

*Finding of No Significant Impact  
For  
Ochoco Irrigation District Infrastructure Modernization Project  
Crook County, Oregon*

I. [Introduction](#)

Ochoco Irrigation District Infrastructure Modernization Project is a federally-assisted action authorized for planning under Public Law 83-566, the Watershed Protection and Flood Prevention Act. This act authorizes the Natural Resources Conservation Service (NRCS) to provide technical and financial assistance to local project sponsors. The U.S. Bureau of Reclamation (Reclamation) is a cooperating agency, and the local sponsors of the Project are the Ochoco Irrigation District (OID) and the Deschutes Basin Board of Control.

An environmental assessment (Plan-EA), attached and incorporated by reference into this finding, was undertaken in conjunction with the development of the watershed plan. The assessment was conducted in cooperation with Reclamation and in consultation with local, State, and Tribal Governments; Federal agencies; and interested organizations and individuals. Data developed during the assessment are available for public review at the following location:

U.S. Department of Agriculture  
Natural Resources Conservation Service  
1201 NE Lloyd Blvd; Suite 900  
Portland, Oregon 97232

II. [Recommended Action](#)

The proposed action under consideration would improve District infrastructure necessary to support the McKay Creek Water Rights Switch, which would enable irrigators along the middle reach of McKay Creek to receive water from Prineville Reservoir and in turn transfer their privately owned McKay Creek water rights instream<sup>1</sup>. These activities include installing 4 new pump stations; raising the Crooked River Diversion weir; and improving the Crooked River Diversion Canal, Crooked River Distribution Canal, and upper middle portion of the Ochoco Main Canal. Two high priority areas, Grimes Flat laterals and IronHorse section of the Crooked River Distribution Canal, in the District would also be piped under the proposed action. The purpose of this project is to:

---

<sup>1</sup> The Crooked River Collaborative Water Security and Jobs Act (PL 113-244), expanded the District boundary to include approximately 2,742 acres in the vicinity of McKay Creek, of which approximately 685 acres are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon. Currently, these lands are irrigated with McKay Creek live flow water rights.

- Provide the ability for District infrastructure to convey and pump additional water to meet the needs of McKay Creek irrigators
- Improve water delivery reliability to McKay Creek irrigators and irrigators served by Grimes Flat laterals
- Conserve water along District-owned Grimes Flat laterals and IronHorse section of the Crooked River Distribution canal
- Improve public safety along District owned Grimes Flat laterals and IronHorse section of the Crooked River Distribution canal

Implementation of the Preferred Alternative would support the maintenance of agricultural production in a region undergoing rapid urbanization where environmental concerns necessitate federal action. The proposed action addresses the need to improve water delivery and reduce operational inefficiencies; improve diminished streamflow that limits fish and aquatic habitat; reduce conveyance water loss; and reduce public safety risk caused by open canals. These measures would increase the reliability and efficiency of water delivered for irrigation while permanently reducing the amount of water diverted, and legally protecting saved water instream.

I must determine if the NRCS' Preferred Alternative will or will not be a major Federal action significantly affecting the quality of the human environment. The Plan-EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the selected alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are discussed under part IV of this finding.

### III. Alternatives

Nine alternatives were initially considered. When formulating an alternative, it was analyzed for satisfaction of the purpose and need statement, and against four criteria: completeness, effectiveness, efficiency, and acceptability. Some of the initial alternatives considered did not meet the formulation criteria and were eliminated from further analysis (see the Plan-EA Appendix D). Alternatives that met the formulation criteria, but did not address the purpose and need for action, did not achieve the Federal Objective and Guiding Principles, or were unreasonable because of cost, logistics, existing technology, or social or environmental reasons were removed from consideration, as described in the Plan-EA Section 5.2.

The No Action Alternative, and one Action Alternative were analyzed in full.

*No Action Alternative* – OID would continue to operate and maintain its existing canal and lateral system in its current condition. If District pumping stations experience operational issue or failure, the District would repair the problem to the extent that funds are available. This alternative assumes that modernization of the District's system

would not be reasonably foreseeable to occur, as funding is not reasonably certain to be available. The No Action Alternative is a continuation of the District's standard operations and maintenance. The McKay Switch would not occur under the No Action Alternative.

*Modernization Alternative*—OID would pipe two high priority areas, the IronHorse section of the Crooked River Distribution Canal and the Grimes Flat laterals. In the case of the IronHorse section, the District would realign the canal for piping and would decommission and backfill the currently sinuous canal path.

To implement the McKay Switch the District would construct a pipeline to carry up to 2,740 acre-feet of water allocated to McKay Creek irrigators and install a new 800-horsepower pump station (the Cox Pump Station) to lift and pressurize water for the new pipeline.

To accommodate the additional water being carried to new patrons along McKay Creek through OID's existing system, the Modernization Alternative would include the following infrastructure updates to allow for greater conveyance capacity: raising the Crooked River Diversion weir; raising canal banks; installing canal geomembrane liners when necessary along portions of the Crooked River Diversion Canal, Crooked River Distribution Canal, and Ochoco Main Canal; and upsizing various infrastructure such as siphons and intakes.

In addition to the new Cox Pump Station, the District would install three new variable frequency drive booster pumps that would be essential to lifting and carrying water for McKay Creek and Grimes Flat irrigators.

Based on the evaluation in the Plan-EA, I have identified the Modernization Alternative as the agency's Preferred Alternative. I have considered that the Preferred Alternative meets the criteria listed above and is the most practical means of implementing the McKay Switch, improving water conservation, water delivery reliability, and public safety on the Grimes Flat laterals and the IronHorse section. No significant adverse environmental impacts will result from installation of the measures, it is the project sponsor's Preferred Alternative, and it has been identified as the National Economic Efficiency Alternative.

When choosing the agency's Preferred Alternative, in accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on National Environmental Policy Act (NEPA), Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination". Based on the Plan-EA, potential impacts to water, vegetation, fish and wildlife, wetlands, and human resources were heavily considered in the decision. As a

result, the agency's Preferred Alternative would overall result in short- and long-term beneficial impacts to the environmental resources potentially impacted by the Preferred Alternative.

#### IV. Effects of the Recommended Action- Finding of No Significant Impact

To determine the significance of the action analyzed in this Plan-EA, the agency is required by NEPA regulations at 40 CFR Section 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Upon review of the NEPA criteria for significant effects and based on the analysis in the Plan-EA, I have determined that the action to be selected, the Preferred Alternative, would not significantly affect the quality of the human environment. Therefore, preparation of an environmental impact statement on the final action is not required under Section 102(2)(c) of NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, Section 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650: The environmental impacts of constructing the Preferred Alternative are not significant for the following reasons:

- 1) The Plan-EA evaluated both beneficial and adverse impacts of the Preferred Alternative. It is anticipated that the Preferred Alternative will result in long-term beneficial impacts to the human environment including natural resources (such as water, fish and wildlife, and vegetation), cultural resources, and social and economic considerations. As a result of the analysis (discussed in detail in the Plan-EA Section 6 and incorporated by reference), the Preferred Alternative does not result in significant impacts to the human environment, particularly the significant adverse impacts which NEPA is intended to help decision-makers avoid, minimize, or mitigate.
- 2) The Preferred Alternative does not significantly affect public health or safety. The direct and indirect effects associated with the implementation of the Preferred Alternative are anticipated to provide long-term beneficial impacts that improve natural ecosystem functions and mitigate public safety risks. Specifically, water, fish and wildlife, vegetation, and human resource issues will be improved and protected through selection of the Preferred Alternative.
- 3) As analyzed in Section 6 of the Plan-EA, there are no anticipated significant effects to historic or cultural resources, fish and aquatic resources, soils, land use, public safety, socioeconomic resources, vegetation, visual resources, water resources, wetland and riparian areas, or wildlife resources, from selection of the Preferred Alternative. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and minimize or mitigate effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, avoidance, minimization or

mitigation has been incorporated into the Plan-EA Section 6 and 8.3. Unlike the No Action Alternative, the Preferred Alternative is expected to reduce environmental risks associated with past, present, and future actions because overall, risks to public safety will be reduced, water reliability to patrons increased, and diminished streamflow that limits fish and aquatic habitat will be increased.

- 4) The effects on the human environment are not considered controversial for the Preferred Alternative. There are no impacts associated with the proposed action that would be considered controversial.
- 5) The Preferred Alternative is not considered highly uncertain and does not involve unique or unknown risks.
- 6) The Preferred Alternative will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
- 7) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decision-makers avoid, minimize, or mitigate, the Preferred Alternative does not result in significant adverse cumulative impacts to the environment as discussed in Section 6.12 of the Plan-EA.
- 8) The Preferred Alternative will not cause the loss or destruction of significant cultural or historical resources, which include archaeological or built environment resources, as addressed in Section 6.1 of the Plan-EA. NRCS follows the procedures developed in accordance with a nationwide programmatic agreement between NRCS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, which called for NRCS to develop consultation agreements with State historic preservation officers and federally recognized Tribes (or their designated Tribal historic preservation officers). These consultation agreements focus historic preservation reviews on resources and locations that are of special regional concern to these parties.
- 9) The Preferred Alternative will not adversely affect endangered or threatened species, or designated critical habitat, as discussed in Section 6.9 and 6.11 of the Plan-EA. During Section 7 informal consultation, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service offered no additional information that would necessitate reconsideration of our May Effect-Not Likely to Adversely Affect determination. On November 23, 2020 U.S. Fish and Wildlife Service issued a Letter of Concurrence (01E0FW00-2021-I-0091) followed by a Letter of Concurrence from National Marine Fisheries Service on December 7, 2020 (WCRO-2020-03187).

10) The Preferred Alternative does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 8.4 of the Plan-EA and within this document. The major laws identified with the selection of the Preferred Alternative include the Clean Water Act, Endangered Species Act, National Historic Preservation Act, Bald and Golden Eagle Protection Act, and Migratory Bird Treaty Act. The Preferred Alternative is consistent with the requirements of these laws.

#### V. Consultation - Public Participation

NRCS announced the public scoping process on August 27, 2019, through a public notice and subsequent news release. Advertisements announcing the scoping period and associated scoping meeting were placed in a local newspaper. OID posted a notice on their website and mailed a notice to their patrons. A project website, [oregonwatershedplans.org](http://oregonwatershedplans.org), was launched to inform the public and share information.

The scoping process followed the general procedures consistent with NRCS guidance and PL 83-566 requirements. A scoping meeting was held September 18, 2019, at Carey Foster Hall in Prineville, Oregon. During the scoping period, 15 comments regarding the project were received. These comments were received from 8 individuals, 2 non-governmental organizations, one state agency (Oregon Department of Fish and Wildlife), and one federal agencies (U.S. Fish and Wildlife Service).

Specific consultation was conducted with the State Historic Preservation Office and with the Confederated Tribes of Warm Springs to maintain the NRCS' government-to-government relationship between Tribes.

The Plan-EA was transmitted to all participating and interested agencies, groups, and individuals for review and comment from September 1, 2020 to September 30, 2020. A virtual public meeting was held on September 16, 2020, over Zoom Webinar to obtain public input for the plan and environmental evaluation. During the review period, 22 comments regarding the project were received. These comments were received from 16 individuals, four non-governmental organizations, and two federal agencies (U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers). U.S. Army Corps of Engineers provided guidance that the U.S. Army Corps of Engineers will defer to commenting and consulting under Section 404 of the Clean Water Act on the implementation stage of proposed projects rather than on the Plan-EA (Michael Helton, October 15, 2020).

#### VI. Conclusion

The Modernization Alternative has been selected as the Preferred Alternative for implementation based upon best meeting the purpose and need while maximizing net economic benefits. The Modernization Alternative is also the Preferred Alternative of the

sponsors. The Plan-EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the Preferred Alternative. The decision on which alternative is to be implemented, and the significance of that alternative's impacts, are summarized in Section 6 of the Plan-EA (the Effects of the Recommended Action). Based upon a review of the Plan-EA and supporting documents, the Preferred Alternative is not a major Federal action significantly affecting the quality of the human environment. I have determined that implementing the Preferred Alternative will not significantly affect the quality of the human and/or natural environment, individually or cumulatively with other actions in the area. No environmental effects meet the definition of significance, in context or intensity, as defined at 40 CFR 1508.27. Therefore, an environmental impact statement is not required for the Project. This finding is based on the consideration of the context and intensity of impacts as summarized in the Ochoco Irrigation District Infrastructure Modernization Project Plan-EA. With these findings, NRCS therefore has decided to implement the Preferred Alternative.

\_\_\_\_\_ (signature) \_\_\_\_\_ (date)

Jason Jeans, Acting State Conservationist