

Record of Decision

East Locust Creek Revised Watershed Plan

Sullivan County, Missouri

I. DECISION

This Record of Decision (ROD) documents the decision of the Missouri State Conservationist of the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), as the lead federal agency, to implement the preferred alternative identified in the East Locust Creek Revised Watershed Plan (ELCRWP) in primarily Sullivan County, Missouri. Because Watershed Protection and Flood Prevention (WFPF) is a Federal program, activity associated with the WFPF program is subject to the provisions of the National Environmental Policy Act (NEPA) of 1969. Federal funding, along with matching funds from project stakeholders, will be used to implement the preferred alternative.

The ROD is issued pursuant to NEPA (42 U.S.C 4321 et seq.), the Council of Environmental Quality (CEQ) NEPA regulations (40 CFR Parts 1500-1508), and the Environmental Protection Agency's (EPA) NEPA implementing regulations (40 CFR Part 6, Subpart F). The U.S. Army Corps of Engineers (USACE), Federal Highway Administration (FHWA), USDA -Rural Development Rural Utility Services (USDA-RD-RUS), participated in the development of the ELCRWP Final Supplemental Environmental Impact Statement (FSEIS) as federal cooperating agencies, with the NRCS as the lead agency. To meet the requirements defined in 7 CFR 1970 Subpart D, RUS, as a potential funding source, will be a signatory of this ROD. The decision to implement a multipurpose reservoir is based upon the analysis of the FSEIS, which identified the reservoir as the environmentally preferred alternative. A Notice of Availability of the Draft Supplemental Environmental Impact Statement (DSEIS) was published in the Federal Register by NRCS on October 23, 2020. A public open house was held from 3:00 p.m. to 7:00 p.m. in conjunction with USACE Section 404 permit notice on November 10, 2020, at the Milan Community Center in Milan, Missouri to answer questions and solicit comments on the DSEIS. A Notice of Availability of the FSEIS was published in the Federal Register by the NRCS on January 22, 2021. Pursuant to 36 CFR § 800.2(d)(3), procedures were followed for public involvement under NEPA, in part, to meet its responsibilities to solicit and consider the views of the public during Section 106 review. Accordingly, comments submitted in the Environmental Impact Statement (EIS) process also informed the decision making in Section 106 review. NRCS responded to all substantive comments received in the FSEIS.

II. INTRODUCTION

The East Locust Creek Watershed is approximately 79,500 acres and is in North Central Missouri. East Locust Creek is a tributary to Locust Creek, then the Grand River, and the Missouri River. North Central Missouri has, for decades, suffered under the threat of water shortage. The Sullivan and Putnam County Commissions and the Sullivan and Putnam County Soil and Water Conservation Districts initially applied for federal watershed planning assistance in the East Locust Creek

Watershed in 1974. NRCS completed the East Locust Creek Watershed Plan-(ELCWP) Environmental Assessment (EA) in 1986. Recognizing the large lake proposed in the 1986 EA could help meet the regional need for a dependable water supply, the Locust Creek Watershed Board in November 2000 requested an NRCS study to revise the 1986 ELCWP-EA and include a public water supply reservoir.

NRCS began planning activities following authorization in July 2003 and revised the ELCWP in March 2006. The ELCRWP recommended the construction of a multiple-purpose reservoir that would provide a water supply, water-based recreation, and flood damage reduction. NRCS announced availability of a ROD to proceed with installation of a multiple-purpose reservoir in September 2006 stating, "No alternative or combination of alternatives will afford greater protection of the environmental values while accomplishing the other project goals and objectives." The EPA concurred and did not object to the proposed action.

Following the 2006 ROD, the project was not installed because of insufficient federal and local funding. Since 2010, a ½ cent retail sales tax has generated required funds for the local funding match for project related expenses. The project sponsors began acquiring land assets for the reservoir and completed land acquisition in 2017 without the use of condemnation.

A Notice of Intent to prepare a DSEIS for the ELCRWP was published in the Federal Register on December 8, 2014. Because of the lapse in time, the USACE determined that additional analysis was required and the purposes of the NEPA would be furthered through the preparation of a Supplemental Environmental Impact Statement (SEIS). The proposed Federal action as presented in the 2006 EIS includes a 2,235-acre multiple-purpose reservoir on East Locust Creek, a water intake structure, a raw water line, fish and wildlife habitat enhancement, utility relocation, and recreational facilities. The lake size was adjusted in the FSEIS from 2,235 acres to 2,328 acres to reflect more accurate elevation data. The 2006 FEIS used photogrammetry measurements and the FSEIS was based on 2009 Light Detection and Ranging (LiDAR) measurements. The purpose of the proposed federal action is to:

- Provide a dependable, affordable long-term water supply to meet the water demand for the 10-county region of north-central Missouri, including Adair, Chariton, Grundy, Linn, Livingston, Macon, Mercer, Putnam, Schuyler, and Sullivan counties.
- Reduce flooding damages on 22.5 miles of East Locust Creek above the confluence with Locust Creek.
- Provide water-based recreation to meet the unmet demand for the 10-county recreation management area including Adair, Chariton, Grundy, Linn, Livingston, Macon, Mercer, Putnam, Schuyler, and Sullivan counties.

The North Central Missouri Regional Water Commission (NCRMWC), Locust Creek Watershed District, Putnam County Commission, Sullivan County Commission, Putnam County Soil and Water Conservation District, and the Sullivan County Soil and Water Conservation District are the local sponsors of the project. The project will affect approximately 22.5 miles of streams, 294 acres of wetlands, and 900 acres of woodlands inhabited by Indiana bats (*Myotis sodalis*) and northern long-eared bats (*Myotis septentrionalis*).

III. DESCRIPTION OF PROJECT ALTERNATIVES

NEPA requires that agencies consider alternatives to the preferred alternative that address the significant issues identified during the scoping process. Alternatives were identified for each individual purpose stated in the introduction and then screened to determine if the individual alternative met the individual purpose.

The recommended plan of the 2006 FEIS identified the preferred alternative as a multipurpose reservoir located on the main stem of East Locust Creek approximately 4 miles north of Milan, Missouri. The goal of the 2020 FSEIS analysis was to address USACE concerns by expanding additional reasonable and practical alternatives that meet the project purposes and needs as established in the 2006 EIS.

For the 2020 FSEIS, 19 water supply alternatives, 10 flood damage reduction alternatives, and 3 water-based recreation alternatives were considered, along with the No Action and Preferred Alternatives. These alternatives were evaluated individually and in combinations for their direct, indirect, and cumulative effects.

Water Supply alternatives:

Water supply alternative concepts focused on drilling wells, connection to existing water supply systems, withdrawal from existing streams and rivers, withdrawal from existing lakes, and construction of a new reservoir. These alternatives were first screened for their ability to meet the water supply purpose and need. Environmental impacts were then estimated for alternatives that met the water supply purpose and need, either alone or in combination with another alternative. Those with fewer environmental impacts were then further evaluated as a multi-purpose alternative.

Flood Damage Reduction alternatives:

Flood damage reduction was targeted for the lower 22.5 miles of East Locust Creek that lies above its confluence with Locust Creek near Browning, Missouri. A goal of 50% flood damage reduction was selected. Flood damage alternative concepts focused on zoning, floodplain acquisition, conservation measures, increasing conveyance capacity, raising levees and bridges, wetland storage areas, large dry dam, small detention dams, and a new reservoir. These alternatives were screened based on the project purpose and practicability that included a 50 percent flood damage reduction, compatibility with existing codes and regulations, and avoidance in increasing peak flows to Locust Creek. Those alternatives that met the screening criteria, either alone or in combination with another alternative, were further evaluated as a multi-purpose alternative.

Water-Based Recreational alternatives:

A recreation user-day study following the methodology used in the 2006 FEIS was done for the 10-county region that resulted in quantifying an un-met recreation demand. Water-based recreational alternatives included creating new stream access points, expanding existing public lakes, providing public access to private lakes through a voluntary program, an off-line reservoir,

and creation of a multi-purpose reservoir. Alternatives that did not meet the project purpose of water-based recreation (public fishing, boating, sailing, canoeing, kayaking) or could not be combined with another alternative to do so, were eliminated.

Alternatives Promoted for Analysis:

No Action Alternative - This alternative would include not implementing a project to meet the water supply, water-based recreation, and flood damage reduction needs of the 10-county region. No federal money would be used, and a Section 404 permit would not be needed, resulting in no project. Existing supplies are currently insufficient to provide water through the drought of record and do not support any growth in water demand. This alternative, therefore, represents a scenario which does not improve health, safety, and human welfare issues for north-central Missouri. Although this alternative does not meet any of the project objectives, it is carried forward as a baseline for comparison.

Alternatives meeting all Project Purposes – Only the preferred alternative, East Locust Creek Reservoir met all three of the project purposes. As presented in the 2006 EIS, this structure provides a dependable, long-term water supply to meet the 10-county regional demand. It reduces flood damage by at least 50% on 22.5 miles of East Locust Creek and creates water-based recreational opportunities to meet an unmet recreation demand. This alternative was carried forward for analysis.

Alternatives meeting two project purposes – Four alternative reservoir locations (Big Locust Creek, Little East Locust Creek, West Fork Locust Creek, and Yellow Creek Reservoirs), met the water supply and recreation purposes only. These alternatives were considered for combination with flood damage reduction alternatives to meet the multipurpose criteria.

Alternatives meeting one project purpose – Five alternatives met the screening criteria for water supply. These include Missouri River alluvium wells, Mississippi River alluvium wells, Grand River alluvium wells, a pipeline from Mark Twain Lake, and an off-line reservoir. Three alternatives met the screening criteria for flood damage reduction. Those alternatives were floodplain acquisition, wetland storage areas, and a large dry dam designed for 100-year storage. These alternatives were considered for combination with other alternatives.

Combining alternatives – Alternatives that met one or two of the project purposes were combined with other alternatives to meet all purposes. Alternatives were not combined if they duplicated project purposes. Alternatives with the fewest environmental impacts were considered first when combining alternatives to make a multipurpose alternative.

Alternatives that met water supply and water-based recreation purposes only needed to be combined with a flood damage reduction alternative to meet all purposes. Thus, the construction of reservoirs at alternate locations were considered for combination with a flood damage reduction alternative. An additional alternative that combines water supply from 7 existing water utilities with existing public lakes for recreation was also considered for combination with a flood damage reduction alternative.

The flood damage reduction alternatives that were available for combination with other alternatives were floodplain acquisition, wetland storage areas, and a large dry dam with 100-year storage. The floodplain acquisition alternative was projected to create the fewest environmental impacts and was chosen to be combined with Big Locust Creek, Little East Locust Creek, West Fork Locust Creek, and Yellow Creek Reservoir alternatives to construct a multipurpose alternative that also included water supply and water-based recreation.

Alternatives considered, but eliminated from consideration

- Missouri River Alluvium Wells
- Mississippi River Alluvium Wells
- Grand River Alluvium Wells
- Offline Reservoir
- Mark Twain Lake Pipeline
- Wetland Storage Area
- Large Dry Dam 100-year Storage

Multipurpose alternatives carried forward for analysis

- No action alternative
- East Locust Creek Reservoir (Proposed Action)
- Yellow Creek Reservoir + Floodplain Acquisition
- West Fork Locust Creek Reservoir + Floodplain Acquisition
- Big Locust Creek Reservoir + Floodplain Acquisition
- Little East Locust Creek Reservoir + Floodplain Acquisition
- Expand Existing Public Lakes + Water Supply Combination + Floodplain Acquisition

Environmentally Preferable Alternative

NEPA Section 1505.2(a)(2) requires that, in cases where an EIS has been prepared, the Record of Decision identify "alternatives which were considered to be environmentally preferable." The environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

The East Locust Creek Reservoir Alternative is the *action* alternative that would be the environmentally preferable alternative. Although the No Action Alternative is environmentally preferable with the least impact on historic, cultural, or natural resources, it adversely affects the health, safety, and human welfare of the area because of the potential for running out of drinking water, fire safety hazards, and economic development of the region.

The No Action Alternative was not selected because it would not meet the project purposes and need. See Section IV for detailed information regarding NRCS's decision to select the East Locust Creek Reservoir Alternative, which is the environmentally preferable *action* alternative.

IV. SELECTED ALTERNATIVE

The selected alternative is the East Locust Creek Reservoir, as described in the 2020 FSEIS. This finding remains consistent with the analysis from the 2006 FEIS and will meet the project purposes and need by providing a dependable water supply, reducing flood damages by at least 50%, and by making water-based recreational opportunities available.

Unavoidable Effects

The FSEIS identifies unavoidable, significant effects (Table 1) and the measures that will minimize some of those effects. As the local sponsor, NCMRWC will have primary responsibility for implementing the mitigation measures adopted as part of the selected alternative. NRCS will work with NCMRWC throughout the design and construction process to ensure that applicable mitigation measures are implemented.

Table 1. Summary of Impacts Resulting from Construction of the East Locust Creek Reservoir – Proposed Alternative¹.

Resource	Impacts from the Preferred Alternative
Forestland Resources	Approximately 1,341 acres of woodlands would be converted because of pool inundation, dam construction, recreational facilities, utilities, water treatment and transmission, and estimated future development.
Residential	21 buildings of the unincorporated community of Boynton will be inundated. Acquisition complying with the Uniform Act has already been provided to owners. These buildings have been demolished and cleared.
Existing Water Lines	Inundation will impact existing delivery systems. To maintain flow, existing lines will be incorporated into alternate sources before construction activities and utility improvements can be made.
Transportation	Inundation will cover 5 miles of existing county roads and 1 mile of state highway. Funding has been identified through a BUILD Grant program to re-route and make safety enhancements to the transportation network.
Water Treatment	Upgrades will be needed over the 100-year lifespan of the reservoir.
Water Transmission	To be routed through existing utility easements whenever possible for minimal impact.
Streams	A USACE jurisdictional determination indicated 22.5 miles of streams were impacted which included 13.6 miles of intermittent, and 8.9 miles of perennial streams within the normal pool of inundation.
Aquatic Species	45 species of fish have been identified within the distribution range of the project, <i>but none are federally listed as threatened or endangered</i> . Auxiliary ports constructed within the dam will allow water to pass through the structure to supplement flow of the stream.
Wetlands	A USACE jurisdictional determination indicated 294 acres of wetlands exist within the normal pool. An existing 181-acre Emergency Wetland Reserve Program easement is held by the U.S. Government that would be mostly inundated. This easement must be replaced by one of greater or equal conservation and economic value with no net loss in acres.
Terrestrial Vegetation	Alteration of vegetation within the normal pool following inundation but <i>none of the species present are federally listed as threatened or endangered</i> .
Common Wildlife	No intentional take of Migratory Birds or Bald and Golden Eagles will occur during construction. Minimal impact on habitat is anticipated and on the mobile species that may transfer to other areas. For invasive species, the change from private, agricultural use to public lake use allows the transfer of invasive species already

	present in other geographic areas in Missouri and beyond (e.g. zebra mussels from boats).
Endangered and Threatened Wildlife Species	<p>Established databases list Indiana Bat, Northern Long-eared Bat, Gray Bat, and Mead’s Milkweed as having the potential of being in the project area. The Biological Assessment concluded the project would have no effect on Gray Bat and Meads Milkweed.</p> <p>Consultation with the United States Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act was completed for Indiana Bat and Northern Long Eared Bat. For Northern Long Eared Bat, there are no effects beyond those previously disclosed in the Service’s programmatic biological opinion for the final 4(d) rule dated January 5, 2016. As a result, streamlined consultation was granted by USFWS for this species.</p> <p>The USFWS determined the proposed activities will not jeopardize the continued existence of the Indiana Bat, but may result in incidental take of the species. Terms and conditions are outlined in the Biological Opinion to minimize impact to Indiana Bats.</p>
Economic and Social Resources	A new water supply would be economically efficient, could increase business and vitality to the region with new jobs. The recreational aspect of the lake could bring economic stability. The 50% reduction in flooding damages are estimated at \$86,800 annually.
Recreation	The reservoir would supply approximately 91,956 annual user-days for fishing and boating.
Cultural Resources	A 2020-21 Cultural Resources study updates the investigations used in the 2006 EIS. 86 cultural resources were reported which included 4 architectural properties, 9 road bridges, 4 culverts, 17 previously recorded archaeological sites, 34 newly discovered sites, and 18 isolated finds. One of these sites represented the remains of a railroad with remnants of depots located in the communities of Boynton and Pollack. Most sites will be mitigated through avoidance. Through consultation with the State Historic Preservation Office, interested Indian Tribes, and the Advisory Council on Historic Preservation, Section 106 compliance resulted in the development of a Memorandum of Agreement (MOA) in April 2022. Stipulations in the MOA sets professional standard requirements, mitigation plans for affected sites, inadvertent discovery procedures, confidentiality of information, monitoring and reporting, and dispute resolution guidelines.

¹Rangeland, Protected Lands, Air Quality, Invertebrate Species, Soils, Minerals, Geology, Climate, Groundwater, Essential Fish Habitat, Viewshed, Public Safety, Hazardous Materials, and Commercial Industry were found not to be adversely affected.

Conservation Practices and Adopted Mitigation Measures

The selected alternative will have both significant positive and negative effects on resources. Whenever possible, avoidance and minimization will be utilized to protect the resource. When avoidance is not possible, the following conservation and mitigation approaches are identified to minimize and/or mitigate for the anticipated impacts.

Soil Resources

- The dam will reduce sediment in the main channel by retarding water flow and allowing sediment to settle out. The reduction in flooding will protect soil resources by supplying less sediment to embed sensitive habitats found in the lower portions of the watershed.
- A requirement of the PL 83-566 program is the NRCS District Conservationist must certify that 50% of the farm operations within the watershed are controlling erosion at or below a

tolerable level ("T"). As an added measure of safety, Missouri NRCS has strengthened this criterion to 75%.

Water Resources

Hydrology - The dam will incorporate a series of ports to allow water to flow through the structure and contribute to downstream flows. The release of water will be dependent upon the water level in the reservoir but will provide more reliable low flows to East Locust Creek, which currently goes dry under drought conditions.

Water Quality

- The footprint of the normal pool is approximately 2,328 acres but over 4,500 acres have been purchased by the sponsor to serve as a buffer to filter overland flow before it reaches the reservoir. Additional conservation will occur through zoning around the reservoir. Designated as a "High Impact Zone", a 500-foot buffer around the reservoir will have restricted disturbance rules protecting water quality.
- A source water protection plan has been constructed that identifies potential contaminants and develops strategies to combat pollution. The plan exceeds the minimum design standards for Community Water Systems, as specified by the state of Missouri.
- The sponsors are also engaging landowners in the headwaters to install additional best management practices to improve baseline conditions through a USDA-NRCS Regional Conservation Partnership Program.
- A 401 Water Quality certification will be acquired from the Missouri Department of Natural Resources that will protect surface water resources.
- The Grand River Ecosystem Restoration Study indicates that the construction of the East Locust Creek reservoir would be expected to reduce sediment loads downstream, representing a potential benefit to water quality.

Waters of the U.S., including Wetlands

- Consultation with the USACE will be on-going through the 404 permitting process to ensure mitigation projects will address the correct amount and functional value of the streams and wetlands impacted. These conditions will need to be met before a federal permit will be issued.
- A tract of land has been identified with a willing landowner to replace an existing 181-acre Emergency Wetland Reserve Program easement held by the U.S. Government. The property has been evaluated and found to occupy greater or equal conservation and economic value with no net loss in acres. The exchange will require an Administrative Action by the federal government but will not be considered until a Record of Decision has been rendered.

Plants

Terrestrial Vegetation

A Land Disturbance Permit will be secured from the Missouri Department of Natural Resources and will require erosion control through established practices including re-vegetation of disturbed areas that will not be ultimately inundated during and after construction. Precautions

will be taken to avoid spreading noxious weeds both into and from the construction site.

Endangered and Threatened Species – Mead's Milkweed is a listed species in Sullivan County, Missouri. A Biological Assessment determined the project will have no effect on Mead's Milkweed.

Air Quality - No mitigation measures will be required to further minimize effects to air quality as described in the FSEIS.

Animals

Endangered and Threatened Species – Indiana Bat, Northern Long-Eared Bat, and Gray Bat were federally listed animal in Sullivan County, Missouri. A Biological Assessment determined the project would have no effect on Gray Bat, minimal effects on Northern Long-Eared Bat (resulting in USFWS recommending streamlined consultation for this species), and potential adverse effects on Indiana Bats (requiring measures to mitigate, see below). Plains Spotted Skunk was a state listed species in Sullivan County, Missouri. Communications with the Missouri Department of Conservation indicated no known records of this animal existed near the project with no adverse effects expected.

Consultation with the USFWS resulted in a Biological Opinion with a set of conditions to address Indiana Bat mitigation. By instituting actions detailed in a Habitat Compensation Plan, USFWS concluded the effects of the proposed East Locust Creek Reservoir is not likely to jeopardize the continued existence of the Indiana Bat species. Actions to take include the following conservation measures:

- Construction tree clearing only in winter hibernation period
- Only removing other protected trees if declared hazardous to public safety
- Lake Authority restrictions on tree removal greater than 3" diameter related to reservoir development
- Creation of lacustrine habitat through completion of the reservoir
- Required wetland and stream mitigation
- Creation of at least 553 acres of forest
- Forest preservation on at 683 acres
- Establish a conservation easement on at least 1,236 acres near the Indiana bat maternity roost trees and along streams. The easement will include at least 553 acres of forest creation and 683 acres of forest preservation. The easement will be monitored by the Missouri Conservation Heritage Foundation through an endowment to ensure the integrity of the effort.
- Continued biological monitoring of the Indiana Bat

Fish and Wildlife Habitat – The 2,328-acre reservoir and NCMRWC's 2,172-acre buffer around the reservoir will provide substantial fish and wildlife habitat. The reservoir will provide lacustrine habitat for various fish species adapted to lake environments. Migratory waterfowl and shore birds would use the open water and 82 miles of shoreline. The NCMRWC's buffer will include permanent conservation easements on newly planted and established forests. Many forest species including federally threatened and endangered bat species will benefit from the forest habitat.

Human Environment

Cultural/Historic Resources – Through consultation with the State Historic Preservation Office, interested Indian Tribes, and the Advisory Council on Historic Preservation, Section 106 compliance resulted in the development of a MOA. Stipulations in the MOA sets professional standard requirements, mitigation plans for affected sites, inadvertent discovery procedures, confidentiality of information, monitoring and reporting, and dispute resolution guidelines.

If unknown cultural resources are encountered during construction activities, construction will stop, and the appropriate consulting parties will be notified. The Cultural Resources Mitigation Plan commits to:

- When possible, effects to known cultural resources will be avoided
- When known sites are adversely affected, data recovery will occur on areas identified as having high data potential. An agreed-to Data Recovery Plan and Artifact Stewardship Plan will address items of religious or cultural significance. Mitigation strategies could include:
 - Producing photographs (except of human remains or funerary objects), general information publications, manuscripts, and/or books
 - Making information available to the public via interpretive signage
 - Relocating a vacated church in Boynton, Missouri to a public access area depending upon the structural integrity of the structure. If achieved, the building will be a publicly accessible building that includes information specific to the project area and associated mitigation.

Recreation – As specified in the FSEIS, the selected alternative will serve to bring increased water-based recreational opportunities rather than have an adverse impact on the resource. This is one of the stated purposes of the project.

Flood Damage Reduction – A 50% reduction in flood damage on the lower 22.5 miles of East Locust Creek was established as a project purpose. Average annual flood damages were calculated using established models on floodplain cross-sections from several points along the stream. Damage to crops, agricultural land, fences, roads, and bridges are examples of items included in the analysis. The project is estimated to bring at least \$86,800 in annual savings to the region by installing a dam, moderating peak flows, and reducing flooding.

Regional Water Supply – The need for a dependable, adequate regional water supply system for a 10-county region in north-central Missouri is paramount. Because of low income in the region, residents of this region pay the highest cost for water, relative to income, than any other location in the state of Missouri. This affordability issue is further exacerbated by the fact that median household income is 20% lower than the state average. Most of the existing water systems are not dependable during a time of drought and impact human health and safety needs for drinking water and fire protection. Further, water shortages impact potential for regional growth and increased economic security.

Socioeconomics – No additional mitigation measures will be required to minimize project effects to social and economic resources as described in the FSEIS. The project is anticipated to improve the economic potential of the region.

Temporary Construction Impacts as Identified.

Soil Resources – Potential soil disturbance, erosion, and sediment delivery to East Locust Creek from construction access roads, construction staging areas, removal of vegetation, and active dam construction activities.

Water Resources

- Temporary increase in sediment loads from construction.
- Although a substantial amount of construction can occur on each stream bank without impeding flow, closure of the dam will restrict flow in the stream until the reservoir fills enough to permit water to pass through the supplemental flow ports in the dam.

Air Quality – construction activities will temporarily emit additional dust and emissions beyond baseline levels. This slight increase is not anticipated to alter the region’s air quality attainment status.

Plants – any bare ground resulting from dam construction or road improvements will be shaped to stable slopes and re-vegetated. The 401 water quality certification will have requirements to prevent transporting invasive species.

Animals

- Endangered and Threatened Species – conditions set forth in the Biological Opinion, established through consultation with the USFWS will be followed.
- Migratory Birds –All tree clearing will be done between November 1 and March 31, which is generally outside the nesting period in Missouri. It is possible, that bridge infrastructure that is either removed or inundated may have bird nests attached. Because the reservoir may take an extended time to fill, annual field inspections will be made and if nesting is present, a Migratory Bird Treaty Act take permit will be secured.
- Bald and Golden Eagles – no take of eagles, nests, or eggs is anticipated during construction. Field surveys have indicated there are no known Bald Eagle (*Haliaeetus leucocephalus*) nests in the project area. Golden Eagles (*Aquila chrysaetos*), a G5 species with a status jurisdiction of “unranked”, are not known to nest in Missouri.

Human Environment

- Cultural Resources – The NRCS shall require that the NCMRWC care for National Register of Historic Places (NRHP) eligible sites by either avoiding the construction activities, minimizing impacts, or by mitigating adverse effects. A MOA between the NRCS, interested Indian Tribes, the Missouri State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (if participating) will establish a set of conditions to follow for construction activities and actions the NCMRWC must take to mitigate for adverse effects to historic properties.

- An extensive cultural resources survey, meeting a reasonable and good faith identification standard was conducted in 2020-2021 to locate any historic properties within the area of potential effect. Known sites will be protected according to the conditions set forth in a MOA established through consultation.
- For sites where development cannot be avoided, an agreed-to data recovery plan will be implemented to document archaeological artifacts to be consistent with the Secretary of the Interior's Standards for Archaeological Documentation (48 FR 44734-37).
- The curation of any artifacts will trigger actions specified from a plan developed through consultation. Items will be retained by the agreed to entity until the data recovery plan is complete. Upon completion of the analysis, NRCS shall ensure that appropriate materials and records resulting from the data recovery program are curated in a manner consistent with applicable state and federal law and as determined appropriate by NRCS in consultation with the consulting parties.
- The inadvertent discovery of any cultural resources, funerary items and/or human remains during data recovery or construction operations will trigger actions specified from a discovery plan developed by the NRCS in consultation with the consulting parties. All efforts will be made by the NRCS to avoid excavation or impacts to human remains and/or funerary items if identified during data recovery or during construction. Human remains and/or funerary items will be reburied as soon as possible, but no later than 12 months following discovery and in a location where their subsequent disturbance is unlikely and in a manner as similar as possible to the manner in which they were originally interred, pursuant to Missouri Stat. RSMO 194.4000. Any interpretive analysis will be limited to non-destructive methods and approved by an affiliated Indian Tribe(s) and the SHPO.
- Aesthetics and Scenic Beauty – No federal, state, or locally designated visual resources of significance, such as scenic highways, landscapes, or historic structures with visual appeal. No negative effects are anticipated from construction activities, but many may find the aesthetics of the viewshed enhanced following the creation of a lake.
- Public Safety – The construction site will be closed to the public due to safety hazards. Signage will be posted prohibiting the public from entering the site.

V. EXPLANATION OF THE DECISION

In identifying the preferred alternative, NRCS carefully considered the requirements and intent of the WFPF Act PL 83-566, 16 U.S.C. 1001-1008 and the expected beneficial and adverse environmental consequences of each action alternative and the No Action Alternative. NRCS's decision to identify the East Locust Creek Reservoir Alternative as the selected alternative is based on the following considerations:

Program Purposes, Regulations, and Guidance - The Project Sponsor has complied with the specific requirements of National Watershed Program Handbook and National Watershed Program Manual to qualify for federal funding. These requirements include, but are not limited to the following:

- Presenting a project that fits the Authorized Project Purposes of the WFPF Act
- Contributing their share of the project costs

- Acquisition of real property to implement the Watershed Plan
- Undergoing rigorous NEPA analysis to develop an alternative with the greatest net economic benefit consistent with protecting the Nation's environment. The analysis documents the estimated direct, indirect and cumulative impacts of the proposed action.
- Engaged the public throughout the years of planning the project.

Other Federal Regulations and Guidance – NRCS also based its decision on Federal regulation and guidance that apply to the project including:

- RD/RUS 7 CFR 1970
- Section 404 of the Clean Water Act. The selected alternative will require work within jurisdictional waters of the United States. A USACE Section 404 permit will be required to complete the construction activities associated with the project. The sponsor will be responsible for securing all necessary permits to mitigate for the unavoidable impacts. Oversight will be provided by USACE regulatory division.
- Wetlands (Executive Order 11990). The selected alternative will permanently affect wetlands due to clearing, grubbing, and inundation. Wetlands are considered waters of the U.S. and will be permitted as such (see above).
- National Historic Preservation Act (NHPA). The selected alternative will impact resources regulated under Section 106 of the NHPA (see above).
- Endangered Species Act, Section 7. Formal consultation with the USFWS concluded that the selected alternative May Affect and is Likely to Adversely Affect the Indiana Bat species. The subsequent Biological Opinion dated October 23, 2020 states that by following the specified requirements, the level of anticipated take will not jeopardize the continued existence of Federally listed species or destroy or adversely modify designated critical habitat.
- Floodplains (Executive Order 11988). The selected alternative will require work within mapped FEMA floodplains.
- Environmental Justice (Executive Order 12898). The selected alternative will not cause any disproportionate adverse human health or environmental effects to environmental justice populations. In fact, the proposed action would bring a reliable water supply to an area that is considered economically disadvantaged. In 2010, citizens approved a ½ cent sales tax (81% in favor) to provide match funds for the project.

To acquire land, the Local Sponsor followed Federal Acquisition requirements including the Uniform Relocation Act. This process included a title company, Uniform Relocation Act Agents, an Appraiser, and a Review Appraiser. In addition to the Federal Requirements the Acquisition Team included a Negotiator, Attorney, and Engineer to help accommodate all displaced property owners as best they could. In the end, the Acquisition Team was able to acquire the entire project area, including the town of Boynton without the use of Eminent Domain.

Failure to implement a regional water supply system will not likely be well received by the community resulting in a status quo situation. If exercised, the No Action Alternative will not benefit the minority and low-income populations present.

- Tribal Consultation and Coordination (Executive Order 13175). Input was solicited from 7 recognized tribes with interests in Missouri lands during the FSEIS and Section 106 process. Two tribes expressed no further interest in the project. Project information was then exchanged among the five remaining tribes. The level of input varied among the consulting parties, but did yield feedback regarding cultural resources sampling protocols, and inadvertent discovery procedures. A MOA resulted in the development of stipulations that sets professional standard requirements, mitigation plans for affected sites, inadvertent discovery procedures, confidentiality of information, monitoring and reporting, and dispute resolution guidelines.
- Farmland Protection Policy Act (Agriculture and Food Act of 1981 (Public Law 97-98, subtitle I of Title XV) minimizes the impact of federal projects on farmland. Due to the lack of prime farmland in the project area and a Farmland Conversion Impact Rating (Form AD 1006) of less than 160, additional mitigation beyond what was considered in the FSEIS was not required. The impact of the project on prime and statewide or local important farmland would be minimal.
- The project area has no special designations for the National Wild and Scenic Rivers System (PL 90-542, 16 U.S.C. 1271 et seq.), Essential Fish Habitat – Magnuson-Stevens Act (16 U.S.C. 1801 et seq.), Coastal Zone Management Act of 1972, and the Coral Reef Conservation Act of 2000 (PL 106-562 16 U.S.C. 6401 et seq.).

VI. PUBLIC INVOLVEMENT

The public involvement process is presented in an extensive administrative record dating back to 1987 in the FSEIS. The following timeline highlights the public involvement through the scoping, referendums, Draft Environmental Impact Statement (DEIS), FEIS, DSEIS, FSEIS and Section 106 MOA process.

Date	Milestone
1987	Original East Locust Creek Watershed Plan – Environmental Assessment
09-23-2004	Notice of Intent to prepare an Environmental Impact Statement published in the Federal Register.
03-27-2005	Public meeting at the Sullivan County Community Development Center to discuss the watershed plan.
03-24-2006	Notice of Availability of the Draft EIS published on the Federal Register.
05-12-2006	Notice of Availability of EPA’s comments on the Draft EIS indicates additional discussion is needed on the mitigation of streams and wetlands.
08-11-2006	Notice of Availability of the Final EIS published on the Federal Register with a comment period ending on 9-11-2006.
09-14-2006	State Conservationist Roger Hansen (Responsible Federal Official) signs the ROD.
09-22-2006	EPA publishes a statement in the Federal Register (Volume 71, Issue 184) stating, “EPA’s previous concerns have been resolved; therefore, EPA does not object to the proposed action.” This is regarding the original EIS and the East Locust Creek Watershed Plan.
09-27-2006	Notice of Intent of the Record of Decision to proceed with the installation of the East Locust Creek Revised Plan preferred alternative.
04-06-2010	County sales tax for the East Locust Creek Project passes with 81% in favor.
12-8-2014	Notice of Intent to start a DSEIS published on the Federal Register to update the original EIS.

04-12-2019	Letters sent to Tribes to consult on a Statement of Work related to the East Locust Creek Cultural Resources Survey. Osage Nation indicated they wanted to see the results of the Phase I work.
10-23-2020	Notice of Availability of the DSEIS published on the Federal Register.
11-10-2020	Public hearing held in Milan, Missouri to explain, answer questions, and take public input on the DSEIS.
01-22-2020	Notice of Availability of the FSEIS published on the Federal Register after incorporating input from the DSEIS process.
08-19-2020	Consultation letters sent to the Sullivan County Historical Society (SCHS) and 7 identified tribes to request consultation to NRHP.
05-27-2021	NRCS receives a letter from the Osage Nation and expresses the need for additional testing to be done.
07-29-2021	NRCS sends letter to consulting parties indicating additional soil testing will occur and seeking input on methods to use.
11-23-2021	NRCS sends addendum to the cultural resources report containing additional shovel testing and the deep soil testing survey work to consulting parties (SHPO, Tribes, Advisory Council on Historic Preservation (ACHP)).
01-04-2022	NRCS sends a draft MOA by email with cover letter from State Conservationist to consulting parties (SHPO, Tribes, ACHP, SCHS) for comment and review.
02-15-2022	MOA revisions from consulting parties made and final version disseminated for information and signatures.
05-04-2022	MOA related to Cultural Resources executed by the NRCS, North Central Missouri Regional Water Commission (Sponsor), the Osage Nation, Missouri State Historic Preservation Officer, Advisory Council on Historic Preservation, and the Sullivan County Historical Society.

VII. RECOMMENDATION

As the State Conservationist for the NRCS, I am the responsible Federal Official for all NRCS projects in Missouri. Having concluded that:

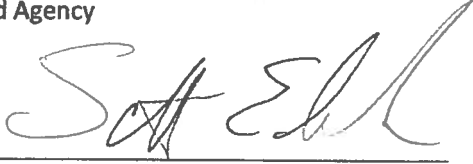
1. The need for a regional water supply is extraordinary.
2. The project will serve the overall public interest while avoiding and minimizing impacts to the extent possible and mitigating for impacts that are unavoidable.
3. The 2006 FEIS and 2020 FSEIS has considered all practicable alternatives according to NEPA, regulations, and policy.
4. The project meets the needs of the local sponsor.

A decision has been made by NRCS to implement the East Locust Creek Revised Watershed Plan and select the preferred alternative which includes the construction of the East Locust Creek Reservoir.

Approval

This ROD is effective on signature.

Lead Agency



Scott Edwards
Missouri State Conservationist, USDA-NRCS
Columbia, Missouri

Date May 11, 2022

Cooperating Agency(ies)

This ROD is not a decision on North Central Missouri Regional Water Commission (NCRMWC) loan application and therefore not an approval of the expenditure of federal funds. The ROD concludes the Rural Development's environmental review process in accordance with NEPA and agency policies and procedures (7 CFR 1970). The ultimate decision as to loan approval depends upon the conclusion of the environmental review process as well as financial and engineering analysis. Issuance of the ROD will allow these reviews to proceed, if NCRMWC applies to RUS for financing assistance.

This ROD concludes the agencies environmental review process pursuant to the National Environmental Policy Act and the agency's environmental policies and procedures (7 CFR 1970). There are no provisions to appeal this decision. Legal challenges to the ROD may be filed in federal district court under the Administrative Procedures Act.

CHARLES
STEPHENS

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Date _____

Charles D. Stephens
Assistant Administrator
Water and Environmental Programs
Rural Utilities Service/Rural Development
U.S. Department of Agriculture