

RECLAMATION

Managing Water in the West

Idaho Irrigation District Lands Inclusion/Exclusion

DRAFT Environmental Assessment

**Minidoka Project
Pacific Northwest Region**

April 2006

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

CHAPTER ONE – Purpose and Need

PURPOSE AND NEED

The Bureau of Reclamation (Reclamation) proposes to amend Idaho Irrigation District's (Idaho ID) water service contract to permit the district to include 2313 acres currently outside its boundaries and not receiving district water. (Attachment A) This action would increase the Idaho ID's assessed acreage to that permitted by their contract. Idaho ID has lost approximately 2000 acres to urban development, therefore the ID is proposing to exclude the acres lost to development and replace them by including 2313 acres of adjacent agricultural lands.

INTRODUCTION

This draft environmental assessment evaluates potential consequences to the human environment caused by amending the current water service contracts between Reclamation and Idaho ID to allow Idaho ID to provide irrigation water to approximately 2313 acres of mostly unirrigated farm ground outside its current boundaries. In addition to the inclusion of 2313 acres into the Idaho ID, 2000 acres will be excluded from the district. (Attachment A) This type of action is becoming more common in and around western cities where agricultural lands are being converted to urban developments.

BACKGROUND

Idaho Irrigation District is one of the earliest organized irrigation districts in the State of Idaho. Articles of Incorporation for the Idaho Canal Company were drafted and signed on August 2, 1889. The corporation was formed to construct and own canals, acquire water rights, and divert water from the Snake River for the purpose of agriculture, manufacturing, and mining.

Idaho ID lies along the Snake River in Bonneville and Bingham Counties adjacent to the City of Idaho Falls, Idaho. The district serves approximately 1,500 farm units and delivers irrigation water to some 33,589 acres, about 2400 acres less than permitted by their water service contract with Reclamation. The water service contract provides the district with storage rights in Jackson Lake, Palisades Reservoir, and American Falls Reservoir. The district also has substantial natural flow rights on the Snake River and Willow Creek.

Idaho ID's assessed lands include agricultural and urban lands. Recent conversion of irrigated crop lands to urban developments has caused approximately 2000 acres to be excluded from the lands assessed by the district. In general, patrons are assessed for water based on the districts operation and maintenance costs. With the exclusion of 2000 assessed acres the cost to the districts patrons has risen by about ten percent.

The lands that are proposed for inclusion consist of 2313 acres of mostly non-irrigated farm ground adjacent to Idaho ID's eastern boundary. The acreage was not eligible for Reclamation storage water in the past as the slope of the land did not allow for flood irrigation. The land presently grows small grains yielding 20 to 30 bushels per acre. Under sprinkler irrigation the yields will likely go up to 90 to 125 bushels and potatoes and other crops requiring irrigation could be grown.

Farming practices will change if irrigation water becomes available for this land. Tillage practices will remain essentially the same, but will be more aggressive due to increased vegetative matter and additional fertilizer will be required to deal with the higher yields.

REGULATORY COMPLIANCE

Various laws and executive orders apply to the proposed action. A summary of the major ones are detailed below.

National Environmental Policy Act - Under the National Environmental Policy Act (NEPA), Reclamation is responsible for determining if the Proposed Action might have significant effects to the environment. If Reclamation, based upon the analysis presented in the Environmental Assessment (EA), determines that effects would not be significant, a Finding of No Significant Impact (FONSI) will be prepared.

Endangered Species Act - The Endangered Species Act (ESA) requires all Federal agencies to ensure that their actions do not jeopardize the continued existence of listed species or adversely modify designated critical habitat. As part of the Section 7 process under the ESA, an agency must request a list of listed species from the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS); the latter is responsible for listed species inhabiting the oceans and anadromous fish. From the list, the agency, in this case Reclamation, must evaluate impacts to listed species. Consultation is required if impacts to a listed species may occur.

National Historic Preservation Act - Section 106 of the National Historic Preservation Act (NHPA), as amended in 1992, requires that Federal agencies complete inventories and site evaluation actions to identify historic properties within the project impact area that may be eligible to the National Register of Historic Places (National Register). Historic properties include archeological sites, traditional cultural properties (TCP=s), and buildings or structures of architectural, engineering, or historical associative merit. If National Register eligible historic properties will be adversely affected by the undertaking, then mitigative treatments must be completed. Regulations entitled Protection of Historic Properties (36 CFR 800) define the process for implementing requirements of Section 106, including determining site eligibility, project affect, and mitigative treatments in consultation with the appropriate State Historic Preservation Office (SHPO), interested or affected Indian tribes, other interested or affected parties, and the Advisory Council on Historic Preservation.

Executive Order 13007, Indian Sacred Sites - Federal agencies are required, to the extent practicable, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of

such sites. Executive Order 13007 defines Indian sacred sites as Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion. The agency is responsible for accommodating access to or seeking to avoid damaging sacred sites only when the tribe or appropriately authoritative representative has informed the agency of the existence of such a site.

Executive Order 12898, Environmental Justice - Environmental justice means the fair treatment of people of all races, income, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of negative environmental impacts resulting from the execution of an agency's proposed project or policy. Executive Order 12898 (dated February 11, 1994) provides that each Federal agency, to the greatest extent practicable and permitted by law, make achieving environmental justice part of its mission by addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority populations and low income populations.

Secretarial Order 3175, Indian Trust Assets - This order requires that agencies fully consider the affects of their plans, projects, or programs on Indian Trust Assets and that these affect be explicitly addressed in the planning, decision, operational, and environmental documents. The documents should clearly state the rationale for recommended decision and explain how the decision will be consistent with the Departments trust responsibilities. Agencies are required to consult with the recognized tribal government with jurisdiction over the trust property that the proposal may affect, the Bureau of Indian Affairs, and the Office of the Solicitor, if necessary. All consultations with the tribal governments are to be open and candid so that all interested parties may evaluate for themselves the potential affect of the proposal on trust resources.

Clean Water Act - The purpose of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's water. This is accomplished through a system on water quality standards, discharge limitations, and permits. If an activity would potentially affect a water body then a National Pollutant Discharge Elimination System (NPDES) permit (402 permit) is required. This program is generally administered by the States.

SCOPING OF ISSUES

Due to the nature of the above-described project, scoping was limited to meeting with Idaho ID. Given that the nature of the proposed action is limited to the re-location of an administrative boundary, and will not result in any changes to the lands identified for inclusion, it was determined that meeting with Idaho Department of Water Resources (IDWR) and Idaho ID was adequate for the

issues scoping process.

SIMILAR AND/OR RELATED ACTIONS

Similar but unrelated actions have recently occurred. Progressive Irrigation District annexed slightly less than 500 acres in close proximity to the proposed action. Progressive also merged with Poplar Irrigation District taking over Poplar's water service contract and all administrative duties of the smaller district. Environmental compliance for both these contract modifications was covered with categorical exclusions.

An environmental assessment was prepared for a contract modification that permitted Oregon's Owyhee Irrigation District to use Owyhee Project water on land not included in the water service contract. The total acreage covered by the modification was 1661 acres. This land was irrigated and cropped prior to the modification.

CHAPTER TWO – Description of Alternatives

This chapter describes the alternatives that are analyzed in this document. Only two alternatives are considered here, no-action and proposed action; contract modification to include 2313 acres into the districts service area. The only other alternative would be to permit less acreage. However, the impacts of the proposed action are related to the amount of acreage converted from dry-land to irrigated cropland and therefore analysis of the larger acreage necessarily includes any and all impacts associated with smaller acreages.

NO ACTION

This alternative maintains the status quo. The water service contract between Reclamation and the district would not be modified to permit inclusion of the additional acreage. The 2313 acres would continue to be farmed without project irrigation water. The assessed acreage would remain at approximately 33,589 acres. The operating and maintenance costs the districts infrastructure that is designed to provide water to about 36,000 acres would be paid for by 33,589 acres.

CONTRACT MODIFICATION

Modification of the current water service contract would allow the district to alter the federally recognized district boundaries to include the 2313 acres. The district

would provide irrigation water to the land from its storage water allocation by pumping the water from existing canals. The tillage practices and fertilizer rates would change to contend with the increase of vegetative matter and higher yields. The district assessment for operations and maintenance would be spread over 35,902 acres thereby reducing the assessment rate per acre.

CHAPTER THREE – Affected Environment and Environmental Consequences

This chapter describes the social, physical, and biological aspects of the existing environment and presents an analysis of the effects of the alternatives on the environment. All resources that could be affected by the alternatives are presented and impacts are described as to significances and affect. Resources that are obviously not affected by the alternatives are not included in the analysis. These include climate, soils, geology, mineral resources, noise, topography, esthetics, social well-being, energy requirements, and hazardous materials.

The affected environment described here consists the 2313 acres and immediate surrounding area, water supply, district lands, infrastructure, and socioeconomics of the service area.

Cumulative effects of the alternatives, as related to each resource, are described and analyzed. Cumulative effects are described as “impact on the environment which results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions.” (Council on Environmental Quality)

HYDROLOGY AND WATER SUPPLY

Affected Environment

The District has combined storage rights for 107,612 acre-feet in Jackson Lake, Palisades Reservoir, and American Falls Reservoir and natural flow rights totaling 1430 cfs. Supply for the irrigation system is diverted from the main Snake River approximately 15 miles below the confluence of the North and South Forks, approximately 8 miles north of the City of Idaho Falls and from Sand Creek. The average annual diversion rate ranges from approximately 230,000 acre-feet to 310,000 acre-feet. The range of diversion rates is equivalent to 6.41 to 8.65 acre-feet per acre. Water available from storage only is equivalent to approximately 3 acre-feet per acre. Drainage flows from the District are returned to the Blackfoot River and Sand Creek.

Environmental Consequences

No-Action Alternative: Under the no-action alternative, the hydrology and water

supply of the Idaho ID would continue to exist in its current state. No changes are anticipated.

Proposed Action: Under the proposed action, irrigation water would be applied to the 2313 acres identified for inclusion into the Idaho ID. It is anticipated that this inclusion would result in no net change to the hydrology of the Snake River, Blackfoot River, Sand Creek, or the Eastern Snake River Plain Aquifer. In addition, this inclusion would result in no changes to the current water supply scenario.

Cumulative Impacts

No cumulative impacts are anticipated.

WATER QUALITY

Affected Environment

There are no water quality limitations on the agricultural use of irrigation water diverted from the Snake River. Water quality data is not available for the district's Snake River or Sand Creek diversions, but Idaho Department of Agricultural has collected recent data from two test wells in the vicinity of the subject land.

IDAHO STATE DEPARTMENT OF GROUND WATER MONITORING PROGRAM

A SUMMARY OF REGIONAL PROJECT 840, INCLUDING EASTERN SNAKE PLAIN

Inorganics

ISDA Well ID	Township	Range	Section					
8405101	2 N	39 E	7					
SampleDate	Nitrate	Nitrite	OrthoP	Chloride	Sulfate	Ammonia	Bromide	Fluoride
	<i>mg/L*</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>
10/14/1998	1.9	ND	ND	24	38	ND	ND	0.17
8/23/1999	2.8	ND	ND	24	36	ND	ND	0.183
7/26/2000	1.8	ND	ND	23	36	ND	ND	0.21
7/17/2001	1.70	ND	BDL	24.00	35.00	BDL	ND	0.19
7/15/2002	1.500	ND	BDL	26.00	35.00	BDL	ND	0.16

Results reported higher than the noted detection limit signifies a positive detection. All constituents listed without detection limits are reported as actual detections. For results reported below the detection limit, these indicate non-detectable levels.

ISDA Well ID	Township	Range	Section					
8405201	2 N	38 E	24					
SampleDate	Nitrate	Nitrite	OrthoP	Chloride	Sulfate	Ammonia	Bromide	Fluoride
	<i>mg/L*</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>	<i>mg/L</i>
10/14/1998	3.7	ND	ND	23	39	ND	ND	0.21
7/27/2000	6.2	ND	ND	25	44	ND	ND	0.27
7/24/2001	3.20	ND	BDL	18.00	45.00	BDL	ND	0.31

irrigation sprinkler system will result in little to no runoff and little to no water reaching the aquifer.

Cumulative Impacts

No cumulative impacts are anticipated.

FISH, WILDLIFE AND VEGETATION

Affected Environment

The area affected by this proposal consists solely of the 2313 acres to be converted to project water. This land is currently dry farmed with small grains and has little wildlife value except for small mammals and the predators that prey on them. Common species include western harvest mouse, pocket gopher, deer mouse, striped skunk, and predators such as coyotes and red fox. Deer occasionally occur and in very severe winters elk can stray from normal winter habitat seeking forage and milder weather conditions.

Bird species consist mainly of western meadow lark, American robin, horned lark, sparrow species, magpies, ravens, and various raptors. There are no surface water bodies so any waterfowl that occur in the area are transients. Similarly there is no amphibian or fishery habitat in the affected area. Reptiles, racers and gopher snakes) may occur in the fields during the growing season and feed on small rodents or insects.

Environmental Consequences

No – Action Alternative: Under this action the land would likely remain as a dry land farm and wildlife species and use would not change.

Proposed Action: A modification of the current water service contract would allow the 2313 acres to be irrigated increasing production of vegetative material. This increase may provide additional cover and food for small rodents and therefore additional prey for predators, however this possible increase is not considered significant in relation to the existing 1,000,000 acres of similar irrigated acreage in the region.

Cumulative Impacts

The contract modification and subsequent irrigation of the 2313 acres of mostly dry land farm ground would not have a measurable detrimental or beneficial effect on fish or wildlife.

THREATENED AND ENDANGERED SPECIES

Affected Environment

No threatened, endanger, or proposed for listing species exist in the action area. Further, no habitat exists in the action area that would be suitable for ESA listed species occurring in southeastern Idaho. The only possible occurrence would be the bald eagle (*Haliaeetus leucocephalus*). This bird nests and winters along the Snake River where suitable nest and forage habitat occur. The acreage proposed to receive project water does not provide habitat that the eagle requires for its existence.

Environmental Consequences

No-Action Alternative: This alternative is not currently having an adverse effect on the bald eagle and will likely continue to have no effect.

Proposed Action: The proposed change in cropping practices will have no effect on the bald eagle.

Cumulative Impacts

There are no cumulative effects caused by the proposed action.

RECREATION

Affected Environment

The only recreation that may take place of the 2313 acres would probably be upland game bird (pheasant and dove) and small game hunting. As this is all private land, hunting is permitted only with the permission of the land owner.

Environmental Consequences

No-Action Alternative: There would be no change in the land management practices if this area continues to be dry land farmed and therefore there will be no adverse impact.

Proposed Action: Modification of the water service to allow the 2313 acres to be irrigated should not alter the recreation that could occur on this land. The increase in vegetation production may provide better short term habitat for small game and therefore a possible increase in hunter success.

Cumulative Impacts

The proposed action, when combined with similar actions in the area, would not have an adverse cumulative effect on recreation as there would be no change in access management of the land.

SOCIOECONIMICS

This section describes the general features of the economy that could be affected by the proposed action. The primary measures by which socioeconomics are identified include changes to the population, employment, and income associated with the proposed action when compared to the no action alternative.

Affected Environment

The district is located adjacent to the Snake River and surrounds Idaho Falls. The 2000 U. S. Census figures revealed a total population of Idaho Falls to be 50,730, while Ammon, to the south of the subject acreage, grew to 6,187 and Iona to the north had a population 1209. Bonneville County had an overall growth of 14.3%. Only half of the people surveyed lived in the same home they occupied in 1995. 92% of the population, in the immediate area, is white and the largest subpopulation is Hispanic. Eighty-three percent of Ammon City residents live as family households. One half of the homes have a parent with a high school diploma or some college experience.

The labor force consists of about thirty-six percent professionals and another third involved in sales or office work. Idaho Commerce and Labor reports that the 2003 agricultural labor force for the county was approximately 11,000 and the average wage was approximately \$22,400. The median family income in Idaho Falls is \$47,431. Ammon families average \$51,544. Just over 3% of families in Ammon are in poverty. County wide 7.4% of families live in poverty.

The table below displays the 2002 farm data for Bonneville. Interpretation of the table indicates that there are 214,851 acres of cropped land of which 141,823 acres are irrigated in the county. This leaves a remainder of 73,028 acres that are dry land cropped. Also there are 690 individual irrigated farms and 73 dry land farms.

Idaho ID's assessed lands include agricultural and urban lands. Recent conversion of irrigated crop lands to urban developments has caused approximately 2000 acres to be excluded from the lands assessed by the district. In general, patrons are assessed for water based on the districts operation and maintenance costs. With the exclusion of 2000 assessed acres the cost to the districts patrons has risen by about ten percent.

County Summary Highlights: 2002 2002 CENSUS OF
 AGRICULTURE - COUNTY DATA USDA, National Agricultural Statistics Service Item

Bonneville

	963
Farms number	477,784
Land in farms acres	
	763
Total cropland farms	333,097
.....acres	520
Harvested cropland farms	214,851
.....acres	690
Irrigated land farms	141,823
.....acres	119,139
Market value of agricultural products sold (see text) 1,000	123,717
Average per farm dollars	89,478
Crops \$1,000	29,662
Selected crops harvested:	-
Corn for grain farms	-
.....acres	-
.....bushels	14
Corn for silage or greenchop farms	2,387
.....acres	63,126
.....tons	101
Wheat for grain, All	83,296
farms	3,436,018
.....acres	40
.....bushels	
Winter wheat for grain farms	
.....acres	
.....bushels	86
Spring wheat for grain farms	48,036
.....acres	2,231,857
.....bushels	1
Durum wheat for grain farms	
.....acres	
.....bushels	12
Oats for grain farms	576
.....acres	35,512
.....bushels	153
Barley for grain farms	62,636
.....acres	5,387,176
.....bushels	47
Potatoes farms	29,436
.....acres	9,320,020
.....cwt	
Forage - land used for all hay and all haylage, grass silage, and greenchop farms	411
.....acres	36,510
.....tons, dry	125,592
.....acres	3
Vegetables harvested for sale (see text) farms	
.....acres	12
Land in orchards farms	29
.....acres	

Environmental Consequences

No Action: Continuation of this action would have no effect on socioeconomics. The current social make-up of the county and economic situation would remain the same.

Proposed Action: Implementation of this action would increase the amount of irrigated agricultural land in Bonneville County by 1.26 per cent and within the district by approximately 5 per cent. This action is not likely to change the social make-up of the county nor will it make a significant difference in the economics of the county.

The inclusion of the 2313 acres will result in lower assessments for water, based on the districts operation and maintenance costs.

Cumulative Impacts

No cumulative impacts are anticipated.

ENVIRONMENTAL JUSTICE

Environmental Justice analysis examines disproportionately high or adverse impacts to minority and low-income populations resulting in the implementation of the proposed action. Minority and low-income populations are defined as:

Minority Populations: Persons of Hispanic origin of any race, Blacks, American Indians, Eskimos, Aleuts, or Pacific Islanders.

Low-Income Populations: Persons living below the poverty level, based on a total annual income of \$12,674 for a family of four as reported in the 1990 census.

Environmental Justice concerns are measured using census data. Information contained in 2000 Census of Populations (U.S. Bureau of the Census 2000) was used to identify these populations. Although these census data are more than 4 years old, there are no indications that regional trends have significantly changed.

Affected Environment

The region of comparison for the District is located within census tracts ID16019 – 9701 thru 9715. In 2000, minority populations represented about 8 percent of the total Bonneville County population, significantly lower than the U.S. minority population of about 20 percent (U.S. Bureau of the Census 2000). Low-income families in 2000, represented approximately 11 percent of Bonneville County's total population compared to 11.8 percent for all of Idaho.

Environmental Consequences

No Action: The No-Action Alternative would not change the current

environmental justice situation in the District. No aspects of District operation would disproportionately affect minority or low-income populations.

Proposed Action: Contract modification to include the 2313 acres into the district and provide irrigation water to the acreage would not have a significant adverse impact on any resources; therefore, it would not disproportionately adversely affect minority or low-income populations.

Cumulative Impacts

The proposed action, when combined with similar actions in the region would not have an adverse impact on any resources; therefore it would not disproportionately affect minority or low-income populations.

CULTURAL RESOURCES AND SACRED SITES

Affected Environment

The prehistory of southern Idaho spans nearly 15,000 years. Three prehistoric periods have been identified for this region: Early: 15,000 -7,500 years before present (B.P.); Middle 7,400-1,300 B.P.; and Late: 1,300-150 B.P. A diagnostic characteristic of the early period is the use of large, stone lanceolate points for use on throwing or thrusting spears for large game. The middle period is identified by large, notched points for darts for atlatls or throwing sticks. By the late period, the bow and arrow makes its appearance, using small corner and side notched points. Pottery also makes its appearance in the late period.

Over time there was a shift from high mobility, exploiting a broad range of resources to reduced mobility and intensified procurement and processing of certain highly productive resources, e.g., camas. After about 10,000 years ago, climatic warming and megafaunal extinctions correspond with changing technologies and subsistence strategies. Earth ovens, milling equipment, and storage features suggest increasing reliance on plant foods. After about A.D. 1700, horses and firearms make their appearance and stone arrow points are replaced by metal points.

The Shoshone and Bannock people were the aboriginal occupants of eastern Idaho. Many other groups used the area, including the Nez Perce, Flathead, Northern Paiute, Crow, and Blackfeet. The Shoshone and Bannock relied on a wide variety of resources, such as roots (esp. camas) groundhog, rabbits, insects, large game, and fish. Hunting was important, especially bison, which were abundant in the area until about 1840. After about 1750, the horse was used extensively. Indian relationships with Euroamericans deteriorated with an increase of emigrants and settlers in the mid and late 1800's. Treaties with the U.S. Government in 1863 and the establishment of the Fort Hall Reservation in 1867 confined the Shoshone-Bannock and opened the area for Euroamerican

settlement.

The first non-Indians in the area were Missouri Fur Company trappers led by Andrew Henry who came into the upper Snake Drainage in 1810. The major east-west travel route of Euroamerican explorers passed south of Idaho Falls at Fort Hall and later became the Oregon Trail. Pioneer settlement of the upper Snake River country was initiated by single families or family groups, mainly associated with northward expansion of Mormon communities out of Utah. Agriculture has been the primary industry of settlers in the area. Irrigation systems were of major importance - - small-scale efforts by Mormons and large-scale Reclamation programs such as the Minidoka Project with reservoirs for water storage, flood control, and power. Roads, ferries, bridges, and railroads were available by the early 1900's, as more settlers entered the area.

Environmental Consequences

No archaeological, historical, paleontological or cultural resources are known to exist in the action area, therefore it is anticipated the no-action and action alternatives will have no impacts on these resources.

Cumulative Impacts

No cumulative impacts are anticipated.

INDIAN TRUST ASSETS

Affected Environment

Indian Trust Assets, (ITA=s) are legal interests in property held in trust by the United States for Indian tribes or individuals. The Secretary of the Interior, acting as the trustee, holds many assets in trust for Indian tribes or Indian individuals. Examples of things that maybe trust assets are lands, minerals, hunting and fishing rights and water rights. While most ITA=s are on-reservation, they may also be found off-reservation.

The United States has an Indian trust responsibility to protect and maintain rights reserved by or granted to Indian tribes or Indian individuals by treaties, statues, and executive orders. These are sometimes further interpreted through court decisions and regulations.

Shoshone-Bannock Tribes

The Shoshone-Bannock Tribes, a federally recognized Tribe, located at the Fort Hall Indian Reservation in southeastern Idaho have trust assets both on-reservation and off-reservation. The Fort Bridger Treaty was signed and agreed to by the Bannock and Shoshone headman on July 3, 1868. The treaty states in Article 4, that members of the Shoshone-Bannock Tribe@...shall have the right to hunt on the unoccupied lands of the United States...@

The Tribes believe their right extends to the right to fish. The Fort Bridger Treaty for the Shoshone-Bannock has been interpreted in the case of State of Idaho v. Tinno, an off-reservation fishing case in Idaho. The Idaho Supreme Court determined that the Shoshone word for Ahunt@ also included to Afish.@ Under Tinno, the Court affirmed the Tribal Members= right to take fish off-reservation pursuant to the Fort Bridger Treaty (Shoshone-Bannock tribes, 1994).

The 1990 Fort Hall Indian Water Rights Agreement involved claims the United States made on behalf of the Shoshone-Bannock Tribes of the Fort Hall Reservation in the SRBA for water rights in the upper Snake River basin and its tributaries. The agreement is between the Shoshone-Bannock Tribes, the State of Idaho, the United States, and certain Idaho water users. In the Fort Hall Indian Water Rights Settlement Act of 1990 the Agreement was ratified. The purpose of the settlement was to achieve a fair, equitable, and final settlement of all claims of the Shoshone-Bannock Tribes, its members, and its allottees to water rights in the Upper Snake River Basin.

The SRBA district judge signed a partial final consent decree in 1995. In general, the agreement accomplished these tasks:

- Revised the date of natural flow rights of the Shoshone-Bannock Tribes to become the earliest date on the Snake River
- Retained the storage space of the Shoshone-Bannock Tribes
- Allowed other water users to join Mitigation, Inc., an entity that represents the water users and to be compensated for losses sustained by the changes in water right priority dates
- Contracted to Mitigation, Inc., the formerly uncontracted space in Ririe and Palisades Reservoirs without a requirement to repay the associated construction costs.

The Northwestern Band of the Shoshone Indians

The Northwestern Band of the Shoshone Indians, a federally recognized Tribe, without a reservation possess treaty protected hunting and fishing rights which may be exercised on unoccupied lands within the area acquired by the United States pursuant to the 1868 Treaty of Fort Bridger. No opinion is expressed as to which areas maybe regarded as Aunoccupied lands.@

Environmental Consequences

No Action Alternative - Under this action the Shoshone-Bannock Tribes' do not hold the right to hunt or fish since the land considered is privately owned. The Tribes receive water according to the Fort Hall Indian Water Rights Settlement Act of 1990.

The Northwestern Band of the Shoshone Nation do not hold the right to hunt or fish since the land considered in the proposal is privately owned. This Tribe does not hold a reservation and have not established any water rights in Idaho under the Snake River Basin Adjudication process.

Proposed Action - A modification of the current water service contract would not affect the Shoshone-Bannock Tribes' rights to hunt or fish off-reservation since the land considered in the proposal is privately owned. The Tribes would receive water according to the Fort Hall Indian Water Rights Settlement Act of 1990 as in the No Action Alternative.

Under this action the Northwestern Band of the Shoshone Nation right to hunt or fish would not apply since the land considered in the proposal is privately owned. This Tribe does not have a reservation and have not established any water rights in Idaho under the Snake River Basin Adjudication process.

Cumulative Impacts

The contract modification and subsequent irrigation of the 2313 acres of mostly dry land farm ground would not have a measurable detrimental effect to fulfilling the terms of the Fort Hall Indian Water Rights Settlement Act of 1990.

CHAPTER 4 – Consultation and Coordination

Reclamation has coordinated and/or consulted with the State of Idaho, irrigation districts and other stakeholders regarding the proposed action through a variety of means including meetings and letters. Reclamation consulted with stakeholders throughout the process to gather valuable input and to meet regulatory requirements.

The evaluation of endangered species contained in this EA serves as Reclamation's Biological Assessment as required under the ESA. It evaluates impacts on listed species (Chapter 3). Reclamation has determined that the Preferred Alternative will have no effect on Bald Eagles and is therefore not required to formally consult with the FWS regarding this species.

State Agencies

Coordination with the following State of Idaho agencies regarding the proposed action has taken place:

- Idaho Department of Water Resources

- Idaho Department of Fish and Game

Federal Agencies

Due to the nature of the proposed action, it was determined that no federal coordination was necessary, therefore no federal coordination was conducted.

Tribal Governments

The National Historic Preservation Act of 1966 (NHPA) (as amended through 1992) required agencies to consult with Indian Tribes if a proposed Federal action may affect properties to which the Tribes attach religious or cultural significance. Since no Federal properties, lands or Indian Trust Assets are involved in this Federal action, formal consultation with local Tribal Governments was not conducted.

Public Notice

The Idaho Irrigation District board published a notice of filings of the petitions to have new lands annexed to the existing irrigation district. The notice of filings of the petitions was published for three weeks in the Post Register in Idaho Falls. A 90-day period for presentation of an election petition was adhered to for the purpose of soliciting public opinion. No comments were received. The Board of Directors deemed it for the best interest of the district to include the lands mentioned in the petitions into the district.