

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

I. Introduction

The Swalley 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 (NRCS) to provide technical and financial assistance to local project sponsors. The local sponsors of the Project are the Swalley Irrigation District (SID) 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 16.6 miles of SID's irrigation canals and 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 SID's patrons, conserve water for instream uses, reduce SID's operation and maintenance costs, reduce electricity costs from pumping, and improve public safety.

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

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. Twelve alternatives were considered; ten 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 one Action Alternative were analyzed in full.

No Action Alternative – construction activities associated with the project would not occur and SID 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, SID 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 SID's infrastructure.

High-density polyethylene (HDPE) Piping Alternative— SID would pipe approximately 16.6 miles of their system, replacing 15.3 miles of open canals or laterals and upgrading 1.3 miles of existing pipes with gravity-pressurized HDPE buried pipe.

Based on the evaluation in the Plan-EA, I have identified the HDPE Piping Alternative 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 16.6 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 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 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, 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 affect endangered or threatened species, or designated critical habitat, as discussed in section 6.2.2.2 and 6.12.2.1 of the Plan-EA. During review of the Plan-EA, U.S. Fish and Wildlife Service offered no additional information that would necessitate reconsideration of our determination.
- 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. SID 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 July 6, 2017 in Bend, Oregon. During the scoping period, 228 comments regarding the project were received. These comments were received from 212 individuals, 13 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 September 21, 2018 to October 24, 2018. A public meeting was held on October 10, 2018, in Bend, Oregon to obtain public input for the plan and environmental evaluation. During the review period, 19 comments regarding the project were received. These comments were received from ten individuals, four non-governmental organizations, four state agencies on behalf of the Regional Solutions Program and the Oregon Governor's Office (Oregon Department of Agriculture, 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; reconfirmed Andrea Wagner 11/28/2018).

#### 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 Section IV (the Effects of the Recommended Action) of this finding. 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 consideration of the context and intensity of impacts as summarized in the Swalley Irrigation District Irrigation Modernization Project Plan-EA. With these findings, NRCS therefore has decided to implement the Preferred Alternative.

 (signature) 12/01/18 (date)

Ronald Alvarado, State Conservationist