

DRAFT

FINDING OF NO SIGNIFICANT IMPACT

**Island 18/Dyer County Little Levee Emergency Repairs
Mississippi River
Dyer County, Tennessee**

The U.S. Army Corps of Engineers (USACE), Memphis District has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The environmental assessment (EA) associated with this finding of no significant impact (FONSI) covers items constructed for the Island 18/Dyer County Little Levee Emergency Repair. Memphis District declared an emergency on January 11, 2019 due to serious concerns regarding the safety of the Dyer County Little Levee (DCLL) in Dyer County, Tennessee at approximately river mile (RM) 837. The Island No. 18 complex begins at approximately RM 837, and includes a dike field that aids in maintaining navigational safety during low flow stages, Island No. 18, Everett Lake, and the DCLL. Over the past several years, flooding has caused high velocity water to damage the left descending bank (LDB) of the main channel of the Mississippi River at RM 837 causing a breach in in the LDB of the main channel of the Mississippi River. Once the LDB breach occurred, high velocity water entered Everett Lake and caused a breach of the sand closure that was constructed in the 1960's. Once the sand closure structure failed, flow similar to that of the main navigation channel of the Mississippi River entered Everett Lake, causing significant scour along the LDB of the lake and the toe of the DCLL.

Due to the safety concerns of a DCLL failure, the Memphis District completed Phase 1 of the emergency repairs on 2 February 2019. Phase 1 included the immediate riprap bank protection of the DCLL toe and the top bank of Everett Lake and the restoration of the top LDB of the main channel of the Mississippi River. The Phase 1 repairs were required to restore the riverbank, reduce the water velocity and prevent active scour of the DCLL toe and LDB of Everett Lake. The scouring effect of the water had already caused substantial damage to the DCLL/Everett Lake Road.

Construction on Phase 2 began on 15 April 2019 and will be completed based on rapidly changing water levels. Phase 2 includes the replacement of the sand closure structure within Everett Lake with a riprap structure, as well as the remainder of the required riprap bank protection along the banks of Everett Lake. High water will continue to erode the bank upstream of the Phase 1-DCLL riprap protection until the completion of Phase 2.

A draft environmental assessment (EA) was prepared to determine the potential impacts of the work on agricultural lands; wetlands and bottomland hardwoods; aquatic resources and fisheries; wildlife; threatened and endangered species; cultural resources; socio-economic resources; environmental justice; air quality; water quality; navigation; hazardous, toxic, and radioactive waste (HTRW); and to assess cumulative impacts of the action on the human environment.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, USACE determined that the project may affect but is not likely to adversely affect federally listed species or their designated critical habitat. The U.S. Fish and Wildlife Service concurred with USACE's determination on 28 January 2019. Investigations into HTRW activities near the project area revealed that no known HTRW sites would be impacted by the proposed project.

A water quality certification pursuant to section 401 of the Clean Water Act was obtained from the Tennessee Department of Environment and Conservation (TDEC). The TDEC was informed by email dated January 11, 2019, that the Memphis District was implementing emergency repair procedures on the levee and within the channel. This notification was necessary due to imminent safety risks associated with the potential failure of the levee. The emergency declaration allows the repairs to be made prior to the receipt of an official water quality certification. The TDEC issued the Water Quality Certifications for the Phase 1 and Phase 2 activities, and USACE received these certifications on February 28, 2019 and on April 15, 2019, respectively. As required by the TDEC, public notices for water quality certifications are posted on their website, in the newspaper (State Gazette), and by sign at the project location. No objections to the proposed project have been received.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the project has been found to be compliant with section 404(b)(1) Guidelines (40CFR 230). A public notice, the draft Clean Water Act Section 404(b)(1) Evaluation, and draft environmental assessment describing the actions have been posted on the Memphis District's website (<http://www.mvm.usace.army.mil/About/Offices/Regulatory/PublicNotices.aspx>) and distributed to a wide list of interested parties including appropriate state and federal agencies.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, USACE determined that this project has no potential to cause effects to historic properties. Thus, no further section 106 National Historic Preservation Act consultation is required.

After review of the documentation, I have determined this project will not cause significant adverse effects on the quality of the human environment. Therefore, I have determined that preparation of an environmental impact statement is not required.

Date

Michael A. Ellicott
Colonel, Corps of Engineers
Commanding