

DRAFT

FINDING OF NO SIGNIFICANT IMPACT ELK CHUTE LEVEE SETBACK DUNKLIN COUNTY, MISSOURI

The U.S. Army Corps of Engineers, Memphis District, intends to set approximately 5.1 miles of the existing levee back approximately 50 feet; stabilize the Belle Fountain West Ditch bank by creating a stable (3.75H:1V) slope; constructing a 50-foot berm between the ditch and the levee; consolidate the existing twenty-five drainage outlets of various sizes and elevations into five concrete drainage structures, and construct a landside toe ditch. An environmental assessment (EA) was prepared to address potential impacts of this work on wildlife and aquatic resources, wetlands, prime and unique farmland, endangered species, cultural resources, and human environment. The Missouri Department of Natural Resources issued water quality certification on **DATE Pending**.

Excavated material and existing levee material would be deposited in 8.5 acres of a permitted wetland mitigation site to create the new levee. The Memphis District Regulatory Branch is currently coordinating with the landowner to submit a permit modification to offset construction impacts to the mitigation site. At a minimum, the Regulatory Branch will require a 2:1 ratio (17 acres) to offset the impacts. The remaining 18.30 acres of the mitigation sites is adjacent to Warbler Woods State Natural Area that consists of 84.29 acres. The proposed project will not change the hydrology or jurisdictional status of the mitigation sites or Warbler Woods. No indirect impacts are anticipated to occur. In addition, Native warm season grasses will be planted on 31 acres between the levee and Belle Fountain West Ditch.

No HTRW sites are located in the immediate vicinity of the proposed work. Although 96 acres of agricultural land will be impacted, the project would provide greater overall agricultural benefits by ensuring that the levee system would continue to prevent flood damages to cropland. Any adverse impacts to wildlife and aquatic resources resulting from construction will be minimal and of short duration.

Due to the nature and location of the proposed work, work will not impact any cultural resources. The State Historic Preservation Officer has no objection to the undertaking proceeding as planned. In a letter dated 10 January 2008, the USFWS stated implementation of prudent and reasonable measures to minimize construction impacts, which included the sediment reduction measures proposed in the biological assessment and additional reporting and monitoring requirements that would exempt the project from the prohibitions in Section 9 of the Endangered Species Act. A take of up to five *P. capax* was permitted to account for any individuals that might be buried by riprap or by increase sedimentation. Personal communication with the U.S. Fish and Wildlife Service revealed that no other Federally listed, or proposed, endangered or threatened plant or animal species, or critical habitats, are known to occur within the proposed work area. Requirements of Section 7 of the Endangered Species Act have been fulfilled.

As the environmental documentation for the proposed project does not indicate this to be a major federal action significantly affecting the human environment, I have determined that an environmental impact statement is not required.

Date

Thomas P. Smith
Colonel, Corps of Engineers
District Engineer