

**FINDING OF NO SIGNIFICANT IMPACT
(FONSI)**

**Mississippi River Mainline Levee
Phillippy Seepage Remediation
Lake County, Tennessee**

Description of the Proposed Action

The U.S. Army Corps of Engineers (USACE), Memphis District, has conducted an environmental assessment (EA) to address seepage control measures to be implemented along the Mississippi River Levee (MRL) in Lake County, Tennessee, in accordance with the National Environmental Policy Act of 1969, as amended. A 1998 final supplemental EIS (SEIS) entitled *Mississippi River Mainline Levees Enlargement and Seepage Control* addressed seepage control measures to be implemented along the MRL in this project area. While berm construction in this area was covered in the SEIS, it was determined that additional rights of way were needed and potential environmental impacts were identified within a Wetland Reserve Program (WRP) easement held by the Natural Resources Conservation Service (NRCS).

The proposed project involves implementing seepage control measures and minor maintenance of the levee slope along the MRL in Lake County, Tennessee. The northern limit of the project begins at approximately 36.49556111, -89.40300278 or Baseline Station 16/52+36, and extends south 0.7 of a mile to 36.48577222, -89.40599444 or Baseline Station 17/36+32. The seepage berm would extend from the northern limit of the project to approximately 36.49097778, -89.40464722 or Baseline Station 17/13+79. Proposed project features for the seepage remediation action include construction of one berm totaling approximately 7.2 acres; slope flattening beginning at the southerly end of the berm and extending for approximately 2,000 feet along the existing slope, and an approximately 4.75-acre borrow pit to provide the required earthen material.

The seepage berm would permanently impact approximately 1 acre of agricultural land exhibiting some wetland characteristics and approximately 3.15 acres located within an NRCS WRP easement consisting of young (~10 year old) forested wetland. The remainder of the area is already maintained by mowing, and no additional impacts have been identified for the berm. No environmental impacts were identified with the slope flattening, which would total approximately 1.5 acres. The borrow pit would impact approximately 0.85 acres of agricultural land exhibiting some wetland characteristics, which rests at a lower elevation than the surrounding field.

In addition to the items described above, additional items include placing filter fabric and road gravel within the established roadway, establishing turf in disturbed areas, providing traffic control, and utilizing best management practices.

Factors Considered in This Determination

An EA was prepared specifically to assess the potential impacts of this work on cultural and natural resources, including endangered species, water quality, infrastructure, wildlife habitat, and to update coordination with the associated levee work. The EA determined that the proposed project action was the most practicable alternative. A Section 404(b)(1) evaluation was prepared for the proposed project action and is included as Appendix A to the EA. The Alteration of Aquatic Resources Permit certification was requested from the Tennessee Department of Conservation on 17 December 2019.

Pursuant to Section 7 of the Endangered Species Act, the USACE determined that there would be no effect to the Indiana or northern long-eared bat or interior least tern.

A literature review supplemented by a cultural resources survey within the project's Area-of-Potential-Effect (APE) was completed by American Resources Group, Inc. in 1979, and no archeological sites were identified. Two standing structure complexes were identified, but were not eligible for the national register and are no longer standing. Therefore, no historic properties would be affected by completion of the proposed action. Coordination with the federally recognized Native American Tribes within MVM, as well as with the Tennessee State Historic Preservation Office is being conducted with the circulation of this draft EA. No additional cultural resources investigations are recommended prior to the project's implementation.

Mitigation

After practicable avoidance and minimization measures were applied, a total of approximately 3.15 acres of forested wetlands and 1.85 acres of agricultural lands exhibiting wetland characteristics would be impacted by the proposed project. The USACE was able to move the borrow pit out of the forested area preventing approximately 5 acres of additional wetland impacts. Compensatory mitigation requirements entail restoration of 1.85 acres of forested bottomland hardwood (BLH) wetlands, as well as improvements to the WRP site based on coordination with the NRCS. Options for mitigating the WRP impacts may include planting BLH species and restoring hydrology, if necessary, within tracts of cleared agricultural land and/or the WRP site. The site to mitigate the impact to the 1.85 acres of wet agricultural land is anticipated to be located in Dyer County, Tennessee, as the USACE has begun the acquisition of 4 tracts of land totaling approximately 70 acres to mitigate for the unavoidable impacts that would be incurred due to these and future MRL project actions. A detailed, site-specific mitigation plan has been drafted, and is included as Appendix B to the EA. Compensatory mitigation would occur concurrently with construction of the proposed project.

Public Involvement

The proposed action is being coordinated with appropriate federal, state, and local agencies, federally recognized tribes, businesses, organizations, and individuals through the distribution of the draft EA as well as through public notice for water quality certification through the State of Tennessee.

Conclusion

This office has assessed the environmental impacts of the proposed action and has determined that the proposed work is expected to have minor impacts to agricultural lands, wetlands, wildlife, air quality, and hydrology. Impacts to wetlands and wildlife would be mitigated, as described above. Impacts to air quality and hydrology would be temporary and negligible. The proposed project would have no impacts upon threatened and endangered species, freshwater marshes, freshwater lakes, state designated scenic streams, cultural resources, municipal facilities, municipal utilities, socio-economic, or environmental justice. After review of the documentation, I have determined that this project will not cause significant adverse effects on the quality of the human environment; therefore, I have determined that the preparation of a supplemental EIS is not required.

Date

Zachary L. Miller
Colonel, Corps of Engineers
District Engineer