

# **Finding of No Significant Impact for the Silt Water Conservancy District Project Garfield County, Colorado**

**Project Name:** Silt Water Conservancy District Project

**Project Initiation Date:** 9/2/2020

**Proponent Name:** Silt Water Conservancy District (SWCD)

**Responsible Federal Official (RFO):** Clinton Evans, State Conservationist

**State:** Colorado

**County(ies):** Garfield

**Anticipated Implementation:** 2025 - 2035

**Signing Authority:** RFO

**Project Webpage:** <https://www.nrcs.usda.gov/programs-initiatives/watershed-protection-and-flood-prevention-operations-wfpo-program/colorado>

**General Location:** In the area from the town of Silt, CO northwest to Rifle Falls State Park

**Watersheds:** Upper Colorado River

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

In accordance with the NRCS regulations (7 CFR 650 & 7 CFR 622) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the proposed action (Project).

The proposed action of the Silt Water Conservancy District Project is to improve Agricultural Water Management in the Grass Valley Canal (GVC) system by replacing a flow control gate near the headgate along East Rifle Creek, stabilizing three tunnel entrance and exit areas downstream of the headgate, piping four high-risk reaches downstream of the tunnels, and reconstructing an abandoned section of the GVC near Harvey Gap Reservoir.

The project will also construct a new pump station and pressurized pipeline, referred to as the Bypass Pipeline, connecting the Silt Pump Canal to the Farmers Irrigation Company East Lateral. The proposed project has a service life of 50 years. The proposed action is federally

assisted, authorized under Public Law 83-566, the Watershed Protection and Flood Prevention Act. An environmental assessment (EA) was undertaken in conjunction with the development of the watershed plan. This assessment was conducted in consultation with local, state, and tribal governments; federal agencies; and interested organizations and individuals. The Final Watershed Plan and Environmental Assessment for the Silt Water Conservancy District Project (Final Plan-EA) was completed in March 2025 and is included with this finding.

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

NRCS 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 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 described in Chapter 5, Alternatives, Table 5-4, Summary and Comparison of Alternatives, Chapter 6, Environmental Consequences, and Chapter 8, Section 8.1, Selection of the Preferred Alternative.

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

The purpose of the SWCD Watershed Project is to reduce system failure risk, increase climate change and drought resilience, improve system efficiency, provide more water for irrigation, and reduce infrastructure damage costs.

## **IV. ALTERNATIVES CONSIDERED IN THE EA.**

The NRCS National Watershed Policy Manual (NWPM 501.12) requires that all reasonable alternatives that address the purpose and need for action must be presented in the watershed project plan, including those not within the program authorities of the NRCS and those not

preferred by sponsors. Three alternatives were analyzed in detail within the Plan-EA and are characterized as follows:

**No Action Alternative.** The No Action Alternative is the near term continuation of the status quo without Federal investment. The SWCD would continue to operate and maintain the irrigation system in its current condition without making any substantive improvements.

**Alternative 1 – Grass Valley Canal Improvements.** Alternative 1 consists of four measures: reconstruction of the existing GVC flow control gate near its diversion on East Rifle Creek; reconstruction of three high-risk rock tunnel inlet/outlet areas downstream of the GVC flow control gate; piping four sections of the GVC totaling 2,605 feet in length; and constructing a 2,827-foot-long bypass channel around Harvey Gap Reservoir.

**Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline (PROPOSED ACTION).** Alternative 2 is the preferred alternative that consists of the Grass Valley Canal Improvements described in Alternative 1 plus construction of a new pump station and 8,925 foot-long bypass pipeline between the Silt Pump Canal and the Farmers Irrigation Company East Lateral.

## **V. NRCS’S DECISION AND FACTORS CONSIDERED IN THE DECISIONS**

Based on the evaluation in the EA, I have chosen as the proposed action to construct Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, as the agency’s preferred alternative. I have taken into consideration all the potential impacts of the proposed action, incorporated herein by reference from the Final Plan-EA and balanced those impacts with considerations of the NRCS’s purpose and need for 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 the agency proposed action (construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline) to implement. Specifically, acknowledging that based on the Final Plan-EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were considered in the decision. As a result and for the reasons provided below 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. To comply with Executive Orders 14148 and 14173, environmental justice analysis was not considered when choosing the proposed alternative.

## **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 42 U.S.C. 4335 Sec 106 (b)(2) EA and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the information and analysis in the Final Plan-EA and review of the NEPA criteria for significant effects I have determined that the action to be selected, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline (the agency preferred alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) on the final action is not required

under section 102(2)(c) of the NEPA or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the factors from NRCS regulations at 7 CFR Part 650:

- 1) The Final Plan-EA evaluated both the beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will provide 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 6 and incorporated by reference), the proposed action, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts, which NEPA is intended to help decision makers avoid, minimize, and mitigate. The analysis shows there are temporary and short-term and long-term minor effects imposed by the project. With the implementation of avoidance, minimization, and mitigation measures identified in Table 8.2 of the Final Plan-EA, short-term and long-term impacts to natural resources are expected to be minor. No cumulative impacts are anticipated.
- 2) The proposed action, Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, will not result in significant adverse effects on public health or safety. It is expected to provide long term beneficial impacts to improve natural ecosystems functions. Specifically, soil, water, fish, wildlife, and land will be improved and protected through selection of the preferred alternative.
- 3) As analyzed in Chapter 6 of the Final Plan-EA, there are no 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, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline. 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, or ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing the proposed action, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, would have any major adverse effects on these resources. No compensatory mitigation is anticipated to be required for the Proposed Action. Avoidance, minimization, and mitigation measures described in Table 8.2 of the Final Plan-EA include conservation measures that would be applied during construction of the project to avoid and minimize impacts on environmental and social resources.

- 4) The effects on the human environment are not considered controversial for the proposed action, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline. There are no impacts associated with the proposed action that would be considered controversial.
- 5) The proposed action, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, is not considered highly uncertain and does not involve unique or unknown risks.
- 6) The proposed action, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
- 7) The proposed action, Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, will not result in individually or cumulatively significant adverse impacts to the human environment, particularly when focusing on the significant adverse impacts which

NEPA is intended to help decision makers avoid, minimize, or mitigate. Cumulative impacts resulting from the proposed action are anticipated to be beneficial overall with little to no threat to the human environment (see Chapter 6 in the attached Final Plan-EA).

- 8) The proposed action, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources. 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).
- 9) The proposed action, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, will not adversely affect endangered or threatened species, marine mammals, or critical habitat as discussed in Chapter 6 of the EA. It has been concluded that the proposed actions either have no effect on threatened and endangered species or will not likely adversely affect threatened and endangered species. The United States Fish and Wildlife Service, which has jurisdiction over these species, has reviewed the report and 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 8.5 of the EA. The major laws, orders,

and permits identified with the selection of the preferred alternative, construction of Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline, include: the Clean Air Act; Section 404 - Clean Water Act Regional General Permit 5; Section 401 - Clean Water Act-Water Quality Certification (WQC); Section 402 - Clean Water Act – National Pollutant Discharge Elimination System Permit; Endangered Species Act (ESA); National Historic Preservation Act; 16 U.S.C. 668-668d, 54 Stat. 250, Bald and Golden Eagle Protection Act; Migratory Bird Treaty Act (MBTA); Fish and Wildlife Coordination Act; Executive Order 11988 - Floodplain Management; Executive Order 11990 - Protection of Wetlands; Executive Order 13112 - Invasive Species; Executive Order 13186 - Responsibilities of Federal Agencies to Protect Migratory Birds; Colorado Department of Public Health and Environment (CDPHE) Stormwater Construction Permit; and CDPHE Construction Dewatering Discharge Permit.

**Finding of No Significant Impact.** Having reviewed the information presented in the attached Final Silt Water Conservancy District Project Plan-EA, all interested parties and an assessment of the environmental impacts, I find that the selection of the agency proposed action to construct Alternative 2 – Grass Valley Canal Improvements and Bypass Pipeline will not have a significant impact on the quality of the human environment. Therefore, an environmental impact statement will not be required.

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Clinton Evans, State Conservationist

**Attachment:** Final Plan-EA for the Silt Water Conservancy District Project