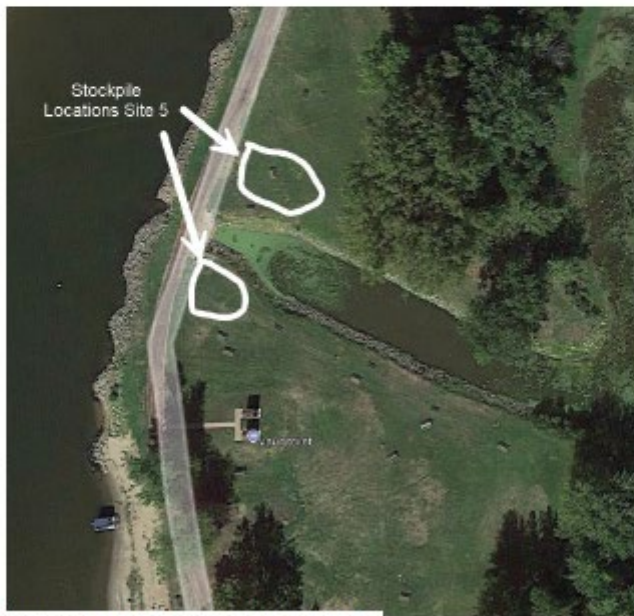


Figure 13. Site 5, riprap staging area.

Attachment 3 - Public Review

This attachment will be updated accordingly following the public review period.

References

U.S. Fish and Wildlife Services, Information Planning and Consultation (IPaC). 15 November 2024 and 08 February 2025.
<https://ipac.ecosphere.fws.gov/location/ILWT2RSE5ZELTAHVU4RL3Q6NAM/resources>



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

Regional Planning and Environment Division North

FINDING OF NO SIGNIFICANT IMPACT

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

BLACKHAWK PARK BANK STABILIZATION
VERNON COUNTY, WISCONSIN

The purpose of the proposed project is to stabilize the Blackhawk Park eroded bank, and to restore and enhance the shoreline following the flooding in the Spring of 2023. The project would consist of bank stabilization and erosion protection features that include gravel removal, minimal tree felling, and rock layout along small channels in the identified areas of erosion. Five sites with seven work areas have been identified within the park as sites that typically take on larger flow events that cause overtopping flows and active erosion. Site 1 encompass an aeration channel with a 42in culvert to allow for flow from the Mississippi River to the channel. The site is divided into two sites labeled as Site 1 North and Site 1 South. Site 2 is the work within the Battle Slough aeration channel. Riprap work will be complete at the northern portion of the channel, along the east bank to the southern portion by the storm drain. The two work areas will be labeled as Site 2 North and Site 2 South to differentiate between the work done at the site. Site 3 covers the storm drain outlet riprap work. Site 4 covers the eroding bank work. Site 5 includes Peck Lake inlet riprap work.

The proposed work at each site would be authorized under Nationwide Permit (NWP) 13 – Bank Stabilization. Each of the seven sites to include North and South site work areas meet the criteria for being a single and complete project under 33 CFR 330.2(i) and will have independent utility from the other sites. The Corps has determined that each of the proposed activities are single and complete as the effectiveness of bank stabilization at each site is independent of the effects of the other work sites. The Corps has determined the proposed activities would result in no more than minimal adverse environmental effects and each site will meet the criteria for use for NWP 13.

The project would consist of the minimal removal of mature trees to include one identified at Site 3, partial removal of existing gravel and sediment blockage, and backfilling of riprap and bedding material to stabilize shoreline. The EA and its attachments are incorporated in this Finding of No Significant Impact (FONSI) by reference.

This FONSI is based on the following factors: the proposed project would have temporary minor adverse impacts to noise, air, water quality, wildlife, and soils. Affected resources would be expected to recover from any adverse effects shortly after conclusion of the project. Following

the outlined best management practices, the project would have no effect on federally listed species and would have no adverse indirect effect to historic properties. Overall, the project would have a long-term beneficial effect to Blackhawk Park with shoreline and park area that does not flood during high water events.

Best management practices (BMPs) and other avoidance and minimization measures will be implemented as detailed in Section 4 of the EA. BMPs include the following:

- Erosion and sediment control measures would be implemented to prevent silt from leaving the project areas and entering any downstream waters.
- To mitigate any disruption to potential bat species in the park, tree removal activities will be conducted outside of the Minnesota bat species: spring staging activities, 15 April to 14 May; pup season, 01 June to 15 August; and fall swarming, 16 August to 31 October.
- All areas of disturbed ground will be reseeded with grass following construction.
- To minimize air emissions, contractors would be required to meet or exceed all federal, state, and local air resource requirements.

No compensatory mitigation is required as part of the project. However, any existing tree designated to be protected that is damaged by the construction operations will be replaced.

Public review of the draft EA and FONSI once completed, and comments received will be addressed in the EA and Appendix A. All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the Corps has determined that the project may affect but is not likely to adversely affect Tricolored Bats in following BMPs outlined and will have no effect on any other federally listed species or their designated critical habitat. Federal agency coordination under the Endangered Species Act, Section 7 occurred on November 15th, 2024, with species list updated February 7th, 2025. In accordance with the IPAC process, the Fish and Wildlife Service has a 15-calendar day period to send a notification if the proposed Action does not meet criteria. As of November 30th, 2024, no notification was received allowing the Action to proceed.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the Corps has determined that the project would have no adverse indirect effect to historic properties and the Wisconsin State Historic Preservation Office (SHPO) concurred on January 17th, 2025.

Pursuant to the Clean Water Act, as amended, Section 401 water quality certification has been issued for actions resulting in discharge into waters of United States by the Wisconsin Department of Natural Resources under the 2021 Nationwide Permit (NWP) 13 Bank Stabilization available for use in Wisconsin. In accordance with the outlined conditions, the project activities in Site 2 South and Site 3 exceeds one of these conditions. Under the NWP outlined conditions, Site 2 South exceeds an activity of 500ft in length along the bank. Under

the NWP outlined conditions, Site 3 exceeds an average of one cubic yard per running foot, as measured along the length of the treated bank below the ordinary high-water mark. These activities have been determined to result in no more than minimal adverse environmental effects. This determination was made from an assessment of the environmental conditions as there is no critical habitat in the action area, and the activity would result in temporary discharge coming from a small-scale construction effort. A Clean Water Act Section 404(b)(1) evaluation will not be prepared.

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

Date

JOSHUA D. RUD
LTC, EN
Acting Commander