

*Finding of No Significant Impact  
For  
North Unit Irrigation District Infrastructure Modernization Project  
Deschutes County, Oregon*

I. [Introduction](#)

North Unit Irrigation District Infrastructure Modernization Project (the 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 North Unit Irrigation District (NUID) 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 irrigation infrastructure within the Project Area, which makes up only a small portion of the District's total system and consists of laterals 31, 32, 34 and 43, areas where new infrastructure would potentially be built, and associated right-of-way or easements where construction would take place.

The project action would include construction activities associated with piping 27.5 miles of laterals 31, 32, 34 and 43; constructing four 1,000 cubic-yard retention ponds, each approximately 0.5 acres in size; and upgrading 153 turnouts.

The purpose of this project is Agricultural Water Management<sup>1</sup> to:

- Improve water conservation in District-owned infrastructure

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<sup>1</sup> A description of Authorized Purposes can be found in 390-NWPM, Part 500, Subpart A, Section 500.3B.

- Improve water delivery reliability to District patrons

Implementation of the Preferred Alternative through federal action would support the following needs:

- Agricultural production. Crops grown in the District are important contributors to the national and international crop supply, and the value of crop commodities sold within Jefferson County is greater than the value of crop commodities sold in the surrounding counties.
- Water conservation and delivery reliability. Improving water conservation and water delivery reliability on District-operated laterals would increase drought resilience across the District
- Water quality. Reducing operational spills into the Crooked River, Lake Billy Chinook, and other nearby waterbodies may improve water quality in those waterbodies
- Instream flow for fish and aquatic habitat. Diminished instream flows in the Deschutes River limits fish and aquatic habitat available. Releasing saved water instream would facilitate ongoing efforts by the District, U.S. Fish and Wildlife Service, and other area stakeholders to support instream needs.

Together, these measures would increase the reliability and efficiency of water delivered for irrigation, permanently reduce the amount of water loss, improve water quality, increase the amount of water saved instream, and support agricultural production.

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 analyses 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

Eight action alternatives and one no action alternative were initially considered. When formulating an alternative, it was analyzed for satisfaction of the purpose and need statement and if it met the Federal Objective and Guiding Principles. Alternatives were further analyzed 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 Plan-EA Appendix D.2). 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.

Two alternatives, the No Action Alternative and one Modernization Alternative were analyzed in full.

*No Action Alternative* – NUID would continue to operate and maintain its existing system in its current condition. This alternative assumes that modernization of the rest of the District’s system would not be reasonably certain to occur. The No Action Alternative assumes that modernization of the District’s system to meet the purpose and need of the project would not be reasonably certain to occur and that the No Action Alternative is a near-term continuation of the standard operating procedures..

*Modernization Alternative*—NUID would convert the following 145,033 feet (27.5 miles) of laterals to pipelines: Lateral 31 (4,427 feet), Lateral 32 (3,241 feet), Lateral 34 (24,188 feet), and Lateral 43 (113,167 feet). The District would also replace any existing pipe that would need to be updated on those laterals. Throughout Lateral 43, three pressure-reducing valves would be installed. Additionally, the District would construct four 1,000-cubic-yard retention ponds, each approximately 0.5 acre in size, at the terminal ends of laterals 31, 34-2, 43, and 43-10.<sup>2, 3</sup> These retention ponds would also be used when the District discharged remaining water out of the pipelines to allow operational spills to infiltrate into the groundwater system. Constructing these retention ponds would eliminate four operational spills that discharge into the Crooked River (RM 18.5), Lake Billy Chinook, and an unnamed ephemeral creek<sup>4</sup> (RM 5.4). The retention ponds would also enable the District to winterize its system, including the deliveries, pipeline, and pipeline accessories such as air vents, valves, and pressure-reducing valves.

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 improving water conservation, improving water supply management and delivery reliability, increasing drought resiliency, improving water quality, and increasing instream flow. 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

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<sup>2</sup> The retention ponds would be built to meet NRCS conservation Practice Standard Code 436 “Irrigation Reservoir.” These retention ponds would not be lined and prior to construction, pre-engineering feasibility studies and permeability tests will occur to determine if the soils are suitable for a retention pond.

<sup>3</sup> Laterals 34-2 and 43-10 are sub-laterals off laterals 34 and 43.

<sup>4</sup> This unnamed ephemeral creek is a tributary to Willow Creek.

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 and fish and aquatic resources), ecosystem services, 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.
- 3) As analyzed in Section 6.1.2 of the Plan-EA, adverse effects to historic or cultural resources will be avoided or mitigated as necessary through the processes outlined in Section 106 of the National Historic Preservation Act 36 CFR 800. There are no anticipated significant adverse effects to fish and aquatic resources, soils, land use, public safety, 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 8.3. 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 water quality in the Crooked River and Lake Billy Chinook will be improved.

- 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 as defined 40 CFR 1508.27 (1/3/2017).
- 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 take into account any effects to of significant cultural or historical resources identified within the project area, which include archaeological or historic built environment resources, as addressed in Section 6.1 of the Plan-EA. NRCS will adhere to the federal regulations outlined in the National Historic Preservation Act (36 CFR 800), which require NRCS to identify Historic Properties within the project area and evaluate the potential adverse effects of its undertaking. Any direct or indirect effects are avoided or mitigated through the processes outlined in the National Historic Preservation Act (36CFR800). In consultation with the State Historic Preservation Office, federally recognized tribes, and Certified Local Governments (CLGs). During consultation, any mitigation or agreements pertaining to the treatment of identified Significant Historic Properties will be formalized and signed in the form of a Memoranda of Agreement (MOA) and shared with consulting 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 offered no additional

information that would necessitate reconsideration of our May Effect-Not Likely to Adversely Affect determination. On December 22, 2022 U.S. Fish and Wildlife Service issued a Letter of Concurrence (2022-0062518-S7), which was received by NRCS on December 22, 2022.

- 10) The Preferred Alternative does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 8.5 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, National Wild and Scenic Rivers 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 October 2, 2019, through a public notice and subsequent news release. Advertisements announcing the scoping period and associated scoping meeting were placed in local newspapers. NUID mailed a notice to their patrons. A project website on [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 October 21, 2019, at the Jefferson County Library's Rodriguez Annex in Madras, Oregon. During the scoping period, 17 comments regarding the project were received via phone, email, mail, and online form. These comments were received from 9 individuals, 6 non-governmental organizations, and 1 federal agency (U.S. Fish and Wildlife Service). Additional scoping comments were received at the scoping meeting. All scoping comments are summarized in Section 3.4 of the Plan-EA.

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 July 6, 2022 to August 20, 2022. A virtual public meeting was held on July 25, 2022 over Zoom Webinar to obtain public input for the plan and environmental evaluation. During the review period, 23 comments regarding the project were received. These comments were received from 16 individuals and 7 non-governmental organizations.

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 (1/3/2017). 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 North Unit 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