

*Finding of No Significant Impact For
Powder Valley Water Control District Infrastructure Modernization Project
Union County, Oregon*

I. Introduction

The Powder Valley Water Control 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 local sponsor of the Project is the Powder Valley Water Control District (PVWCD or the District).

This environmental document was initiated using the 40 CFR 1500-1508 (April 2022) and 7 CFR 650 regulations. These regulations have recently been rescinded and replaced with USDA regulations found under 7 CFR 1b. However, in a good-faith effort to fulfill NEPA's requirements, including Congressional timeline and considerations of fiscal restraints, the agency decided to continue to use 40 CFR 1500-1508 (April 2022) and 7 CFR 650. This is permissible per the USDA policy guidance issued in the Final Rule's preamble. The Federal Register notice said that agencies may continue applying the versions of NEPA regulations already being used for an ongoing environmental review. 91 FR 17062 (April 3, 2026). In the NRCS's expert opinion, it has thoroughly considered the factors mandated by the statute and the regulatory frameworks it used; and that, in the responsible federal official's judgment, the analysis contained herein is adequate to inform and reasonably explain findings regarding the proposed action and selected alternative.

An environmental assessment (EA), attached and incorporated by reference into this finding, was undertaken in conjunction with the development of the watershed plan (Plan). The Plan-EA was conducted in consultation with local, state, and tribal governments, federal agencies, and interested organizations and individuals.

II. Recommended Action

The proposed action under consideration would modernize irrigation infrastructure within PVWCD. The proposed action would include construction activities associated with installing the C-1 Project, Carnes Pipeline, and Carnes fish screening and passage improvements. Together, these projects would install 6.7 miles of gravity-pressurized buried pipe, including an approximately 0.1-mile-long siphon beneath Dutch Creek; retire 6.7 miles of open ditches; upgrade 12 irrigation turnouts; install fish screening at the Carnes Diversion; and improve fish passage in North Fork Anthony Creek at the Carnes Diversion.

The purpose of the proposed project is to enhance agricultural water management by upgrading District infrastructure in a manner that improves water conveyance efficiency, improves drought resilience, and reduces damage to crops resulting from inconsistent water deliveries. Implementation of the Preferred Alternative would improve District water management operations, reduce PVWCD and patron operation and maintenance costs, improve streamflow and water quality, and benefit fish and aquatic habitat.

I must determine if the 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.

III. Alternatives

A large number of 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 (Modernization Alternative) were fully analyzed.

No Action Alternative – construction activities associated with the project would not occur and PVWCD would continue to operate and maintain its existing system in the current condition. This 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. The No Action Alternative is a near-term continuation of the District’s standard operating procedures.

Modernization Alternative (Preferred Alternative) – PVWCD would implement the proposed infrastructure improvements, which include:

- Install approximately 3.4 miles of the new C-1 pipeline, including piping approximately 2.1 miles of Ellis Ditch and installing approximately 1.3 miles of pipeline within a new alignment.
- Pipe approximately 3.2 miles of Carnes Ditch from the Carnes Diversion to the Pilcher Creek filling channel.
- Install an approximately 0.1-mile-long siphon beneath Dutch Creek; retire the 1.2-mile Carnes Ditch loop; remove existing headgate infrastructure; and restore connectivity in Dutch Creek and Daley Creek.
- Retire 6.7 miles of open ditches, including leaving approximately 6.2 miles open and dewatered and filling approximately 0.5 mile of Redger Ditch.
- Install fish screening and fish passage improvements at the Carnes Diversion on North Fork Anthony Creek.
- Upgrade 12 irrigation turnouts.

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 addressing the purpose and need. No significant adverse environmental impacts will result from installation of the measures, it is the project sponsor's Preferred Alternative, and it provides the most beneficial effects on environmental, social, and economic resources.

When choosing the agency's Preferred Alternative, in accordance with the CEQ's "40 Most Asked Questions" guidance on 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, 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

NEPA and NRCS regulations require that federal actions be examined for their impacts on the human environment. To determine the level of NEPA analysis (categorical exclusion, EA, or environmental impact statement), the proposed action and alternatives are analyzed for their level of significance. This preferred alternative does not meet one of the specified NRCS categorical exclusions, therefore the significance was evaluated. 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 to the human environment including natural resources (such as water, fish, and wildlife) and social and economic considerations. As shown in the analysis (discussed in detail in the Plan-EA Section 6 and incorporated by reference), the Preferred Alternative does not result in significant adverse impacts to the human environment.
- 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 reduce public safety risks.
- 3) As analyzed in the Plan-EA Section 6, there are no anticipated significant effects to unique

characteristics of the geographic area. This includes historic properties or cultural resources, fish and aquatic resources, park lands, prime farmlands, floodplains, wetlands, wild and scenic rivers, ecologically critical areas, land use, public safety, recreation, socioeconomic resources, vegetation, water resources, and wildlife resources. 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 have 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.

- 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 in 40 CFR 1508.27.
- 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 that 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 6.11 of the Plan-EA.
- 8) The Preferred Alternative would not cause the loss or destruction of significant cultural or historical resources. Cultural resource investigations identified no archaeological deposits, and the Carnes Ditch, Lone Pine Ditch, and Maharry Blevins Ditch were determined not eligible for listing in the National Register of Historic Places. The Oregon State Historic Preservation Office concurred on January 7, 2026, that there would be no historic properties affected.
- 9) The Preferred Alternative may affect but is not likely to adversely affect endangered or threatened species, or designated critical habitats, as discussed in Section 6.8 and Section 6.10 of the Plan-EA. The Preferred Alternative will not jeopardize the continued existence of any endangered or threatened species or designated critical habitat. NRCS will meet its Endangered Species Act Section 7 obligations for potential impacts to bull trout through incorporation of the Oregon and Washington NRCS Aquatic Habitat Conservation programmatic consultation and associated conservation measures, with continued coordination with the U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, and other agencies during design and implementation.
- 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. 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 in September 2022 through advertisements announcing the scoping period and associated scoping meeting in a local newspaper and on project websites. PVWCD notified its patrons of the scoping comment period and scoping meeting and invited comments on the scope of the Draft Plan-EA.

The scoping process followed the general procedures consistent with NRCS guidance and Public Law 83-566 requirements. A public scoping meeting was held on October 5, 2022. During the scoping period, five comments regarding the project were received.

Specific consultation was conducted with the Oregon State Historic Preservation Office, Burns Paiute Tribe, Confederated Tribes of the Colville Reservation, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation, Nez Perce Tribe, U.S. Forest Service, and Bureau of Land Management to maintain the NRCS' government-to-government relationship between Tribes and coordinate with other federal agencies. NRCS sent letters to the Tribes requesting input and notifying them of the proposed area of potential effect for cultural resources. Consultation was completed with the Oregon State Historic Preservation Office, which concurred that there would be no historic properties affected.

As part of Public Law 83-566 planning requirements and in recognition of the need for evaluation of fish and wildlife resources impacts and opportunities, NRCS solicited input from the USFWS for Section 12 compliance and coordinated under the Endangered Species Act with the USFWS.

The Draft Plan-EA was transmitted to all participating and interested agencies, groups, and individuals for review and comment from July 1 to August 4, 2026. A public meeting was held for informational purposes on July 21, 2026. Four comments were submitted during the review period.

VI. Conclusion

The Modernization Alternative has been selected as the Preferred Alternative for implementation based upon best meeting the purpose and need while providing the most beneficial effects on environmental, social, and economic resources. The Modernization Alternative is also the sponsor's Preferred Alternative. The Plan-EA accompanying this finding has provided the analyses 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 (Environmental Consequences). 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 Powder Valley Water Control District Infrastructure Modernization Project Plan-EA. Based on these findings, NRCS has decided to implement the Preferred Alternative.

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Greg Becker, State Conservationist