

## **Finding of No Significant Impact for the Environmental Assessment on the Warner Draw Watershed Supplemental Plan #9**

### **I. AGENCY ROLE AND RESPONSIBILITY – United States Department of Agriculture Natural Resources Conservation Service (NRCS)**

In accordance with the NRCS regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the following proposed action. The proposed action includes improvements at five sites for the Warner Draw Watershed and Flood Operations Project located within the Warner Draw Watershed, Washington County, Utah.

### **II. NRCS DECISION TO BE MADE**

As the delegated Responsible Federal Official for compliance with NEPA, I must make the following decision:

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 Final Supplemental Watershed Plan No. 9 and Environmental Assessment (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 under part VI of this finding.

### **III. PURPOSE AND NEED FOR ACTION**

The purpose of the Project is to improve flood prevention, watershed protection, public recreation, and agricultural water management in the Warner Draw Watershed. There is a need to reduce flood damages to developed and agricultural areas of St. George and Washington City; to improve irrigation water delivery efficiency for the existing flood irrigation systems in Hurricane that would also benefit Virgin River water quantities; to expand trail systems for recreation, education, and public safety; and to improve Virgin River ecosystems.

A full project description along with conceptual design plans, are included in the completed Final Plan-EA (March 2022) prepared by Adaptive Environmental Planning, LLC in coordination with NRCS and Sponsoring Local Organizations (SLOs) that include City of Hurricane, Washington City, City of St. George, Washington County, Washington County Water Conservancy District, and The Nature Conservancy.

### **IV. ALTERNATIVES CONSIDERED IN THE FINAL PLAN-EA**

Alternatives that were analyzed in detail in the Plan-EA include the No Action Alternative and the Action Alternative (Preferred Alternative).

No Action Alternative – The No Action Alternative considers the actions that would take place if no federal action or federal funding were provided for the Project. The SLOs' most likely course of action at each of the five sites without federal involvement is described below.

- Site 1 (Main Street Debris Basins): The SLOs would leave the existing stormwater drainage systems in place along Main Street and no improvements would be made for the No Action Alternative.
- Site 2: (Seegmiller Marsh): The SLOs would construct a new public trail, as described for the Action Alternative, and would work to secure approximately 80 acres of land to conserve and protect the Virgin River floodplain and Seegmiller Marsh area.
- Site 3 (Y-Drain): The SLOs would leave the existing open channel drain as-is and install a fence around the channel.
- Site 4 (Warner Valley Disposal System): The SLOs would construct asphalt pedestrian and unpaved equestrian trails, as described for the Action Alternative.
- Site 5 (Hurricane Water Efficiency): The SLOs would leave the existing flood irrigation system in place, and no improvements would be made.

Action Alternative – This alternative would consist of measures at five sites across the Warner Draw Watershed to reduce flood damages, improve Virgin River water quality/quantity and habitat, decrease public safety hazards, and to conserve water resources. Proposed improvements for these measures are summarized below.

- Site 1 (Main Street Debris Basins): To provide flood prevention for the downstream community, two debris basins would be constructed, and additional catch basins and piping installed. The debris basin would be constructed with volume for approximately 50 years of sediment accumulation and enough flood attenuation for all storm events up to and including a 24-hour, 100-year storm.
- Site 2: (Seegmiller Marsh): To improve riparian habitat and water quality at the Seegmiller Marsh site, measures would be taken to better treat, convey, and manage water into and through the marsh, and to restore native vegetation. Approximately 80 acres of land would be purchased to conserve and protect the Virgin River floodplain and Seegmiller Marsh area. Access to the area to conserve and develop recreation and scenic resources would also be provided and includes construction of an asphalt multiuse trail and gravel pedestrian trail.
- Site 3 (Y-Drain): To improve water conveyance and water quality, provide flood prevention, and reduce public health and safety hazards, the open section of Y-Drain would be piped and a trail installed along the new piped alignment.
- Site 4 (Warner Valley Disposal System): To provide flood prevention and extend public recreation opportunities, improvements are proposed along an approximate 13,650-foot stretch of the existing Warner Valley Disposal System alignment. This includes piping open channel sections of the system, raising manholes and regrading the ground surface along a section, installing two detention basins, replacing an adverse sloped piped section, replacing the outfall at Fort Pearce Wash, and constructing a parallel asphalt pedestrian and unpaved equestrian trail along the alignment.

- Site 5 (Hurricane Water Efficiency): To improve water supply, conservation, and delivery, portions of Hurricane City would be converted from a flood irrigation system to a pressurized irrigation system. Irrigation piping would be installed throughout the town and a new pump station constructed. The proposed Project would convert approximately 715 acres of agriculture land from flood irrigation to sprinkler irrigation. This change would result in an annual water usage savings of approximately 1,000 ac-ft, which would help to ensure that irrigation demands can be met, even in dryer years. Water savings would be used to keep/return water to the Virgin River to benefit aquatic ecosystems and species.

The National Economic Development (NED) Alternative and Preferred Alternative for the project is the Action Alternative.

## V. NRCS'S DECISION AND FACTORS CONSIDERED IN THE DECISION

Based on the evaluation in the Final Plan-EA, I have chosen to select the Action Alternative as NRCS's Preferred Alternative. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the Final Plan-EA, and balanced those impacts with considerations of NRCS's purpose and need for the action.

In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination" when choosing NRCS's Preferred Alternative to implement. Specifically, I acknowledge that based on the Final Plan-EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, NRCS's Preferred Alternative would result in an overall net beneficial impact to the human environment based on all factors considered. NRCS has preliminarily determined, based upon the evaluation of impacts in the Final Plan-EA for Preferred Alternative improvements, attached hereto and made a part hereof, and for the reasons provided below, that there will be no significant individual or cumulative impacts on the quality of the human environment as a result of implementing the Preferred Alternative as authorized by Section 216 of the Flood Control Act of 1950, Public Law 81-516, 33 U.S.C. 701b-1; and Section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, as amended by Section 382, of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127, 16 U.S.C. 2203 of the SWP; particularly when focusing on the significant adverse impacts which the NEPA is intended to help decision makers avoid and mitigate against.

## VI. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in the Final Plan-EA, NRCS 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. Based on the Final Plan-EA, review of the NEPA criteria for significant effects, and based on the analysis in the Final Plan-EA, I have determined that the action to be selected (Action Alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) on the proposed action is not required under section 102(2) (c) of the 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:

- 1) The Final Plan-EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources (i.e. soil, air, water, animals, plants, and human resources). As a result of the analysis (discussed in detail in Chapter 6.0 of the Final Plan-EA and incorporated by reference), the Preferred Alternative does not result in significant impacts to the 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 consequences associated with the implementation of the rehabilitation would provide long-term beneficial impacts to improve public health or safety.
- 3) As analyzed in Chapter 6.0 of the Final Plan-EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas 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 avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing the Preferred Alternative would have significant adverse effects on these resources.
- 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 as controversial. An EIS is therefore not required.
- 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. The proposed action will be carried out for the Warner Draw Watershed and Flood Operations Project only. Other projects not discussed in the Final Plan-EA will be required to undergo NEPA analysis individually.
- 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 human environment as discussed in Chapter 6.0 of the Final Plan-EA. The Preferred Alternative is, however, anticipated to result in beneficial long-term impacts as a result of implementation of measures.
- 8) The Preferred Alternative will not cause the loss or destruction of significant scientific, cultural, or historical resources as addressed in Chapter 6.0 of the Final 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. The Preferred

Alternative will result in no adverse effects to cultural or historical resources. A request for concurrence was submitted to the Utah State Historic Preservation Office and an official concurrence letter was received on March 3, 2021 regarding project impact effect determinations.

- 9) The Preferred Alternative may temporarily adversely affect Endangered Species Act (ESA) species, or critical habitat as discussed in Chapter 6.0 of the Final Plan-EA, but would not affect marine mammals. Adverse effects to ESA species and habitat are primarily short-term during construction and long-term beneficial impacts to ESA species and associated critical habitat is anticipated from alternative measures. Avoidance, minimization, and conservation measures would be in place as listed in Section 8.3.6 of the Final Plan-EA. NRCS submitted a Biological Assessment to the U.S. Fish and Wildlife Service (USFWS). The USFWS issued a Biological Opinion (BO) on June 16, 2021 (included in Appendix A of the Plan-EA), concluding that the alternative measures are not likely to jeopardize the continued existence of endangered or threatened species, or result in destruction or adverse modification of designated critical habitat. Based on the implementation of avoidance, minimization, and conservation measures, and USFWS conclusions, the Preferred Alternative would not result in significant adverse effects to endangered or threatened species or critical habitats.
- 10) The proposed action does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Chapters 6 and 7.0 of the Final Plan-EA. The major laws identified with the selection of the Preferred Alternative include the Clean Water Act, Clean Air Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, National Historic Preservation Act, Marine Mammal Protection Act, the Executive order on Environmental Justice, and Migratory Bird Treaty Act.

The Preferred Alternative is consistent with the requirements of these laws. Based on the information presented in the attached Final Plan-EA, I find in accordance with 40 CFR Section 1508.13 that the selection of NRCS's Preferred Alternative (Action Alternative) is not a major Federal action significantly affecting the quality of the human environment requiring preparation of an EIS. Therefore, I have made the decision that a Finding of No Significant Impact is approved for the proposed action.

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State Conservationist

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Date

Attachment: Final Supplemental Watershed Plan No. 9 and Environmental Assessment for the Warner Draw Watershed and Flood Operations Project