

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

I. [Introduction](#)

Arnold 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 local sponsors of the Project are the Arnold Irrigation District (AID) 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 extends for approximately 11.9 miles along AID's Main Canal. The Project Area starts from about 850 feet to the east of Pima Road and extends approximately 11.9 miles to the east along the Main Canal, terminating near the canal's intersection with Horse Butte Road.

The proposed action would include construction activities associated with piping 11.9 miles of AID's Main Canal, updating 88 turnouts, and installing Supervisory Control and Data Acquisition Systems (SCADA) in two locations. A concrete check and pipe inlet structure would be installed at the inlet of the pipe (i.e., the western end of the pipe). SCADA would be installed at the inlet of the pipe and at the terminus of the pipe (i.e., the eastern end of the pipe).

The purpose of this project is to:

- Improve water conservation in District-owned infrastructure
- Improve water supply management and delivery reliability to District patrons

- Improve public safety on up to 11.9 miles of the District-owned Main 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 improve public safety. These measures would increase the reliability and efficiency of water delivered for irrigation, permanently reduce the amount of water loss, and increase the amount of water saved 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 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

Nine alternatives 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). 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 Action Alternative were analyzed in full.

No Action Alternative – AID 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 is a near-term continuation of the District's standard operating procedures under the Deschutes Basin Habitat Conservation Plan (HCP) requirements.

Piping Alternative—AID would pipe 11.9 miles of their Main Canal, update 88 turnouts, and install SCADA in two locations.

Based on the evaluation in the Plan-EA, I have identified the Piping 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, water delivery reliability, and public safety. 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 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 of the Plan-EA, there are no anticipated significant adverse 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, 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 diminished streamflow that limits fish and aquatic habitat will be increased over years 4 through 7 of the HCP.

- 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 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 federal regulations outlined in the National Historic Preservation Act (36 CFR 800), which calls 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 offered no additional

information that would necessitate reconsideration of our May Effect-Not Likely to Adversely Affect determination. On July 29, 2022 U.S. Fish and Wildlife Service issued a Letter of Concurrence (2022-0062518-S7), which was received by NRCS on August 1, 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 April 3, 2019, through a public notice and subsequent news release. Advertisements announcing the scoping period and associated scoping meeting were placed in a local newspaper. AID 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 April 17, 2019, at the Elk Meadow Elementary School in Bend, Oregon. During the scoping period, 141 comments regarding the project were received via phone, email, mail, and online form. These comments were received from 137 individuals, 2 non-governmental organizations, 1 state agency (Oregon Water Resources Department), 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 3.3 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 June 8, 2021 to July 8, 2021. In response to public comments, on July 8, 2021 NRCS extended the public comment period to end on July 23, 2021. A virtual public meeting was held on June 23, 2021 over Zoom Webinar to obtain public input for the plan and environmental evaluation. During the review period, 451 comments regarding the project were received. These comments were received from 438 individuals, 8 non-governmental organizations, 1 local agency (Deschutes County), and 1 federal agency (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 (William Abadie, July 20, 2021).

VI. Conclusion

The Piping Alternative has been selected as the Preferred Alternative for implementation based upon best meeting the purpose and need while maximizing net economic benefits. The Piping 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 Arnold Irrigation District Infrastructure Modernization Project Plan-EA. With these findings, NRCS therefore has decided to implement the Preferred Alternative.

_____ (signature) 8 August 2022 _____ (date)

Ronald Alvarado, State Conservationist