

**FINDING OF NO SIGNIFICANT IMPACT
BANK STABILIZATION PROJECT
PONCA STATE PARK, NEBRASKA
MISSOURI NATIONAL RECREATIONAL RIVER
JULY 1999**

An environmental assessment has been prepared that summarizes the expected effects of the proposed project on the existing environment. This is a project proposed by the Omaha District, Corps of Engineers to halt the erosion occurring along the riverfront at Ponca State Park in Dixon County, Nebraska, and protect the access road to the park's public boat ramp. This project is authorized under the Wild and Scenic Rivers Act amendment of 1978 (Public Law 95-625). The proposed project is located along the right bank of the Missouri River between River Miles (RM) 753.9 and 753.5 at Ponca State Park about 2 miles east of the town of Ponca, Nebraska. The proposed work will involve the construction of a buried revetment 80 feet long, 520 feet of direct bank armoring, and a 910-foot long peaked revetment. Notches in the peaked revetment would be 5 feet deep. Two tiebacks would connect the peaked revetment to the shoreline and create fisherman access to the structure. The bank armor and buried revetment would require a combined 1,145 cubic yards of rock, and the peaked revetment would comprise 3,515 cubic yards. The tiebacks would add 410 cubic yards of rock, for a total project of 5,070 cubic yards of rock.

All environmental, social, and economic factors, which are relevant to the proposal, were considered in this assessment. These include, but are not limited to threatened and endangered species, vegetation, wetlands, cultural resources, air quality, water quality, and wildlife. The purpose of the project would be to protect the recreational area on Ponca State Park's floodplain, and to reduce the risk that unchecked erosion caused by the river current and waves could attack the access road to the park's boat ramp. Severe erosion has developed at the site recently after high 1990's flows eroded an island that had been protecting the area from the direct current. Erosion is now threatening the dirt road to the picnic area, which is now closed to vehicular traffic. If erosion continues unchecked, it could erode into the blacktop access road to the boat ramp.

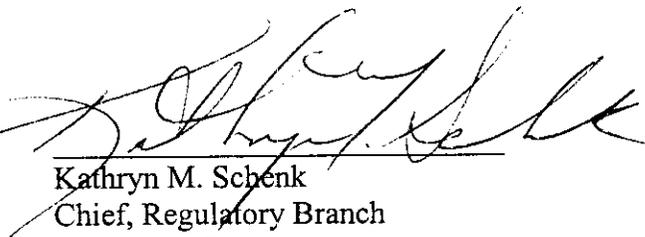
Adverse effects would include temporary noise, and fugitive dust during construction. There are not expected to be any adverse impacts to threatened and endangered species as a result of the proposed project. Erosion control methods would be utilized during construction. Bank armor above ordinary high water would be covered with topsoil and seeded with native vegetation after construction is complete.

It is my finding, based on the environmental assessment, that the proposed Federal activity will not have any significant adverse impacts on the environment and that the proposed project will not constitute a major Federal action significantly affecting the

quality of the human environment. The proposed action has been coordinated with the appropriate resource agencies, and there are no significant unresolved issues. Therefore, an environmental impact statement will not be prepared.

Date:

7/7/99



Kathryn M. Schenk
Chief, Regulatory Branch
Operations Division
Omaha District Corps of Engineers

CENWO-PM-AE / Wallace *ajw 7/6/99*

CENWO-PM-AE / Latka *RLJ*

CENWO-PM-AE / Thomas *ca 7/7/99*

CENWO-OD-R-NE / Peterson *8*

CENWO-OD-R / Schenk *S*

**FINAL ENVIRONMENTAL ASSESSMENT
BANK STABILIZATION PROJECT
PONCA STATE PARK, NEBRASKA
MISSOURI NATIONAL RECREATIONAL RIVER
JULY 1999**

PROJECT AUTHORITY AND PURPOSE

Authority. The Missouri National Recreational River (MNRR) was authorized by Section 707 of the Wild and Scenic Rivers Act amendment of 1978 (Public Law 95-625) which amended Section 3 (a) of the Wild and Scenic Rivers Act (Public Law 90-542). The Corps of Engineers' role in developing the MNRR under the administration of the U.S. Department of the Interior was defined in the Cooperative Agreement between the Department of the Interior and the Department of the Army signed on 4 January 1980 and 1 February 1980, respectively.

Purpose. The purpose of the proposed action is to protect the recreational area on Ponca State Park's floodplain, and to reduce the risk that unchecked erosion caused by the river current and waves could attack the access road to the park's boat ramp. Specifically, protection is needed for 100% of the minimum affected shoreline (primary erosion area) for a length of approximately 1325 feet. Protection of an additional 450 feet of shoreline (secondary erosion area) would be desirable, since this segment of shoreline is not protected by existing shale. Severe erosion has developed at the site recently after high 1990's flows eroded an island that had been protecting the area from the direct current. Erosion is now threatening the blacktop access road to the boat ramp, and has resulted in the closing of the dirt road to the picnic area to vehicular traffic. The boat ramp at Ponca State Park is the only public boat ramp within 20 miles.

ALTERNATIVES

Alternatives considered included no federal action, and three structural alternatives (one of which is the preferred alternative) to stop erosion of the riverbank at Ponca State Park.

No Federal Action. Under the no federal action alternative, the park access road that parallels the river would continue to erode, eventually eliminating access to the picnic area on the northern end of the riverfront area. Also, if erosion continues unchecked, access to the boat ramp at the south end of the park would increasingly become jeopardized.

Structural Alternatives.

- 1. Single Dike.** Under this alternative, an 85-foot revetment would be constructed out of 1,206 cubic yards of rock at the upstream end of the project area near the park boundary, and a single 600-foot rock dike would

be built that would run away from the shore, downstream to the sand ridge. This dike would effectively move the current away from the bank, and provide a breakwater against the waves. This structure would provide protection for 100% of the minimum affected shoreline. The total approximate cost of this alternative is \$304,000

2. Single Dike (cost cap). Under this alternative, an 85-foot revetment would be constructed out of 1,206 cubic yards of rock at the upstream end of the project area near the park boundary, and a single 460-foot rock dike would be built that would run away from the shore, downstream to the sand ridge. This dike would effectively move the current away from the bank, and provide a breakwater against the waves. This structure would provide protection for 80% of the minimum affected shoreline. The total approximate cost of this alternative is \$270,000.

3. Short Dike System. Under this alternative, an 85-foot revetment would be constructed out of 1,206 cubic yards of rock at the upstream end of the project area near the park boundary, and a system of 8 short dikes spaced between 100 and 150 feet apart would be constructed along the affected shoreline. Each short dike would be constructed of rock with a 20-foot root excavated into the bank. Each dike would extend out into the river between 30 and 50 feet depending on the width of the low water shelf in the area that the dike is constructed. This system of short dikes would effectively extend the bankline out into the river by about fifty feet. Accretion is likely behind the dikes, but the line of open water will remain where the deflected flow moves back toward the bank, down to the next dike. The result would be a jagged bankline, as the current is deflected and then returns to the bank as it moves along the bankline. The dikes would only provide limited protection from wave erosion; the area between the dikes would remain vulnerable to wave action. The total approximate cost of this alternative is \$200,000.

4. Bank Armor. Under this alternative, the bankline would be protected by constructing a rock revetment along the entire 1775 feet of affected bankline. This revetment would be constructed out of 3,656 cubic yards of rock. This alternative would provide full protection, however it does not provide for any accretion, and it does not create any variable aquatic habitat. The total approximate cost of this alternative would be \$195,000.

5. Peaked Revetment (Preferred Alternative). This alternative would include the construction of a buried revetment 80 feet long, followed by 520 feet of direct bank armoring. Then as the low water shelf widens, the peaked revetment would follow the edge of that shelf, for 910 feet. This would place the end of the revetment roughly in line with the access road down to the floodplain. The notches along the peaked revetment would be 5 feet deep (leaving about 2½ feet of continuous structure base). The

revetment would have a 3-foot wide crest. The revetment would turn toward the bank at its downstream end, closing off the area between the bank and the revetment. Another tieback structure would be built about 300 feet north of the revetment's downstream end. This center tieback would be six feet wide at its crest, as would the segment of revetment (between notches) that it connects with. The bank armor and buried revetment would require 1,195 cubic yards of rock, and the peaked revetment would comprise 3,515 cubic yards. The tiebacks would add 410 cubic yards of rock, for a total project of 5,070 cubic yards of rock. **Plate 1** in Appendix C is a plan view of the proposed project, **Plate 2** shows a profile of the peaked revetment, and **Plate 3** shows a typical cross-section of the peaked revetment.

This alternative would direct the water away from the bank and create a breakwater to prevent wave erosion. The deep notches would allow water and fish passage through the structure during most flows. They would also allow sediment to accrete between the structure and the bank. The main tieback on the structure with its adjoining segment of revetment would provide access for fishermen on its 6-foot wide crest. This would require the addition of gravel and smaller stone to its top surface. The total approximate cost of this alternative would be \$270,000, and would protect 100% of the primary erosion area, as well as 50% of the secondary erosion area.

Alternatives 1 and 2 would not meet the purpose of the project, which is to protect 100% of the minimum affected shoreline (primary erosion area) within available funding. Alternative 3 is within the available funding limits, however, the structures would provide limited protection from wave erosion, a critical need. Alternative 4 would effectively protect the entire affected shoreline within the available funding limits, however, it would not allow for any accretion along the bank. Alternative 5 is the recommended alternative because it protects 100% of the minimum affected shoreline from wave and current erosion within available funding, and would create an accretion zone between the structure and the bankline as an added benefit. Additionally, pedestrian fishing access to the river would be created.

DESCRIPTION OF THE PROJECT AREA

The project site is located along the right bank of the Missouri River between River Miles (RM) 753.9 and 753.5 at Ponca State Park about 2 miles east of the town of Ponca, Nebraska. **Figure 1** is a map showing the location of the proposed project. The proposed project is also located within the 59-mile reach, known as the Missouri National Recreational River, which is a segment of the National Wild and Scenic River System. This stretch of river is located in the middle portion of the 2,300-mile-long Missouri River and flows through the upper dissected till plains of the Central Lowland Province. Original vegetation was primarily tall-grass prairie, with ribbons of eastern deciduous forest extending into the till plains along the major river valleys (USCOE, 1992).

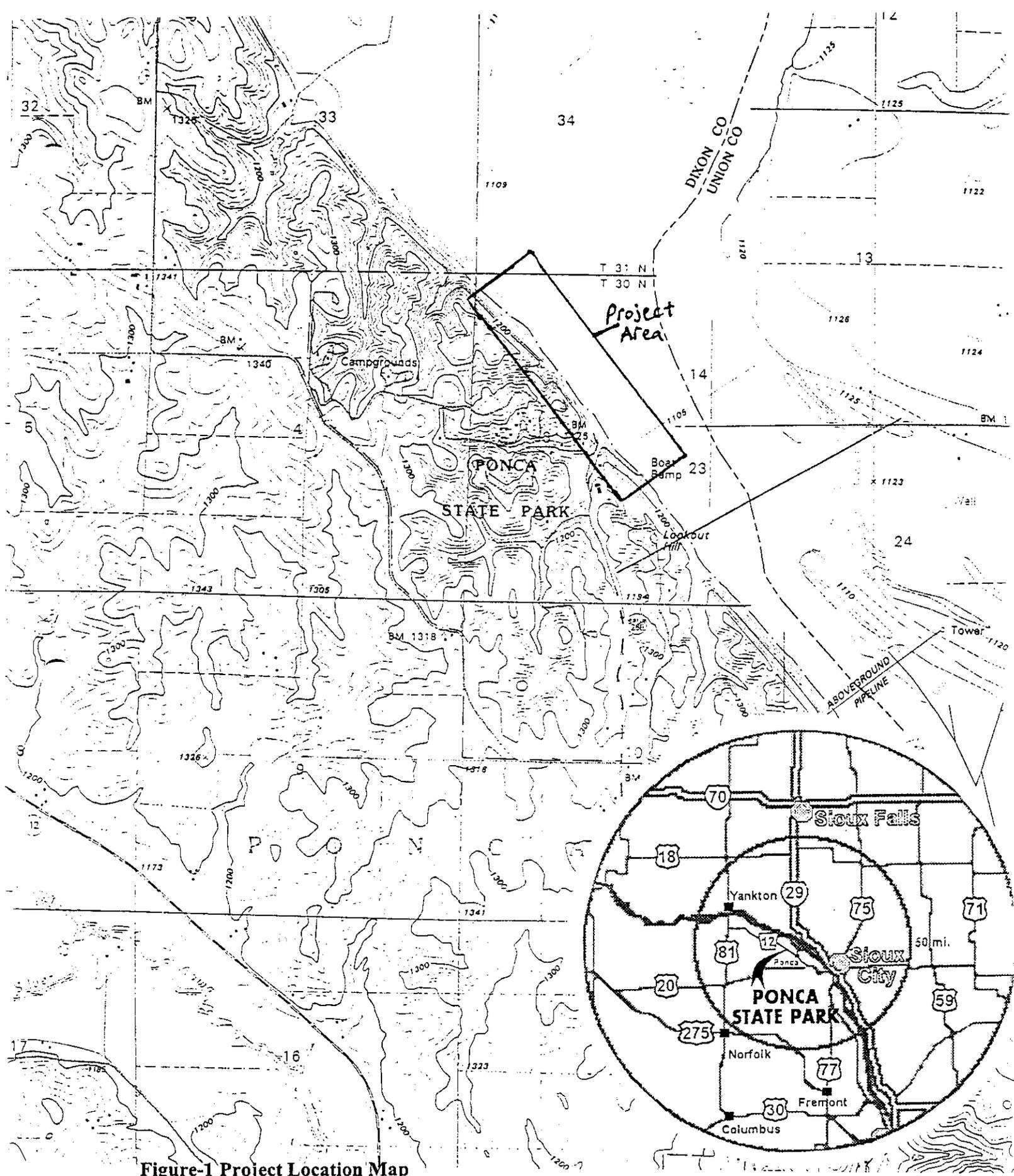


Figure-1 Project Location Map

The 59-mile reach of the Missouri River that is designated as a Recreational River begins at the downstream terminus of the Gavins Point Dam excavated discharge channel, and extends to the downstream terminus of Ponca State Park, RM 751.9. The river channel forms the approximate boundary between the states of Nebraska and South Dakota. The corridor of the river segment includes the river channel, selected slopes visible from the river, and lands above the riverbank required to preserve the river characteristics. The total acreage of land included within the Missouri National Recreational River boundary is 17,414 acres (National Park Service, 1998). With the exception of lands under the mean high-water mark of the river, public access areas on both sides, wildlife management areas on the South Dakota side, and Ponca State Park on the Nebraska side, most of the corridor is in private ownership.

The proposed project is located along the riverfront of Ponca State Park. Ponca State Park's river access area is presently constrained by the limited amount of low-slope land at the toe of the bluff. The recreation area north of the access road down to the floodplain extends about one half-mile north, to the park boundary. The boat ramp is about 800 feet south of the access road. The low recreation area north of the road is about 500 feet wide at its northern end, but it narrows to 100 feet about 650 feet north of the road. The area then forms a 50-foot wide strip along the 650-foot stretch south to the road. Continuing south to the ramp, the river margin is built on shale talus from the cliff, and thus the bank is naturally armored at the boat ramp.

Surveys were made of the bank and riverbed in March 1999. These surveys showed that there is a sand ridge in the river 200 to 300 feet out from this bank (the river is approximately 2300 feet wide). The channel between the bank and ridge is 15 to 20 feet deep, as measured from the top of the bank. The ordinary high water level is equivalent to the top of this bank, and is two feet higher than the normal water elevation. High water would be 8 to 10 feet deep along the ridge.

The bank drops off directly into the deep channel along the first 600 feet of bank south from the park boundary. A shelf then is evident along the cut bank. The shelf is about 5 feet below the top of the bank, and it has a mild slope out to its intersection with the deep water. The shelf is up to 50 feet wide. Appendix B contains pictures of the bank erosion that needs to be stopped at the proposed project area.

Water Quality. Water quality data measurements are collected by the Corps or USGS in this segment of the Missouri River in the upstream reaches at Gavins Point Dam and Yankton, South Dakota, and near the mouth of the two major tributaries, the James River and the Vermillion River. Overall, the quality of the water is good. Degrading influences occur farther downstream in the vicinity of Sioux City, Iowa.

Fisheries. The unchanneled condition of the Missouri River in this reach provides a diversity of habitat for native fish that were common throughout most of the river prior to its alteration by man. Although the main stem dam system has altered the river's traditional pattern of flow and significantly reduced its sediment load, most of the indigenous fish species are still present. The changed river condition has, however,

modified the dominance and abundance of species in the fish community, and a few species have been introduced into the river. The most common species found in this reach of the Missouri River include sauger, common carp, channel catfish, goldeye, emerald shiner, red shiner, white bass, shovelnose sturgeon, gizzard shad, and freshwater drum. Some of the less common species found in this reach of the river include smallmouth and bigmouth buffalo, shorthead redhorse, flathead catfish, paddlefish, shortnose gar, longnose gar, blue sucker, walleye, and sand shiner.

Because it is unchannelized, the Missouri National Recreational River is considered to be very important to the continued maintenance of the paddlefish population the Missouri River below Gavins Point Dam. Although there is no definite evidence of their spawning, paddlefish larvae were found below the dam in the spring of 1976.

Wildlife. There is abundant wildlife at Ponca State Park adjacent to the proposed project. Common species include white-tailed deer, wild turkey, red fox, raccoon, cotton tailed rabbit, fox squirrel, opossum, several small mouse species, bobwhite quail, and various species of songbirds and raptors. Shorelines and banks are inhabited on occasion by muskrat, mink, and bank-dwelling birds such as kingfishers and bank swallows. Various species of ducks, geese, and gulls are also common along the river.

Prime Farmland. The proposed project area is along the Missouri River, in a State Park, at the base of some bluffs. No prime farmland would be affected in the proposed construction area, however, a construction access road may have to be built across active farmland on the adjacent property to the north.

Socioeconomic. Although open year-round, summer is the primary time for visitor use within Ponca State Park. In addition to the boat access area, the park has fourteen cabins for rent, 72 campsites, picnic areas, 17 miles of hiking trails, and facilities for horseback riding (Nebraska Game and Parks Commission, 1999). The Highland Oaks Public Golf Course is located on the southern boundary of the park. Over one-third of park visitors were from the Omaha and Lincoln areas, and over one-fourth were from out-of-state, with 68% of visitors staying from two to three days (Hansen, 1998). The picnic area adjacent to the boat access area is presently closed to vehicles due to the ongoing erosion. Construction would take place during August and September, with the exception of Labor Day weekend, which will be excluded from the construction contract to minimize conflicts with recreationists.

Threatened and Endangered Species. In accordance with Section 7 of the Threatened and Endangered Species Act, the Nebraska U.S. Fish and Wildlife Service (USFWS) has provided the Corps with a list of species by county that lists the threatened and endangered species that may occur within the project area. **Table 1** below shows the threatened and endangered species known to occur in Dixon County, Nebraska.

Table 1
Threatened, Endangered, and Candidate Species in the Proposed Project Area

Common Name	Scientific Name	Classification
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened
Piping Plover	<i>Charadrius melodus</i>	Threatened
Interior Least Tern	<i>Sterna antillarum</i>	Endangered
Peregrine Falcon	<i>Falco peregrinus anatum</i>	Endangered
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered
Sturgeon Chub	<i>Macrhybopsis gelida</i>	Candidate

1. **Bald Eagle.** The bald eagle was listed as endangered in 1978, primarily as a result of habitat loss, trapping, shooting (early 20th century), and loss of productivity resulting from thin egg shells which were caused by organochloride pesticides such as DDT. Recovery efforts leading to increased population sizes have spurred a recent reclassification of the bald eagle to threatened status on August 11, 1999 (Federal Register, 1995).

Bald eagles are common along the Missouri River between Gavins Point Dam and Ponca State Park. Bald eagles prefer forested habitats near bodies of water. They concentrate near open water, such as below the tailraces of the Oahe and Gavins Point Dams in the wintertime. Preferred roosting areas are those that provide shelter from the wind, and are near a body of water (Steenhof, et al., 1980). Cottonwood trees are strongly preferred over other species (Stallmaster and Newman, 1978). Dead trees are strongly preferred as daytime perches, with the tallest trees being utilized most often (Steenhof, 1978). Bald eagles feed primarily on crippled waterfowl and fish, but will take upland game birds, other birds, rodents, and carrion (Steenhof, 1978).

An active bald eagle nest was documented near the proposed project area during an aerial survey performed by the U.S. Army Corps of Engineers, Omaha District, with assistance from the U.S. Fish and Wildlife Service on March 9, 1999. The nest is located in a large cottonwood tree across the river from the proposed project area at approximate RM 753.1, about ¼ of a mile from the proposed project area.

2. **Piping Plover.** The piping plover is a small shore bird with a sand colored upper body and white underside. It is one of six species of North American belted plovers (U.S. Fish and Wildlife Service, 1988). Distinctive markings include a black band on the top of the head and another across the breast (U.S. Fish and Wildlife Service, 1988). Habitat loss, which occurred primarily as a result of the channelization and damming of the Missouri River and many of its tributaries, has caused the piping plover to be listed as a federally threatened species. The piping

plover was officially listed as threatened on December 11, 1985 (U.S. Fish and Wildlife Service, 1988).

In the Great Plains, piping plovers utilize barren sand and gravel shores of rivers and lakes, and barren river sandbars. Much of this habitat occurs in the Missouri River. Beaches used by plovers will generally average 30 yards in width (U.S. Fish and Wildlife Service, 1988). Nesting is initiated between May 15, and June 30th. Chicks have generally fledged by July 30. Piping plovers begin their migration from the area in August with most of the birds having left by the end of August. Piping plovers are often found nesting in or near interior least tern colonies, which utilize similar breeding habitat. A 4-egg clutch is laid in a shallow depression, and the eggs are incubated for 25-31 days. Chicks are able to walk and feed within hours of hatching, and fledge within 21 days (U.S. Fish and Wildlife Service, 1988). Plovers feed on insects or small crustaceans on the island surface, especially along the waterline.

Although unvegetated sand islands are present within the project vicinity, plover nesting historically has been limited to upstream of River Mile 756.

3. Interior Least tern. The interior least tern is a shorebird that requires open expanses of sand or pebble beach along riverbanks, sandbars, and reservoirs. Sandbars, dikefields, and islands are used for courtship and nesting (Whitman, 1988). The food base for the least tern consists primarily of small fish 6-9 cm (2.3-3.5 inches) in length (Schulenberg et al, 1980). The tern hovers over shallow water, then dives to capture small fish. Terns forage up to 4 miles from their nesting sites (Talent and Hill, 1985). Foraging areas can be found along the river or in wetland areas.

Although the breeding season is considered to be from May 1st through August 15th for dam operation purposes, the peak of nesting occurs from mid-June to mid-July. Terns are colonial nesters, nesting with other terns, and with piping plovers. Bowl-shaped depressions are made in the sand into which 2 to 3 eggs are laid. Eggs take about 24 days to hatch. After the eggs are hatched, another 21 days are required for the chicks to fledge (U.S. Fish and Wildlife Service, 1990).

Although there is unvegetated sand island habitat within the project vicinity, historically tern nesting has been upstream of River Mile 756.

4. Peregrine Falcon. The peregrine falcon occurs occasionally as a migrant in Nebraska, and one breeding pair has recently nested and successfully produced chicks on the Woodman of the World building in downtown Omaha. The peregrine falcon was listed as endangered in 1970, primarily due to population declines resulting from eggshell thinning caused by the accumulation of pesticides such as DDT in the fatty

tissues of adult breeding birds. Habitat loss and human disturbance are now the primary threats to the welfare of the falcon.

Peregrine falcons prefer to roost and nest on rocky cliffs or bluffs near rivers and lakes, but have been known to nest and hunt in cities with tall buildings (Aldrich, 1980). Peregrine falcons will use any habitat type that provides hunting opportunities, particularly open areas such as wetlands, grasslands, and cropland (U.S. Fish and Wildlife Service, 1984). Peregrines primarily feed on other birds, ranging in size from mallard ducks down to warblers and nuthatches. Pigeons, jays, meadowlarks, starlings, and other birds of similar size constitute the bulk of their diet (Aldrich, 1980). Although cliffs are present in the proposed project area, no nests or sightings of peregrine falcons have been documented.

5. Pallid Sturgeon. The pallid sturgeon, other sturgeon species, and the paddlefish are the only living descendants of an ancient group of Paleozoic fishes. These species are adapted to large, turbid, warm water rivers. The pallid sturgeon was listed as an endangered species in 1990, primarily due to the loss of habitat that occurred when the Missouri River was altered by channelization, and the construction of an extensive system of dams. Overfishing, pollution, and hybridization that have occurred due to habitat alterations have also contributed to the population decline of the species (U.S. Fish and Wildlife Service, 1993).

Pallid sturgeon spawning requirements are not well known, but spawning is believed to occur in May or June over gravel or other hard surfaces. The food base for the pallid sturgeon consists of aquatic insects, mollusks, and small fish, which are foraged from the river bottom and from tributaries (U.S. Fish and Wildlife Service, 1993).

Habitat requirements for the pallid sturgeon are still being determined; however, some clues to their habitat can be inferred from areas where most pallid sturgeon, and their close relative, the shovelnose sturgeon, have been captured recently. Pallid sturgeon are most often caught over a sandy substrate. Velocity use by pallid sturgeon indicates most frequent capture in South Dakota between 0.33 and 0.98 fps (Erickson, in U.S. Fish and Wildlife Service, 1993), and in Montana between 1.3 and 2.9 fps (Clancy, in U.S. Fish and Wildlife Service, 1993). The most common depth at which pallid sturgeon were captured seems to be between 3.5 and 10 feet (U.S. Fish and Wildlife Service, 1993).

Within the Missouri River basin, pallid sturgeon are most often caught upstream from Fort Peck Lake in Montana, between Fort Peck Dam and Lake Sakakawea in North Dakota, in the headwaters of Lake Sharpe in South Dakota, and near the mouth of the Platte River in Nebraska (U.S. Fish and Wildlife Service, 1993). No reproduction has been documented

in the Missouri River. Although there has been no documented reproduction, adult pallid sturgeon are still occasionally caught in the Missouri River. Captures are recorded in a permanent database by the pallid sturgeon recovery team, which is headed by the U.S. Fish and Wildlife Service in North Dakota. **Table 2** lists the locations and dates of the most recent pallid sturgeon captures near the proposed project area.

Table 2
Recent Captures of Pallid Sturgeon Near the Project Area

River Mile	Year	Location	Distance From Action
719	Not Documented	Missouri River	34 miles
750	Not Documented	Below Ponca	3 miles
772	1987	3 Miles West of Newcastle	19 miles
772	1988	At the Vermillion River	19 miles

6. Sturgeon Chub. Sturgeon chub are small (<10 cm) fish requiring turbid, free-flowing riverine habitat with a combination of rock, gravel, and/or sand substrate (U.S. Fish and Wildlife Service, 1993). Recent fish monitoring in the Missouri River resulting in the documentation of 546 sturgeon chub did not result in any collections of sturgeon chub in the reach from Gavins Point dam to Ponca, nor in the reach from Ponca to the Big Sioux River. Sturgeon chub were, however, collected in reaches below the Big Sioux River (Young et al., 1997; Dieterman et al., 1996). Sturgeon chub were most frequently collected in flowing secondary channels, and inside bends associated with sandbars. Most sturgeon chub were collected in depths between 2 and 3 meters and velocities between 0.6 and 1.0 meters / second (Dieterman et al., 1996). Historically, however, a sturgeon chub was collected from the Missouri River in Dixon County northwest of Newcastle in 1941.

Historic Properties. The National Register of Historic Places and its current supplements were consulted by U.S. Army Corps of Engineers, Omaha District archaeologists to determine if eligible or listed properties would be affected by the proposed project. No eligible or listed sites were located in the area of the proposed project, however, there were some sites listed in the town of Ponca, Nebraska, and near the town of Newcastle, Nebraska. The proposed bank armor work would impact the cutbank of the Missouri River for a distance of approximately 700 feet in length. The work farther south on the peaked revetment would be located within the river. Comments and recommendations from the State Historic Preservation Officer will be considered during the Section 404 Permit decision process.

ENVIRONMENTAL EFFECTS

Water Quality. The Nebraska Department of Environmental Quality has provided Section 401 water quality certification in conjunction with the Section 404 permit (letters dated June 30, 1999, included in Appendix D), providing the following conditions are met: construction activities should employ controls to reduce the erosiveness of land adjacent to the water body. This includes revegetating disturbed areas and maintaining the controls.

Fisheries. Placement of rock in the river would temporarily bury some benthos, increase turbidity, and possibly disturb the local fish community. However, these effects would be localized and temporary, and over time the shallow waters in the accretion zone behind the peaked revetment may develop into important fish and benthos habitat. Rock dikes placed in other areas along the Missouri River have been used as habitat for fish (Hesse, et al, 1982a), aquatic invertebrates (Hesse, et al, 1982b), and mussels (Perkins, personal communication). The off-shore revetment has a high potential to provide a substrate for fish spawning, and invertebrate colonization due to the fact that both sides of the structure and the gaps will be in contact with the water. This may, over time, benefit the fishery in the vicinity of Ponca State Park. In addition, the backwater between the breakwater structure would provide a quiet water area for small fish that is not presently available at Ponca State Park.

Wildlife. Wildlife, primarily waterfowl and shorebirds, may temporarily be disturbed during construction activities, however, because the habitat surrounding the project area is significantly large, the impacts would be insignificant.

Prime Farmland. The proposed project area is located along the Missouri River, in a State Park, at the base of some bluffs. No prime farmlands would be affected by the actual construction of the proposed project. The possible construction of an equipment access road on the adjacent land to the north could cause a small area of cropland to be taken out of production during construction, however, the impacts would only be temporary, and the quality and availability of the soil would not be permanently impacted.

Socioeconomic. Construction during August and September will not significantly conflict with recreation use of Ponca State Park. Construction will cease during Labor Day weekend, access to the boat ramp will still be provided, and park roads will not be used by construction vehicles. Construction will protect the road access to the picnic area and the boat ramp area from further erosion, providing long-term benefits for recreation, as well as providing fishing access currently not available. However, there will be minor construction noise associated with construction, and portions of the picnic area may be temporarily closed for construction of the on-shore revetment and associated grading.

Threatened and Endangered Species.

1. **Bald Eagle.** No large trees suitable for bald eagle use would be damaged or destroyed during construction. Construction is scheduled to begin in late August or early September, so the eagle nest across the river from the proposed project site will already have been abandoned by the time construction would begin. Therefore, the proposed project would not adversely impact bald eagles.

2. **Piping Plover.** No sandbars suitable for use by piping plovers would be impacted by the proposed project. Construction is scheduled to begin in late August or early September, so any nesting piping plovers in the area would have fledged and migrated out of the area by the time construction is scheduled to begin. For these reasons, the proposed project would not adversely impact piping plovers.

3. **Interior Least Tern.** No sandbars suitable for use by interior least terns would be impacted by the proposed project. Construction is scheduled to begin in late August or early September, so any nesting least terns in the area would have fledged and migrated out of the area by the time construction is scheduled to begin. For these reasons, the proposed project would not adversely impact interior least terns.

4. **Peregrine Falcon.** The proposed project would not destroy any habitat potentially used by the peregrine falcon. No trees would be destroyed, and no potential prey species would be displaced; therefore, the proposed project would not adversely affect the peregrine falcons.

5. **Pallid Sturgeon.** Pallid sturgeon are believed to spawn in April, May, or June. Construction is scheduled to take place in late August or early September, so construction would not interfere with spawning sturgeon. Changes in turbidity would be insignificant, and the calm quiet water created between the peaked revetment and the bankline could create desirable habitat for feeding, resting, or loafing pallid sturgeon. For these reasons the proposed project is not likely to adversely impact the pallid sturgeon.

6. **Sturgeon Chub.** Sturgeon chub are not known to frequent this segment of the Missouri River, however if they did occur, the proposed breakwater would not adversely affect the sturgeon chub. The breakwater would result in an increased variety of depth and velocity within the Missouri River that may result in additional foraging and nursery habitat for the species.

Historic Properties. . No eligible or listed sites were located in the area of the proposed project, however, there were some sites listed in the town of Ponca, Nebraska,

and near the town of Newcastle, Nebraska. No comments or recommendations were received from the State Historic Preservation Officer during the Section 404 Permit decision process. For these reasons, the proposed project is not likely to adversely impact any historic properties.

PUBLIC / AGENCY COORDINATION

Public and agency notification was accomplished through several means. A news release was issued from Ponca State Park, in coordination with the Corps, which discussed the project and requested comments from interested parties (Appendix D). The news release was sent to the Nebraska Journal Leader (Ponca area), and the Sioux City Journal. Additionally, a Public Notice was issued on May 25 for a 30-day period of review (Appendix D). The Public Notice was distributed to "standard" mailing lists established for Public Notices in Nebraska, and for Public Notices on the Missouri River, which totaled 112 public and private entities. Public entities includes the governor from Nebraska, congressmen and representatives from Nebraska and Iowa, public utilities, natural resource agencies from Nebraska, Iowa, Missouri, and South Dakota, representatives from local governments, local Natural Resource Districts, environmental groups, state historical societies, state water quality agencies, newspapers, and the National Park Service. Additional names were added to the distribution consisting of interested parties and adjacent landowners.

A limited number of written responses were received in response to the request for comments, and these are printed in Appendix D. Mitigative comments from the National Park Service were included in the contracting specifications for the project. No adverse comments were received.

CONDITIONAL AND MITIGATIVE MEASURES

Adverse environmental effects can be minimized by adherence to the recommendations provided by Federal and state agencies provided in their written comments and phone conversations. These recommendations should be listed as special conditions and incorporated in contract standards and specifications for construction of the project. All bank armor and rock surfaces located above the ordinary high water mark should be filled with soil and planted with native vegetation to enhance the visual aesthetics of this project in the Missouri National Recreational River.

Prepared by: A. Luke Wallace Date: 7/6/99
A. Luke Wallace
Environmental Resource Specialist

Reviewed by: Candace M. Thomas Date: 7/6/99
Candace M. Thomas
Chief, Environmental and Economics Section

APPENDIX A
LITERATURE CITED

LITERATURE CITED

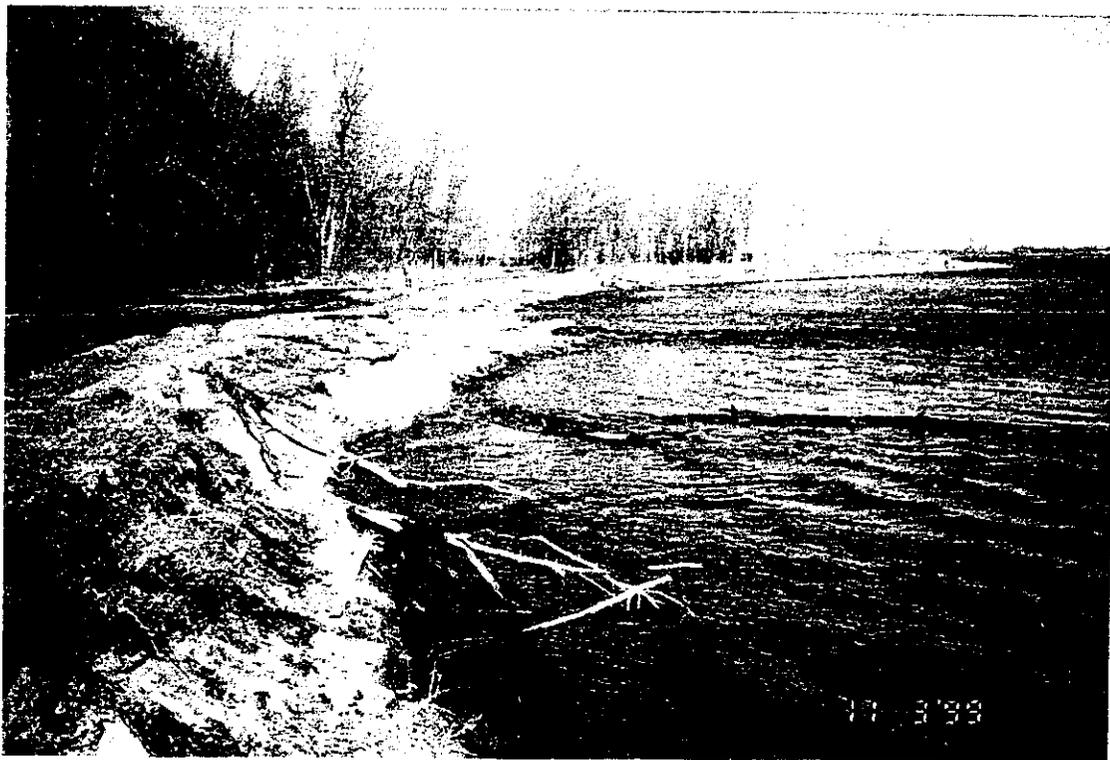
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APPENDIX B
SITE PHOTOGRAPHY



Downstream view of bank erosion at Ponca State Park looking towards boat ramp.

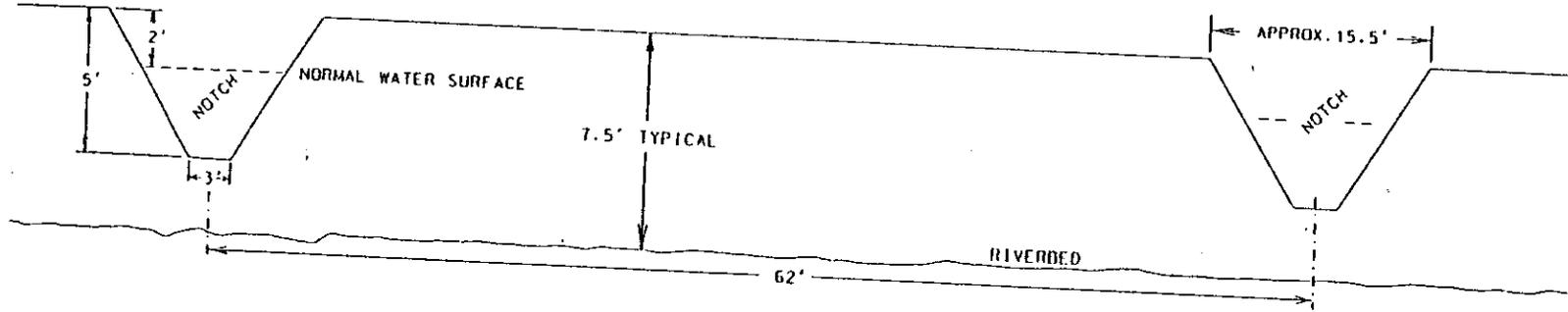


Upstream view of bank erosion looking towards the north boundary of Ponca State Park.

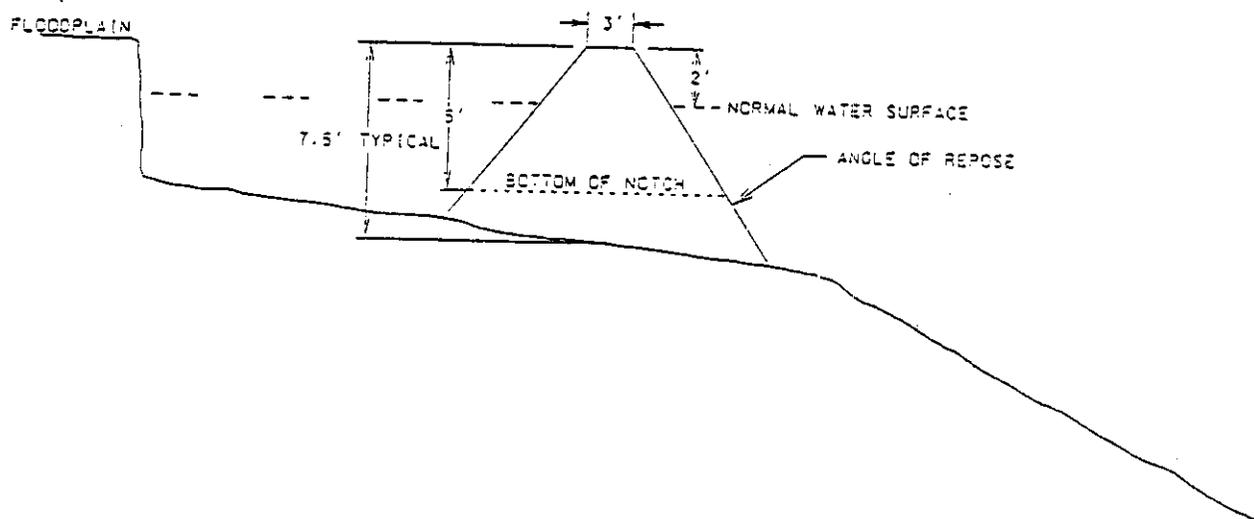
APPENDIX C

PLATES

Plate-2 Profile of the Peaked Revetment

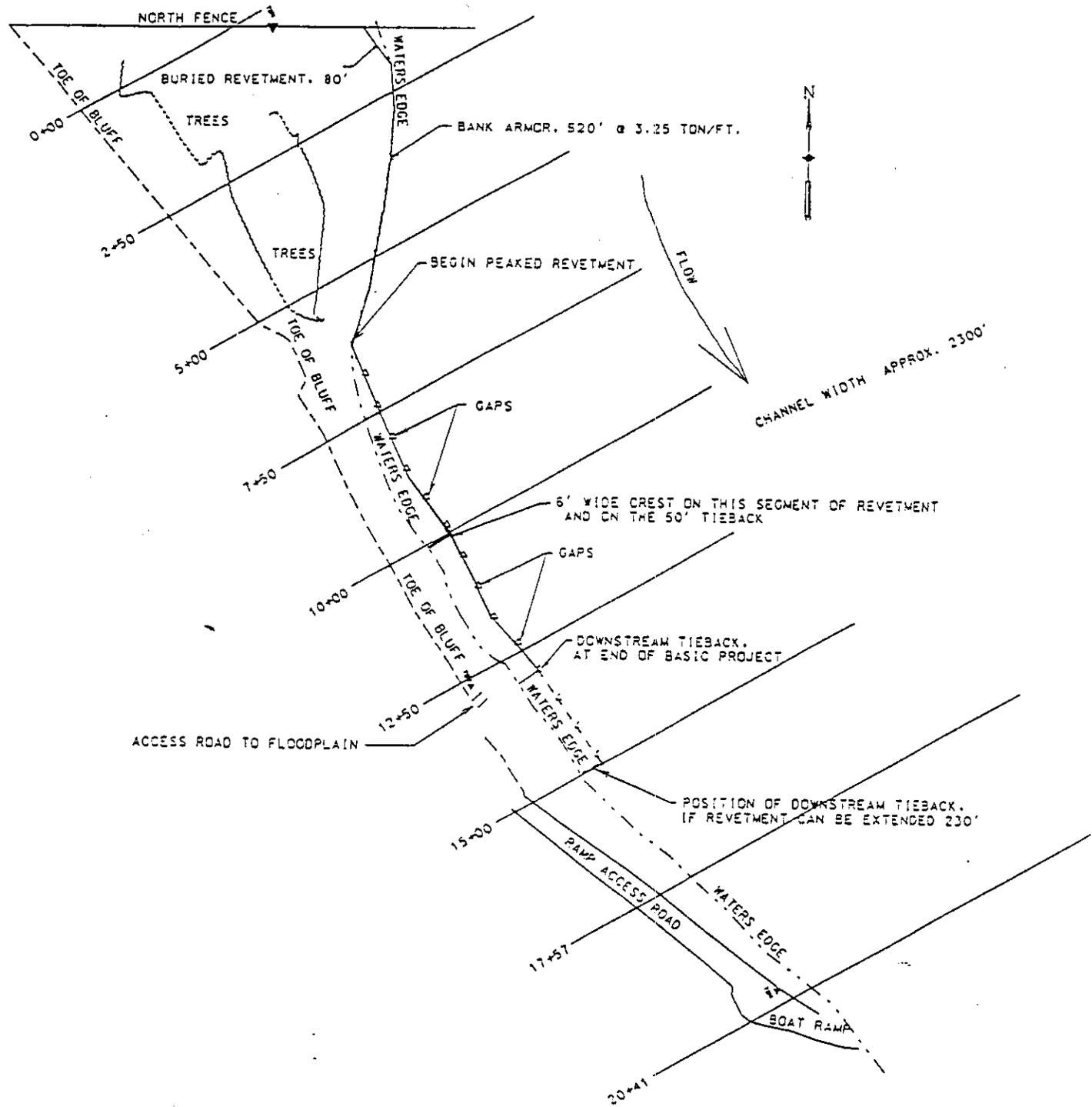


PEAKED REVETMENT - PROFILE
NOT TO SCALE



PEAKED REVETMENT - TYPICAL SECTION
 NOT TO SCALE

Plate-3 Typical Cross-Section of the Peaked Revetment



GENERAL PLAN VIEW



Plate-1 Plan View

APPENDIX D
COORDINATION

NEWS RELEASE

PONCA STATE PARK

PUBLIC NOTICE – RIVERFRONT PROJECT PONCA STATE PARK

Plans have been completed for a project to stabilize and enhance the Ponca State Park's riverfront. Because of ongoing bank erosion and the importance of park's river access to the Missouri National Recreational River, the Corps of Engineers is planning, designing, and funding this \$250,000 project to stabilize a large portion Ponca State Park's riverfront. The Missouri National Recreational River includes the Missouri River and its banks from Ponca State Park to the Corps' Gavins Point Dam boundary, and is jointly managed by the Corps of Engineers and the National Park Service.

The project's purpose is to protect the recreational area on the park's floodplain, and to reduce the risk that unchecked erosion could attack the access road to the park's boat ramp. The area behind the peaked revetment should collect sediment, possibly restoring up to an acre of eroded floodplain. This project will also enhance the park's shoreline fishing access along with creating fish habitat and spawning areas.

The project will begin at the parks' northern boundary, with its first 80 ft. buried. The bank then will be armored for 515 feet and then will continue downstream from the bank armor, but will be set out into the water by up to 50 feet. This peaked revetment will run parallel to the bank, for a total of 690 feet. All rock work above ordinary high water level will be covered with topsoil and seeded.

The basic project will protect the bank from the park's north boundary south to the access road onto the floodplain. This limitation on the extent of bank protection is based on funding constraints. If additional resources become available prior to construction, the work could be extended approximately 230 feet.

This project is currently undergoing public review. Construction is scheduled to begin sometime this August. This lower floodplain area will be closed to vehicles until early fall when construction is complete. Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office – Wehrspann, 8901 South 154th Street, Suite 1, Omaha, NE 68138-3621, postmarked on or before June 25, 1999.



PUBLIC NOTICE

Army Corps
of Engineers

Omaha District

Application No.: 1999-10674

Applicant: US Army Corps of Engineers

Waterway: Missouri River

Issue Date: May 25, 1999

Expiration Date: June 24, 1999

30 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE - WEHRSPANN

8901 SOUTH 154TH STREET, SUITE 1, OMAHA, NEBRASKA 68138-3621

JOINT PUBLIC NOTICE: This public notice is issued by the U.S. Army Corps of Engineers, Omaha District, and Nebraska Department of Environmental Quality (NDEQ), P.O. Box 98922, State House Station, Lincoln, Nebraska 68509.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act.

APPLICANT: U.S. Army Corps of Engineers, CENWO-PM-AE, Attn: Becky Latka, 215 North 17th Street, Omaha, NE 68102, 402-221-4602

PROJECT LOCATION: On the Missouri River at between river mile 753.9 and 753.5 in the west half of Section 3, Township 30 North, Range 6 East, Dixon County, Nebraska. The work would be along the right bank, at Ponca State Park. (As shown on the attached maps)

PROJECT DESCRIPTION: The Omaha District, Corps of Engineers proposes to place fill material in the Missouri River consisting of 1285 feet of stone revetment. This structure will begin at the park's northern boundary, with its first 80 feet buried. The bank then will be armored for 515 feet, at a rate of 3.25 tons per linear foot. The structure will continue downstream from the bank armor, but will be set out into the water by up to 50 feet. This peaked revetment will run parallel to the bank, for a total of 690 feet. The basic project will protect the bank from the park's north boundary south to the access road onto the floodplain. This limitation on the extent of bank protection is based on funding constraints. If additional resources become available prior to construction, the work could be extended approximately 230 feet. (See attached drawings)

PROJECT PURPOSE: The project purpose is to protect the recreational area on the park's floodplain, and to reduce the risk that unchecked erosion could attack the access road to the park's boat ramp. The area behind the peaked revetment also should collect sediment, possibly restoring up to an acre of eroded floodplain.

SPECIAL AQUATIC SITES: .5 acres of wetlands may need to be temporarily filled to facilitate construction. This wetland is located on the access road on the adjacent property to the north. The foot print of the structure (bank armor and peaked revetment) in the river would have an estimated cumulative area of 0.63 acres.

CULTURAL RESOURCES: Omaha District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and its current supplements and no property listed or proposed for listing in the Register is located in the project area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the project area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: Pursuant to the Endangered Species Act, the proposed project is being reviewed for impacts to threatened or endangered species and their critical habitat. Our preliminary review indicates that there will be no effects on threatened or endangered species.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed/completed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against their reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

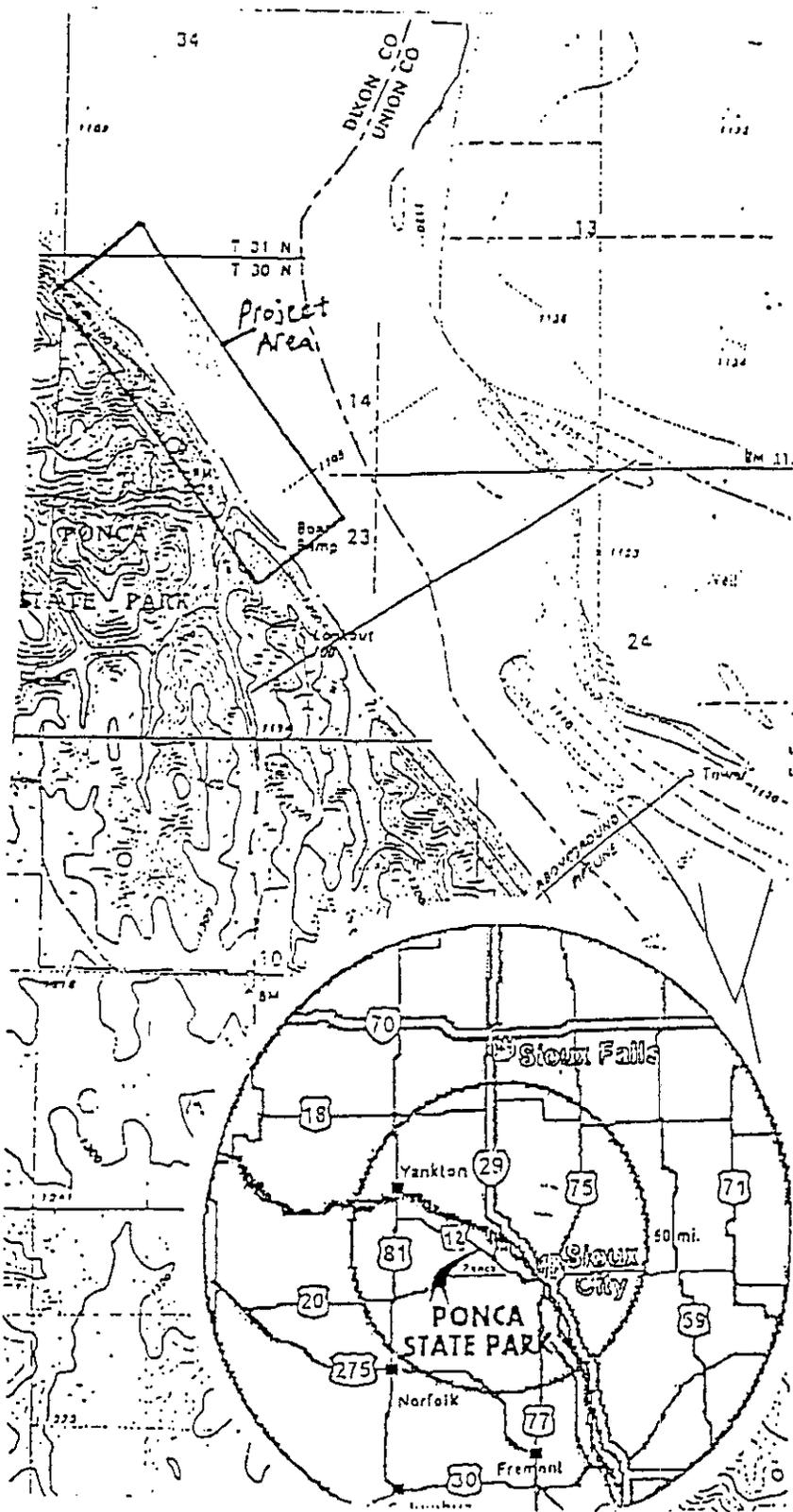
Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office - Wehrspann, 8901 South 154th Street, Suite 1, Omaha, NE 68138-3621. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commentors, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by writing to Ms. Lisa Peterson at the address shown above or by calling her at (402) 896-0896.

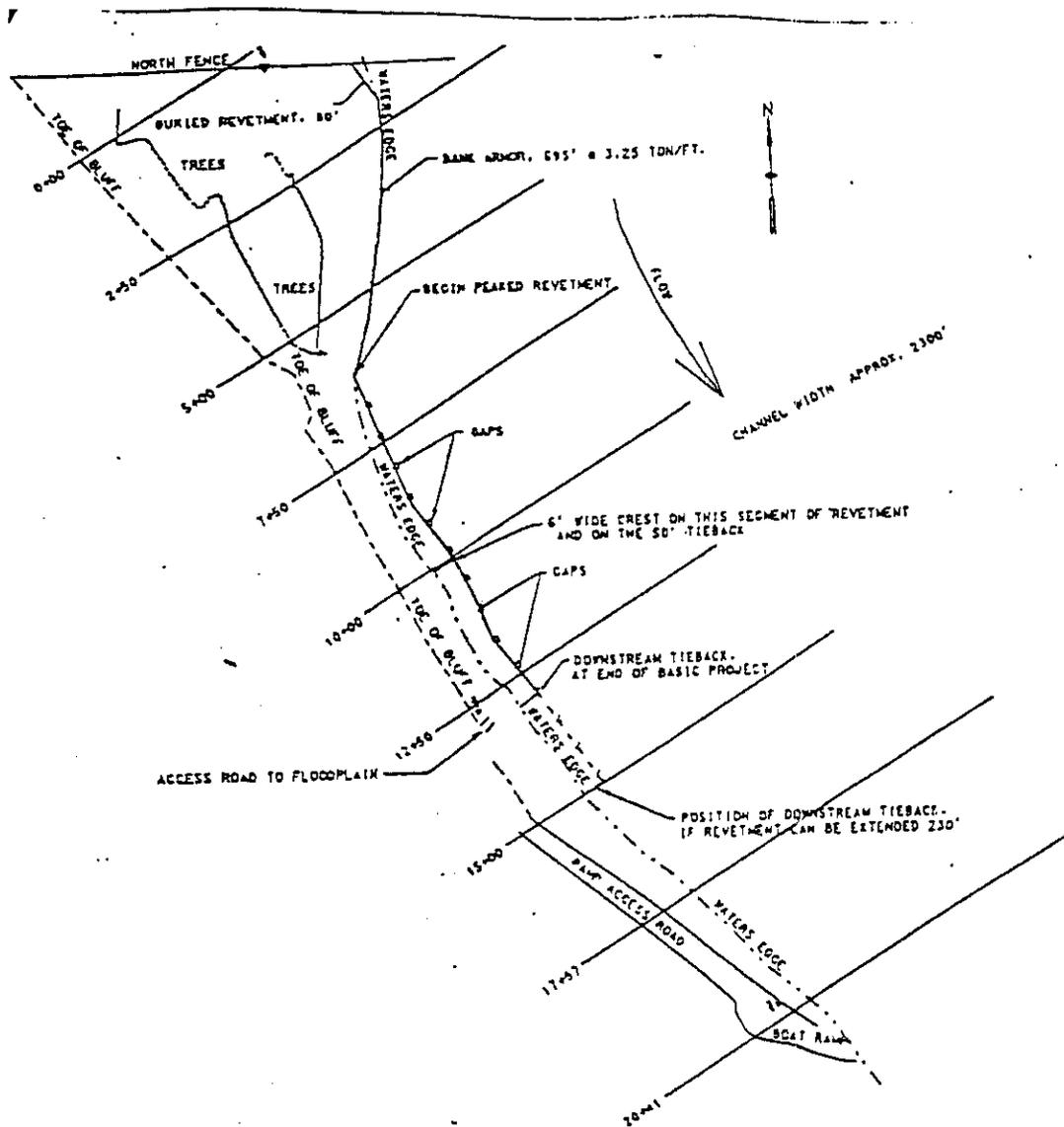
REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.

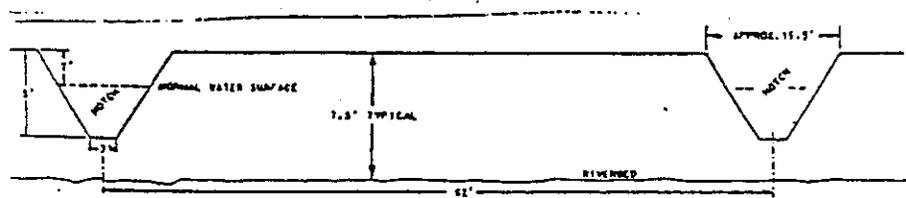


USGS QUADRANGLE

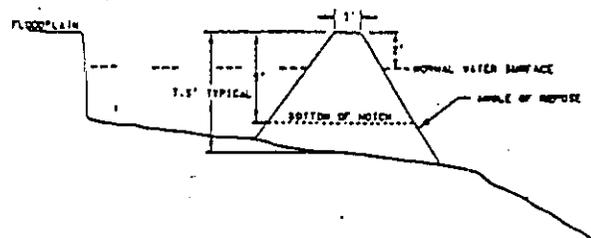
PROJECT LOCATION MAPS



GENERAL PLAN VIEW



PEAKED REVELMENT - PROFILE
NOT TO SCALE



PEAKED REVELMENT - TYPICAL SECTION
NOT TO SCALE

APPLICANT: U.S. Army Corps of Engineers
 PROJECT: Ponca bank stabilization project
 APPLICATION NO: NE1999-10674

LEGAL DESCRIPTION: SEC. 3, T30N, R6E
 COUNTY: DIXON



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

May 24, 1999

Mr. Luke Wallace
U.S. Army Corps of Engineers
Environmental Planning Branch
P.O. Box 5
Omaha, NE 68101-0005

RE: Proposed Bank Stabilization Project at Ponca State Park, Dixon County, Nebraska

Dear Mr. Wallace:

The U.S. Fish and Wildlife Service (Service) has reviewed the U.S. Army Corps of Engineers' (Corps) May 11, 1999, facsimile regarding a proposed bank stabilization project along the Missouri River at Ponca State Park, Dixon County (Legal Description: W ½ of Section 3, Township 30 North, Range 6 East). The Corps is proposing to construct a 1,285-foot-long stone revetment and armor 515 feet of the south bank of the Missouri River. The proposed project is to protect the recreational area on the State park's floodplain and to reduce the bank erosion that is threatening the existing road and boat ramp.

AUTHORITY

The following comments on the proposed activity have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*) and the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), and are consistent with the intent of the Service's Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981). These comments are intended for the protection of fish and wildlife, however, do not preclude separate review and comments if any permits are required from the U.S. Army Corps of Engineers (Corps) pursuant to the Clean Water Act (CWA) (33 U.S.C. 1344 *et seq.*).

FEDERALLY LISTED SPECIES

In accordance with Section 7 of the ESA, the Service has determined that the following federally listed species may occur in the project area



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

June 17, 1999

Ms. Lisa Peterson
U.S. Army Corps of Engineers
Nebraska Regulatory Office-Wehrspan
8901 South 154th Street, Suite 1
Omaha, NE 68138-3621

RE: Public Notice NE 1999-10674: Proposed Bank Stabilization Project at Ponca State Park, Dixon County, Nebraska

Dear Ms. Peterson:

The U.S. Fish and Wildlife Service (Service) has reviewed Public Notice (PN) Number NE 1999-10674, dated May 25, 1999, regarding a request by the U.S. Army Corps of Engineers (Corps) for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344 *et seq.*) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403 *et seq.*). The Corps is proposing to construct a 1,285-foot-long stone revetment and armor 515 feet of the south bank of the Missouri River at Ponca State Park, Dixon County (Legal Description: W ½ of Section 3, Township 30 North, Range 6 East). The proposed project is to protect the recreational area on the State park's floodplain and to reduce the bank erosion that is threatening the existing road and boat ramp. In addition to the PN, the Service received a copy of the Corps' Draft Environmental Assessment (DEA) entitled, "*Draft Environmental Assessment, Bank Stabilization Project, Ponca State Park, Nebraska, Missouri National Recreational River*," dated May 1999. In a letter dated May 24, 1999, the Service provided preliminary comments to the Corps regarding the proposed project.

AUTHORITY

The following comments on the proposed activity have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*) and the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), and are consistent with the intent of the Service's Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981). These comments are intended for the protection of fish and wildlife in U.S. Army Corps of Engineers (Corps) public interest review (33 CFR Part 320.4) and for use in determining compliance with the Section 404(b)(1) Guidelines (40 CFR Part 230). The Service's Mitigation Policy and the Section 404(b)(1) Guidelines emphasize that avoidance and minimization precede compensation, which is to be considered solely for unavoidable adverse impacts on fish and wildlife resources and supporting

ecosystems. These comments also constitutes the Service's review of the DEA under the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

FEDERALLY LISTED SPECIES

Based on the information provided in the PN and DEA, the Corps has determined that the proposed activities conducted at Ponca State Park will not adversely affect federally listed species. In accordance with Section 7 of the ESA, in our May 24, 1999 letter, the Service determined that the following federally listed species may occur in the project area included in the proposed permit action:

<u>Listed Species</u>	<u>Expected Occurrence</u>
Peregrine falcon (<i>Falco peregrinus</i>)	Migration
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Migration, winter
Interior least tern (<i>Sterna antillarum</i>)	Migration, nesting
Piping plover (<i>Charadrius melodus</i>)	Migration, nesting
Pallid sturgeon (<i>Scaphirhynchus albus</i>)	Lower Platte River and Missouri River

The peregrine falcon, federally listed as endangered, is generally associated with wetlands and open areas, such as cropland and grassland. Most observations in Nebraska are in January, late April to early May, and September. Bald eagles, federally listed as threatened, migrate statewide and utilize mature riparian timber near streams, lakes, and wetlands. The primary bald eagle migration and wintering period is mid-November to April 1.

The least tern, federally listed as endangered, and the piping plover, federally listed as threatened, nest on unvegetated or sparsely vegetated sandbars in river channels. The nesting season for the least tern and piping plover is from April 15 through August 15. Least terns feed on small fish in the river and piping plovers forage for invertebrates on exposed beach substrates.

The pallid sturgeon was officially listed as an endangered species on September 6, 1990. This fish is found in the lower Platte and Missouri rivers, where its preferred habitat is submerged sand flats and gravel bars.

Pursuant to Section 7 of the ESA, every federal agency, in consultation or conference with the Service, is required to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any federally listed or proposed species or result in the destruction or adverse modification of designated critical habitat. In accordance with Section 7(a)(2) of the ESA, the Corps should determine if any federally listed threatened or endangered species and/or designated critical habitat would be directly and/or indirectly affected by this proposed project. The assessment of potential impacts (direct and indirect) must include an "affect" or "no effect"

determination and be presented to the Service in writing. If the Service agrees with the Corps' determination, this office would provide a letter of concurrence. If federally listed species and/or designated critical habitat would be adversely affected by this action, the Corps will need to request, in writing through this office, further Section 7 consultation with the Service prior to issuance of a permit.

Review of the Biological Assessment in the DEA reveals that the Corps has determined that the proposed project will not adversely affect the federally listed species listed above. No federally designated critical habitat exists in the project area. Based on information provided in the DEA, the Service concurs with the Corps' determination that the proposed project is not likely to adversely affect federally listed threatened or endangered species or adversely modify federally designated critical habitats. Thus, no further consultation pursuant to Section 7 of the ESA is required with the Service. If project plans change or new information on federally listed species or designated critical habitat becomes available, this determination may be reconsidered.

CANDIDATE SPECIES

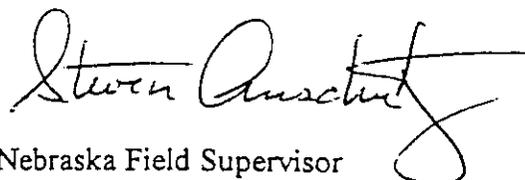
You should also be aware that the Service was recently petitioned to list the sturgeon chub (*Macrhybopsis gelida*), a candidate species, as endangered. A 90-day finding on the petition, published in the January 18, 1995, Federal Register, concluded that listing of this species as endangered may be warranted. The sturgeon chub occurs in the Missouri River and the lower Platte River below Columbus. Any impacts of the project on the sturgeon chub should also be considered.

SERVICE POSITION

Review of the PN and DEA reveals that no significant adverse effects on fish and wildlife resources are expected to result from the proposed project. Therefore, the Service has no objection, from the standpoint of fish and wildlife, to the proposed project as planned. Further, the Service agrees with the Corps "Finding of No Significant Impact" in the DEA for the proposed project.

The Service appreciates the opportunity to comment on this proposed project and the Corps' involvement in assuming a shared responsibility for protecting federal trust fish and wildlife resources in Nebraska. Should you have any questions regarding these comments, please contact Mr. John Cochnar within our office at (308) 382-6468, extension 20.

Sincerely,



Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Frank Albrecht)
NDEQ; Lincoln, NE (Attn: John Bender)
EPA; Kansas City, KS (Attn: Jeannette Schafer)
COE; Omaha, NE (Attn: Rebecca Latka; CENWO-PM-AE)

JFC: 99-10674.pon

JUN 25 1999

L7619 (MWSO-PC)
xL6015 (MNRR)

Memorandum

To: Field Supervisor, U.S. Fish and Wildlife Service,
Ecological Services, Grand Island, Nebraska

From: Regional Director, Midwest Region

Subject: Determination of no direct and adverse effect, with
mitigating measures, pursuant to section 7(a) of the
Wild and Scenic Rivers Act in regard to United States
Army Corps of Engineers Application No. 1999-10674

We have reviewed the application from the United States Army Corps of Engineers, CENWO-PM-AE for a section 10 and section 404 permit (Application No. 1999-10674), to place fill material in the Missouri River consisting of 1285 feet of stone revetment in Ponca State Park, Dixon County, Nebraska. The proposed project starts at the park's northern boundary with the first 80 feet buried. Five hundred fifteen feet will be armored at a rate of 3.25 tons per linear foot. The remaining 690 feet of the structure will be set out into the water by as much as 50 feet. If additional resources become available prior to construction, the work could extend another 230 feet.

The purpose of this proposed project is to protect a recreational area on the park's floodplain, and to reduce the risk of losing the access road to the park's boat ramp.

The proposed project lies within a segment of the Missouri River designated as the Missouri National Recreational River. The Missouri National Recreational River is a component of the National Wild and Scenic Rivers System administered by the National Park Service (NPS). Any project proposed on the bed or bank of the river is subject to review pursuant to section 7(a) of the Wild and Scenic Rivers Act (16 USC section 1271 et seq.).

On behalf of the Secretary of the Interior we have determined with the addition of mitigating measures this project will not have a direct and adverse effect on the values for which the Missouri National Recreational River was included in the national system. Required mitigation is covering all rock structures above the ordinary high water line with topsoil and seed with native plants.

With the above-mentioned mitigation, we have no objection to issuance of a Department of the Army permit for the project.

Any questions relating to the National Wild and Scenic Rivers System or the Missouri National Recreational River should be directed to Paul Hedren, Superintendent, Missouri National Recreational River, P.O. Box 591, O'Neill, Nebraska, 402-336-3970. Any questions on our comments should be directed to Michael Madell of my staff at 608-264-5257.

Signed

cc:
Paul Hedren, Superintendent

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**COMPLIANCE WITH ENVIRONMENTAL STATUTES
ENVIRONMENTAL ASSESSMENT
BANK STABILIZATION PROJECT
PONCA STATE PARK, NEBRASKA
MISSOURI NATIONAL RECREATIONAL RIVER
JULY 1999**

National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321, et seq. In compliance. An environmental assessment (EA) and finding of no significant impact (FONSI) have been prepared for the proposed action. An environmental Impact Statement (EIS) is not required.

National Historic Preservation Act, as amended, 16 U.S.C. 470a, et seq. The National Register of Historic Places and its current supplements were consulted by U.S. Army Corps of Engineers, Omaha District archaeologists to determine if eligible or listed properties would be affected by the proposed project. No eligible or listed sites were located in the area of the proposed project, however, there were some sites listed in the town of Ponca, Nebraska, and near the town of Newcastle, Nebraska. Comments and recommendations from the State Historic Preservation Officer will be considered during the Section 404 Permit decision process.

Clean Water Act, as amended, (Federal Water Pollution Control Act) 33 U.S.C. 1251, et seq. An individual Section 404 Permit has been obtained for the proposed project, and section 401 water quality certification has been granted by the Nebraska Department of Environmental Quality.

National Pollution Discharge Elimination System (NPDES). The total acreage that will be disturbed is approximately 3 acres. A NPDES Permit is required when there will be 5 or more acres of ground disturbance. Since the total ground disturbance for this project would be less than 5 acres, there is no requirement for a NPDES Permit. Appropriate measures will be taken to minimize erosion and storm water discharges during and after construction.

Protection of Wetlands (E.O. 11990). In compliance. No wetlands will be impacted by the proposed construction.

Endangered Species Act, as amended, 16 U.S.C. 1531, et seq. The U.S. Fish and Wildlife Service (USFWS) in Grand Island, Nebraska was contacted by facsimile and telephone for comments on the potential effects of the proposed project on Federally listed threatened and endangered species. On May 1, 1998, the USFWS sent a letter that listed the threatened or endangered species that may be found in the project vicinity. It has been determined that the proposed action is not likely to adversely effect any Federally listed threatened or endangered species.

Clean Air Act, as amended, 42 U.S.C. 1857h-7, et seq. Some temporary fugitive dust may occur during construction activities; however, air quality is not expected to be impacted to any measurable degree.

Farmland Protection Policy Act, 7 U.S.C. 4201, et seq. Not applicable. There is no farmland involved with this project.

Federal Water Project Recreation Act, as amended, 16 U.S.C. 460-1(12), et seq. In compliance. The proposed action would involve the protection of a public boat ramp adjacent to a public park and recreation area.

Noise Control Act of 1972, 42 U.S.C. Sec. 4901 to 4918. There will be a temporary increase in noise levels caused by construction equipment.

North American Wetlands Conservation Act, 16 U.S. C. Sec. 4401 et. Seq. Not applicable because no wetlands would be impacted by this action.

Rivers and Harbors Act, 33 U.S.C. 401, et seq. In compliance. The proposed project is considered to be a structure within a navigable waterway, subject to Section 10 of this Act. Public comment on this project was solicited in conjunction with the Section 404 Clean Water Act Public Notice. There are no adverse impacts to navigation associated with the proposed project.

Watershed Protection and Flood Prevention Act, 16 U.S.C. 1101, et seq. Not applicable.

Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271, et seq. In compliance. A Section 7(a) determination was made with regard to the proposed project by the National Park Service. Mitigation measures consisting of covering of all rock structures above ordinary high water and seeding with native plants was required to obtain "no objection" from the National Park Service.

Environmental Justice (E.O. 12898). Not applicable.

Floodplain Management (E.O. 11988) 42 CFR 26951. Not applicable.