

FINDING OF NO SIGNIFICANT IMPACT
INTEGRATED LETTER REPORT
AND PROGRAMMATIC ENVIRONMENTAL ASSESSMENT
Federal Participation in Watercraft Inspection Stations
Upper Colorado River Basin
Arizona, Colorado, New Mexico, Utah, and Wyoming
June 2023

The U.S. Army Corps of Engineers, Albuquerque District (USACE) has conducted an environmental analysis in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended. The *Integrated Letter Report and Programmatic Environmental Assessment, Federal Participation in Watercraft Inspection Stations, Upper Colorado River Basin*, (LR/Programmatic EA) dated June 2023, considers the effects of geographic expansion of the Watercraft Inspection Station Program, monitoring, and rapid response planning efforts to address the threat of Aquatic Invasive Species (AIS), specifically, quagga mussels (*Dreissena bugensis*) and zebra mussels (*Dreissena polymorpha*), together termed “dreissenids,” in the Upper Colorado River Basin (UCRB) states of Arizona, Colorado, New Mexico, Utah, and Wyoming.

The Final LR/Programmatic EA, incorporated herein by reference, evaluated alternatives to address the threat of AIS in the study area. The Recommended Alternative (Comprehensive Adaptive Improvements) consists of the following 14 measures that meet the study objectives without violating any planning constraints and can be combined and implemented by the state AIS Coordinators as needed:

- Measure 1 – Federal Participation in Selection of Watercraft Inspection Station Locations
- Measure 2 – Increase Watercraft Inspection Stations
- Measure 3 – Extend Daylight Inspection Hours
- Measure 4 – Increase Nighttime Inspections
- Measure 5 – Construct Site Improvements
- Measure 6 – Add Canine Detection
- Measure 7 – Increase Public Awareness and Education
- Measure 9 – Monitor to Identify Water Chemistry
- Measure 10 – Monitor for Early Detection
- Measure 11 – Regional Watercraft Inspection and Decontamination Data Sharing System
- Measure 12 – Develop and Implement Real-time Tracking of Watercraft Transportation
- Measure 13 – Evaluate Traffic
- Measure 14 – Contingency Planning
- Measure 15 – Rapid Response Planning

Under the Recommended Alternative, USACE anticipates entering into a cost-share agreement with the states of Arizona, Colorado, New Mexico, Utah, and Wyoming (or an agent for those states).

In addition to the Recommended Alternative (Alternative 2), the LR/Programmatic EA evaluated the No Action Alternative (also referred to as Alternative 1). The No Action Alternative represents a continuation of the states’ current practice, in which USACE would not partner with the states to establish watercraft inspection stations in the study area.

USACE considered but did not identify any potential effects to threatened and endangered species, noise levels, vegetation, air quality, or hazardous/toxic waste. Therefore, no in-depth analysis of those resource areas was conducted in the LR/Programmatic EA. All practical means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Recommended Alternative. For the Recommended Alternative, the potential effects to the following resources are shown in Table 1:

Table 1. Summary of Potential Effects of the Recommended Alternative

Environmental Resources Considered	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Fisheries and Aquatic Resources	☒	-	-
Water Quality	☒	-	-
Wildlife/Terrestrial Resources	☒	-	-
Aesthetics/Visual Resources	☒	-	-
Recreation	☒	-	-
Cultural and Historic Resources	☒	-	-
Climate Change	☒	-	-
Cumulative Effects	☒	-	-

Pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, USACE determined that implementation of the Recommended Alternative would have no effect on ESA-listed species or their critical habitat. In addition, USACE determined that the Recommended Alternative would result in no take of species protected under the Migratory Bird Treaty Act.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, USACE determined that implementation of the Recommended Alternative has no potential to cause effects on historic properties. However, if additional amenities requiring ground-disturbing activities are requested, supplemental National Historic Preservation Act Section 106 review would be required before approval.

Section 404 of the Clean Water Act (CWA) regulates discharge of dredged or fill material into Waters of the U.S. including wetlands. There are no activities anticipated that necessitate discharge of fill into Waters of the U.S. However, since specific activities and locations are not yet identified, each proposed activity and location would be evaluated to determine compliance with Section 404. CWA Section 404 compliance would be obtained as needed on a case-by-case basis as part of the annual work plan development or in accordance with emergency procedures.

Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) program, pertains to discharge of pollutants. No pollutants would be discharged into Waters of the U.S. by activities proposed in the LR/Programmatic EA.

Section 402 of the CWA also regulates storm water runoff from construction related ground disturbance. Activities involving construction or soil disturbance greater than one acre on the shoreline or upland that create the potential for storm water to enter near-by Waters of the U.S., would be subject to the storm water provisions of Section 402. However, it is highly unlikely that activities proposed in the LR/Programmatic EA would meet this threshold, and therefore highly unlikely that a Section 402 Construction General Permit would be required.

Section 7 of the LR/Programmatic EA presents how implementation of the Recommended Alternative would meet the compliance requirements of other applicable laws and regulations.

The Draft FONSI and LR/Programmatic EA were distributed to relevant Federal, state, and local agencies, the Services, the Tribes, and the public for a 30-day review and comment period from October 26, 2020, through November 26, 2020. All comments received were addressed. Due to editorial changes made to the LR/Programmatic EA, coupled with the extended time finalizing the document, USACE deemed it necessary to conduct a second public review, that began on April 3, 2023, and concluded on April 17, 2023. A letter from the White Mountain Apache Tribe stating that the project will have “No Adverse Effect” to the tribe’s cultural heritage resources and/or historic properties was received on April 15, 2023, and incorporated as part of the administrative record. Compliance with NEPA will be achieved upon signing this final FONSI.

I have considered the technical aspects of expanding the watercraft inspection station cost-share program, best scientific information available, reviews by my staff, and public comments received. All applicable laws, Executive Orders, regulations, and local government plans were taken into account in the evaluation of alternatives. It is my determination that implementation of the Recommended Alternative does not constitute a major federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not required.

EDWARD E. BELK, JR. P.E.
Director of Civil Works

Date