

FINDING OF NO SIGNIFICANT IMPACT

Arkansas River Navigation Study, Final Feasibility Report, Supplemental Environmental Assessment Arkansas and Oklahoma

The U.S. Army Corps of Engineers, Tulsa and Little Rock Districts (Corps) have prepared a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act of 1969, as amended, to supplement the River Navigation Study (ARNS) Final Feasibility Report and Environmental Impact Statement (2005 ARNS FR/EIS). The 2005 ARNS FR/EIS, incorporated herein by reference, was completed in 2005, and the Record of Decision was signed 27 September 2005. This SEA, dated **DATE OF SEA**, serves to: 1) provide a concise summary of the history and status of the originally-authorized ARNS project; 2) document the changes and refinements made to the MKARNS 12-Foot Channel design during the Pre-Construction Engineering and Design (PED) and Construction phases, including mitigation; and, 3) evaluate the potential environmental effects of the updated construction and design plans that may have changed since the FEIS was completed.

The 2005 ARNS FR/EIS evaluated various alternatives to provide navigation improvements to reduce navigation losses due to high flows, enhance channel maintenance and dredged material management, and deepen the channel in the study area. The recommended plan, known as the MKARNS 12-Foot Channel, is the National Economic Development (NED) Plan and, as modified in this SEA, includes:

- Construction of 112 new or modified rock river training structures
- Dredging at 96 locations for channel deepening, totaling approximately 5,791,100 cubic yards of dredge material
- Construction of 39 new upland disposal sites (two in Arkansas, 37 in Oklahoma) for channel deepening and maintenance, as identified in the Dredge Material Management Plan
- Construction of 41 new and use of 129 existing in-water disposal sites in Arkansas
- Implementation of any required environmental mitigation, associated monitoring, and mitigation area adaptive management plan, when applicable and appropriate. Monitoring will continue until any required mitigation has been determined to be successful based on the identified criteria within the MKARNS 12-Foot Channel Mitigation and Adaptive Management Plan included in Appendix F. Monitoring is expected to last no more than 10 years.

In addition to a “no action” plan, the 2005 ARNS FR/EIS evaluated four action alternatives. Because the MKARNS 12-Foot Channel as described in the 2005 ARNS FR/EIS is already authorized and this SEA serves to identify modifications to the authorized design and evaluate the resulting environmental impacts, only the No Action Alternative and the MKARNS 12-Foot Channel were evaluated in this SEA.

For both the No Action and MKARNS 12-Foot Channel alternatives, potential effects were evaluated in this SEA as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Navigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socioeconomics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the SEA will be implemented, if appropriate, to minimize impacts. BMPs and conservation measures include, but are not limited to, seasonal timing restrictions, biological monitors with stop-work authority, utilizing existing access roads and channels to the greatest extent practicable, siting pumps and pipes in areas that would have the least disturbance on the overall system, utilizing the smallest construction footprint possible, monitoring for water quality and modifying dredged material release rates or decanting to remain below the state water quality standards for turbidity, and employing construction BMPs such as limiting idling and storing equipment, fuels, and hazardous materials away from water sources and significant resources.

The recommended plan will result in unavoidable adverse impacts to a maximum of 74 acres of bottomland hardwood forest (45 average annual habitat units [AAHUs]) and 4,974 acres of emergent wetland habitat (1,364 AAHUs). An additional 165 acres (165 AAHUs) of gravel bar habitat would be impacted. To mitigate for these unavoidable adverse impacts, the U.S. Army Corps of Engineers will restore approximately 135 acres of agriculture fields to bottomland hardwood forest and 2,225 acres contained within existing dike fields to emergent wetland. Additionally, 165 acres of gravel bar habitat will be recreated.

Public review of the draft SEA and FONSI was completed on **DATE DRAFT EA AND**

FONSI REVIEW PERIOD ENDED. All comments submitted during the public review period were responded to in the Final SEA and FONSI.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (FWS) issued a biological opinion, dated **DATE OF BIOP**, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: American Burying Beetle (*Nicrophorus americanus*) and Alligator Snapping Turtle (*Macrochelys temminckii*). All terms and conditions, conservation measures, and reasonable and prudent alternatives and measures resulting from these consultations shall be implemented in order to minimize take of endangered species and avoid jeopardizing the species.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps and the Advisory Council on Historic Preservation (ACHP), Arkansas and Oklahoma State Historic Preservation Officers (SHPO), the Muscogee (Creek) Nation Tribal Historic Preservation Office (THPO), Cherokee Nation THPO, the Choctaw Nation THPO, the Oklahoma Archaeological Survey (OAS), and fifteen additional tribes with interest in the project area entered into a Programmatic Agreement (PA), dated **DATE OF AGREEMENT**. All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix H of the SEA.

A water quality certification pursuant to section 401 of the Clean Water Act was obtained from the Oklahoma Department of Environmental Quality on **DATE OF CERTIFICATION** and Arkansas Department of Environmental Quality on **DATE OF CERTIFICATION**. All conditions of the water quality certifications shall be implemented in order to minimize adverse impacts to water quality.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. Farmlands will be converted for other uses; however, in coordination with the Natural Resources Conservation Service (NRCS), it was determined that the farmland conversion impact rating score on the proposed sites does not exceed the recommended allowable level.

In compliance with Executive Orders 12898, 13985, and 14008 related to Environmental Justice, available tools were used to identify economically disadvantaged communities within the study area and identify potential impacts resulting from the proposed action. No direct impacts to communities or individuals with environmental justice concerns were identified. Outreach and involvement of communities, particularly Tribal Nations, was pursued in line with the goals of both these Executive Orders and Corps policy to further inform and develop project plans. The MKARNS 12-Foot Channel would not disproportionately affect economically disadvantaged communities and is compliant with all applicable laws, regulations, and orders related to environmental justice.

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and

Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

COLONEL DAMON KNARR
Corps of Engineers
Little Rock District Commander

Date

COLONEL TIMOTHY P. HUDSON
Corps of Engineers
Tulsa District Commander