

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Wildlife and Sport Fish Restoration Programs
5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437-1458

IN REPLY REFER TO:
FWS/R3/WSFR

State: Missouri
Project: Missouri Boat Access

FINDING OF NO SIGNIFICANT IMPACT

For the reasons briefly presented below and based on an evaluation of the information contained in the supporting references enumerated below, I have determined that continuing the current program of development and/or renovation of boat access facilities on lakes, rivers, and streams in the State of Missouri (State), annually through 2032, with Federal funding support is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA). An Environmental Impact Statement will, accordingly, not be prepared.

Reasons:

1. Public boat access development generally occurs on state-owned land. When access development occurs on land owned by other entities, Missouri Department of Conservation (MDC) has either leased or is included in a Cooperative Agreement, memorandum of agreement (MOA), or memorandum of understanding (MOU) for access development (Chapter 1, Page 2 of Environmental Assessment (EA)).
2. All public access development projects will be designed to comply with the American Disabilities Act (ADA), using ADA Architectural Guidelines. All site renovation plans will also include provisions to bring existing, older sites into ADA compliance (Chapter 4, Page 48 of EA).
3. Prior to approval of each Grant Agreement, an Endangered Species Act (ESA) consultation process is completed. This involves completion of the Region 3 Wildlife and Sport Fish Restoration (WSFR) ESA Compliance Document for each project that is signed by the form preparer (typically the Project Leader) and MDC's Endangered Species Coordinator. The form includes: 1) Identification of Federally listed, proposed, candidate, endangered, and/or threatened species, and/or designated critical habitat that occur within the project area; 2) a project description consisting of a State-review and recommendation about the effects of the proposed project on species and/or designated critical habitat occurring within the project area and; 3) documentation of the State's recommendation for effect determination (Chapter 4, Page 40 of EA).

4. All MDC public access development proposals are reviewed by the State Historic Preservation Officer (SHPO) to ensure that each proposed development project will not impact any cultural or architectural resources. No development project can proceed without clearance from the SHPO. Copies of SHPO clearance letters will be provided to the United States Fish and Wildlife Service (USFWS) regional WSFR office prior to development. If potentially important cultural or architectural sites are present, MDC would hire a qualified contractor to conduct a cultural resources field investigation to better define the nature and extent of the resources. If cultural resources exist that cannot be addressed to SHPO satisfaction, the USFWS will be consulted concerning the need for a site-specific EA. If this generic EA is determined not to be adequate, a site-specific EA will be prepared, or the project will be dropped from consideration (Chapter 4, Page 41 of EA).
5. Access construction involving any modification to the floodplain is designed to avoid or minimize impacts to property and facilities. Access design is certified as "no rise" by the engineers charged with facility design so that no increase in flood peak is caused by the access development. Facilities would be modified to the extent possible to minimize any negative impacts to the floodplain, and MDC or the project partner will obtain a Floodplain Development Permit from the State Emergency Management Agency before construction begins. If major floodplain problems exist that cannot be addressed, the USFWS will be consulted for advice and guidance concerning the need for a site-specific EA. The potential for flooding and/or other climatological issues will also be assessed (Chapter 4, Page 39 of EA).
6. Potential wetlands within the project area would be evaluated in accordance with the United States Corps of Engineers (USACE) Wetlands Delineation Manual and with the appropriate Regional Supplement to the USACE Wetland Delineation Manual. Coordination with the USACE is typically necessary for all identified potential Wetlands of the United States (WOTUS) as the USACE will determine whether a particular stream or wetland is jurisdictional. Wetland impacts are in most cases avoided when developing access sites. Impacts to WOTUS would be resolved through the Section 404/Section 401 permit process with the USACE and Missouri Department of Natural Resources. If the total net loss of wetlands, open waters, and stream impacts resulting from any access development project is more than 5 acres or cannot be adequately mitigated, the USFWS will be consulted (Chapter 4, Page 39 of EA).
7. The site review would assess whether the project would pose an unreasonable risk of introducing invasive species to sensitive areas. In general, MDC has developed numerous invasive species awareness and management initiatives and posts signage at boat access sites to advise users to check their boats, trailers, and other equipment for invasive species prior to transport. Should it be shown that providing access may pose an unreasonable risk of introducing invasive species to sensitive areas, the USFWS would be consulted concerning the need for a site-specific EA. If this Generic EA is determined not to be adequate, a site-specific document would be prepared, or the project would be dropped from consideration (Chapter 4, Page 42 of EA).

8. Construction of public access facilities in Missouri are not likely to create environmental justice problems. Construction and operation of access facilities could result in minor impacts to nearby residents, including increased traffic and background noise levels. However, these impacts would be intermittent and minor given the minimal and rural nature of many of these sites. In those areas where a large percentage of the community is made up of low-income and minority citizens, access development is generally a beneficial impact because it would provide free or low-cost recreational opportunities. If situations arise that indicate a possible disproportionate adverse effect on minorities or low-income communities identified in the census block group within a proposed project area, the USFWS would be consulted. If this Generic EA is determined not to be adequate, a site-specific NEPA document will be prepared, or the project will be withdrawn from consideration (Chapter 4, Page 43 of EA).
9. MDC has administered the access program under this scenario over the past 40 years with positive results. A network of access sites that are available to the public has been established across the state. Each development is designed and built to avoid and minimize impacts on the environment, and any problems that arise are treated effectively in a timely manner. Extensive planning and periodic review ensure that public access development and renovation projects are targeted at appropriate reservoirs and streams in the proper locations. Federal, state, and local regulations and permitting requirements also help minimize conflicts and impacts to the natural environment.
10. The MDC Public Access Sites Draft Generic EA was released for a 30-day public comment period on November 21, 2022 and was posted on MDC's website (<https://mdc.mo.gov/media/118586>). The availability of the Draft Generic EA was also announced in a public news release. Comments on the Draft Generic EA were accepted through December 31, 2022 and are included in Appendix B of the Final Generic EA. MDC received 35 comment submissions from 17 individual members of the public. Comments were incorporated into the Generic EA as appropriate.

Supporting References:

1. Environmental Assessment

**CHARLES
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Distribution:
WSFR Project File
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