

# ***Finding of No Significant Impact***

## **for the Middle Magma Arizona Regional Flood Control Project (RFCP) Pinal County, Arizona**

### **I. Introduction**

The Middle Magma Arizona Regional Flood Control Project (“RFCP” or “project”) has been prepared under the Authority of the Watershed Protection and Flood Prevention Act of 1954 (Public Law [PL 83-566]). This act authorizes the Natural Resources Conservation Service (NRCS) to provide technical and financial assistance to local project sponsors. The local sponsor (“Sponsor”) of the project is the Magma Flood Control District (MFCD).

An environmental assessment (Plan-EA), attached and incorporated by reference into this finding, was undertaken in conjunction with the development of the watershed plan. The assessment was conducted in cooperation with and in consultation with local, state, and tribal governments; federal agencies; and interested organizations and individuals. The Bureau of Reclamation (BOR) and Bureau of Land Management (BLM) are cooperating federal agencies, and Central Arizona Project (CAP) and Arizona State Land Department (ASLD) are major stakeholders.

Data developed during the assessment are available for public review at the following location:

U.S. Department of Agriculture  
Natural Resources Conservation Service  
230 N. First Avenue, Suite 509,  
Phoenix, Arizona 85003-1733

### **II. Recommended Action**

The proposed action or “Preferred Alternative” would occur entirely within the Middle Magma Watershed Study Area or “project area.” The project area extends from the upper extent of the Upper Magma Channel (UMC) to the upper extent of the Lower Magma Channel (LMC) and does not include the Magma Flood Retarding Structure (FRS). Flows to the Middle Magma Watershed come from the UMC and from various other sources within the boundaries of the project area itself.

The proposed action consists of a structural channelization project designed to decrease flooding and sedimentation throughout the Middle Magma Channel (MMC). Approximately 4 miles of the MMC would be channelized or rehabilitated to contain and convey the 100-year flood event. The project alignment extends from the downstream end of the UMC to the CAP Canal overchute (where the MMC passes through a concrete “chute” over the CAP Canal); across lands managed by ASLD; through the residential community of Wild Horse Estates and undeveloped private and BLM lands; and finally terminates at the Anthem at Merrill Ranch community. The MMC is fully channelized through the Anthem at Merrill Ranch community to its downstream terminus where it meets the LMC and does not require any additional attention to adequately convey floodwaters. The downstream end of the proposed alignment lies on BLM

land where an existing agricultural dike effectively contains the 100-year flood event; this BLM section would experience bank rehabilitation rather than channel construction to achieve proper conveyance. A culvert replacement under the Copper Basin Railway and new channel extending to the MMC from the railway would be engineered to relieve potential floodwaters from building up on the west side of the Wild Horse Estates and Crestfield Manor communities.

### III. Alternatives

Sixteen (16) preliminary alternative concepts were formulated based on input from the public, the project planning team, and stakeholders. A number of concepts met the initial formulation criteria but, after further consideration were not analyzed in detail as viable alternatives because they did not address the purpose and need for action, did not align with the Federal Objective and PR&G Guiding Principles, or became unreasonable because of cost, logistics, existing technology, or environmental reasons. These concepts were eliminated from consideration or combined to create complete alternatives that better address the purpose and need and align with the Federal Objective and authorized project purpose (NWPM 501.37, PR&G 6.5b), as described in the Plan-EA Section 5.2.

Many of the initial conceptual solutions were combined to address the project purpose and need, federal objective, SLO goals, and initial formulation criteria including: 1) reducing flooding of buildings, property, and the CAP Canal; 2) providing conveyance from the upstream extent of the MMC to its downstream terminus; and 3) meeting typical engineering design standards and follows Pinal County requirements. As a result of workshops and coordination with stakeholders and cooperating agencies, four (4) alternatives were chosen by USDA-NRCS and the project planning team and stakeholders for evaluation:

1. No Action Alternative (Future without Federal Investment)
2. Channelization of Middle Magma Wash with Bank Protection
3. Channelization of Middle Magma Wash without Bank Protection
4. Non-structural Elevation of Buildings

### Summary

The No Action Alternative and Alternative 2 - Channelization of Middle Magma Wash with Bank Protection (Preferred Alternative) were fully analyzed in Chapter 6 (Environmental Consequences) of the Plan-EA. Based on the evaluation presented in the Plan-EA, I have identified Alternative 2 as the agency's Preferred Alternative. I have considered that the Preferred Alternative meets the criteria listed above and is the most practical means of reducing damages to residential properties and structures from flooding and sedimentation; improving the reliability of water delivery for the CAP Canal; reducing flooding risks to major infrastructure elements such as the CAP Canal, Copper Basin Railway, and roads; mitigating flood risks and crop losses for agricultural areas along the MMC; reducing future flood mitigation costs and labor; minimizing the footprint within the floodplain and in developing areas; and providing bank protection in high-risk areas. No significant adverse environmental impacts will result from installation of the measures, it is the project sponsor's Preferred Alternative, and it has been identified as the National Economic Efficiency (NEE) Alternative.

When choosing the agency's Preferred Alternative, in accordance with CEQ's "40 Most Asked Questions" guidance on NEPA Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination." Based on the Plan-EA, potential impacts to soils, hydrology, floodplains, vegetation,

wildlife, cultural resources, land use, and human resources were heavily considered in the decision. The agency's Preferred Alternative would overall result in short- and long-term beneficial and adverse non-significant impacts (described in Section IV of this document) to the environmental and human resources potentially impacted by the Preferred Alternative.

## IV. Effects of the Recommended Action- Finding of No Significant Impact

To determine the significance of the action analyzed in this Plan-EA, the agency 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.

Upon review of the NEPA criteria for significant effects and based on the analysis in the Plan-EA, I have determined that the action to be selected, the Preferred Alternative, would not significantly affect the quality of the human environment. Therefore, preparation of an environmental impact statement on the final action is not required under Section 102(2)(c) of 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. The environmental impacts of constructing the Preferred Alternative are not significant for the following reasons:

- 1) The Plan-EA evaluated both beneficial and adverse impacts of the Preferred Alternative. The Preferred Alternative would be planned, designed, and installed to have long-term net beneficial effects on residential structures, agricultural production, infrastructure protection, and public safety. Implementation of the Preferred Alternative may result in minor, short-term and long-term, adverse effects during construction to vegetation, wildlife, floodplains, and soils along the channel. Short-term adverse effects would result from temporary activities in staging areas and access roads. Long-term adverse effects, primarily to soils and vegetation, would occur in the channel footprint. The Sponsor would work closely with partners, contractors, and affected landowners to incorporate measures to avoid and minimize short-term, adverse effects. As a result of the analysis (discussed in detail in Section 6 of the Plan-EA and incorporated by reference), the Preferred Alternative does not result in significant impacts to the human environment, particularly the significant adverse impacts which NEPA is intended to help decision-makers avoid, minimize, or mitigate.
- 2) The Preferred Alternative does not significantly affect public health or safety. The Preferred Alternative would address public health and safety concerns by reducing the risk of future flooding from impacting residential and agricultural properties and public infrastructure. The possibility of a breach of the CAP Canal and erosion along the railway and roads associated with a flood event in the MMC would be reduced.
- 3) As analyzed in Section 6 of the Plan-EA, there are no anticipated significant effects to historic or cultural resources, soils, floodplains, wetlands or riparian areas, vegetation, socioeconomic resources, land use, public health and safety, or floodplains, from selection of the Preferred Alternative. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and minimize or mitigate effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical

areas. In accordance with these requirements, avoidance, minimization or mitigation has been incorporated into Sections 6 and 8.3 of the Plan-EA. Unlike the No Action Alternative, the Preferred Alternative is expected to reduce damages to residential properties and structures from flooding and sedimentation; improve the reliability of water delivery for the CAP Canal; reduce flooding risks to major infrastructure elements such as the CAP Canal, Copper Basin Railway, and roads; mitigate flood risks and crop losses for agricultural areas along the MMC; reduce future flood mitigation costs and labor; minimize the footprint within the floodplain and in developing areas; and provide bank protection in high-risk areas.

- 4) The effects on the human environment are not considered controversial for the Preferred Alternative. There are no impacts associated with the proposed action that would be considered controversial.
- 5) The Preferred Alternative is not considered highly uncertain and does not involve unique or unknown risks.
- 6) The Preferred Alternative will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
- 7) Regarding significant adverse impacts that NEPA is intended to help decision-makers avoid, minimize, or mitigate, the Preferred Alternative does not result in significant adverse cumulative impacts to the environment as discussed in Section 6.9 of the Plan-EA. The Preferred Alternative will not cause the loss or destruction of significant or eligible cultural or historical resources, which include archaeological or built environment resources, as addressed in Section 6.5 of the Plan-EA. The State Historic Preservation Office (SHPO), Arizona State Museum, BLM, BOR, Tohono O'odham Nation, MFCD, and Pascua Yaqui Tribe concurred with a finding of "no adverse effect" for eligible cultural 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). These consultation agreements focus historic preservation reviews on resources and locations that are of special regional concern to these parties.
- 8) The Preferred Alternative will not adversely affect endangered or threatened species, or designated critical habitat, as discussed in Section 6.3 and 6.4 of the Plan-EA. NRCS informally coordinated with USFWS, and determined that there would be "no effect" to any threatened or endangered species. USFWS agreed that there is no suitable or designated or proposed critical habitat present for any threatened or endangered plant or wildlife species. As a result, a concurrence letter or biological opinion was not required or issued.
- 9) The Preferred Alternative does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 8.4 of the Plan-EA and within this document. The major laws identified with the selection of the Preferred Alternative include the Clean Water Act, Endangered Species Act, National Historic Preservation Act, Bald and Golden Eagle Protection Act, and Migratory Bird Treaty Act. The Preferred Alternative is consistent with the requirements of these laws.

## V. Consultation - Public Participation

The scoping process followed the general procedures contained in the National Watershed Program

Handbook and Manual (NRCS 2014, 2015). Both NRCS procedures and NEPA regulations (40 CFR 1500-1508) require that the NRCS pursue public scoping early in the planning process to identify issues, concerns, and potential impacts that require detailed analysis. Federal, state, and local agencies and representatives, as well as Tribal representatives and non-governmental organizations (NGOs), received an invitation to the early scoping phase of the Plan-EA.

A scoping notice announcing the scoping period and the public scoping meeting were placed in the Coolidge Examiner and Florence Reminder, two newspapers of general circulation for the project area. The 30-day formal scoping period for this project began on February 10, 2021, and ended on March 10, 2021. Approximately 3,782 post cards were mailed to the general public in the project area inviting them to participate in the scoping process and submit comments during the public meeting, via email, through the project website, or via U.S. Postal Mail.

A scoping meeting was held virtually on February 22, 2021, via Zoom from 5:00 PM to 6:00 PM Arizona/Mountain Standard Time. The meeting began with a presentation about the project (posted on the project's website: <https://www.middlemagmarfcp.com/>), the purpose and need, flooding issues in the project area, and the NRCS Watershed Planning Process. The meeting then progressed into an open-house format with members of the project planning team available to provide information regarding the purpose and need for the project, flooding issues in the project area, the NEPA process, potential solutions, how to get involved, and the project schedule.

Tribal consultation was initiated in December 2020 and has been conducted in accordance with the National Historic Preservation Act (NHPA) of 1966 and Executive Order (E.O.) 13175, Consultation and Coordination with Indian Tribal Governments, to maintain the NRCS' Government-to-Government relationship. Letters or emails were sent on April 4, 2022 for a 30-day consultation review period for the survey report to the Arizona SHPO and Native American Tribes with ancestrally affiliated lands located within the project area.

The Draft Plan-EA was published on the project website (<https://www.middlemagmarfcp.com/>) and transmitted to participating and interested agencies, groups, and individuals for review and comment during a 45-day comment period from July 21 to September 8, 2023. A notice announcing the availability of the Draft Plan-EA and public meeting was placed in both the Casa Grande Dispatch and the Pinal Central Dispatch, two newspapers of general circulation for the project area. More than 4,337 post cards were mailed to the general public in the project area inviting them to participate in the Draft Plan-EA review process and submit comments during the public meeting, via email, through the project website, or via U.S. Postal Mail. The project Sponsor also sent notification emails of the public review period to interested stakeholders and agencies in the region.

A virtual public meeting was held on August 10, 2023 from 5:30 PM to 7:00 PM Arizona/Mountain Standard Time over Zoom Webinar to obtain public input for the Draft Plan-EA. The public meeting began with a presentation about the project, the project's purpose and need, flooding issues in the project area, the NRCS Watershed Planning Process, the alternative development and selection process, and an overview of the Agency's Preferred Alternative. The meeting then progressed into an open-house format with members of the project planning team available to provide information about the Preferred Alternative to the members of the public in attendance. Six (6) members of the public and eight (8) local or Federal agency representatives attended the public meeting.

Comments on the Draft Plan-EA were accepted by email to [planning@MiddleMagmaRFCP.com](mailto:planning@MiddleMagmaRFCP.com), online via

website form submission at <https://www.middlemagmarfcp.com/>, and by mail to PO Box 30190, Flagstaff, AZ 86003. During the 45-day review period, eighteen (18) individual pieces of correspondence were received. These comments were provided by sixteen (16) private individuals (one person submitted multiple correspondences) and one (1) governmental office.

Within the eighteen (18) correspondences, thirty-nine (39) individual or unique comments were identified. Of those 39 comments, approximately twenty-four (24) were considered to be substantive. The project planning team reached out with answers or responses to many of the comments that were received during the public review period. Additionally, the project planning team prepared a fact sheet to directly address some of the misinformation that was circulating about this project. NRCS has reviewed all public comments and has made changes, as appropriate, to this final Plan-EA document based on those comments and internal review. Each comment received consideration and was important to help finalize the Plan-EA.

## VI. Conclusion

Alternative 2 - Channelization of Middle Magma Wash with Bank Protection has been selected by NRCS and the Sponsor as the Preferred Alternative for implementation based on best meeting the purpose and need while maximizing net economic benefits. The Plan-EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the Preferred Alternative. The decision on which alternative is to be implemented, and the significance of that alternative's impacts, are summarized in Section 6 of the Plan-EA (the Effects of the Recommended Action). Based upon a review of the Plan-EA and supporting documents, the Preferred Alternative is not a major federal action significantly affecting the quality of the human environment.

I have determined that implementing the Preferred Alternative will not significantly affect the quality of the human and/or natural environment, individually or cumulatively with other actions in the area. No environmental effects meet the definition of significance, in context or intensity, as defined at 40 CFR 1508.27. Therefore, an environmental impact statement is not required for the Project. This finding is based on the consideration of the context and intensity of impacts as summarized in the Plan-EA. With these findings, NRCS therefore has decided to implement the Preferred Alternative.

*USDA-NATURAL RESOURCES CONSERVATION SERVICE*

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Date