FINDING OF NO SIGNIFICANT IMPACT

CLAIBORNE AND MILLERS FERRY LOCKS AND DAMS
FISH PASSAGE STUDY
INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT
WILCOX AND MONROE COUNTIES, ALABAMA

The U.S. Army Corps of Engineers, Mobile District (USACE) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated **[DATE PLACEHOLDER]**, for the Claiborne and Millers Ferry Locks and Dams Fish Passage Study addresses Federal interest in establishing fish passage through restoring connectivity in the Alabama and Cahaba Rivers, opportunities, and feasibility in the Lower Alabama River. The final recommendation is contained in the report of the Chief of Engineers, dated **[DATE PLACEHOLDER]**.

The final IFR/EA, incorporated herein by reference, evaluated various alternatives that would reduce flood, life safety, and residual risk as well as improve bank stabilization in the study area. The tentatively selected plan is National Ecosystem Restoration (NER) Plan and includes:

- Natural Bypass channels at Claiborne and Millers Ferry Locks and Dams. Millers Ferry Natural Bypass Channel includes control gate structures and two vehicular bridges.

In addition to a “no action” plan, 20 initial alternatives were evaluated. The final array of alternatives included: Alternative 1) No Action Alternative, Alternative 3) Fixed Weir Rock Arch – Both Dams, Alternative 5d) Natural Bypass Channel – Both Dams right bank, Alternative 12b) Fixed Weir Rock Arch– Claiborne Natural Bypass Channel, right bank – Millers Ferry, and Alternative 13b) Natural Bypass Channel, right bank – Claiborne and Fixed Weir Rock Arch – Millers Ferry.

For all alternatives, the potential effects were evaluated, 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

	Less than significant effects	Less than significant effects as a result of mitigation*	Resource unaffected by action
Hydrology	☒	☐	☐
Water Quality	☒	☐	☐
Geology and Soils	☒	☐	☐
Prime and Unique Farmlands	☒	☐	☐
Climate	☒	☐	☐
Air Quality and Greenhouse Gasses	☒	☐	☐

	Less than significant effects	Less than significant effects as a result of mitigation*	Resource unaffected by action
Hazardous, Toxic, and Radioactive Waste	☒	☐	☐
Vegetation	☒	☐	☐
Aquatic Species	☒	☐	☐
Terrestrial Species	☒	☐	☐
Threatened and Endangered Species	☒	☐	☐
Migratory Birds	☒	☐	☐
Bald and Golden Eagles	☒	☐	☐
Wetlands	☒	☐	☐
Architectural Resources	☒	☐	☐
Cultural and Archaeological Resources	☒	☐	☐
Land Use	☒	☐	☐
Noise	☒	☐	☐
Aesthetics	☒	☐	☐
Recreation	☒	☐	☐
Industry	☒	☐	☐
Demographics	☒	☐	☐
Public Safety	☒	☐	☐
Traffic and Navigation	☒	☐	☐

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 final IFR/EA will be implemented, if appropriate, to minimize impacts.

No compensatory mitigation is required as part of the recommended plan.

Public review of the draft IFR/EA and Finding of No Significant Impact (FONSI) was conducted May 1, 2023 and August 24, 2023 respectively. All comments submitted during the public and agency review period were responded to in the final IFR/EA and FONSI. A 30-day state and agency review of the final IFR/EA is scheduled for September 16, 2024. **PICK OPTION BASED ON RESULTS OF STATE AND AGENCY REVIEW**.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the USACE determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: Alabama Sturgeon, Georgia Rockcress, Gulf Sturgeon, Inflated Heelsplitter, Southern Clubshell, and Tulotoma Snail. The U.S. Fish and Wildlife Service (FWS) concurred with the Corps' determination on 5 September 2023. Assumptions were used in USFWS' letter regarding "conservation measures" for the basis of their concurrence. Appropriate items from these assumptions will be considered during PED and implemented as appropriate. The assumptions include:

- "Riprap or other protective measures will be used to armor and to protect streambanks from erosion.

- Matting or blankets will be placed on exposed soils to control erosion.
- Mulch from a biological source will be placed at the site to prevent erosion and reduce exposed soils.
- Downed woody debris and cleared timber will be removed from the site to reduce fuel sources.
- Seeding of grasses will be used for erosion control purposes.
- Care will be taken to reduce the number of "spud drops" during selective spudding by the barges in and around the project area. Barges and other boats will operate at low speeds in the project area to reduce the likelihood of vessel strikes of both Alabama and Gulf sturgeon.
- Aquatic and terrestrial preconstruction surveys will be conducted."

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 **Alabama Historical Commission** entered into a Programmatic Agreement (PA), dated 20 February 2024**.** All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.[1] Copies of the PA signature pages are included in Appendix B-2 of the final IFR/EA.

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 B-1 of the final IFR/EA.

A Water Quality Certification (WQC) was obtained from the Alabama Department of Environmental Management via letter dated 29 November 2023. All conditions of the WQC shall be implemented in order to minimize adverse impacts to water quality.

Technical, environmental, economic, and cost effectiveness 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:_____ _____

Jeremy J. Chapman
Colonel, U.S. Army
District Commander

[1] Required by 36 CFR 800.6(c)(3) meeting the terms and conditions of the MOA