

DRAFT
FINDING OF NO SIGNIFICANT IMPACT
Mississippi River Mainline Levee
Island 8 Seepage Control Project
Fulton County, Kentucky

The U.S. Army Corps of Engineers, Memphis District (CEMVM), is proposing to install seepage control measures along the Mississippi River mainline levee (MRL), located in Fulton County, Kentucky. An environmental assessment (EA) was prepared to evaluate potential impacts associated with needed seepage control measures at various locations that were not anticipated when the July 1998 final supplemental Environmental Impact Statement *Mississippi River Mainline Levees Enlargement and Seepage Control* and the 2007 EA *Mississippi River Levee Construction Project, Seepage Control Measures*, were completed, and which are incorporated herein by reference.

Proposed Project Action The eastern limits of the proposed project are approximately 0.5 miles past the junction with Fish Pond Road along the MRL at Island 8 (Figure 1). The proposed work extends approximately 8.7 miles westerly along the levee (Figure 2), ending approximately 2.5 miles north of the Tennessee-Kentucky state line (Figure 3). The proposed project action includes installing 121 relief wells landside of the MRL, constructing new drainage ditches, clearing existing drainage ditches, and installing/replacing culverts as needed along roadways to ensure adequate drainage of the water from the relief wells.

Installation of relief wells in a portion of land currently enrolled in the Natural Resources Conservation Service (NRCS) Wetlands Reserve Program (WRP) permanent easement would require a 50-foot easement from the toe of the levee, extending for approximately 4,000 feet. This area would be cleared of woody vegetation; however, native grasses and forbs would be established once the proposed project construction is complete. This easement would impact approximately 4.6 acres of the WRP land, requiring appropriate compensatory mitigation. Maintaining (mowing) the easement strip is necessary to prevent tree roots from growing into the relief wells and levee and for monitoring of the wells and adjacent areas, as the area between the wells is where problems would occur if the wells do not capture the seepage adequately. A bulldozer or excavator would be used to construct new drainage ditches, clean out existing ditches, and to install/replace culverts as needed. Specialized drill rigs would be used to drill the holes along the levee, and cranes would be used to install the relief wells. Silt fences would be utilized to contain any potential runoff. Vegetation cleared from existing ditches would be removed from the area. Earthen material would be spread on non-wet agricultural fields within a 300-foot right-of-way; no ditches or earthen material would be placed within the WRP acreage.

A total of approximately 73.1 acres would be impacted by the proposed project, including 45.9 acres of non-wet agricultural lands, 1.6 acres of existing ditches that are not classified as wetlands, 10.5 acres of farmed wetlands, 10.5 acres of wooded wetlands, and 4.6 acres of wetlands within the WRP easement. The 4.6 acres of wetlands consisting of bottomland hardwood (BLH) tree saplings and other wetland grasses within the WRP easement would be impacted by mowing to prevent tree

roots from growing into the relief wells and levee. The permanent loss of the current wetland vegetation on the 4.6-acre easement would be mitigated according to guidance from NRCS.

Mitigation for impacts in the easement through the WRP land would occur within the existing WRP boundaries. Mitigation would include planting BLH and/or cypress tree species on up to 13.8 acres of existing WRP land adjacent to the project footprint at project expense and as per a restoration plan developed in cooperation with, and approved by NRCS. To mitigate for the loss of the 10.5 acres of wetlands and wildlife habitat within the wooded wetlands, approximately 31.5 acres of prior converted cropland would be restored to BLH, or a comparable amount of forested wetland mitigation credits would be purchased from an approved mitigation bank. To mitigate for the loss of the 10.5 acres of farmed wetlands, approximately 10.5 acres of prior converted cropland would be restored to BLH, or a comparable amount of forested wetland mitigation credits would be purchased from an approved mitigation bank.

Coordination with the U.S. Fish and Wildlife Service (USFWS) determined that two species of concern potentially exist within the proposed project area, the endangered Indiana bat and the bald eagle. To avoid impacting the bats, tree clearing activities would be avoided during the roosting season of April 1 to October 14. To avoid disturbance to nesting bald eagles, no overstory tree clearing or use of a chainsaw would be conducted within 660 feet of an eagle nest during the nesting season from January to July. In addition, a survey for eagle nests would be conducted prior to the start of project activities and during the construction. Should a nest be found within 660 feet of the project area, the USFWS, Ecological Services, Frankfort, Kentucky Sub-Office would be immediately notified for further guidance. With the aforementioned restrictions, CEMVM has determined that the proposed project is not likely to adversely affect any threatened or endangered species. The USFWS concurred with this determination by letter dated December 20, 2011, provided the restrictions to avoid impacting the Indiana bat and bald eagle are followed.

A cultural resources survey was completed in 2011, which found six previously recorded sites. Two of the sites are outside the proposed project area and will not be affected. However, they are close to the right of way and caution must be exercised to avoid these two sites. The remaining sites all date from the early to middle part of the twentieth century and are recommended as not eligible for listing in the National Register of Historic Places. CEMVM concluded that no further archeological work is recommended for those locations. The Kentucky State Historical Preservation Officer determined that the proposed project would have no effect on historical properties by letter dated June 20, 2011.

The State of Kentucky, Division of Water, Water Quality Certification Section, issued a waiver (#2012-012-W) for water quality certification requirement for the proposed project on April 9, 2012. A Section 404(b)(1) evaluation was prepared and submitted for public review along with the environmental assessment. The Kentucky Floodplain Management Section, Surface Water Permits Branch, is expected to issue a permit to construct across or along a stream and a general permit for stormwater discharges in May, 2012.

Based on a review of the analysis performed in the environmental assessment and supporting documentation, I have determined the proposed 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.

DRAFT

Date

Vernie L. Reichling
Colonel, Corps of Engineers
District Engineer