

# RECLAMATION

*Managing Water in the West*

## **American Falls Reservoir District #2 Proposed Title Transfer**

### **Finding of No Significant Impact Final Environmental Assessment**

**Minidoka Project, Idaho  
Pacific Northwest Region**



U.S. Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
Boise, Idaho

September 2005

## **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.

# **FINDING OF NO SIGNIFICANT IMPACT**

## **American Falls Reservoir District #2 Proposed Title Transfer Gooding Division, Minidoka Project, Idaho**

U.S. Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
Snake River Area

PN-FONSI 05-06  
September 2005

## **Introduction**

The Bureau of Reclamation (Reclamation) prepared this Finding of No Significant Impact (FONSI) to comply with the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA). This document briefly describes the proposed title transfer, the alternatives considered, the scoping process, Reclamation's consultation and coordination activities, and Reclamation's finding. The final environmental assessment (EA) fully documents the analyses.

## **Background**

As directed and authorized by Congress, Reclamation has conducted a program of transferring ownership of certain Federal irrigation facilities to project beneficiaries who are capable of managing the facilities and where the Federal investment in the facilities has been repaid.

At the request of American Falls Reservoir District No. 2 (AFRD#2 or District), Reclamation analyzed the effects of transferring to the District, the United States' title, rights, and interests to the facilities and certain lands associated with the Gooding Division of the Minidoka Project, which consists primarily of the Milner-Gooding Canal. The District proposed the transfer of the title, rights, and interests to eliminate duplicative administrative actions performed by Reclamation and the District relative to the operation and maintenance of the facilities. The District has fully met its repayment obligation to the United States Treasury for the costs associated with the construction of the canals, roads, and facilities, including all fees associated with the acquisition of land.

Reclamation issued a draft EA in May 2005, to document the analysis of the potential effects of title transfer on the human environment.

## **Purpose and Need**

The purpose of the Proposed Action is to transfer title of Reclamation lands, facilities, and rights to AFRD#2. Additionally, Reclamation would transfer title of relatively smaller tracts of land to the city of Gooding, the Idaho Department of Fish and Game (IDFG), and the National Park Service (NPS) for future management and administration. All other Reclamation withdrawn lands associated with the Gooding Division, as identified in the EA, would be returned to the Bureau of Land Management (BLM) for management and continued administration under Federal ownership.

Reclamation's title transfer initiative implements the National Performance Review goal of a Federal Government that works better and costs less. The proposed transfer would allow AFRD#2 to be more efficient in its operation and maintenance of the transferred facilities consistent with its legal and fiduciary responsibilities. The transfer of Reclamation's title, rights, and interests to AFRD#2 would also streamline administrative processes for both Reclamation and AFRD#2 and allow Reclamation to use its resources more effectively in other areas of water resource management.

The transfer of title for specific properties to the city of Gooding, IDFG, and NPS would also streamline administrative processes by placing those properties more directly under the administrative control of the appropriate governmental entities. The public interest in management of those properties would be maintained since the lands would remain under governmental administration.

## **Alternatives Considered**

The EA addressed two alternatives: Alternative A, No Action; and Alternative B, Title Transfer (Proposed Action). The NEPA regulations require the action agency to consider a No Action alternative for comparative analysis purposes.

### **Alternative A – No Action**

Under the No Action alternative, Reclamation would not transfer title as requested by AFRD#2. The United States would retain title to all facilities of the Gooding Division of the Minidoka Project. District operations, their relationship with Reclamation, and Reclamation's oversight of the District would remain the same in the future as in the past. The No Action alternative would not require congressional action.

The No Action alternative would also include unchanged status for the IDFG Dog Creek Reservoir parcel (40 acres), the city of Gooding airport beacon parcel (5 acres), and the NPS parcel adjacent to the Minidoka Internment National Monument (10 acres). The current ownership status of these properties by the United States would not be modified and no further action would be taken at this time.

## **Alternative B – Title Transfer**

The Proposed Action, Title Transfer, would allow the Secretary of the Interior to convey to AFRD#2 and the three identified governmental entities all title, rights, and interests of the United States in the relevant facilities and lands as described in the final EA. This transfer would only occur after Congress passes legislation directing that the action be implemented. No natural flow water rights, reserved power rights, or storage rights held by the United States and affiliated with the Minidoka Project would be transferred under the Proposed Action.

## **The Preferred Alternative**

Reclamation intends to transfer title as described in Alternative B. This alternative is consistent with the Federal Government’s initiative to work better and cost less.

## **Environmental Commitments**

As part of the EA, Reclamation analyzed the potential effects of title transfer on the human environment. By regulation (36 CFR 800), title transfer is considered to adversely affect cultural resources. This section summarizes mitigation measures for these adverse effects. Implementation of these mitigation activities will be required prior to or as part of the proposed title transfer.

Alternative B includes the transfer of title to some facilities that are designated or may be eligible for designation as historic properties. Federal law and regulation define “historic properties” to include prehistoric and historic sites, buildings, structures, districts, and objects that are included in or eligible for inclusion in the National Register of Historic Places. When a historic property is in Federal ownership, the agency must seek alternatives that would avoid or minimize adverse effects. Thus, Federal title provides a measure of protection to historic properties, and when title leaves Federal control, the loss of protection constitutes an adverse effect.

A Reclamation-sponsored Class III cultural resources survey identified 18 cultural resource properties that will be affected by the proposed title transfer, of which three were considered eligible for the National Register. Reclamation and the State Historic

Preservation Office (SHPO) have agreed that Reclamation would mitigate the adverse effect on three eligible historic properties in order to meet Reclamation's responsibilities under Section 106 of the National Historic Preservation Act (NHPA). Reclamation and the SHPO have entered into a Memorandum of Agreement (MOA) that defines Reclamation's mitigation responsibilities for the title transfer action with AFRD#2 providing funding. The MOA was signed in October 2004. In addition, as required by 36 CFR Part 800 regulations, Reclamation invited Advisory Council on Historic Preservation (Council) participation in the Section 106 consultation proceedings. The Council formally declined the invitation to participate.

Reclamation found no other adverse environmental effects requiring mitigation during the analysis.

## **Consultation and Coordination**

Because the proposed transfer involves changes to the status of Reclamation withdrawn lands and related BLM roles, Reclamation has coordinated with BLM in a series of meetings from April 2004 through January 2005. Additional agency and Tribal consultations are described below.

### **National Historic Preservation Act**

The NHPA (as amended in 1992) requires that Federal agencies consider the effects that their actions have on historic properties. To comply with Section 106 of NHPA, Federal agencies must consult with the SHPO, Native American tribes with a traditional or culturally significant religious interest in the study area, and the interested public to identify and evaluate the significance of historic properties and the project's effect on them. The Federal agency must then mitigate adverse effects the project may have on significant resources.

In February and March 2003, The Environmental Company, Inc., performed a Class III cultural resource survey of areas potentially affected by the proposed title transfer. Reclamation then began consultations with the SHPO. As described above, Reclamation and the SHPO have entered into a MOA that defines Reclamation's mitigation responsibilities for the Proposed Action.

### **Endangered Species Act Section 7 Consultations**

Reclamation determined that the Proposed Action would not affect any species listed as threatened or endangered under Section 7 of the Endangered Species Act. Consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries is not required.

## **Tribal Coordination and Consultation**

Reclamation has sought to keep the Tribes informed regarding proposed title transfers and specifically the proposed AFRD#2 title transfer. Reclamation has met with and corresponded with the Shoshone-Bannock Tribes, the Shoshone-Paiute Tribes of the Duck Valley Reservation, the Northwestern Band of the Shoshoni Nation, the Nez Perce Tribe, and the Burns Paiute Tribe regarding various Reclamation initiatives, including title transfer.

The Fort Hall Business Council of the Shoshone-Bannock Tribes wrote to Reclamation in August 2000, stating that they had some concerns regarding the proposed transfer and its impact on water rights and treaty rights. Subsequently, Reclamation provided a field trip for Tribal Commission members and staff to look at the lands and facilities that comprise the proposal. Reclamation discussed the planned EA at meetings with the Fort Hall Business Council in April 2005 and invited the Tribes to contact Reclamation with any remaining comments after receiving the document.

No comments or concerns were received from the Tribes in response to the draft EA.

## **Public Comments During the Scoping Process and Reclamation's Responses**

Reclamation and AFRD#2 have conducted scoping meetings and discussions with interest groups since July 2000. The information Reclamation gathered from public outreach efforts, talking with stakeholders, meetings with appropriate Native American tribes, and ongoing contacts with local, state, and federal agencies helped Reclamation identify those issues to be addressed in the EA. The subsections below highlight the primary concerns identified during the scoping process and summarize Reclamation's findings from the EA.

## **Tribal Water Rights and Treaty Rights**

As noted above, the Fort Hall Business Council of the Shoshone-Bannock Tribes expressed concern regarding the proposed transfer and its impact on water rights and treaty rights.

No water rights exchanges are included in the proposed title transfer, with the exception of a domestic water right at one ditchrider's residence which would be transferred to the District with no change in water use. As a result, Reclamation has determined that the proposed title transfer involves no environmental consequences related to water rights in general or to Tribal water rights specifically.

Indian Trust Assets that may exist on Federal lands would be the right to hunt and the right to fish. Since the United States would transfer certain lands out of Federal ownership under the Proposed Action, the right to hunt or the right to fish that may exist may no longer apply on the affected lands.

Reclamation's analysis indicates that the majority of lands originally withdrawn for the Gooding Division of the Minidoka Project would remain under Federal ownership and administration by the BLM following the proposed title transfer. In the absence of any specific information indicating otherwise, Reclamation determined that the Proposed Action would not significantly affect Indian Trust Assets.

## **Endangered Species Issues**

Some concerns identified during scoping related to potential effects on endangered species. Reclamation's analysis indicates that none of the USFWS listed species occur on District lands nor would they be affected by title transfer. The transferred facilities and lands would continue to be operated and maintained by the District as they have in the past, there would be no transfer of water rights, and there would be no changes in diverted flows. Thus, the Proposed Action alternative would have no effect on USFWS listed species or NOAA Fisheries listed species in the Snake and Columbia Rivers.

## **Public Access**

Some concerns identified during scoping indicated concern that transfer of title could result in reduced public access to lands currently under Federal ownership and administration. In the EA analysis, Reclamation determined that access would not be significantly affected by the proposed title transfer. Under the Proposed Action, recreation access to roadways along the Milner-Gooding Canal would remain open to the public. Withdrawn lands would be subject to BLM regulations and open to public recreation access for almost all of the 70-mile canal length. For acquired land along one mile of canal length to be transferred to AFRD#2, the District has indicated that no new restrictions would affect recreation access. Similarly, no change in public access or management approach is expected for the parcels to be transferred to IDFG, the city of Gooding, or the NPS.

## **Public Comments to the Draft EA**

Reclamation received comments from the NPS, NOAA Fisheries, and Idaho Department of Environmental Quality (Idaho DEQ). The final EA includes these comments in Appendix C.

The NPS's comment letter expressed full support for title transfer. The NOAA Fisheries letter stated that the agency had no comments on the draft EA and would not be further involved in the title transfer process. In its letter, the Idaho DEQ indicated that they did not identify any water quality issues associated with the title transfer. Because no specific questions or negative comments were received, Reclamation has not prepared any further formal responses to public comments on the draft EA.

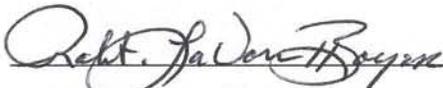
## Changes to the Final EA

Reclamation made some revisions to section 1.2 (Scope of the Proposed Transfer) to reflect the current status of the development of potential legislative language related to implementation of title transfer. There were no other substantive changes made to the draft EA in the development of the final EA. Reclamation did incorporate editorial revisions to clarify aspects of the document and to ensure accuracy.

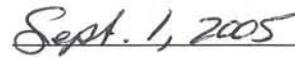
## Finding

Reclamation's EA for the proposed title transfer shows that the Proposed Action will have no significant effect on the human environment. Reclamation, therefore, concludes that preparation of an environmental impact statement is not required.

## Recommended

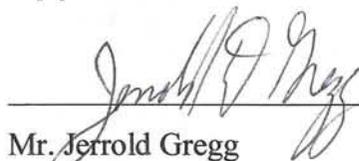


Mr. Robert Boyer  
Resources Manager

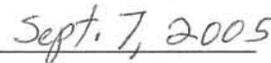


Date

## Approved



Mr. Jerrold Gregg  
Snake River Area Manager



Date



# RECLAMATION

*Managing Water in the West*

## **American Falls Reservoir District #2 Proposed Title Transfer**

## **Finding of No Significant Impact Final Environmental Assessment**

**Minidoka Project, Idaho  
Pacific Northwest Region**

**U.S. Department of the Interior  
Bureau of Reclamation  
Snake River Area Office  
Boise, Idaho**

**September 2005**





Figure 1. Minidoka Project location map.



# CONTENTS

	<i>Page</i>
Contents .....	v
Tables .....	vii
Figures .....	vii
Photographs .....	vii
Appendices .....	viii
Acronyms and Abbreviations .....	viii
Chapter 1 INTRODUCTION .....	1
1.1 Background .....	1
1.2 Scope of the Proposed Transfer .....	3
1.3 Purpose of and Need for Action .....	4
1.4 Location .....	4
1.5 Description of Facilities and Lands .....	5
1.5.1 Milner-Gooding Canal and Appurtenant Lands and Facilities .....	5
1.5.2 Lands Associated with Dog Creek Dam and Reservoir .....	5
1.5.3 Airport Beacon Land .....	6
1.5.4 Lands Adjacent to National Park Service Monument .....	6
1.6 Regulatory Compliance .....	6
1.6.1 National Environmental Policy Act .....	6
1.6.2 Endangered Species Act .....	7
1.6.3 National Historic Preservation Act .....	7
1.6.4 Indian Sacred Sites .....	7
1.6.5 Environmental Justice .....	7
1.7 Similar or Related Actions .....	8
Chapter 2 DESCRIPTION OF THE ALTERNATIVES .....	13
2.1 No Action Alternative .....	13
2.2 Proposed Action–Title Transfer .....	13
2.2.1 Facilities and Lands .....	14
2.2.2 Withdrawn Lands .....	14
2.2.3 Costs .....	15
2.2.4 Limitations and Liability .....	15
Chapter 3 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES .....	17
3.1 Water Rights .....	17
3.1.1 Affected Environment .....	17
3.1.2 Environmental Consequences .....	18
3.2 Power Generation .....	18
3.2.1 Affected Environment .....	18

## 1.1 Background

---

3.2.2	Environmental Consequences .....	19
3.3	Land Use.....	19
3.3.1	Affected Environment .....	19
3.3.2	Environmental Consequences .....	21
3.4	Socioeconomics .....	21
3.4.1	Affected Environment .....	22
3.4.2	Environmental Consequences .....	23
3.5	Recreation.....	24
3.5.1	Affected Environment .....	24
3.5.2	Environmental Consequences .....	24
3.6	Water Quality .....	25
3.6.1	Affected Environment .....	25
3.6.2	Environmental Consequences .....	25
3.7	Vegetation.....	26
3.7.1	Affected Environment .....	26
3.7.2	Environmental Consequences .....	27
3.8	Fisheries.....	28
3.8.1	Affected Environment .....	28
3.8.2	Environmental Consequences .....	29
3.9	Wildlife.....	29
3.9.1	Affected Environment .....	29
3.9.2	Environmental Consequences .....	30
3.10	Threatened and Endangered Species .....	30
3.10.1	Affected Environment.....	31
3.10.2	Environmental Consequences.....	32
3.11	Hazardous Materials and Waste .....	32
3.11.1	Affected Environment.....	32
3.11.2	Environmental Consequences.....	33
3.12	Cultural Resources.....	33
3.12.1	Affected Environment.....	34
3.12.2	Environmental Consequences.....	36
3.13	Indian Sacred Sites .....	37
3.13.1	Affected Environment.....	37
3.13.2	Environmental Consequences.....	38
3.14	Indian Trust Assets .....	38
3.14.1	Affected Environment.....	38
3.14.2	Environmental Consequences.....	39
3.15	Environmental Justice .....	40
3.15.1	Affected Environment.....	40
3.15.2	Environmental Consequences.....	41
3.16	Cumulative Impacts of the Proposed Alternative.....	41

Chapter 4	COORDINATION AND CONSULTATION .....	45
4.1	Agency Consultation .....	45
4.1.1	Endangered Species Act .....	45
4.1.2	National Historic Preservation Act.....	45
4.2	Consultation and Coordination with Tribal Governments .....	46
4.2.1	Tribal Comments .....	50
4.3	Public Involvement.....	50
References.....		53
Distribution List .....		55
Appendices.....		59

## TABLES

Table 1.	Lands to be transferred to AFRD#2 per county. ....	19
Table 2.	Current land use status.....	20
Table 3.	PILT payments on lands proposed for transfer. ....	23
Table 4.	Common vegetation potentially occurring on District lands.....	27
Table 5.	USFWS listed species which may occur in the action area.....	31
Table 6.	Minority and low income populations within Lincoln, Jerome, and Gooding Counties. ....	41

## FIGURES

Figure 1.	Minidoka Project location map.....	1
Figure 2.	Location map showing the Milner-Gooding Canal (green shaded areas receive Minidoka Project water).....	2

## PHOTOGRAPHS

Photograph 1.	Headworks of the Milner-Gooding Canal.....	9
Photograph 2.	Milner-Gooding Canal and access road.....	9
Photograph 3.	Dog Creek Reservoir showing accessible fishing pier and footpath. ...	10
Photograph 4.	Dog Creek Reservoir showing dam, boat ramp, accessible dock, and restroom facilities. ....	10
Photograph 5.	City of Gooding airport beacon site.....	11
Photograph 6.	Ditch-riders' houses and shop to be transferred to NPS. ....	11

## APPENDICES

- Appendix A Detailed Maps of Lands Proposed for Transfer
- Appendix B Legal Descriptions of Lands Proposed for Transfer
- Appendix C Public Comment Letters

## ACRONYMS AND ABBREVIATIONS

AFRD#2 or District	American Falls Reservoir District No. 2
AUM	Animal Unit per Month
BLM	Bureau of Land Management
cfs	cubic feet per second
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
GYBEWG	Greater Yellowstone Bald Eagle Working Group
IDEQ	Idaho Department of Environmental Quality
IDFG	Idaho Department of Fish and Game
ITA	Indian Trust Assets
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPS	National Park Service
National Register	National Register of Historic Places
NOAA Fisheries	National Marine Fisheries Service
OHV	off-highway-vehicle
O&M	operation and maintenance
PILT	payment in lieu of taxes
Reclamation	Bureau of Reclamation
ROW	right-of-way
SHPO	State Historic Preservation Office
TMDL	total maximum daily load
TCP	traditional cultural properties
TESS	threatened & endangered species system
USFWS	U.S. Fish and Wildlife Service

# Chapter 1 INTRODUCTION

As directed and authorized by Congress, the Bureau of Reclamation (Reclamation) has conducted a program of transferring ownership of certain Federal irrigation facilities to project beneficiaries who are capable of managing the facilities and where the Federal investment in the facilities has been repaid.

At the request of American Falls Reservoir District No. 2 (AFRD#2 or District), Reclamation analyzed the effects of transferring to the District, the United States' title, rights, and interests to the facilities and certain lands associated with the Gooding Division of the Minidoka Project, which consists primarily of the Milner-Gooding Canal (). The District proposed the transfer of the title, rights, and interests to eliminate duplicative administrative actions performed by Reclamation and the District relative to the operation and maintenance of the facilities.

The District has fully met its repayment obligation to the United States Treasury for the costs associated with the construction of the canals, roads, and facilities, including all fees associated with the acquisition of land. While Reclamation provides oversight, the facilities' operation, maintenance, management, administration, and liability have been the responsibility of AFRD#2 since construction. Reclamation provides oversight; however, Reclamation normally requests the District's approval on any actions affecting the facilities or related land interests. This is not cost effective and is an unnecessary burden for Reclamation and the District.

On May 3, 2002, the United States and the District entered into a Memorandum of Agreement (MOA) to document the areas of responsibility and cooperative efforts leading to a transfer of title agreement. The United States determined that the title transfer would not interfere with the District's capability to continue to operate and maintain the relevant Gooding Division facilities and that the District's financial obligations under the repayment contract were satisfied.

This environmental assessment (EA) documents Reclamation's analysis of the effects of transferring title of the specific irrigation facilities, appurtenant lands and structures, and associated rights to AFRD#2. The EA also addresses transfers of specific lands and structures to other governmental agencies in order to streamline administrative procedures.

## 1.1 Background

The Minidoka Project was authorized by the Secretary of the Interior on April 23, 1904, under the 1902 Reclamation Act. Investigation and construction funds for the Gravity

## 1.1 Background

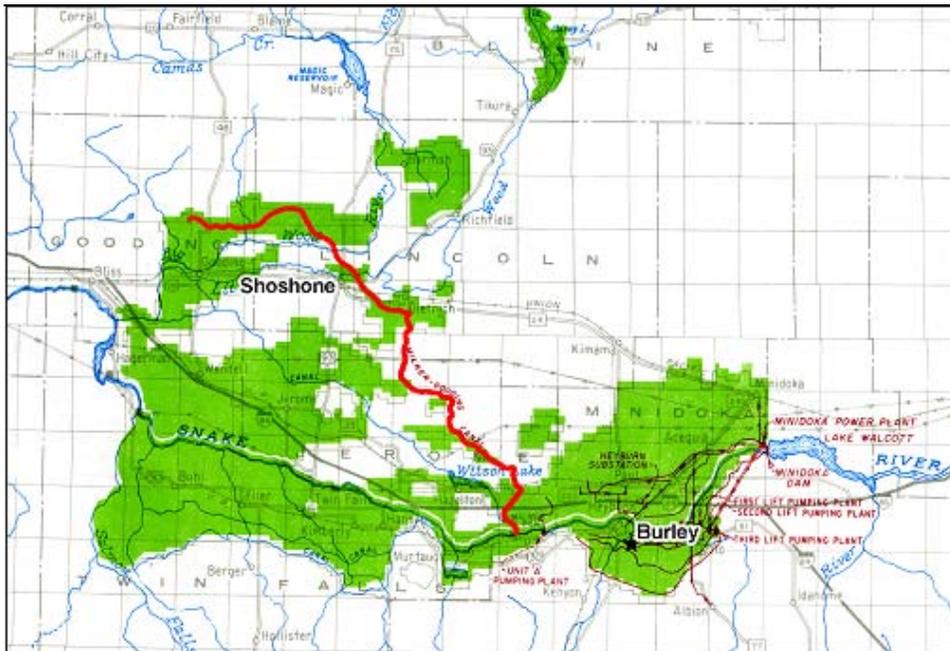
---

Extension Unit (Gooding Division) were provided by the Interior Department Appropriation Act of 1927, the Act of January 12, 1927 (44 Stat. 934), and the Secretary's finding of feasibility on July 2, 1928, and was approved by the President on July 3, 1928, pursuant to section 4 of the Act of June 25, 1910 (36 Stat. 836), and subsection B of section 4 of the Act of December 5, 1924 (43 Stat. 702).

The District is a political subdivision of the state of Idaho and organized under state law by the landowners served by Reclamation's Minidoka Project, Idaho. The Project's facilities, developed and owned by the United States, provide irrigation water to AFRD#2.

In 1928, construction began on the Gooding Division of the Minidoka Project. The work consisted primarily of building the Milner-Gooding Canal which heads at Milner Dam on the Snake River, 12 miles west of Burley, Idaho. This 70-mile canal extends to the North Gooding Main Canal northwest of Shoshone, Idaho. Figure 2 shows the location of the Milner-Gooding Canal; green shaded areas represent generalized areas receiving Minidoka Project water.

Reclamation has overall responsibility for the regulation of the facilities and lands and oversees the irrigation district's operation, maintenance, management, and administration. Reclamation and AFRD#2 each review and respond to requests from third parties that affect Reclamation-owned facilities or related land interests.



**Figure 2.** Location map showing the Milner-Gooding Canal (green shaded areas receive Minidoka Project water).

## 1.2 Scope of the Proposed Transfer

The primary scope of the proposed transfer involves certain facilities and lands identified in the title transfer request from AFRD#2. These facilities and lands are addressed by repayment contracts for which the District has fully met its repayment obligation for construction costs and land acquisition, with the exception of specific withdrawn lands for which the District will be assessed as described below.

As part of the District's requested title transfer of Gooding Division facilities, AFRD#2 selected 380 acres of Reclamation withdrawn lands as a potential purchase; they agreed to pay fair-market value for this land. Because these withdrawn lands were not part of the original Minidoka Project costs and thus were not addressed by repayment contracts, the District would be required to purchase withdrawn land from Reclamation at the assessed market value of \$123,000. Except as noted below and in section 2.2, all other Reclamation withdrawn lands associated with the Gooding Division (approximately 6,900 acres) would be returned to the Bureau of Land Management (BLM) in accordance with coordination completed in meetings between Reclamation and BLM. Current land uses, including grazing and agricultural leases, produce approximately \$9,970 per year as revenue for Reclamation. This money goes directly into the Federal Reclamation General Fund.

As a result of the transfer requested by AFRD#2, several parcels of Reclamation withdrawn lands, currently managed for non-Reclamation purposes, would be transferred to the Idaho Department of Fish and Game (IDFG) and the city of Gooding. The purpose of these transfers would be to give IDFG ownership of land where state-managed facilities are located and to give the city of Gooding ownership of land where they currently have a BLM right-of-way for an airport beacon site. An opportunity also exists to transfer withdrawn and acquired lands which are within the boundaries of, or adjacent to, the Minidoka Internment National Monument (Monument) to the National Park Service (NPS). The NPS has identified these lands for inclusion into the Monument. These three associated transfers would improve administrative efficiencies following the AFRD#2 transfer by avoiding the need for Reclamation's continued involvement with dispersed properties no longer associated with Reclamation's Project.

Congress would need to enact legislation to implement the proposed transfer. It is anticipated that a title transfer act, if and when drafted for the proposed transfer, would direct the Secretary of the Interior (Secretary) to:

1. Convey title to the specific lands and facilities (as described in this EA) to AFRD#2, the city of Gooding, and IDFG, respectively.
2. Specify that AFRD#2 will pay fair market value for specific withdrawn lands (as described in this EA) identified by the District for their purchase .

3. Transfer the specific lands and facilities (as described in this EA) to the NPS.
4. Revoke withdrawal on approximately 6,900 acres of withdrawn land adjoining or near the Milner-Gooding Canal for return to management by BLM.

The proposed title transfer excludes natural flow water rights, reserved power rights, and storage rights held by the United States that are affiliated with the Minidoka Project. No major facilities would be included in this transfer.

## **1.3 Purpose of and Need for Action**

The purpose of the Proposed Action is to transfer title of requested Reclamation lands (394 acres), facilities, and rights to AFRD#2. Additionally, Reclamation would transfer title of a 5.00-acre tract (5 acres) to the city of Gooding, Idaho, a 39.72-acre tract (40 acres) to IDFG, and 10.18 acres (10 acres) to the NPS.

Reclamation's title transfer initiative is in pursuance of the National Performance Review goal of a Federal Government that works better and costs less. In this case, the need for title transfer (Proposed Action) is to allow AFRD#2 to be more independent and efficient in its operation and maintenance of the transferred facilities consistent with its legal and fiduciary responsibilities. Under the Proposed Action, the District would administer, maintain, and operate facilities and certain lands associated with the Gooding Division of the Minidoka Project. The transfer of Reclamation's title, rights, and interests to AFRD#2 would streamline administrative processes for Reclamation and AFRD#2. In addition, the title transfer would allow Reclamation to use its resources more effectively in other areas of water resource management.

The transfer of title for specific properties to the city of Gooding, IDFG, and NPS, as described above, would also streamline administrative processes by placing those properties more directly under the administrative control of the appropriate governmental entities. The public interest in management of those properties would be maintained since the lands would remain under governmental administration; requirements specific to Federal actions would no longer apply for the properties transferred to the city of Gooding and IDFG.

## **1.4 Location**

Lands proposed for the transfer of title are in Jerome, Gooding, and Lincoln Counties, Idaho. The location of these lands are shown in detail on Maps A, B, and C in Appendix A.

## **1.5 Description of Facilities and Lands**

Facilities and lands proposed for transfer are described below. Legal descriptions are provided in Appendix B. As described in chapter 4, Reclamation has coordinated with BLM and other agencies regarding the facilities and lands.

### **1.5.1 Milner-Gooding Canal and Appurtenant Lands and Facilities**

The District diverts water out of the Snake River upstream from Milner Dam into the Milner-Gooding Canal for delivery to lands in Jerome, Gooding, and Lincoln Counties, Idaho. The canal and associated laterals serve 20,000 acres with a full water supply and 78,667 acres with a supplemental water supply (*i.e.*, supporting water supplies from other sources). The locations of land proposed for transfer are shown in detail on Maps A, B, C in Appendix A. Two photographs of the Milner-Gooding Canal are included at the end of this chapter.

The Milner-Gooding Canal extends 70 miles from the forebay of Milner Dam on the Snake River northward to the North Gooding Canal, northwest of Shoshone, Idaho. The initial capacity of the canal is 2,700 cubic feet per second (cfs). About half of the canal (36 miles) is on Reclamation land which was withdrawn from BLM for project purposes. Approximately 5 miles of the canal are on BLM land. The other 28 miles of canal cross through private lands which have 1890 Canal Act rights-of-way. Only one mile (13.74 acres) of the canal lies along acquired land. For the 36 miles of Reclamation withdrawn lands, ownership of the underlying and adjacent property on BLM and withdrawn lands would remain with the BLM following the proposed transfer of the canal facilities and AFRD#2 would receive a right-of-way as provided under the 1866 Act.

The 1866 Act, as amended (codified at 43 USC 661), granted rights-of-way on public land for reservoirs, canals, and ditches for the conveyance of water necessary for use in mining, agriculture, manufacturing, and other purposes. The authority to use the public lands was contingent upon the holders obtaining a water right under the appropriate state laws.

### **1.5.2 Lands Associated with Dog Creek Dam and Reservoir**

Idaho Department of Fish and Game operates and maintains Dog Creek Reservoir and Dam, spillway, access roads, and parking area on 40 acres of withdrawn lands located 6 miles north of the city of Gooding. The location of the parcel proposed for transfer is shown on Map A in Appendix A. Two photographs of the reservoir are included at the end of this chapter.

Reclamation issued a perpetual easement dated October 17, 1957, to IDFG to construct, operate and maintain a dam and reservoir (Dog Creek Reservoir), spillway, access roads and parking area on the 40-acre parcel located north of Gooding; 5 acres is occupied by the dam and part of the reservoir and the remainder of the parcel is managed for wildlife habitat. Currently, IDFG also has a 25-year contract, dated July 31, 1987, with Reclamation for IDFG's management and administration of this parcel for fish and wildlife habitat. These lands were originally withdrawn for Minidoka Project purposes. Current and past management practices have ruled out the need for continued Reclamation administration of this parcel.

### **1.5.3 Airport Beacon Land**

The city of Gooding manages a 5-acre parcel of Reclamation withdrawn lands for an airport beacon site 2 miles southeast of the city. The location of the parcel proposed for transfer is shown on Map A in Appendix A. A photograph of the parcel is included at the end of this chapter.

The city of Gooding holds a 30-year right-of-way issued by BLM on December 16, 1982, for the airport beacon site. These lands were originally withdrawn for Minidoka Project purposes. Current and past management practices have ruled out the need for continued Reclamation administration of this parcel.

### **1.5.4 Lands Adjacent to National Park Service Monument**

The NPS manages the Monument which surrounds and/or is adjacent to the 10 acres of Reclamation withdrawn and acquired lands located five miles northwest of Eden, Idaho. The locations of the parcels proposed for transfer are shown on Map C in Appendix A. A photograph of one of the parcels is included at the end of this chapter.

These lands were originally withdrawn for Minidoka Project purposes. Current and past management practices have ruled out the need for continued Reclamation administration of these two parcels.

## **1.6 Regulatory Compliance**

A summary of the major laws and executive orders that apply to the Proposed Action follows.

### **1.6.1 National Environmental Policy Act**

Under the National Environmental Policy Act (NEPA), Reclamation is responsible for determining if the proposed action might have significant effects on the natural and

physical environment. If there are no significant impacts, a Finding of No Significant Impact (FONSI) can be signed to complete the NEPA compliance.

### **1.6.2 Endangered Species Act**

The Endangered Species Act (ESA) requires all Federal agencies to ensure 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 species list from the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries). From the list, an agency (in this case Reclamation) must evaluate impacts to listed species. Endangered Species Act consultation is required if the proposed action may affect listed species.

### **1.6.3 National Historic Preservation Act**

The National Historic Preservation Act of 1966 (NHPA), requires that prior to authorizing an undertaking, Federal agencies must take into account the effect of the undertaking on any properties eligible for or listed on the National Register of Historic Places. Federal regulations entitled Protection of Historic Properties (36 CFR 800) defines the process for implementing requirements of the NHPA, including consultation with the appropriate State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation.

### **1.6.4 Indian Sacred Sites**

Executive Order 13007 (May 24, 1996) instructs Federal agencies to promote accommodation of access to and protect the physical integrity of American Indian sacred sites. A sacred site is a specific, discrete, narrowly delineated location on Federal land. An Indian tribe must identify a site as sacred by virtue of its established religious significance to, or ceremonial use by an Indian religion; such identification can also be made by an Indian individual determined to be an appropriately authoritative representative of an Indian religion. However, the tribe or authoritative representative must inform the agency of the existence of such a site. For the proposed title transfer, Indian Trust Assets (ITAs) are specifically addressed in section 3.14.

### **1.6.5 Environmental Justice**

Executive Order 12898 (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. Environmental justice refers to 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 environmental programs.

## 1.7 Similar or Related Actions

Three transfer of title actions have occurred within Reclamation's Snake River Area Office administrative boundaries. The process being followed for each potential transfer is similar to that of the District's title transfer action. However, the legal basis for each of these other actions is based on language in their respective project authorizations.

- The Nampa & Meridian Irrigation District (Boise Project) has received title to distribution, conveyance, and drainage facilities, and rights-of-way; the district did not seek water rights.
- The Burley Irrigation District (Minidoka Project) received title to all district facilities, lands, rights-of-way, and water rights on February 24, 2000. Transferred facilities included pumping plants, canals, drains, laterals, roads, pumps, checks, headgates, transformers, pumping plant substations, and buildings. Also transferred were other improvements, appurtenances to the land, and those used for the delivery of water from the headworks (but not the headworks themselves) of the Southside Canal at the Minidoka Dam.
- The Fremont-Madison Irrigation District requested transfer of certain facilities including the Cross Cut Diversion Dam and Canal, all related conveyance facilities, the Teton Exchange Wells, and State of Idaho Water Right 22-7022. This transfer was completed on September 10, 2004, in accordance with Public Law 108-85.

In addition, Reclamation and NPS entered into an August 2002 agreement to replace facilities and property for which AFRD#2's use would be affected by designation of the Minidoka Internment National Monument (Monument) as part of the National Park System. This replacement was addressed by a Categorical Exclusion to address NEPA compliance.



**Photograph 1. Headworks of the Milner-Gooding Canal.**



**Photograph 2. Milner-Gooding Canal and access road.**



**Photograph 3. Dog Creek Reservoir showing accessible fishing pier and footpath.**



**Photograph 4. Dog Creek Reservoir showing dam, boat ramp, accessible dock, and restroom facilities.**



**Photograph 5. City of Gooding airport beacon site.**



**Photograph 6. Ditch-riders' houses and shop to be transferred to NPS.**



## **Chapter 2 DESCRIPTION OF THE ALTERNATIVES**

This environmental assessment addresses two alternatives: the No Action alternative and the Proposed Action alternative, Title Transfer. The No Action alternative forms the basis for analyzing the effects of the Proposed Action; regulations require the action agency to consider a No Action alternative for comparative analysis purposes.

Reclamation recognizes that there are numerous conceivable alternatives that would transfer varying lengths of the canal, various combinations of facilities, or various land areas. Alternative combinations other than the Proposed Action are not relevant to understanding the impacts potentially caused by the implementation of the proposed project itself. Analysis of additional alternatives would not meet AFRD#2's request and would not provide additional benefit to the public.

### **2.1 No Action Alternative**

Under the No Action alternative, the United States would retain title to all facilities. District operations, their relationship with Reclamation, and Reclamation's oversight of the District would remain the same in the future as in the past. The District would continue to be subject to all Reclamation regulations, but would also be eligible for Reclamation administered assistance programs. The No Action alternative would not require congressional action.

The No Action alternative includes unchanged status for the IDFG Dog Creek Reservoir parcel (40 acres), the city of Gooding airport beacon parcel (5 acres), and the NPS parcel adjacent to the Monument (10 acres). The current ownership status of these properties by the United States would not be modified and no further action would be taken at this time.

### **2.2 Proposed Action–Title Transfer**

The Proposed Action, Title Transfer, would allow the Secretary to convey to AFRD#2 and the three identified governmental entities all title, rights, and interests of the United States in the relevant facilities and lands as outlined in section 1.5 and described in further detail below. This transfer would only occur after Congress passes legislation directing that the action be implemented. No natural flow water rights, reserved power rights, or storage rights held by the United States and affiliated with the Minidoka Project would be transferred under the Proposed Action.

### **2.2.1 Facilities and Lands**

The facilities and properties to be transferred to AFRD#2 include:

1. Conveyance facilities, headworks facilities, and associated features (approximately 70 miles)
2. Rights-of-way for the conveyance facilities (approximately 70 miles)
3. Acquired lands located along and under one mile of the Milner-Gooding Canal (13.74 acres)
4. Specific Reclamation withdrawn lands needed for the benefit of the District (380 acres)
5. A warehouse, shop, and five ditch-rider houses (one with an associated groundwater right of 0.07 cfs for domestic use) that are in the name of the United States

Additional facilities and properties to be transferred to IDFG, the city of Gooding, and NPS are described below (see maps in Appendix A):

1. Approximately 40 acres of withdrawn land containing a spillway, access roads, a parking area, and portions of a reservoir (Dog Creek Reservoir) having a perpetual easement granted to IDFG
2. A 5-acre parcel with a 30-year right-of-way granted to the city of Gooding for an airport beacon
3. Approximately 10 acres of withdrawn and acquired land, two ditch-rider houses, and one shop within the boundaries of or adjacent to the Monument, to NPS for inclusion in the Monument

### **2.2.2 Withdrawn Lands**

The District intends to exercise perpetual rights-of-way for those portions of the Milner-Gooding Canal located on BLM lands (former Reclamation withdrawn lands) in accordance with the “Act Granting the Right of Way to Ditch and Canal Owners Over the Public Lands” of July 26, 1866, 14 statute 253.

There are several tracts of currently withdrawn land that the Milner-Gooding Canal does not run through and which are not needed for the benefit of the District. These tracts would be returned to BLM and, depending on the District’s operational needs, special use permits could be issued by BLM.

Reclamation also has three agricultural leases, six grazing leases, and one agricultural and grazing lease on withdrawn land. While most of the grazing land would be returned to BLM, the BLM has indicated they have no interest in the agricultural lease lands. The

agricultural leased lands (276.5 acres) would remain with Reclamation for management or future disposal.

United States lands leaving Federal ownership total 438.46 acres; 393.74 acres of withdrawn and acquired lands would go to AFRD#2 and 44.72 acres of withdrawn lands would go to the city of Gooding and IDFG.

### **2.2.3 Costs**

Reclamation and AFRD#2 will share equally the cost of environmental compliance. All other costs related to the requested title transfer will be the responsibility of the District. The District will also be required to make a payment of \$123,000 for 380 acres of selected withdrawn lands as described in section 1.2.

### **2.2.4 Limitations and Liability**

Effective on the date of conveyance of the relevant facilities and lands, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities. An exception to this would be any damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance.

Nothing in the Proposed Action shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).



## **Chapter 3   AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

Geology, hydrology, climate, soils, and air quality are not addressed in this EA because the Proposed Action has no effect on these resources.

### **3.1    Water Rights**

#### **3.1.1   Affected Environment**

American Falls Reservoir District #2 receives Minidoka Project water from Reclamation under repayment contract 14-06-W-73, dated October 14, 1954. The repayment contract provides 393,550 acre-feet of storage space in American Falls Reservoir and a 1,700 cfs natural flow water right with the criteria as outlined in Article 20 (d) of the repayment contract.

As stated in Article 20 (d) of the repayment contract:

“The United States will continue to hold Idaho water license 15134, a direct diversion permit having a priority date of March 30, 1921, with the District to have rights thereunder as follows:

“The right to divert as natural flow thereunder from May 1 of each irrigation season continuing during that season so long as there is natural flow available for that priority one-half of the first 1,700 cubic feet per second of flow, except that in any year in which American Falls Reservoir is full to capacity on April 30, or fills after that date, taking into account any water that may be temporarily stored to its credit in upstream reservoirs, all water diverted by the District within the maximum 1,700 cubic feet per second during the year prior to the initial storage draft on American Falls Reservoir after the reservoir finally fills in that year shall be considered as natural flow under that license. Nothing herein shall prevent the District from diverting water under said license prior to May 1 of a given irrigation season but all such diversions shall be charged as storage in the event the reservoir is not full on April 30 of that season or does not fill after April 30 of that season, unless diversions so made are of amounts that, but for the diversions, would have spilled past Milner Dam and have been in excess of amounts required to be so spilled to satisfy third-party rights.”

“Water available at American Falls Reservoir for the March 30, 1921, priority under water license 15134, other than that to be available to the District as above provided, shall be available for storage in American Falls Reservoir.”

Reclamation holds a groundwater right for .07 cfs for domestic use of one residence and 1.5 acres of irrigation. This right is no longer used for irrigation. The domestic right provides use to the ditchrider’s residence included in facilities for transfer of title. This water right would be transferred to the District for use at the facilities being transferred.

### **3.1.2 Environmental Consequences**

#### **No Action Alternative**

No environmental consequences are projected for water rights under the No Action alternative since the current water right framework would remain unchanged.

#### **Proposed Action–Title Transfer**

The domestic water right that provides for water use at one ditchrider’s residence is included in facilities for transfer of title. This water right would be transferred to the District for use at the facilities being transferred. Because no change in water use would be involved, and because no other water rights are exchanged in the proposed title transfer, there will be no environmental consequences related to water rights.

## **3.2 Power Generation**

### **3.2.1 Affected Environment**

Two hydroelectric plants are located along the Milner-Gooding Canal on lands proposed for title transfer. One of the plants is now owned, maintained, and operated by AFRD#2. The remaining plant is privately owned and pays a percentage of net revenue to AFRD#2. This privately owned plant (the Dietrich Drop) was scheduled to become property of the District in 2023 (Harmon 2003). Reclamation holds no interest in any of the hydroelectric plants; they are not part of the Proposed Action.

## 3.2.2 Environmental Consequences

### No Action Alternative

No environmental consequences are projected for power generation facilities under the No Action alternative since the District retains control of ownership, operation, and maintenance. The power generation facilities are not part of the title transfer process.

### Proposed Action–Title Transfer

No environmental consequences are projected for power generation facilities under the Proposed Action, since the District retains control of ownership, operation, and maintenance. The power generation facilities are not part of the title transfer process.

## 3.3 Land Use

District lands are located in Gooding, Lincoln, and Jerome Counties (Table 1). Livestock ranching and agricultural crops are the largest and most important land uses within these counties. Cattle ranching is the dominant industry in the area providing almost 25 percent of the agricultural income and using about 65 percent of the land (NRCS 1991). Dry rangeland coverage has decreased to about 30 percent of the land area with development of irrigation district lands for crops and irrigated pastures (NRCS 1991). Remaining lands are small and scattered urban areas with the largest populations located in Gooding, Wendell, Shoshone, and Jerome.

### 3.3.1 Affected Environment

The District's assessed acreage totals 20,000 acres. The Proposed Action involves approximately 394 acres requested for transfer (Table 1). These lands include the conveyance facilities, buildings, maintenance areas, material sites, and canal rights-of-way. About 380 acres are on withdrawn lands, with the remaining acres located along one mile of canal alignment on acquired lands.

**Table 1. Lands to be transferred to AFRD#2 per county.**

County	Acres
Lincoln	93.74
Jerome	60.00
Gooding	240.00
Total	393.74

Current land uses within District boundaries on lands proposed for transfer include: access for canal O&M, grazing leases, O&M of material sites, and ditchrider houses. Land uses on other properties involve maintenance of a 5-acre parcel used for an airport

beacon by the city of Gooding, management of a 40-acre parcel for fish and wildlife management and recreation access by IDFG, and approximately 10 acres near the NPS Monument currently used for ditchrider houses and a shop (Table 2).

The majority of the remaining estimated 6,900 acres are located on areas adjoining the canal and were originally withdrawn from the BLM. These lands will be returned to BLM management. Approximately 1,485 acres are in existing Reclamation grazing leases. The majority of the remaining withdrawn lands are included in BLM grazing leases. These lands are also used as rights-of-way and canal buffers. The majority of the nonspecified-use lands are indistinguishable from and used in conjunction with adjacent BLM lands. These areas provide grazing and public access for waterfowl and upland game hunters (Table 2).

**Table 2. Current land use status.**

<b>Proposed Transfer to:</b>	<b>Acres</b>	<b>Current Status</b>	<b>Current Land Use</b>	<b>Proposed Land Use</b>
AFRD#2	394	Withdrawn Federal lands, and acquired lands	Milner-Gooding Canal O&M, material sites, canal ROW, 5 ditchrider houses, shop, warehouse	Unchanged
IDFG	40	Withdrawn Federal lands	Dam and overflow maintenance, fish and wildlife management and recreation access	Unchanged
City of Gooding	5	Withdrawn Federal lands	ROW for airport beacon	Unchanged
BLM	6,900	Withdrawn Federal lands	Grazing, nonspecified use	Unchanged
NPS	10	Acquired and withdrawn Federal lands	2 ditchrider houses, shop	Minidoka Internment National Monument

**Rights-of-Way**

Reclamation and the District access the canal across private lands to do O&M work under an 1890 Canal Act ROW. Rights-of-way across private lands are open to public access only if the underlying fee owner gives permission. Federal lands and rights-of-way are open for recreation and Federal land access provided this access does not hinder or jeopardize the use, operation, and maintenance of the facilities.

---

### 3.3.2 Environmental Consequences

#### No Action Alternative

Under the No Action alternative, there would be no change in land use or management practices. Therefore, there would be no impact to land use within the service area.

#### Proposed Action–Title Transfer

Under the Proposed Action there would be no change in land use or management practices, except as noted below. Use of all areas for conveyance facilities, buildings, maintenance areas, material sites and canal rights-of-way would remain unchanged. The District has no current plans to alter present use of facilities or rights-of-way (AFRD#2 indicates that access on canal roads crossing private lands would be unchanged; no adverse impact is anticipated).

It is anticipated that all grazing leases will go to BLM and fall under their rules. Grazing permits transferred to BLM may or may not remain grazed under new BLM-issued permits. Management practices may remain similar to existing practices.

The 6,900 acres of withdrawn land returned to BLM will be subject to BLM regulations. No adverse impact is anticipated from a change in management.

Agricultural leases would remain with Reclamation for management or future disposal.

Management and access to the Dog Creek Reservoir is currently under IDFG management and would remain unchanged under the Proposed Action. Therefore, no change in access or management is anticipated and no adverse impact is anticipated.

The city of Gooding currently manages the 5-acre airport beacon site. No change in current management conditions would be expected to occur under the Proposed Action.

Lands transferred to NPS would be managed as part of the Monument. This change would shift the current District use of those ditchrider houses to NPS management. Absent the Proposed Action, it is likely that NPS would obtain title to these lands through legislation. Therefore, no adverse impact is anticipated due to the proposed change in administration.

## 3.4 Socioeconomics

This section describes and analyzes the general features of the economy, including population, employment, and income that could be affected by the Proposed Action. The primary measures by which socioeconomic impacts were identified was change to population, employment, and income associated with the Proposed Action. Other factors

related to socioeconomics were identified during public meetings. Concern was also expressed about the continuation of current grazing and agricultural leases.

### **3.4.1 Affected Environment**

Table 3 summarizes lands under Federal ownership for which payments in lieu of taxes (PILT) are currently received by the three counties.

Lincoln County is the least populated county within the study area with 4,132 people spread over 1,206 square miles (U.S. Census 2000). The majority of residents (approximately 66 percent) live in rural areas, with the remaining population located in the small rural towns of Shoshone, Dietrich, and Richfield (IDOC 2003). Shoshone, the county seat, has the largest population. Total employment within the county is 1,934, with 489 people employed in the government sector. Farm employment was the second largest employment sector with 322 people (IDOC 2003). Average income within the county is \$19,843 per capita or 82 percent of the state average of \$24,180 (IDOC 2003). Approximately \$2.98 million are billed each year for property taxes (Lincoln County Treasury Office 2003).

Jerome County has a population of approximately 18,449 people, spread over 600 square miles (U.S. Census 2000). About 58 percent of the population is rural, with the remaining 42 percent located in the urban communities of Jerome, Eden, and Hazelton (IDOC 2003). Jerome is by far the largest city, with a population of 4,813 (IDOC 2003). Total county employment is 9,005 people, with the largest employment sectors being farm employment (1,879 people) and wholesale and retail trade (1,547 people). The largest single employer is the Jerome School District with 400 employees (IDOC 2003). Per capita income for Jerome County is \$23,468, just slightly below state average (IDOC 2003). Assessed property taxes are approximately \$12.5 million for Jerome County (Jerome County Treasury Office 2003).

Gooding County has a population of 14,207 people, with a land area of 731 square miles. Approximately 60 percent of the population is classified as rural, with the remaining 40 percent located in the small urban communities of Gooding, Wendell, Hagerman, and Bliss. Gooding is the county seat and has a population of 3,384 people (IDOC 2003). Total employment within the county is 6,964 people with the largest sector (1,758 people) employed in farming. Government, the second largest employment sector, employs 1,105 people (IDOC 2003). The largest single employers in the county include Glanbia Foods, Inc., the Idaho State School, and the Gooding School District. The per capita income of Gooding County is almost exactly at the state average, of \$24,187 (IDOC 2003). Property taxes within Gooding County account for approximately \$9 million of billed revenue each year (Gooding County Treasury Office 2003).

**Table 3. PILT payments on lands proposed for transfer.**

County	Acres to be transferred to District	PILT payments to counties in 2003 (\$ per acre)	Tax revenue lost (\$)
Lincoln County	94	\$0.97	\$91.00
Jerome County	60	\$2.02	\$121.00
Gooding County	240	\$2.02	\$485.00

### 3.4.2 Environmental Consequences

#### No Action Alternative

Under the No Action alternative, there would be no change in the socioeconomic conditions of Jerome, Gooding, or Lincoln Counties. Therefore, there would be no socioeconomic impacts.

#### Proposed Action–Title Transfer

Under the Proposed Action there would be no significant impact to the local economic factors. The total amount AFRD#2 would pay Reclamation for the withdrawn lands would be \$123,000. No other programs or user fees would be impacted from the purchase of the lands.

The privately owned hydroelectric plant pays a percentage of net revenue to the District. The Proposed Action is not anticipated to affect hydroelectric revenues.

There would be no loss or gain in employment within the District or in Reclamation operations. Reclamation will no longer receive revenues generated from grazing leases. BLM would collect grazing fees according to their rates (\$1.43/AUM) and carrying capacities, if they continue to graze these lands.

Land transfer between Federal agencies (Reclamation to BLM or NPS) would not impact tax assessment and collection within the counties. However, transfer of Federal land (property tax exempt) into private ownership would add no land to Lincoln, Gooding, or Jerome County tax rolls. Lands used for District purposes such as ditch-rider houses or maintenance sites/buildings are nontaxable. The transfer to the District of lands for which Lincoln, Jerome, and Gooding Counties currently receive PILT payments would result in monetary losses to the counties. The losses are calculated to be less than \$500 per year for any one county and are not viewed as significant impacts relative to total property tax revenues.

## **3.5 Recreation**

### **3.5.1 Affected Environment**

Except for the Dog Creek Reservoir parcel, there are no developed recreation areas or facilities on acquired or withdrawn Federal lands. The city of Gooding's 5-acre airport beacon parcel is closed to recreation. Dog Creek Reservoir is managed by IDFG as a recreational fishery; however, only about 5 acres of the reservoir are on Reclamation land. IDFG stocks the reservoir with large mouth bass, bluegill, yellow perch, rainbow trout, channel catfish, and tiger muskie (IDFG 2004). The reservoir has one handicapped accessible restroom on Reclamation land, one boat ramp and one handicapped accessible fishing platform on Reclamation land. There are no other facilities around the reservoir on other lands except for some parking and possible ad hoc camping sites.

The Milner-Gooding Canal maintenance roads are used for public access on Reclamation, BLM, and private lands (some private areas are gated but these are few). Other lands withdrawn for project purposes are open to the public for general recreation such as hunting, hiking, and bird watching. These roads are subject to closure for safety, security, or operational reasons. All Reclamation lands are closed to off-highway-vehicle (OHV) use pursuant to 43 CFR 420, unless specifically opened to such use.

### **3.5.2 Environmental Consequences**

#### **No Action Alternative**

Under the No Action alternative, no change in the current recreation management practices by the District would occur; access to canal roadways, and acquired and withdrawn lands would remain open to the public. IDFG would continue managing the Dog Creek Reservoir area for fishing and general recreation and the city of Gooding's airport beacon site would remain closed to recreation.

#### **Proposed Action—Title Transfer**

Under the Proposed Action recreation access to canal roadways would remain open to the public. Withdrawn lands would be subject to BLM regulations and open to public recreation access for almost all of the 70-mile canal length. For the one mile (13.74 acres) of acquired land to be transferred to AFRD#2, the District has indicated that no new restrictions would affect recreation access.

Dog Creek Reservoir would continue to offer recreation access and fishing opportunities to the public. There would be no change from management under the No Action alternative.

The city of Gooding's airport beacon site would remain closed to public recreation access, resulting in no change from the No Action alternative.

The National Park Service Monument lands would remain open to public access under NPS management, resulting in no significant change from the No Action alternative.

## **3.6 Water Quality**

### **3.6.1 Affected Environment**

Water passing through the irrigation district originates from the middle Snake River at Milner Dam. Water diverted from the Snake River is carried and distributed through the Milner-Gooding Canal and laterals. About 400 cfs of irrigation water is conveyed to the city of Gooding by way of the Little Wood River from a bifurcation point just east of Shoshone. Water quality concerns within the region include suspended sediments, excess nutrients (primarily phosphorus) and pathogens such as *E. coli* (Buhidar 2003).

The District has reported no known water quality issues within the canals, or with return flows into the river (Harmon 2003). It is anticipated the majority of the water quality within the canals would be similar to the water quality of the Snake River at Milner Dam, where the water is diverted into the system. This area of the Snake River meets requirements of the Clean Water Act and all state regulations (IDEQ 2000).

In addition to the Snake River water quality data, Idaho Department of Environmental Quality (IDEQ) has historically taken water quality samples above and below the Little Wood River and Milner-Gooding Canal junction. The most recent water quality data available for this site was taken in 1988. Water quality samples were similar above and below the bifurcation point, with the exception of total suspended sediment and turbidity, which were greater below the junction, after the canal water was introduced. The increases were great enough to be considered a water quality problem (IDEQ 2003). The District initiated a program to construct sediment retention ponds on waste ways and lateral returns to the river to help ensure water quality and meet the standard for total maximum daily load (TMDL) of suspended sediment.

### **3.6.2 Environmental Consequences**

#### **No Action Alternative**

The existing water quality management would continue as it has in the past, with periodic modifications, as necessary, to maintain compliance with state and Federal regulations.

### **Proposed Action–Title Transfer**

The District is working to improve water quality within the system and maintains compliance with all state and Federal laws. Under the Proposed Action, the District would continue this practice and all water quality issues and concerns would still be addressed as needed. There are no foreseeable plans to alter operations or otherwise cause changes that would degrade water quality. Therefore, adverse impacts to water quality are unlikely.

## **3.7 Vegetation**

The lands proposed for transfer are in the Snake River basin within the Intermountain Sagebrush Province (Baily 1980). Agriculture has already disturbed and altered much of the land. The predominant crops in the area are grain, alfalfa, sugar beets, and potatoes. In undisturbed areas, dominant plant species include big sagebrush, annual and perennial grasses, and forbs.

### **3.7.1 Affected Environment**

The lands adjacent to the District’s canals and rights-of-way are primarily used as agricultural and range lands. The majority of the land is classified as sagebrush–grassland habitat, much of which has been heavily disturbed by grazing or wildfire. Burned areas have been reseeded to nonnative forage species such as crested wheatgrass (Harmon 2003).

Vegetation in the project area includes native species, introduced species, and invasive species. Native flora includes common species found within the sagebrush-grassland ecosystem, including a natural riparian area in the Dog Creek parcel. However, much of the native sagebrush-grassland area has been disturbed and is dominated by invasive species such as tumble mustard, Russian thistle, and bur buttercup. Table 4 lists common native species, introduced species, and invasive species which likely occur on or adjacent to irrigation district lands.

Introduced species include agricultural crops, seeded rangeland forage, and invasive species. In addition, several noxious weeds, as defined by the state of Idaho, occur within the area. According to the Jerome and Lincoln County Noxious Weed Office, both Russian knapweed and Scotch thistle are common noxious weed problems on District lands (Ruby 2003).

### **Vegetation Management**

The District currently manages all vegetation within its rights-of-way and waterways. Weed control is the primary vegetation management concern. The District uses both

chemical and mechanical methods to control terrestrial and aquatic weeds. Herbicides are the primary means of weed control. The District uses 2, 4-D amine and glyphosate; both are approved for use near waterways. Acrolein is used in the small laterals to control aquatic macrophytes and algae growth. No herbicides are used in the main canals (Harmon 2003). No brush control is necessary along the canals.

The state of Idaho requires all landowners and managers to control noxious weeds on their property. Individual lessees are responsible for weed control within their parcels. Reclamation manages grazing leases according to individual leases which specify timing, length, and number of animals for each parcel. The city of Gooding manages weed control at the the airport beacon parcel and IDFG manages weed control at the Dog Creek Reservoir parcel.

### 3.7.2 Environmental Consequences

#### No Action Alternative

Under the No Action alternative, there would be no change in the current vegetation quality, distribution, or management practices on city of Gooding and IDFG parcels or District lands. Therefore, there would be no affect on vegetation.

#### Proposed Action–Title Transfer

Under the Proposed Action, there would be no change in current vegetation quality distribution, or management practices for parcels going to the city of Gooding, IDFG, NPS, or BLM. However, grazing management would be governed by BLM regulations. It is anticipated that BLM would reissue grazing permits to lessees for those areas with current permits. It is not anticipated that a change in grazing management would adversely impact vegetation.

**Table 4. Common vegetation potentially occurring on District lands.**

Common Name	Scientific Name
Native species	
Indian ricegrass	<i>Oryzopsis hymenoides</i>
Squirreltail	<i>Sitanion hystrix</i>
Bluebunch wheatgrass	<i>Agropyron spicatum</i>
Sandberg's bluegrass	<i>Poa secunda</i>
Sagebrush	<i>Artemisia tridentate</i>
Rabbitbrush	<i>Chrysothamnus sp.</i>
Various forbs	
Introduced species–agricultural	
Sugar beets	<i>Beta sp.</i>
Wheat	<i>Triticum sp.</i>
Barley	<i>Horduem sp.</i>
Potatoes	<i>Solanum sp.</i>

Common Name	Scientific Name
Corn	<i>Maize sp.</i>
Dry beans	<i>Phaseolus sp.</i>
Alfalfa hay	<i>Medicago sp.</i>
Introduced species–weedy invasive	
Cheatgrass	<i>Bromus tectorum</i>
Bur buttercup	<i>Ranunculus testiculatus</i>
Kochia	<i>Kochia scoparia</i>
Tumble mustard	<i>Sisymbrium altissimum</i>
Russian thistle	<i>Salsola kali</i>
Smooth brome	<i>Bromus inermis</i>
Clasping leaf peppergrass	<i>Lepidium perfoliatum</i>
Introduced species–rangeland	
Siberian wheatgrass	<i>Agropyron sibericum</i>
Crested wheatgrass	<i>Agropyron cristatum</i>
Snake River bluebunch wheatgrass	<i>Agropyron spicatum</i>
Tall wheatgrass	<i>Agropyron elongatum</i>
Introduced species–aquatic	
Various pond weed	
Terrestrial weeds–invasive	
Scotch thistle	<i>Onopordum acanthium</i>
Canada thistle	<i>Cirsium arvense</i>
Musk thistle	<i>Carduus nutans</i>
Russian knapweed	<i>Centaurea repens</i>
Hoary cress or whitetop	<i>Candia draba</i>
Perennial peppered or tall whitetop	<i>Lepidium latifolium</i>
Kochia	<i>Kochia scoparia</i>

## 3.8 Fisheries

### 3.8.1 Affected Environment

A species list of potentially occurring fish was compiled from a literature search; no field surveys were conducted. The fisheries are managed by IDFG.

The seasonal flow of the irrigation system prevents establishment of a permanent fishery in the canal. Fish found in the canal come from the Snake River at Milner Dam, which does not have fish screens at the diversion.

Native and introduced fisheries are present in the Little Wood River, which is used to convey about 400 cfs of water to the city of Gooding. Channel catfish, carp, rainbow trout, brown trout, brook trout, mountain whitefish, sculpin, redbreast shiner, smallmouth bass, specked dace, Utah chub, Utah sucker, and yellow perch species may potentially occur in this section of the Little Wood River (Warren 2003).

---

## 3.8.2 Environmental Consequences

### No Action Alternative

Under the No Action alternative, no change in the current water flows or management practices by the District would occur. Therefore, there would be no effect on fish habitats or the distribution of fish.

### Proposed Action–Title Transfer

Under the Proposed Action, there would be no change in water flows or management; therefore, there would be no impact on the fishery.

## 3.9 Wildlife

### 3.9.1 Affected Environment

Potential wildlife habitat consists of canal banks, rights-of-way, and the undeveloped parcels of land included in the transfers and generally found within ¼ to ½-mile of the main Milner-Gooding Canal. Habitats vary from developed agricultural land and seeded rangeland to riparian and native sagebrush-grassland habitat. A literature search was conducted and from this a species list was compiled of the birds, mammals, reptiles, and amphibians which may potentially occur on District lands; no field survey work was done. All wildlife and wildlife hunting regulations are managed by IDFG.

#### Birds

Birds known to inhabit District lands include waterfowl, shorebirds, upland game birds, raptors, and passerine (perching or songbirds). Waterfowl habitat is limited to the Snake River intake at Milner Dam and in the vicinity of Dog Creek Dam. Primary waterfowl species include Canada goose, mallard, blue-winged teal, and western grebe (IDFG 1997). Upland game birds are distributed throughout District agricultural lands and undeveloped rangelands. Common upland species include ring-necked pheasants, mourning doves, gray partridge, and quail. Raptors which may occur on District lands include the northern harrier, Swainson's hawk, red-tailed hawk, Ferruginous hawk, prairie falcon, golden eagle, turkey vulture, burrowing owl, and American kestrel (IDFG 1997).

#### Mammals

Mammals which may occur on District lands are common in agricultural areas and undeveloped sagebrush-grassland habitats. Small mammals include the western harvest mouse, vole, pocket gopher, deer mouse, and Townsend's ground squirrel. Larger

mammal species which may be found on District lands include the striped skunk, coyote, red fox, badger, cottontail rabbit, jackrabbit, Pronghorn, and mule deer (IDFG 1997).

### **Reptiles and Amphibians**

Reptile and amphibian species which may occur on District lands include the western toad, Pacific tree frog, northern leopard frog, racer snake, gopher snake, garter snake, desert-horned lizard, short-horned lizard, western-fence lizard, sagebrush lizard, and western rattlesnake (IDFG 1997).

## **3.9.2 Environmental Consequences**

### **No Action Alternative**

Under the No Action alternative, no change in the current management of properties by IDFG, city of Gooding, BLM, or the District would occur. Therefore, there would be no effect on wildlife habitats or the distribution of wildlife.

### **Proposed Action–Title Transfer**

Under the Proposed Action alternative, no change in the current management of properties by IDFG, city of Gooding, BLM, or the District would occur; and no significant changes would be expected for management of lands by the NPS. Therefore, no other impacts on wildlife habitats or the distribution of wildlife are anticipated.

## **3.10 Threatened and Endangered Species**

Table 5 displays the federally listed threatened and endangered species that the USFWS has identified as potentially occurring in the area of the facilities and lands proposed for transfer (Jerome, Gooding, and Milner Counties). These eight species are identified in the threatened and endangered species system (TESS) list as of April 5, 2005.

No listed anadromous fish exist in the AFRD#2 service area. The title transfers included in the Proposed Action do not involve any change in current or future water management and, therefore, will not result in any streamflow impacts or other effects that could affect federally listed anadromous fish occurring downstream in the lower Snake River and Columbia River.

**Table 5. USFWS listed species which may occur in the action area.**

Gray wolf ( <i>Canis lupus</i> )	Experimental/ nonessential population
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	Threatened
Bull trout ( <i>Salvelinus confluentus</i> )	Threatened
Utah valvata snail ( <i>Valvata utahensis</i> )	Endangered
Snake River physa snail ( <i>Physa natricina</i> )	Endangered
Idaho springsnail ( <i>Pyrgulopsis idahoensis</i> )	Endangered
Banbury Springs lanx ( <i>Lanx sp.</i> )	Endangered
Bliss Rapids snail ( <i>Taylorconcha serpenticola</i> )	Threatened
Source: USFWS April 5, 2005	

### 3.10.1 Affected Environment

#### Gray Wolf

The gray wolf (*Canis lupus*), currently listed as endangered, was historically present throughout much of the region. This animal was extirpated from the western states about 1930. An experimental population of gray wolves was introduced into Yellowstone National Park and into central Idaho in 1995 and 1996. There is no known record of a gray wolf sighting or designated critical habitat along the canal or in the area of the lands proposed for transfer.

#### Bald Eagle

The Snake River throughout Idaho supports a large population of nesting and wintering bald eagles. The nesting population in this area has increased steadily since 1970 (GYBEWG 1996). The closest nesting territories in this reach of the Snake River occur near Milner Dam and another nesting territory is in the vicinity of Blue Lakes Country Club by Twin Falls. However, monitoring of these sites ended in 2002 after 10 consecutive years of not being occupied. There are no known nesting or wintering areas along the Milner-Gooding Canal or on District lands.

#### Bull Trout

The USFWS issued a final rule listing the Columbia River population of bull trout (*Salvelinus confluentus*) as a threatened species under the ESA on June 10, 1998 (USFWS 2002). Bull trout historically occurred in major river drainages in the Pacific Northwest. There are no known bull trout populations in the area of the lands proposed for transfer, and these lands lie outside designated recovery areas.

#### Snails

In 1992, the USFWS listed five species of aquatic mollusks in the middle Snake River as endangered or threatened under the ESA (FR 57:59244). The Banbury Springs lanx

(*Lanx sp.*), the Idaho springsnail (*Pyrgulopsis idahoensis*), the Snake River physa (*Physa natricina*), and the Utah valvata (*Valvata utahensis*) were listed as endangered. The Bliss Rapids snail (*Taylorconcha serpenticola*) was listed as threatened. All five species are endemic to certain areas of the middle Snake River or some springs and tributaries. The facilities and lands proposed for transfer do not provide suitable habitat to support any of these species and none have been observed within District boundaries.

### **3.10.2 Environmental Consequences**

#### **No Action Alternative**

Under the No Action alternative, there would be no change in distribution or abundance of any listed species within or near the lands proposed for transfer. Neither streamflows in the Snake River, downstream springs, or diversion rates would change due to this alternative in the foreseeable future. The District would continue operating and maintaining the transferred facilities and lands without change, and AFRD#2 through Reclamation would continue to comply with ESA requirements. Thus, the No Action alternative would have no effect on any listed species.

#### **Proposed Action—Title Transfer**

The effects of the Proposed Action are expected to be the same as the No Action. None of the listed species occur on District lands nor would they be affected by title transfer. The facilities would continue to be operated as they have in the past, there will be no transfer of water rights, and there would be no changes in diverted flows. The District would continue to operate and maintain the transferred facilities and lands as they have in the past. Thus, the Proposed Action alternative would have no effect on USFWS listed species or NOAA Fisheries listed species in the Snake and Columbia Rivers.

Because the associated facilities proposed for transfer to AFRD#2 would leave Federal ownership, Section 7 of the ESA would only apply to new project activities that require Federal approval or that have Federal funding. Section 9 of the ESA would continue to prohibit the taking (affecting) of any listed threatened or endangered species.

## **3.11 Hazardous Materials and Waste**

### **3.11.1 Affected Environment**

Hazardous material surveys of the relevant facilities and lands to be transferred will be completed in accordance with Reclamation policy. No issues of concern have been identified other than potential asbestos and/or lead-based paint issues at the ditchrider houses.