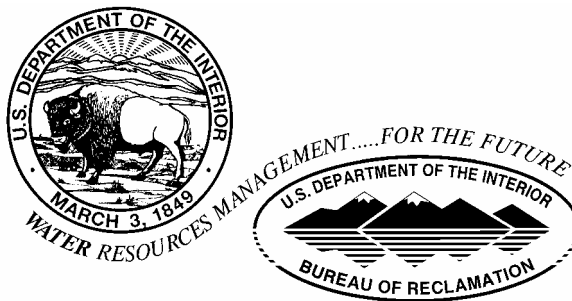


FINDING OF NO SIGNIFICANT IMPACT AND FINAL ENVIRONMENTAL ASSESSMENT

Lucky Peak Water Service Contracts Renewal or Conversion



United States Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
Snake River Area Office
Boise, Idaho

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U.S. Department of the Interior
Mission Statement

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.

Bureau of Reclamation
Mission Statement

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.

FINDING OF NO SIGNIFICANT IMPACT

LUCKY PEAK WATER SERVICE CONTRACTS RENEWAL OR CONVERSION

Boise Project, Idaho

PN-FONSI 04-05

Introduction

The Bureau of Reclamation (Reclamation) is proposing to convert water service contracts held in Lucky Peak Reservoir to repayment contracts. Out of a total reservoir storage capacity of 293,100 acre-feet, approximately 71,000 acre-feet of water is allocated to 18 irrigation and water organizations in the Boise Valley (hereinafter referred to as contractors) under 19 water service contracts. The original contracts were executed between 1965 and 1968 and each remains in effect for a period of 40 years.

We propose that all of the water service contracts would be converted to repayment contracts written pursuant to subsection 9(d) of the Reclamation Project Act of August 4, 1939, for the use of up to 71,018 acre-feet of storage space, with the understanding the contractors would still have the right to request renewal, as opposed to entering into a repayment contract, if they so choose.

Reclamation is bound by both Federal statute and renewal clauses in the existing water service contracts to renew Lucky Peak water service contracts or convert them to repayment contracts if requested by the contractors. Specifically, the Act of July 2, 1956, provides that all water service contracts entered into after 1956 include provisions for renewal or conversion to repayment contracts “under stated terms and conditions mutually agreeable to the parties.” See 43 U.S.C. Sec. 485h-1. Further, the Act provides that contractors “shall have a first right (to which the rights of the holders of any other type of irrigation water contract shall be subordinate) to a stated share or quantity of the project’s available water supply for beneficial use on the irrigable lands within the boundaries of, or owned by, the party.”

On December 22, 2003, in accordance with the National Environmental Policy Act (NEPA), Reclamation distributed for public review and comment, a Draft Environmental Assessment (EA) analyzing the environmental effects of the proposed contract actions.

The Draft EA analyzed two action alternatives: the Preferred Alternative which would convert all water service contracts to repayment contracts for the same amount of storage currently held; and an alternative based on highest historic annual delivery of Lucky Peak storage to each contractor, which would reduce the total amount under contract by 6,405 acre-feet.

Since Reclamation must renew the contracts if requested, the No Action alternative presented in the Final EA is a continuation of the existing situation by renewal of the Lucky Peak water service contracts with no substantial change in contract terms. This is in accordance with Council on Environmental Quality (CEQ) guidance for implementing NEPA. CEQ made this same recommendation for the no action alternative for a similar contract renewal in the Central Valley Project of California (Federal Register 54:28477) concerning Reclamation's intent to renew long-term water contracts for the Orange Cove and other Friant Unit irrigation districts. The renewal provisions in the Lucky Peak water service contracts are identical to those in the Friant Unit.

Proposed Action

Reclamation proposes to implement the Preferred Alternative as described in the Final EA. Under the Preferred Alternative Reclamation would convert the existing water service contracts to repayment contracts for the amount of storage requested by the contractors, not to exceed the original contract amount, under mutually agreeable terms and conditions. Since all contractors have requested conversion for the same amount of storage under their current water service contracts, the total amount of storage that would be under contract would remain 71,018 acre-feet.

Analysis in the Final EA (pages 24-25) indicates the contractors will continue to provide irrigation water to farmland and developed urban areas into the future. This continued need along with multiple drought year protection shows the contractors have a reasonable ability to beneficially use the currently contracted amount of storage in the future.

The repayment contracts would contain assignment provisions similar to the existing water service contracts that would allow for contractors to assign all or part of their contract entitlement to another entity for irrigation use, subject to Reclamation's approval. Approval of assignments would be subject to compliance with NEPA, the Endangered Species Act (ESA), and other applicable laws and processes.

Public Involvement, Consultation, and Coordination

Reclamation issued a scoping document soliciting comments from agencies, Tribes, organizations and the general public on July 10, 2002. Reclamation received input from

12 agencies and organizations which was used to develop the issues, concerns, and alternatives analyzed in the Draft EA.

The predominant issue that came to light during scoping was a perception by several segments of the public that irrigation needs are diminishing because of development of agricultural land, and therefore, the Lucky Peak storage under consideration should be used to meet other needs such as instream flows and domestic water supplies. As explained above, Reclamation has very limited discretion with respect to contract renewals and conversions. Furthermore, by continuing to provide irrigation to new residential and commercial development, the contractors have a demonstrated need for their supplemental irrigation supply from Lucky Peak storage. For these reasons, alternative uses of the storage that were suggested during scoping were not analyzed in detail in the Draft EA.

The Draft EA was issued for public review and comment on December 22, 2003. Reclamation received written comments from 13 agencies and organizations, the Shoshone-Paiute Tribes, and 21 individuals.

Public comments on the Draft EA can be grouped into two general categories: those that favored the Preferred Alternative, generally irrigation organizations and individuals; and those that opposed the Preferred Alternative and believed that at least some of the storage should be used for other purposes such as instream flows and domestic water supplies. Many of these commentors opposed entering into permanent repayment contracts, as they believed it would eliminate any flexibility in reapportioning storage to other uses as agricultural land is developed. These comments were mostly made by environmental groups and the city of Boise.

The U.S. Fish and Wildlife Service provided a memorandum concurring with Reclamation's conclusion that ESA-listed species would not be affected. NOAA Fisheries did not respond to the Draft EA; however, concurrence is not required as Reclamation determined the Preferred Alternative would have no effect on listed Snake and Columbia River salmon and steelhead.

Summary of Environmental Effects

Future irrigation practices and operations under the Preferred Alternative (repayment contracts) were compared to irrigation practices and operations under the No Action alternative (water service contracts). The Preferred Alternative would provide contractors with the same amount of storage as under the No Action alternative, irrigation use would be similar, and no measurable operational changes would be expected to occur.

The Final EA analyzed effects to the following environmental parameters and issues identified during scoping:

Hydrology and Reservoir Operations.—There would be no measurable change in irrigation practices, reservoir storage and releases, and river flows compared to the No Action alternative (current practices).

Water Quality.—There will be no change in river and reservoir operations and irrigation practices compared to the No Action alternative; therefore, no effect to water quality.

Vegetation, Wildlife, and Fish.—No change in river and reservoir operations will occur compared to the No Action alternative; therefore, there will be no impacts to fish and wildlife habitat and vegetation communities.

Threatened and Endangered species.—There will be no change in river and reservoir operation; therefore, listed resident species (bull trout, bald eagle, gray wolf, and Canada lynx) or Snake and Columbia River salmon and steelhead will not be affected.

Recreation.—No change in reservoir levels and river flows are expected compared to the No Action alternative; therefore, there will be no effects to water-related recreation.

Economics.—The repayment provisions of a repayment contract under the Preferred Alternative would differ slightly from those of a water service contract; however, these differences are expected be minor and would not have a substantial economic effect.

Cultural Resources.—No impact to cultural resource properties, including traditional cultural properties will result compared to the No Action alternative.

Indian Trust Assets.—No impact to the Tribes' rights to fish, hunt, or gather or impacts to resources associated with these activities will occur compared to the No Action alternative.

Environmental Justice.—No low income or minority populations will be affected.

Cumulative Impacts.—Past, present, and reasonable foreseeable future actions when viewed with the Preferred Alternative will not result in cumulative significant impacts.

Changes to the Draft EA

Reclamation made several minor changes to the Draft EA based on public comments. Most of these changes involved minor factual corrections and clarifications. There were no substantial changes to the alternatives or the effects analyses.

Finding

Based on the analysis of the environmental impacts in the EA and consultation with potentially affected agencies, Tribes, organizations, and the general public, Reclamation concludes that implementation of the Preferred Alternative would result in no measurable change; therefore, no significant impact to the quality of the human environment or natural and cultural resources in the project area. Conversion of the Lucky Peak water service contracts to repayment contracts for the currently contracted amount would continue to provide a needed supplemental irrigation supply and would continue to allow for reassignment of all or part of a contractor's storage to other entities, subject to Reclamation's approval, if the contractor chooses to do so. Preparation of an environmental impact statement is not required.

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