

## **Finding of No Significant Impact**

### **Ashley Valley Watershed Flood and Irrigation Project Uintah, County, Utah**

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| <b>State</b>                           | <b>Utah</b>  |
| <b>County</b>                          | <b>Uintah</b>  |
| <b>Watershed</b>                       | <b>Ashley Valley</b>   |
| <b>General Location</b>                | <b>Vernal, Utah</b>  |
| <b>Name</b>                            | <b>Ashley Valley Watershed Flood and Irrigation Project</b>  |
| <b>Sponsor</b>                         | <b>Uintah County</b>   |
| <b>Responsible Federal Official</b>    | <b>Emily Fife, State Conservationist (Utah)</b>  |
| <b>Cooperating Agencies</b>            | <b>None</b>  |
| <b>Applicable Management Areas</b>     | <b>Uintah Basin Salinity Unit</b>  |
| <b>Webpage</b>                         | <b><a href="https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/ashley-valley-watershed-sponsoruintah-county-utah">https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/ashley-valley-watershed-sponsoruintah-county-utah</a></b> |
| <b>Initiation Date</b>                 | <b>August 2018</b>   |
| <b>Anticipated Implementation Date</b> | <b>October 2023</b>  |

#### **I. AGENCY ROLE AND RESPONSIBILITY**

##### **U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS)**

In accordance with NRCS regulations (40 CFR 1500 – 1508, & CDR 622, 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 would address irrigation deficiencies, limited recreational opportunities, and flooding concerns in the Ashley Valley Watershed, Uintah 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 Proposed Action will or will not be a major federal action significantly affecting the quality of the human environment. The Final Watershed Plan-Environmental Assessment (Final Plan-EA) accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the Proposed Action. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under section VI of this finding.

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

The purpose of the Ashley Valley Watershed Flood & Irrigation Project is to improve agricultural water management (i.e., irrigation modernization), increase recreational opportunities, and prevent/reduce potential

flood damages in the Ashley Valley Watershed. The project is needed to conserve water in the Ashley Central Canal that is currently lost to seepage, evaporation, and inefficient irrigation delivery. The project is also needed to address the limited number of public recreational facilities in the Ashley Valley Watershed. Finally, the project is needed to prevent potential runoff, erosion, and sediment damage in the Ashley Valley Watershed.

A full project description, along with conceptual design plans, are included in the completed Final Plan-EA (May 2023) prepared by J-U-B Engineers in coordination with NRCS and Uintah County (Sponsoring Local Organization).

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

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

Alternative 1: No Action - The No Action Alternative considers the actions that would take place if no federal action or federal funding were provided for the project.

The No Action Alternative would not pipe and pressurize the Ashley Central Canal, and the facility would continue to operate as an open canal delivery system without the benefits of enclosure. Typical operation and maintenance activities associated with the open canal delivery system include but are not limited to: filling canal, dewatering canal, stabilizing canal, controlling vegetation and rodents, repairing vandalism, addressing seepage, cleaning or replacing culverts, repairing mechanical equipment, and inspecting system components.

The No Action Alternative would not improve recreational infrastructure in the Kids Canal Parkway and the parkway would remain in its existing condition. The No-Action Alternative is not anticipated to result in predictable actions by others that would affect the Kids Canal Parkway.

The No Action Alternative would not construct the Coal Mine and Yellow Hills Detention Basins to address flooding concerns in the Ashley Valley Watershed. The current public health and safety risks would remain and it is anticipated that local, state, and/or federal agencies would respond to flooding events on a case-by-case scenario as they occur.

Alternative 3: Canal Enclosure, Kids Canal & Full Pressurization - Alternative 3 would install project measures to modernize the existing Ashley Central Canal, improve public recreation infrastructure, and prevent/reduce damages from flooding.

Alternative 3 would pipe and fully pressurize 9.6 miles of the Ashley Central Canal, reconstruct the Thornburg Diversion, backfill and reshape the Ashley Central Canal, replace 38 existing turnouts with new metered turnouts, install an energy dissipation structure, install two screening structures, and construct a new inlet control structure.

Alternative 3 would improve recreational infrastructure in the Kids Canal Parkway by installing an asphalt trail, two pedestrian bridges, benches, garbage cans, ramps, shade structures, and picnic tables. The irrigation pipe associated with the canal improvements would be installed in the west bank of the Ashley Central Canal along the Kids Canal Parkway to minimize impacts on the existing vegetation. Trees along the west bank of the canal would be protected during construction, where feasible, and a majority of trees along the east bank would be preserved. The Kids Canal Parkway section of the Ashley Central Canal would be restored to pre-project conditions following construction. Alternative 3 would purchase and divert supplemental water shares

into the Kids Canal Parkway section, and install an informational kiosk in the parkway, to mitigate for adverse effects on the Ashley Central Canal.

Alternative 3 would construct two below-grade detention basins in the west area of Vernal to address flooding concerns in the Ashley Valley Watershed. The Coal Mine Detention Basin would be approximately 15 acres with 68.4 acre-feet of capacity. The Yellow Hills Detention Basin would be approximately 13 acres with 72.3 acre-feet of capacity.

Alternative 3 is the locally preferred alternative, the National Economic Development Alternative, and the Preferred Alternative in the Final Plan-EA.

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

Based on the evaluation in the Final Plan-EA, I have chosen to select Alternative 3 as NRCS's Proposed Action. 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 Proposed Action 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 Proposed Action 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, 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 Proposed Action 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 Proposed Action, 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 NEPA analysis (discussed in detail in Chapter 4 of the Final Plan-EA and incorporated by reference), the Proposed Action 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 Proposed Action does not adversely affect public health or safety. It is anticipated that the Proposed Action will provide long-term beneficial impacts to improve public health or safety.
- 3) As analyzed in Chapter 4 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 Proposed Action. 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 Proposed Action would have significant adverse effects on these resources.
- 4) The effects on the human environment are not considered controversial for the Proposed Action. There are no impacts associated with the Proposed Action that are considered controversial.
- 5) The Proposed Action is not considered highly uncertain and does not involve unique or unknown risks.
- 6) The Proposed Action 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 Ashley Valley Watershed Flood and Irrigation 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 Proposed Action does not result in significant adverse cumulative impacts to the human environment as discussed in Chapter 6.0 of the Final Plan-EA. The Proposed Action is, however, anticipated to result in beneficial long-term impacts as a result of implementation of measures.
- 8) The Proposed Action will have an adverse effect on a site eligible for the National Register of Historic Places--the Ashley Central Canal. A majority of the Ashley Central Canal will remain an open floodwater conveyance facility thus reducing the level of adverse effects; accordingly, the focus of mitigation efforts will be for the Kids Canal Parkway. Mitigation will include the purchase and diversion of supplemental water shares into the Kids Canal (a 0.5 mile section of the Ashley Central Canal) to sustain vegetation, passive recreation opportunities, and scenic quality. In addition, an informational kiosk will be installed at the Kids Canal and additional public outreach materials will be developed. A Memorandum of Agreement (MOA) has been finalized between the Utah State Historic Preservation Office, the NRCS, Uintah County, Uintah Special Services District #1, and the Ashley Central Irrigation Company. Additionally, Friends of Kids Canal was a Concurring Party to the MOA. The MOA was executed in compliance with Section 106 of the National Historic Preservation Act and is included in Appendix E of the Final Plan-EA.

- 9) The Proposed Action will not adversely affect endangered or threatened species, marine mammals, or critical habitat as discussed in Section 4.5.2 of the Final Plan-EA. NRCS has concluded that the Proposed Action either has no effect on threatened and endangered species or will not likely adversely affect threatened and endangered species. The U.S. Fish and Wildlife Service, which has jurisdiction over these species, has concurred with our findings. The concurrence letter provided by USFWS is included in Appendix A of the Final Plan-EA.
- 10) The Proposed Action will not violate federal, state, or local law requirements imposed for protection of the environment as noted in Section 4.5.2 of the Final Plan-EA. The major laws identified with the selection of the Proposed Action 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.

Based on the information presented in the Final Plan-EA, I find in accordance with 40 CFR Section 1508.13 that the selection of NRCS's Proposed Action (Alternative 3 in the Final Plan-EA) is not a major federal action significantly affecting the quality of the human environment requiring preparation of an Environmental Impact Statement. Therefore, I have made the decision that a Finding of No Significant Impact is approved for the Proposed Action.

No administrative action on implementation of the Proposed Action will be taken until 15 days after the date of this Finding of No Significant Impact.

For further information contact:

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**EMILY FIFE** Digitally signed by EMILY FIFE  
Date: 2023.05.25 13:46:38

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EMILY FIFE  
State Conservationist

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Date

Attachment: Final Watershed Plan and Environmental Assessment for the Ashley Valley Watershed Flood and Irrigation Project