

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.

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 CEQE policy and legal review, coupled with the extended time finalizing the document, CEQE deemed it necessary to conduct a second public review, beginning on April 13, 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