

DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)

**DRAFT INTEGRATED LETTER REPORT
AND PROGRAMMATIC ENVIRONMENTAL ASSESSMENT**

Federal Participation in Watercraft Inspection Stations

Upper Colorado River Basin

Arizona, Colorado, New Mexico, Utah, and Wyoming

April 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 *Draft Integrated Letter Report and Programmatic Environmental Assessment (LR/Programmatic EA), Federal Participation in Watercraft Inspection Stations, Upper Colorado River Basin*, dated February 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 LR/Programmatic EA presents the evaluation of two alternatives that could help prevent the spread of AIS into or out of Waters of the U.S. within the UCRB. The Proposed Action Alternative (Recommended Alternative) includes geographically expanding the cost-share program to include watercraft inspections, monitoring, and rapid response planning efforts in Arizona, Colorado, New Mexico, Utah, and Wyoming. 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).

The two alternatives evaluated were Alternative 1, the No Action Alternative (continue the current states’ current practice without Federal cost share) and Alternative 2, the Recommended Alternative – Comprehensive Adaptive Improvements (expand the geographical area of the cost-share program to include watercraft inspections, monitoring, and rapid response planning in Arizona, Colorado, New Mexico, Utah, and Wyoming). Alternatives considered under NEPA must include, at least, the No Action Alternative (which provides a baseline from which to compare other alternatives) and the Proposed Action Alternative. It is acceptable to limit analysis to only these two alternatives when the Federal action is in response to an authorization from Congress. Consequently, only the No Action and Proposed Action Alternatives were analyzed.

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.¹ For the Recommended Alternative, the potential effects to the following resources are shown in Table 1:

¹ 40 CFR 1505.2(C) all practicable means to avoid and minimize environmental harm are adopted.

Table 1. Summary of Potential Effects of the Recommended Alternative

	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 considered but did not identify any potential significant effects to threatened and endangered species by the recommended expansion of watercraft inspection stations and monitoring for dreissenids and rapid response planning. In October 2020, USACE prepared a Biological Evaluation (BE) to document the potential for affecting threatened and endangered species in the states Arizona, Colorado, New Mexico, Utah, and Wyoming. The BE summarizes U.S. Fish and Wildlife Service (USFWS) information for threatened and endangered species in the UCRB. Most ESA-listed species are not located in close proximity to watercraft inspection stations or other sites where hot washes could be conducted. USACE determined that implementation of the Recommended Alternative would have no effect on ESA-listed species or their critical habitat. No further consultation with USFWS was required. The measures included in the Recommended Alternative support protecting ESA-listed species and habitats from the severe risk of aquatic invasive species. USACE also 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. Any 404 discharge not authorized by a Nationwide Permit would require Section 401 Water Quality Certification from the appropriate certifying authority according to where the discharge would occur. The proposed activities detailed in the LR/Programmatic EA are not expected to require authorization under Sections 404 or 401. 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 both Sections 404 and 401. Section 404 and Section 401 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. Wash water runoff would not be allowed to enter nearby waterbodies, rather it would be contained, collected, percolate directly into the ground, evaporate, or go into a retention basin where it would percolate into the ground. Therefore, a NPDES permit would not be needed.

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 based on USACE policy and legal review, coupled with the extended time finalizing the document, USACE deemed it necessary to conduct a second public review, beginning on April 3, 2023, and concluding on April 17, 2023. If no impacts are identified during this review process, compliance with NEPA will be achieved upon signing a 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
Director of Civil Works

Date