

*Finding of No Significant Impact
For
Tumalo Irrigation District Irrigation Modernization Project
Deschutes County, Oregon*

I. Introduction

The Tumalo Irrigation District Irrigation 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 to provide technical and financial assistance to local project sponsors. The local sponsors of the Project are the Tumalo Irrigation District (TID) 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 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 modernize up to 1.9 miles of TID's irrigation canals and 66.9 miles of laterals as part of an agricultural water conveyance efficiency project. The purpose of this project is to improve water conservation, water delivery reliability, and public safety. Implementation of the Preferred Alternative would improve water delivery reliability for TID's patrons, conserve water for instream uses, reduce TID's operation and maintenance costs, reduce electricity costs from pumping, and improve public safety.

I must determine if the agency's 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

All alternatives brought forward through the assessment process were analyzed for four criteria: completeness, effectiveness, efficiency, and acceptability; and against the following

five factors: satisfaction of purpose and need statement, relative costs, technological feasibility, logistics, and social and environmental consequences. Eleven alternatives were considered; nine were eliminated from full analysis due to inconsistency with the purpose and need for action or due to cost, logistics, existing technology, social, or environmental reasons as described in Section 5 of the Plan-EA.

The No Action Alternative, and two Action Alternatives were analyzed in full.

No Action Alternative— construction activities associated with the project would not occur and TID would continue to operate and maintain its existing canals and pipe system in their current condition. The need for the project would still exist; however, TID would only modernize its infrastructure on a project-by-project basis as public interest and funding became available. This funding is not reasonably certain to be available under a project-by-project approach at the large scale necessary to modernize the TID's infrastructure.

Canal Lining Action Alternative— TID would line 65.2 miles of open canals and laterals with a geomembrane covered by shotcrete.

HDPE Pressurized Piping Alternative— TID would replace 1.9 miles of canals and 66.9 miles of laterals with gravity-pressurized HDPE buried pipe.

Based on the evaluation in the Plan-EA, I have identified the HDPE Pressurized Piping as the agency's Preferred Alternative. I have considered that the Preferred Alternative meets the four criteria and five factors listed above and is the most practical means of improving water conservation, water delivery reliability, and public safety on 68.8 miles of District-owned canals and laterals. 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 Development 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" when choosing the agency's Preferred Alternative to implement. Based on the Plan-EA, potential impacts to soil, water, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, the agency's Preferred Alternative would 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 have a significant effect upon the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) 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 for environmental resources (i.e., soil, water, animals, plants, and human resources). As a result of the analysis (discussed in detail in the Plan-EA Section 4 Affected Environment and incorporated by reference), the Preferred Alternative does not result in significant impacts to the human environment, particularly when focusing on 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 to improve natural ecosystem functions and mitigate public safety risks. Specifically, water, fish and wildlife, plants, soil, 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, geology and soils, land use, public safety, recreation, socioeconomic resources, vegetation, visual resources, water resources, wetland and riparian areas, wildlife resources, or wild and scenic rivers 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 8.4. Unlike the No Action Alternative, the Preferred Alternative is expected to reduce environmental risks associated with past, present, and future actions.

- 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 6.14 of the Plan-EA.
- 8) The Preferred Alternative will not cause the loss or destruction of significant cultural or historical 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 6.2, and 6.12 of the Plan-EA. NRCS has concluded that the Preferred Alternative either has no effect on threatened and endangered species or will not likely adversely affect threatened and endangered species due to entirely beneficial effects. The U.S. Fish and Wildlife Service, which has jurisdiction over these species, has reviewed our conclusions and is in the process of concurring with our determination.

Three federally-listed species and their critical habitat may occur in the area potentially affected by the project; bull trout, Oregon spotted frog, and middle Columbia River steelhead. There would be no effect from the Proposed Action on bull trout and steelhead due to the timing of increased streamflow resulting from project actions and the location of the populations being at the very downstream end of where effects could be detectable.

Any effects to Oregon spotted frog and its critical habitat would be entirely beneficial. Overall, the presence (and legal protection) of conserved water from the Proposed Action would serve to benefit aquatic species and their habitat, thus the effects of the project on all aquatic species would be minor to moderate, and beneficial in the long term. Informal consultation with U.S. Fish and Wildlife Service was initiated over project effects in accordance with Section 7(A)(2) of the Endangered Species Act of 1973, as amended, requesting U.S. Fish and Wildlife Service concur with our determination that the Project may affect but not likely adversely affect Oregon spotted frog due to entirely beneficial effects.

- 10) The Preferred Alternative does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 8.6 of the Plan-EA. 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 June 16, 2017 through a public notice and subsequent news release. Advertisements announcing the scoping period and associated scoping meeting were placed in two local and regional newspapers. TID posted a notice on their website and mailed a notice to their patrons. A project website, 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 July 6, 2017 in Bend, Oregon. During the scoping period, 212 comments regarding the project were received. These comments were received from 195 individuals, 14 non-governmental organizations, one state agency (Oregon Department of Environmental Quality), and two federal agencies (U.S. Fish and Wildlife Service and U.S. Forest 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 Native tribes.

The Plan-EA was transmitted to all participating and interested agencies, groups, and individuals for review and comment from April 16, 2018 to May 22, 2018. A public meeting was held on May 8, 2018, in Bend, Oregon to obtain public input for the plan and environmental evaluation. During the review period 57 comments regarding the project were received. These comments were received from 48 individuals, six non-governmental organizations, one

municipality (City of Bend), four state agencies on behalf of the Regional Solutions Program and the Oregon Governor's Office (Oregon Department of Transportation, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Water Resources Department), and one federal agency (U.S. Fish and Wildlife Service). Although U.S. Army Corps of Engineers did not provide comment on the plan, U.S. Army Corps of Engineers provided guidance that the U.S. Army Corps of Engineers will defer to commenting and consulting on the implementation stage of proposed projects rather than on the Plan-EA (Anita Andazola, 7/13/2018).

VI. Conclusion

To best meet the purpose and need of the proposed action, the HDPE alternative has been selected as the Preferred Alternative for implementation based upon best meeting the purpose and need while maximizing net economic benefits and 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 from the Plan-EA in the Effects of the Recommended Action of this finding. Based upon a review of the Watershed 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 consideration of the context and intensity of impacts as summarized in the Tumalo Irrigation District Irrigation Modernization Project Plan-EA. With these findings, NRCS therefore has decided to implement the Preferred Alternative.

 (signature) 08/00/18 (date)

Ronald Alvarado, State Conservationist