

FINDING OF NO SIGNIFICANT IMPACT

St. Francis Basin Maintenance Stateline Ditch 29 Levee Maintenance Mississippi County, Arkansas

The U.S. Army Corps of Engineers (USACE), Memphis District (MVM), proposes to reshape approximately 3 miles of the degraded State Line Ditch 29 Levee in Mississippi County, Arkansas to meet current USACE Levee Safety Standards. The Flood Control Act of 1936, P.L. 74-678, as amended, authorized enlargement of the levee adjacent to the Stateline Ditch 29, but the construction did not occur in accordance with the authorization. The levee, though neglected, has provided some degree of protection from flooding since prior to 1936. The associated environmental assessment (EA) has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality's Regulations (40 CFR 1500-1508), as reflected in the USACE Engineering Regulation 200-2-2. This EA provides sufficient information on the potential adverse and beneficial environmental effects to make an informed decision on the appropriateness of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The project would reshape a 3-mile section of the State Line Ditch 29 Levee to meet the current USACE Levee Safety Standards of a major levee. The local sponsor would then provide minor maintenance of the levee. The *Final Environmental Impact Statement, St. Francis River Basin Project, Arkansas and Missouri* (1973) considered activities associated with ditch maintenance. However, the proposed action requires an additional right-of-way that was not previously considered under NEPA. The new right-of-way extends approximately 100 feet landward of the existing levee for the length of the project, totaling approximately 36.4 acres. The maintenance work would include the restoration of an approximate 50-foot berm between the top bank of State Line Ditch 29 and the toe of the levee, reshaping the existing levee, and filling gaps and degraded areas of the levee to maintain the previously authorized levee. Clearing of trees and brush would occur along the levee and the required 15-foot vegetation-free zone on the land-side of the levee. The levee, berm and vegetation-free zone would be maintained in perpetuity by regular mowing. The 50-foot berm would increase slope stability of the levee and ditch bank and would be maintained by the mowing of vegetation, providing access to the ditch for regular maintenance which is not currently possible. Six culverts currently provide drainage from adjacent agriculture fields through the existing levee via a series of small, unregulated ditches. These culverts would be replaced with culverts that meet USACE Levee Safety Standards and provide similar drainage capabilities as the existing culverts. Gravel would be placed on the levee crown as part of the project to provide a 15-foot access road for inspections, routine maintenance, and emergency access.

The *St. Francis Basin Project, Arkansas and Missouri, Final Impact Statement* (1973) considered maintenance to include sediment removal from the ditch and vegetative clearing along the levee and is included herein by reference; therefore, compensatory mitigation for impacts that would occur within the existing right-of-way has been completed and is currently in the process of being transferred to the Arkansas Game and Fish Commission (AGFC). However, the *St. Francis Basin Project, Arkansas and Missouri, Final Impact Statement* (1973) did not consider the additional right-of-way required to complete all of the proposed action. It was determined by the USACE that the majority of the approximately 36.4 acres of additional right-of-way exists as non-

wet agricultural land. However, riparian buffer strip habitat loss of 3 acres would be expected with the proposed action. This acreage is not forested wetland and compensatory mitigation is being proposed which would offset the loss in habitat value. The 3 acres that would be impacted are not forested wetland and models such as the Habitat Evaluation Procedures, are not meant to measure impacts to wildlife within a small, isolated area. Therefore, USACE proposes a compensatory mitigation ratio of 2 acres of restoration to 1 acre of impacts based on coordination with state and federal agencies. The 6 acres proposed for compensatory mitigation would be added to future compensatory mitigation acquisitions to enhance the value from an ecological perspective. Ideally, these acquisitions would occur adjacent to an existing state or federally owned wildlife management area.

USACE does not expect the proposed action to impact threatened or endangered species. In September 2016, USACE, U.S. Fish and Wildlife Service (USFWS), and AGFC biologists conducted freshwater mussel surveys upstream and downstream of all culverts proposed for replacement to determine the presence or likely absence of the fat pocketbook mussel (*Potamilus capax*) or any other listed species. During this survey, USACE, USFWS, and AGFC biologists did not collect or observe any listed species. On September 14, 2016, USFWS concurred with the USACE determination that the proposed actions were not likely to adversely affect *P. capax*, and that the project was outside of the zone of consultation for the Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*M. septentrionalis*).

The MVM District Archaeologist has determined that the proposed work on and within the levee has no potential to affect historic properties. Impacts to the land surface from tracked vehicles will be confined to a narrow corridor approximately 100 feet south of the spoil bank. This area has been surveyed for cultural resources with negative results. Pursuant to 36 CFR 800.4, the Arkansas State Historic Preservation Officer concurred with this determination by letter dated October 24, 2016. The Quapaw Tribal Historic Preservation Officer also concurred by letter dated November 8, 2016.

The Nationwide Permit Section 31- Maintenance of Existing Flood Control Facilities fulfills the requirements for Section 404 of the Clean Water Act. The project does not trigger any new permit requirements set forth in the conditions noted in the Arkansas Nationwide Permit Regional Conditions for all Nationwide Permits.

Based on a review of the analysis performed in the environmental assessment and supporting documentation, I have determined the action is not a major Federal action significantly affecting the quality of the human environment. Therefore, I have determined that an environmental impact statement is not required.

Date

DRAFT

Michael A. Ellicott
Colonel, Corps of Engineers
District Commander