

APPENDICES

Appendix A Scoping Correspondence

serve as lead agency, disclose relevant information early in the analytical process and write and distribute the EA. No funding will be provided as a part of any agreement to participate as a cooperator. Reclamation has also extended this invitation to the Shoshone-Bannock Tribes.

Please notify me by letter or phone call if you wish to be a Cooperating Agency. The Shoshone-Bannock Tribes and agencies can discuss the means to document the expectations, roles and responsibilities once Reclamation is notified of the interest in cooperating status.

If your agency does not wish to be a Cooperating Agency, Reclamation will still continue to involve interested agencies in the process and we will continue to work closely with the Shoshone-Bannock Tribes. If you would like to discuss this project, you may contact me at 208 678-0461 ext. 34.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Enclosures: Scoping document
Copy of letter to the Chairman of the Fort Hall Business Council of the Shoshone-Bannock Tribes

cc:

Mr. Norm Bird
Fort Hall Agency
Bureau of Indian Affairs
P.O. Box 220
Fort Hall ID 83203-0220

Ms. June Boyington
Bureau of Indian Affairs
Federal Building
911 NE 11th Avenue
Portland, OR 97232

Mr. Sam Hernandez
Fort Hall Agency
Bureau of Indian Affairs
P.O. Box 220
Fort Hall ID 83203-0220

Ms. Kirstie Haertel
National Park Service
Columbia Cascades Support Office
909 1st Avenue
Seattle, WA 98104
(w/enc to each)

Dr. Chuck James
Bureau of Indian Affairs
Federal Building
911 NE 11th Avenue
Portland, OR 97232
(wenc to each)

ENV 600
MIN



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

SEP 08 2005

BUREAU OF RECLAMATION
OFFICIAL FILE COPY

SEP 09 '05

TO	INIT	DATE
6306		
CONTROL #: 3-5078		
FOLDER #: 2166		

IN REPLY REFER TO:

SRA-6300
ENV-6.00

Mr. Blaine Edmo, Chairman
Fort Hall Business Council
P.O. Box 306
Fort Hall, ID 83203-0306

Subject: Invitation to be a Cooperating Tribe for the National Environmental Policy Act Process; Proposed Bank Stabilization Project to protect the Fort Hall National Historic Landmark on the Fort Hall Indian Reservation and the Minidoka Project

Dear Chairman:

Due to your jurisdictional involvement and technical expertise in the Proposed Bank Stabilization Project for the Fort Hall National Historic Landmark, Reclamation invites the Tribes to be a cooperator in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA).

Reclamation representatives recently met with representatives from the Shoshone-Bannock Tribes and the Bureau of Indian Affairs (BIA) on July 22, 2005 to discuss the next steps required to consider a bank stabilization project to protect the Fort Hall National Historic Landmark (Landmark) from erosion. All of the stabilization proposals would occur on the Fort Hall Indian Reservation (Reservation) lands. Based on the discussions at meetings in August 2004 and July 2005 and the issues identified to date, Reclamation has decided to prepare an Environmental Assessment (EA). Reclamation will also include information and analysis to comply with Section 106 of the National Historic Preservation Act in the EA. For your information we have attached a copy of the scoping document.

As a cooperating Tribe, the Shoshone-Bannock would provide special expertise on local resources, review draft documents, provide written comments, and assist in addressing intergovernmental issues. Reclamation has also invited the BIA and the National Park Service (NPS) since NPS serves as trustee for the Landmark. Reclamation will serve as lead agency, disclose relevant information early in the analytical process and write and distribute the EA. No funding will be provided as a part of any agreement to participate as a cooperator.

Please notify me by letter or phone call if you wish to be a Cooperating Tribe. We can discuss whether a Memorandum of Agreement or letter is the appropriate means to document the expectations, roles and responsibilities once Reclamation is notified of the interest in cooperating status.

Regardless of your decision, Reclamation intends to work closely with the Tribes as we proceed with the NEPA process. If you would like to discuss this project, you may contact me at 208 678-0461 ext. 34.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Enclosures: Scoping Document
Copy of letter to the Bureau of Indian Affairs and National Park Service

cc:

Land Use Commission
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Mr. Arnold Appeney
Land Use Director
Shoshone-Bannock Tribe
PO Box 306
Fort Hall, ID 83203

Ms. Yvette Tuell
Environmental Coordinator
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Ms. Carolyn Smith
Cultural Resources
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Hunter Osborne, Fisheries
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203
(w/ encl to all)



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

SEP 08 2005

IN REPLY REFER TO:

SRA-6300
ENV-6.00

Ms. Margie Ingle-Nowick
Advisory Council on Historic Preservation
12136 W. Bayaud Avenue
Room 330
Lakewood, CO 80228

Subject: Scoping of Issues - Proposed Bank Stabilization Project to Protect the Fort Hall National Historic Landmark, Fort Hall Indian Reservation and Minidoka Project

Dear Ms. Ingle-Nowick:

For several years Reclamation has been working with the Shoshone-Bannock Tribes, the Bureau of Indian Affairs (BIA) and other interested agencies to seek long term solutions to protect the Fort Hall National Historic Landmark (Landmark) from erosion. The Landmark is situated on both Reclamation and Fort Hall Indian Reservation (Reservation) lands. Reclamation has recently completed studies used to develop proposals for long term solutions for streambank stabilization.

Reclamation held meetings on July 22, 2005 with the representatives of the Shoshone-Bannock Tribes which included the Fort Hall Business Council (Council), the Land Use Policy Commission and the Tribal staff and the BIA. We discussed that the proposed sites for stabilization are on Reservation land and that before any action could occur (1) the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and other environmental law processes would need to be completed and (2) approval from the Council and BIA would need to be granted for Reclamation to fund construction on Tribal lands.

Under the National Environmental Policy Act (1969), Reclamation is required to evaluate the impacts of the proposed action on the human and natural environment. Reclamation has initiated the process to complete an Environmental Assessment (EA). The enclosed scoping document describes the project.

Last summer representatives from your agency and other interested agencies were invited to an August, 2004 field day at the Landmark to share interests and discuss concerns regarding the proposed project. Not all of the agencies were able to send a representative. Comments or concerns related to the proposal will assist us in determining issues to be included in the EA and may help in selecting alternatives to the proposed action.

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TO	INIT	DATE
6306		
CONTROL #:	S-5081	
FOLDER #:	21166	

If you have any interests that were not expressed at the August 2004 meeting please provide your written comment by October 7, 2005 to

Robert L. (Hap) Boyer
Bureau of Reclamation
Snake River Area Office
1359 Hansen Avenue,
Burley, Idaho 83318-1821

Reclamation has invited the Shoshone-Bannock Tribes, BIA and the National Park Service to serve as cooperating agencies in the NEPA process and intends to work closely with the Tribes and government agencies throughout the process. Reclamation will include information and analysis to comply with Section 106 of the NHPA in the EA. If you have questions concerning the project, you may contact Mr. Hap Boyer of my staff at Reclamation's Snake River Area Office in Burley at 208 678-0461 ext. 15.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Enclosure: Scoping Document

Identical Letters Sent To the Following Agencies:

Advisory Council on Historic Preservation
(Ms. Margie Ingle-Nowick)
Corps of Engineers
(Mr. Brayton Willis)
Idaho State Historic Preservation Office
(Ms. Suzie Neitzel)
Natural Resources Conservation Service
(Mr. Kurt Cates)

cc:

Mr. Robert Brochu
Corps of Engineers
Idaho Falls Regulatory Office
900 N. Skyline Drive, Ste.A
Idaho Falls ID 83402

Mr. Steve Guerber
Executive Director
Idaho State Historical Society
1109 Main Street, Suite 250
Boise, ID 83702-5642

Mr. Greg Graham
Corps of Engineers
Planning Division
201 North 3rd Avenue
Walla Walla, WA 99362



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6300
ENV-6.00

SEP 08 2005

Subject: Scoping of Issues - Proposed Bank Stabilization Project to Protect the Fort Hall National Historic Landmark on the Fort Hall Indian Reservation and the Minidoka Project.

Dear Ladies and Gentlemen:

For several years the Bureau of Reclamation (Reclamation) has been working with the Shoshone-Bannock Tribes, the Bureau of Indian Affairs (BIA) and other interested agencies to seek long term solutions to stabilize a localized section of eroded bank-line along the Snake River to protect the Fort Hall National Historic Landmark (Landmark) from erosion. The Landmark is situated inside the Fort Hall Indian Reservation (Reservation) boundaries on both Reclamation and Reservation lands. In 2002, Reclamation with the assistance of the Shoshone-Bannock Tribes and BIA studied the area to determine the causes of historic and current bank erosion.

The Shoshone-Bannock Tribes, government agencies, and interest groups value this area culturally, spiritually and historically and are concerned about losing threatened, valued properties, and artifacts. Reclamation as part owner must address these issues and any impacts that might result. The bank stabilization site proposals would be on Reservation land and before any action could occur (1) the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and other environmental law processes would need to be completed and (2) approval from the Fort Hall Business Council and BIA would need to be granted for Reclamation to fund construction on Tribal lands.

Under the National Environmental Policy Act (1969), Reclamation is required to evaluate the impacts of the proposed action on the human and natural environment. Reclamation will also include information and analysis to comply with Section 106 of the NHPA in the EA. Reclamation has initiated the process to complete an Environmental Assessment (EA) and has invited the Shoshone-Bannock Tribes, BIA and the National Park Service (NPS) to serve as "Cooperating Agencies" in the NEPA process. The enclosed scoping document describes the project background and requests your input.

Comments or concerns related to the proposal will assist us in determining issues to be included in the EA and may help in selecting alternatives to the proposed action. Please send comments concerning the project by October 7, 2005 to:

Robert L. (Hap) Boyer
Bureau of Reclamation
Snake River Area Office
1359 Hansen Avenue,
Burley, Idaho 83318-1821

If you have questions concerning the project, you may contact Mr. Hap Boyer of my staff at Reclamation's Snake River Area Office in Burley, at 208 678-0461 ext. 15.

Sincerely,

CHRIS W. KETCHUM
Chris W. Ketchum
Deputy Area Manager

Enclosure: scoping document

bc: PN-6306-(Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht), SRA-6121 (Fitzgerald), SRA-2000 (Ketchum), SRA-6300 (Boyer), SRA-6323 (Newman)
(w/o enc to all)

WBR:GFitzgerald:AGlass:09/09/2005:208-678-0461
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Identical letter sent to persons on next page.

Identical letter sent to:

FEDERAL GOVERNMENT

Mr. Greg Graham
Corps of Engineers
Planning Division
201 N. 3rd Avenue
Walla Walla, WA 99362-1876

Mr. Jeff Foss
U.S. Fish and Wildlife Service
Snake River Basin Office
1387 S. Vinnell Way, Room 368
Boise, ID 83709

Ms. Deb Mignagno
US Fish and Wildlife Service
Eastern Idaho Sub-Office
4425 Burley Drive, Suite A
Chubbuck, Idaho 83202

Mr. Brian Brown
NOAA Fisheries
525 Northeast Oregon Street, Ste. 500
Portland, OR 97232

Mr. Patrick Takasugi
Idaho Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Mr. K. Lynn Bennett, Idaho State Director
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709

Mr. Joe Kraayenbrink, District Manager
Bureau of Land Management
Idaho Falls District
1405 Hollipark Dr.
Idaho Falls ID 83401

Mr. Robert Brochu
Corps of Engineers
Regulatory Office
900 North Skyline Drive, Ste. A
Idaho Falls ID 83402

CONGRESSIONAL

Honorable Larry E. Craig
United States Senator
Attn: Jason Boher
490 Memorial Dr., Ste. 101
Idaho Falls ID 83402-3600

Honorable Larry E. Craig
United States Senator
Attn: Michael S. Matthews
560 Filer Ave., Ste. A
Twin falls ID 83301

Honorable Larry E. Craig
United States Senator
250 S. 4th Ave., Room 216
Pocatello ID 83201

Honorable Michael Simpson
House of Representatives
490 Memorial Dr, Ste. 103
Idaho Falls ID 83402

Honorable Michael Simpson
House of Representatives
801 E. Sherman, Ste 194
Pocatello ID 83201

Honorable Michael Simpson
House of Representatives
628 Blue Lakes Blvd. N.
Twin Falls ID 83301

Honorable Michael Crapo
United States Senator
Attn: Don Dixon
490 Memorial Dr., Ste. 102
Idaho Falls ID 83402-3600

Honorable Michael Crapo
United States Senator
Attn: John Adkins
450 S. 4th Ave., Room 207
Pocatello ID 83201

Honorable Michael Crapo
United States Senator
Attn: Linda Norris
202 Falls Ave., Ste 2
Twin Falls ID 83301

STATE GOVERNMENT

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700 West Jefferson, 2nd Floor
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Boise ID 83720-0034

Mr. Mark Gamblin, Regional Supervisor
Idaho Department of Fish and Game
South East Region
1345 Barton Road
Pocatello, ID 83204

Mr. Mark Dietrich
Idaho Department of Environmental Quality
Pocatello Regional Office
444 Hospital Way, #300
Pocatello, ID 83201

Mr. Winston Wiggins, Director Idaho
Department of Lands
PO Box 83720
Boise, ID 83720

Mr. Karl Dreher
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720

Mr. Kent Foster, Executive Director
Idaho Association of Soil Conservation
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Boise, ID 83709

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Hailey, ID 83333

Mr. Scott Brown
Idaho Conservation League
PO Box 844
Boise, ID 83701

Mr. Matt Woodard
Trout Unlimited
Project Director- South Fork Snake River
Home Rivers Initiative
151 North Ridge Ave., St. 120
Idaho Falls, ID 83402

Mr. Doug Jensen, President Idaho-Oregon
California Trails Association
5204 Water Wheel Dr.
Boise, ID 83706

LOCAL LANDOWNERS/OTHERS

Ms. Violet Bernard Rich
1213 W 600 S
Pingree, ID 83262-1319

Mr. Larve Rich
1195 W 600 S
Pingree, ID 83262-1306

Mr. Roland Rich
1213 W 600 S
Pingree, ID 83262-1319

Mr. Thorne Springs Ranch
14710 Tanner TRL
Elbert, CO 80106-001

Larry and Merna Watt
462 S 1200 W
Pingree, ID 83262-5393

Ms. Lori C. Miller
1219 W 600 S
Pingree, ID 83262-1319

Samuel & Joanne Beck
730 S 1325 W
Pingree, ID 83262-5884

Val Ray & Lorelee Beck
746 S 1325 W
Pingree, ID 83262-1544

Herman R. & Marry Ellen Queen
1363 W 750 S
Pingree, ID 83262-2958

THOMPSON BROTHERS
493 S 1200 N
Pingree, ID 83262-1067

Bernadine & Glen Tabor
14710 Tanner TRL
Elbert, CO 80106-5078

Val C. & Heather I. Carter
1025 S 1500 W
Pingree, ID 83262-1719

L. Tim & Lucille Pierce
46 N Wind River Land
Linden, UT 84042-5231

Rockin S Equipment CO.
P.O. BOX 127
San Ramon, CA 94583-1549

Rockin S Equipment CO
P.O. BOX 1595 W 1075 S
Pingree, ID 83262

James B. & Hilary H. Green
1067 S 1580 W
Pingree, ID 83262-1214

Duane A. & Arlie Bybee
3828 Bluegrouse
Pocatello, ID 83201-1719

Ron & Vickie Gentillon
C/O Rockin S Equipment CO.
348 S 1300 W
Pingree, ID 83262-1137

Margaret H. Thurston
1649 W 1075 S
Pingree, ID 83262-1719

Loyal A. & Barbara Hopkins
1597 W 1075 S
Pingree, ID 83262-1719

John R. & Rebecca Houghland
P.O. BOX 17
Springfield, ID 83277-3640

Jeanette E. Powell
P.O. BOX 87
Springfield, ID 83277-1719

Dave Babbitt
Public Works Director
501 Maple # 209
Blackfoot, ID 83221-1700

Board of Bannock County Commissioners
P.O. Box 4016
Pocatello, ID 83205-4016

Board of Bingham County Commissioners
501 N. Maple #205
Blackfoot, ID 83221-1028

Power County Board of Commissioners
543 Bannock Ave.
American Falls, Id 83211

LIBRARIES

South Bannock District
Downey Library
18 North Main, PO Box D
Downey, ID 83234

Shoshone-Bannock Library
HRDC Building, Bannock and Pima Streets
Fort Hall, ID 83202

North Bingham County District Library
(Power County)
197 W Locust St
Shelley, ID 83274-1309

NEWS MEDIA

Sho-Ban News
P.O. Box 900
Fort Hall, ID 83203

News Release

RECLAMATION

Managing Water in the West

Snake River Area Office
Burley, Idaho

Media Contact: John Redding (208) 378-5212
jredding@pn.usbr.gov

Robert L. "Hap" Boyer (208) 678-0461 ext. 15
rboyer@pn.usbr.gov
TTY/TDD: 711

For Release: September 13, 2005

PUBLIC COMMENT SOUGHT ON BANK STABILIZATION TO PROTECT FORT HALL NATIONAL HISTORIC LANDMARK

The Bureau of Reclamation, in conjunction with the Bureau of Indian Affairs and the Shoshone-Bannock Tribes, are considering proposals to stabilize the Snake River stream channel near the Fort Hall National Historic Landmark to protect the site from erosion. The Landmark is situated on both Reservation and Reclamation lands and is protected under the National Historic Preservation Act for its cultural and historic significance.

The proposed stabilization project, which would occur upstream from the Landmark on Reservation lands, would use vegetative planting with engineered improvements, such as stone barriers or stone spurs, to eliminate stream bank damage in the river channel.

For several years the Tribes and federal agencies have worked together to seek long term solutions to stabilize the eroded bank-line. In 2002, the area was studied to determine the causes of historic and current bank erosion.

The National Environmental Policy Act (NEPA) requires Reclamation and the BIA to evaluate the impacts of this proposed action on the human and natural environment. Reclamation is planning to write an Environmental Assessment (EA) and has invited both BIA and the Tribes to be cooperators. Reclamation will include information and analysis to comply with Section 106 of the National Historic Protection Act in the EA.

"Federal agencies are required to follow several environmental laws before any construction could begin. Completing the NEPA process will help Reclamation, the Fort Hall Business Council, and the Tribal Land Use Commission understand the environmental consequences of the proposals," said Chris Ketchum, Deputy Area Manager of the Snake River Area Office. "After all, the Business Council would have to give us permission to work on Tribal lands before Reclamation could proceed with any construction activities."



U.S. Department of the Interior
Bureau of Reclamation

Reclamation is asking individuals to help identify issues and concerns. Send your written comments on this proposal to: Robert L. "Hap" Boyer, Bureau of Reclamation, Snake River Area Office, 1359 Hansen Avenue, Burley, Idaho, 83318-1821 by October 7, 2005.

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Reclamation is the largest wholesale water supplier and the second largest producer of hydroelectric power in the United States, with operations and facilities in the 17 Western States. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Visit our website at www.usbr.gov.



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6116
ENV-3.00

SEP 19 2005

Ms. Suzi Neitzel
Deputy SHPO and Compliance Coordinator
Idaho Historical Society
210 Main Street
Boise ID 83702

Subject: Proposed Bank Stabilization Project to Protect Fort Hall National Historic Landmark, and Section 106 Responsibilities, Fort Hall Indian Reservation and Minidoka Project

Dear Ms. Neitzel:

For several years the Bureau of Reclamation (Reclamation) has been developing plans to seek long term solutions to stabilize the banks of the Snake River adjacent to the Fort Hall National Historic Landmark (Landmark) in order to protect that significant site. As you know, the Landmark has been assigned a Section 8 Report Priority 1 ranking by the National Park Service, in which the loss of the Landmark to erosion is imminent. Your office has had an abiding regulatory and personal interest in protecting the Landmark and for a number of years has been actively involved, with other federal agencies and the Shoshone-Bannock Tribes, in working with Reclamation to effect means for protecting the Landmark.

In August 2004, you and Mr. Larry Jones of your staff, represented the Idaho SHPO at an interagency meeting and field trip at Fort Hall, to share interests and discuss concerns regarding Reclamation's proposed bank stabilization project. As a result of discussions from that meeting and issues identified to date, Reclamation has decided to begin an Environmental Assessment for the bank stabilization. In a September 8, 2005, letter, Reclamation wrote to you about the proposal, provided a Scoping Document, and requested comments.

For efficiency, Reclamation would like to use the process and documentation required under NEPA to comply with the requirements of Section 106, as provided for under 36 CFR 800.8(c).

In using the NEPA process for 106 purposes, Reclamation intends to meet the "*Standards for developing environmental documents to comply with Section 106*" contained in Section 800.8(c)(1) of the regulations, as well as the other requirements specified in 800.8(c)(2-5). We would appreciate your concurrence with this approach.

In coming months, Reclamation will be coordinating with your office and other interested parties over the identification of historic properties and effects on those properties from the impending bank stabilization. We look forward to working with you on this extremely important project. You may direct any questions about this notification to Ray Leicht of my staff at 208-383-2215.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

bc: PN-6306 (Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht),
SRA-6322 (Fitzgerald), SRA-2000 (Ketchum), SRA-6400 (Boyer)

WBR:RLeicht:AGlass:09/16/2005:208-678-0461

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United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6116
ENV-3.00

SEP 19 2005

Ms. Margie Ingle-Nowick
Advisory Council on Historic Preservation
12136 W. Bayaud Avenue, Room 330
Lakewood CO 80228

Subject: Proposed Bank Stabilization Project to Protect the Fort Hall National Historic Landmark, Fort Hall Reservation and Minidoka Project

Dear Ms. Nowick:

For several years the Bureau of Reclamation (Reclamation) has been developing plans to seek long term solutions to stabilize the banks of the Snake River adjacent to the Fort Hall National Historic Landmark (Landmark) in southeast Idaho, in order to protect that significant site. The primary threat to the Landmark is from active bank erosion immediately upriver from the fort, moving downstream toward the fort. In addition, it is feared that a slough that passes along the eastern boundary of the fort will become active with another high flow event such as the flooding that occurred in 1997, potentially impacting the stockade, bastions, artifacts, remnants of the Oregon Trail, and possible Native American burials. The National Park Service (NPS), in providing its annual Section 8 report to Congress on the state of our Nation's historic landmarks, has assigned the Landmark a Priority 1 ranking as an endangered landmark, in which the loss of the site to erosion is imminent.

The Secretary of the Interior designated the historic fort as a National Historic Landmark in 1961. Reclamation and the Bureau of Indian Affairs (BIA) (as trustee for the Shoshone-Bannock Tribes) have joint ownership and responsibility for the Landmark under the National Historic Preservation Act.

Since at least the mid-1980's, a coalition comprised of federal and state agencies, and the Shoshone-Bannock Tribes, all with an abiding regulatory interest in protecting the Landmark, have held meetings to discuss strategies to protect the Landmark. That coalition has been represented by Reclamation, BIA, NPS, Idaho SHPO, and the Shoshone-Bannock Tribes. More recently, the U.S. Army Corps of Engineers and the Natural Resources Conservation Service have begun participating in the coalition. Since the late 1990's, the Advisory Council on Historic Preservation (Council) has been concerned about threats to the Landmark; in 1999, as a representative from the Council's Western Office, you participated in an interagency coalition meeting on the Fort Hall Reservation, designed to develop long-term protection of the Landmark.

Present plans to protect the Fort Hall National Historic Landmark had their genesis in a Congressional appropriation in fiscal year 2001, which authorized Reclamation to complete a study of erosion along the upper Snake River. Reclamation entered into a cooperative agreement with the Shoshone-Bannock Tribes to participate in the study. The study resulted in a report entitled "*Snake River at Fort Hall, Idaho Bank Erosion Study - Final.*" The report provided impetus for Reclamation to seek assistance from its hydraulic engineers from Reclamation's Sedimentation and River Hydraulics Group in Denver, known for providing erosion control solutions on large rivers.

The result was the present plan for bank stabilization designed to protect the historic fort on a long-term basis by repairing and stabilizing the stream channel near the fort.

In August 2004, an interagency meeting and field trip to the historic fort was held on the Fort Hall Indian Reservation, for the purpose of sharing interests and discussing concerns regarding Reclamation's proposed bank stabilization project. Although you were unable to attend the meeting, you expressed a strong interest in the plans to protect the Landmark and the outcome of the August 2004 meeting. As a result of discussions from that meeting and issues identified to date, Reclamation has decided to begin an Environmental Assessment for the proposed bank stabilization project. In a September 8, 2005, letter, Reclamation wrote to you about the proposal, providing a Scoping Document and requesting comments.

We wish to notify the Council of our intent to use the process and documentation required for the preparation of an EA/FONSI to comply with Section 106, in lieu of the procedures set forth in 36 CFR 800.3 - through 800.6. In addition, in accordance with 36 CFR 800.10 (Special Requirements for Protecting National Historic Landmarks), we invite the Council to participate in the consultation under those regulations. However, given the expected closure of the Council's Western Office in Denver in October 2005 with regulatory functions being transferred to its Washington staff, we fear that past levels of valuable assistance and involvement by the Council (mainly through your efforts) will no longer be available.

We look forward to your reply. Please feel free to call Ray Leicht of my staff at 208 383-2215 to discuss the compliance aspects of this project in greater detail.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

bc: PN-6306 (Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht),
SRA-6322 (Fitzgerald), SRA-2000 (Ketchum), SRA-6400 (Boyer)

WBR:RLeicht:AGlass:09/16/2005:208-678-0461

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United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6116
ENV-3.00

SEP 19 2005

Mr. Eric LaPointe, Superintendent
Fort Hall Agency
Bureau of Indian Affairs
P.O. Box 220
Fort Hall ID 83203-0220

Subject: Invitation to be a Consulting Party under the 36CFR800.10 Regulations - - Proposed Bank Stabilization Project to Protect the Fort Hall National Historic Landmark, Fort Hall Reservation and the Minidoka Project

Dear Mr. LaPointe:

For several years the Bureau of Reclamation (Reclamation) has been developing plans to seek long term solutions to stabilize banks of the Snake River adjacent to the Fort Hall National Historic Landmark (Landmark) in order to protect that significant site situated on the Fort Hall Indian Reservation and Reclamation lands. As you know, the National Park Service has assigned the Landmark a Section 8 Report Priority 1 ranking, in which the loss of the site to erosion is imminent.

For a number of years the Bureau of Indian Affairs (BIA), as trustee of the reservation lands, has maintained an abiding regulatory and personal interest in protecting that property. In the 1970's and 1980's BIA placed riprap on the north boundary of the Landmark. In more recent years, your agency has mapped lateral recession upriver from the historic fort and has recorded over 250 feet of loss of bank due to erosion. Most recently, the BIA and Reclamation, through a cooperative agreement, completed a pilot "demonstration project" upstream from the Landmark, for the purpose of relieving stream flow pressure from the critical outside bank of the main channel.

In August 2004, Messrs. Norm Bird and Sam Hernandez of your staff represented BIA at an interagency meeting and field trip at Fort Hall, to share interests and discuss concerns regarding Reclamation's proposed bank stabilization project. As a result of discussions from that meeting and issues identified to date, Reclamation has decided to begin an Environmental Assessment for the bank stabilization project. In a September 8, 2005, letter to the BIA, Reclamation invited the agency to be a cooperator in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA), and enclosed a Scoping Document.

Reclamation intends to use the process and documentation required under NEPA to comply with Section 106 requirements of the National Historic Preservation Act. As we proceed with the NEPA process, we would like to work closely with the BIA, Shoshone-Bannock Tribes, National Park Service, the Idaho SHPO, and Advisory Council on Historic Preservation, in an effort to

incorporate Section 106 consultation into the NEPA process as efficiently as possible.

In accordance with procedures specified in 36 CFR 800.2, we would like to invite the BIA to participate in the consultation under those regulations. As a consulting party, BIA would play a role in helping Reclamation to identify historic properties, to determine potential effects to the Landmark, and to develop mitigation strategies, and would be a signatory to any Memorandums of Agreement.

Please notify me by letter should you wish to serve as a "consulting party" under Section 106 for the impending bank stabilization. If your agency does not wish to be formally designated a "consulting party," Reclamation would continue to keep BIA informed as consultation proceeds, and continue to work closely with you to insure protection of the Landmark and other historic properties.

If you would like to discuss this project, you may contact me at 208 678-0461, ext. 34. To discuss specific Section 106 responsibilities, you may call Ray Leicht, archaeologist on my staff, at 208 383-2215, or e-mail him at rleicht@pn.usbr.gov.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Similar letters to:

National Park Service
Dr. Stephanie Toothman
Idaho State Historic Preservation Office
Ms. Suzie Neitzel

cc: Mr. Sam Hernandez
Bureau of Indian Affairs
PO Box 220
Fort Hall, ID 83203-0220

Mr. Norm Bird
Bureau of Indian Affairs
PO Box 220
Fort Hall, ID 83203-0220

Dr. Chuck James
Bureau of Indian Affairs
Portland Area Office
911 N.E. 11th Avenue
Portland, OR 97232-4169

bc: PN-6306 (Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht),
SRA-6322 (Fitzgerald), SRA-2000 (Ketchum), SRA-6400 (Boyer)

WBR:RLeicht:AGlass:09/16/2005:208-678-0461

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United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

RECEIVED
BOISE, IDAHO

SEP 20 05

IN REPLY REFER TO:

SRA-6116
ENV-3.00

SEP 19 2005

DATE	TIME	BY	FOR

Dr. Stephanie Toothman
National Park Service
Columbia Cascades Support Office
909 1 st Avenue
Seattle, WA 98104

Subject: Invitation to be a Consulting Party Under the 36 CFR 800.10 Regulation - - Proposed Bank Stabilization Project for the Fort Hall National Historic Landmark, Fort Hall Reservation and the Minidoka Project

Dear Dr. Toothman:

For several years the Bureau of Reclamation (Reclamation) has been developing plans to seek long term solutions to stabilize banks of the Snake River adjacent to the Fort Hall National Historic Landmark (Landmark) in order to protect that significant site. As you know, the Landmark has been assigned a Section 8 Report Priority 1 ranking, in which the loss of the Landmark to erosion is imminent. For a number of years, the National Park Service (NPS) has maintained an abiding regulatory and personal interest in the status of the Landmark and has provided valuable advice for protecting this site.

In August 2004, Ms. Kirstie Haertel represented NPS at a meeting and field trip on the Fort Hall Indian Reservation, along with other interested agencies, to share interests and discuss concerns regarding Reclamation's proposed bank stabilization project. As a result of discussions from that meeting and issues identified to date, Reclamation has decided to begin an Environmental Assessment for the bank stabilization project. In a September 8, 2005, letter to the NPS, Reclamation invited the agency to be a cooperator in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA), and enclosed a Scoping Document.

For efficiency, Reclamation intends to use the process and documentation required under NEPA to comply with Section 106 requirements. As we proceed with the NEPA process, we will work closely with the NPS, Bureau of Indian Affairs, Shoshone-Bannock Tribes, Idaho SHPO, and Advisory Council on Historic Preservation, in an effort to incorporate Section 106 consultation into the NEPA process as efficiently as possible.

In accordance with 36 CFR 800.10 (Special Requirements for Protecting National Historic Landmarks), we would like to invite the NPS to participate in the consultation under those

regulations. As a consulting party, NPS would play a vital role in helping Reclamation to identify historic properties, to determine potential effects to the Landmark, and to develop mitigation strategies, and would be a signatory to any Memorandums of Agreement.

Please notify me by letter should you wish to serve as a consulting party under Section 106 for the impending bank stabilization. If your agency does not wish to be a consulting party, Reclamation would continue to keep NPS informed as consultation proceeds, and continue to work with you to insure protection of the Landmark and other historic properties. If you would like to discuss this project, you may contact me at 208 678-0461, ext. 34. To discuss specific Section 106 responsibilities, you may call Ray Leicht, archaeologist on my staff, at 208 383-2215, or e-mail him at rleicht@pn.usbr.gov.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manger

Similar letters to:

Bureau of Indian Affairs - Fort Hall Agency
Mr. Eric La Pointe
Idaho State Historic Preservation Office
Ms. Suzi Neitzel

bc: PN-6306 (Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht),
SRA-6322 (Fitzgerald), SRA-2000 (Ketchum), SRA-6400 (Boyer)

WBR:RLeicht:AGlass:09/16/2005:208-678-0461

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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169



IN REPLY REFER TO:

OCT 20 2005

Chris Ketchum
Deputy Area Manager
Bureau of Reclamation
Snake River Office – East Unit
1359 Hansen Avenue
Burley, Idaho 83318-1821

Dear Mr. Ketchum:

We are in receipt of your September 19, 2005 correspondence which invites the Bureau of Indian Affairs (BIA) to be a consulting party under Section 106 of the National Historic Preservation Act's (NHPA) implementing regulations (36 CFR 800). This request is for the "Proposed Bank Stabilization Project to protect the Fort Hall National Historic Landmark (NHL), Fort Hall Reservation and the Minidoka Project. Mr. Eric La Pointe, Fort Hall Agency Superintendent has recently indicated the BIA's desire to be a consulting party as we have oversight responsibilities for actions on trust lands and under Section 106 of the National Historic Preservation Act (NHPA).

As the Bureau of Reclamation (BOR) is developing the proposed project's Environmental Assessment, we assume you have taken on the role of Lead Federal Agency for Section 106 compliance. Since a large portion of this project is on Tribal Trust lands, however, the BIA and Shoshone Bannock Tribes of the Fort Hall Reservation (Tribes) have specific obligations, approval, and permitting authority for project actions that may affect potentially eligible historic properties. If any agreements are developed for this project, please consider the BIA and Tribes as full signatories rather than concurring parties.

The BOR, BIA and Tribes are co-managers at Fort Hall NHL. The National Park Service (NPS), SHPO, and/or Advisory Council also have roles and obligations at this site and will necessarily be involved if any action has the potential to affect the Fort Hall NHL.

As indicated in Mr. LaPointe's correspondence, the appropriate signatory for this Section 106 undertaking will be the Fort Hall Superintendent. The archaeological review of this work will be done through staff from the Northwest Regional Office. Please insure a copy of correspondence and documents will be sent to Chuck James, Regional Archaeologist, Northwest Regional Office, 911 NE 11th Avenue, Portland, Oregon 97232.

OCT 24 2005



If you have any questions about our NHPA involvement, please direct them to Chuck James at (503) 231-6229.

Sincerely,


ACTING Northwest Regional Director

cc: Honorable Blaine Edmo, Chairman, Shoshone-Bannock Tribes of the Fort Hall Reservation

Carolyn Smith, HeTO Office, Shoshoni-Bannock Tribes of the Fort Hall Reservation

Lynn McDonald, Regional Archaeologist, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234

Ray Leicht, Area Archaeologist, BOR, Snake River Area Office, 230 Collins Road, Boise, ID 83702-4520

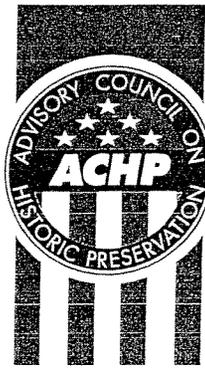
Superintendent, Fort Hall Agency

Norm Bird, Fort Hall Agency

Sam Hernandez, Fort Hall Agency

Stephane Toothman, Ph.D., CRM Program Director, National Park Service, 909 1st. Avenue, Seattle, WA 98104

Suzie Neitzel, Deputy SHPO, Idaho State Historic Society, 1109 Main St., Suite 250, Boise, ID 83702-5642



Preserving America's Heritage

October 13, 2005

Chris W. Ketchum
Deputy Area Manager
Bureau of Reclamation
Snake River Area Office – East Unit
1359 Hansen Avenue
Burley, ID 83318-1821

REF: Bank Stabilization, Fort Hall NHL, ID.

We received your notification and supporting documentation regarding the adverse effects of the referenced project on a property or properties eligible for inclusion in the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change, please notify us so we can re-evaluate if our participation is required. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the Agreement, and related documentation at the conclusion of the consultation process. The filing of this Agreement with the ACHP is necessary to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Margie Nowick at 303/969-5110 or via email at mnowick@achp.gov.

Sincerely,

Nancy Kochan
Office Administrator/Technician
Western Office of Federal
Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228
Phone: 303-969-5110 • Fax: 303-969-5115 • achp@achp.gov • www.achp.gov

Appendix B Tribal Consultation

Note:

Many letters make reference to the Fort Hall Monument. After referring to the historic site as the “Monument” for several years, it was discovered that the official name is the “Fort Hall National Historic Landmark.” Any reference to the “Monument” may be regarded as a reference to the “Landmark.”

This chronological accounting of major activities with the Tribes only includes the most recent years. It does not include the information on the “Demonstration Project” or specific studies for stabilization to protect Reservation lands.

2001

- | | |
|-------------|--|
| February 14 | Letter to the Tribes regarding appropriations to Reclamation’s budget “to continue the study of erosion problems on the Fort Hall Indian Reservation.” |
| February 16 | Letter received from the Tribes regarding appropriations for a study of bank erosion problems on the Fort Hall Indian Reservation. |
| February 27 | Meeting with the Tribal Staff to discuss appropriations for the study of bank erosion problems on the Fort Hall Indian Reservation. |
| March 7 | Meeting with Fort Hall Business Council to discuss appropriations for a study of bank erosion problems on the Fort Hall Indian Reservation. |
| March 29 | Request for Trespass Permits for the erosion control study. |
| May 9 | Letter summarizing meetings regarding erosion control study of the Fort Hall Reservation and response to the Tribes’ February 16, 2001, letter. |
| May 11 | Meeting with the Tribal Staff to discuss proposals outlined in the Tribes’ February 16 letter. |
| May 16 | Letter transmitting an Agreement for the Tribes’ participation in the Study of Erosion at the Fort Hall Reservation. |

June 26	Letter summarizing the May 11, 2001 meeting with the Shoshone-Bannock Tribes.
August 20	Modification to Agreement for the Tribes' participation in the Fort Hall Erosion Control Study.
September 7	Letter to the Land Use Commission regarding the Fort Hall Historic Landmark Protection Study.
September 28	Draft report, " <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study</i> ," mailed to the Tribes for comment.
October 15	Letter to the Land Use Commission regarding the Fort Hall Historic Landmark Protection Study.
November 2	Meeting at which Reclamation presented to the Land Use Commission and staff the findings from " <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study – November 2001.</i> "
November 19	Meeting at which Reclamation presented to the Fort Hall Business Council, findings of " <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study – November 2001.</i> "
November 27	Meeting at which Reclamation presented findings of <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study – November 2001.</i> Those attending included the Tribes, BIA, Corps, NRCS, and a representative from Senator Craig's office.
December 17	Letter from the Fort Hall Business Council to Reclamation providing comments on the <i>Bank Erosion Study</i> .
December 17	Letter from the Fort Hall Business Council to Reclamation providing additional comments on the <i>Bank Erosion Study</i> .
December 19	Memorandum from BIA to Reclamation providing comments on " <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study.</i> "

2002

January 9 Letter to the Fort Hall Business Council summarizing the November 19, 2001, meeting to review “*The Snake River at Fort Hall, Idaho, Bank Erosion Study.*”

January 31 Letter to the Tribal Land Use Commission transmitting the final copy of “*The Snake River at Fort Hall, Idaho, Bank Erosion Study.*”

After this time, bank stabilization to protect the Landmark is addressed separately from bank stabilization to protect the Fort Hall Reservation boundaries. The information that follows applies to protection of the Landmark.

May 13 Solicitation issued to Shoshone-Bannock Tribes for sole source cultural resource survey in the vicinity of the historic Fort Hall Landmark.

August 8 Letter to the Fort Hall Business Council inquiring about the Tribes’ decision on contract solicitation for the cultural survey.

August 23 Telephone call between Bev Wadsworth, Tribal Contracting Officer, and Ray Leicht, Reclamation Archeologist, indicating Shoshone-Bannock Tribes will not be signing cultural resources contract.

2003

April 22 Letter confirming an April 30th meeting with the Fort Hall Business Council and requesting the opportunity to discuss with the Tribes, participation in the Cultural Resources Survey for the Fort Hall historic site erosion control.

April 30 Meeting among the Tribes, BIA, and Reclamation in which one of the discussion items was the Fort Hall erosion.

June 11 Purchase order transmitting to the Shoshone-Bannock Tribes for a Fort Hall Class III Cultural Resources Inventory.

June 19 Summary of the April 30th, 2003, meeting with the Fort Hall Business Council.

- June 27 Letter transmitting to the Tribe, additional copies of “*The Snake River at Fort Hall, Idaho Bank Erosion Study.*”
- September 24 Site visit and meeting with Reclamation’s Technical Service Center staff, the Snake River Area staff, and Tribal representatives. The participants discussed the steps it would take to come to any on-the-ground stabilization solutions which included gathering data, developing alternatives, completing the cultural survey, completing the National Environmental Policy Act (NEPA) process, and obtaining funding.
- October 7 Letter to the Tribal, BIA, NRCS, and Reclamation staff summarizing the September 24, meeting at the Fort Hall historic site.
- October 10 Letter to the Director of Fisheries transmitting a 1997 video showing flood levels in the Fort Hall Bottoms.
- December 23 Letter from the Shoshone-Bannock Heritage Tribal Office to Reclamation, requesting an extension of the deadline for the Fort Hall cultural resources inventory.

2004

- January 12 Letter to Tribal Department of Energy Director, allowing extension of time to complete the Fort Hall Class III Cultural Resources Inventory.
- May 11 Site visit with Reclamation survey crew and representatives from Reclamation’s Technical Service Center and members of the Tribal Fish and Wildlife Department, to gather information along the Snake River.
- June 1 Letter to the Chairman of the Fort Hall Land Use Commission confirming a meeting to discuss the Fort Hall historic site erosion.
- June 15 Letter to the Director of Land Use, transmitting the Proposed Agenda for a June 23, 2004, meeting among the Tribes, BIA, and Reclamation.

- July 8 Meeting between Reclamation representatives, Tribal Commissioners and staff, and NRCS to present conceptual alternatives for bank stabilization.
- August 24 Meeting between Reclamation representatives from the Land Use and Water Commissions, Tribal staff, Tribal cultural resources contractor, BIA, NRCS, Corps, NPS, and Idaho SHPO. See October 8, 2004, letter to the Advisory Board on Historic Places.
- September 30 Letter to Reclamation from the Shoshone-Bannock Heritage Tribal Office transmitting final report of the Fort Hall cultural resources inventory.
- October 8 Letter to the Fort Hall Land Use Commission summarizing the meeting of August 24, 2004.

2005

- January 6 Letter to the Fort Hall Business Council requesting a meeting to discuss the bank stabilization for the Fort Hall Monument and other activities.
- February 4 Meeting between Reclamation management and the Fort Hall Business Council to discuss Reclamation activities including the stabilization of the Fort Hall Monument.
- February 9 Letter summarizing the meeting between Reclamation management and the Fort Hall Business Council which including a discussion regarding the stabilization of the Fort Hall Monument.
- July 12 Letter to the Land Use Policy Commission and TERO requesting a Trespass Permit for Reclamation staff and contractor to access Tribal lands for a snail survey.
- July 15 Letter to the Chairman confirming meetings on July 22, 2005.
- July 22 Three separate meetings held with the Shoshone-Bannock staff, Land Use Commission, and the Fort Hall Business Council to discuss the initiation of NEPA and other associated surveys

including the snail survey.

- August 2 Letter to the Chairman of the Shoshone-Bannock Tribes summarizing the meeting of July 22, 2005.
- September 13 News release mailed to the Tribes – *Public Comment Sought on Bank Stabilization to Protect Fort Hall National Landmark.*
- October 20 Letter to the Chairman of the Shoshone-Bannock Tribes inviting Tribes to be a cooperating Tribe for the National Environmental Policy Act process for the Proposed Bank Stabilization Project to protect the Landmark.
- October 26 Meeting between Reclamation representatives, Tribal Land Use Commissioners, Tribal staff, and BIA to discuss cultural considerations and information needs.
- October 28 Meeting between Reclamation representatives and Tribal staff to discuss ESA efforts including the snail survey in the vicinity of the Landmark.
- November 4 Site visit in which Reclamation, Tribal and BIA representatives flagged the area being considered in the stabilization project.

2006

- June 1 Meeting between representatives from Reclamation, Tribal Land Use, Tribal staff, and BIA to specifically discuss stabilization of the Landmark.
- June 7 Meeting among representatives from Reclamation, Tribal Land Use, Tribal staff, and BIA to specifically discuss stabilization of the Landmark.
- June 23 Report, “*Geophysical Investigations in the vicinity of Fort Hall National Historic Landmark*” was transmitted to the Tribal Cultural Resources Department.
- July 10 Letter to the Fort Hall Land Use Commission requesting guidance on the proposed stabilization of the Fort Hall National Historic

Landmark at Fort Hall.

- August 9 Letter from the Shoshone-Bannock Tribes regarding the Fort Hall Monument project.
- October 11 Meeting between the Fort Hall Business Council and Reclamation to discuss the Landmark and other Reclamation activities.
- November 6 Conference call between Tribal Fish and Wildlife, U.S. Fish and Wildlife, and Reclamation to discuss Utes ladies’-tresses.
- November 15 Letter summarizing the October 11, 2006, meeting with the Fort Hall Business Council regarding a campground proposal at Lake Cascade and protection of the Fort Hall National Historic Landmark.
- November 30 Letter to the Tribes transmitting the “*Predraft Environmental Assessment, Fort Hall National Historic Landmark, Bank Stabilization Project*” for Tribal and BIA review.
- December 13 Meeting with the Fort Hall Business Council, Commission members, Tribal Staff, and Reclamation representatives to discuss the Landmark NEPA process including alternatives, the predraft EA, and schedule.
- December 20 Letter to the Chairman of the Fort Hall Business Council summarizing the December 13, 2006 meeting.

2007

- January 29 Letter from the Fort Hall Business Council regarding the predecisional EA (*Predraft Environmental Assessment, Fort Hall National Historic Landmark, Bank Stabilization Project*) – Shoshone-Bannock Tribes comments.

Appendix C ESA-related Documents/Correspondence

Fort Hall National Historic Landmark Stabilization Project Snail Survey Summary

In 1992, the U.S. Fish and Wildlife Service (USFWS) listed the following five species of snails endemic to the middle Snake River as threatened or endangered under the Endangered Species Act (57 FR 59244): Utah valvata (*Valvata utahensis*), Snake River physa (*Physa natricina*), Bliss Rapids snail (*Taylorconcha serpenticola*), Idaho springsnail (*Pyrgulopsis idahoensis*), and the Lanx (*Lanx* sp.). The overall recovery area for these species extends from C. J. Strike Reservoir (RM 518) upstream to American Falls Dam (RM 714) (USFWS 1995). The U.S. Fish and Wildlife Service (USFWS) identifies the alteration of the Snake River from a free-flowing, cold water riverine habitat to an impounded, slower, warmer water habitat as the primary cause for decline of the aquatic mollusk species (USFWS 1995). Threats and limiting factors include habitat fragmentation, water withdrawals, increased water temperatures, decreased water quality (i.e., lower dissolved oxygen levels, increased sedimentation, and increased pollutants), and the expanding distribution of the non-native New Zealand mudsnail (*Potamopyrgus antipodarum*).

U.S. Bureau of Reclamation (Reclamation) and Shoshone-Bannock Tribes fisheries staff conducted surveys for Endangered Species Act (ESA) listed gastropods August 23 and 24, 2005. The target species was Utah valvata. The purpose of the snail survey was to determine the presence of ESA-listed snails adjacent to and downstream from the proposed Fort Hall National Landmark Bank Stabilization Project.

A total of 60, 0.25-m² plots were surveyed for ESA-listed snails (Figure C-1). Each 0.25-m² plot was excavated approximately 2.5 cm deep using a Venturi suction dredge operated by a SCUBA diver at boat sites. Contents of each sample were transported through flexible tubing and collected in a 1000 µm sieve. Sieve contents were then transferred to a 9 in x 11 in plastic sorting tray, sorted and identified. Sorting and identification took place on site immediately following sample collection and was conducted by Tribal and Reclamation fishery staff. Sorted and identified samples were immediately returned to the river.

The substrate at each site was characterized by a mix of small to medium gravel with intermixed fines. Sample depths ranged from .75 ft to 5.5 ft. All sites were selected based on *Pyrgulopsis idahoensis* and *Valvata utahensis* habitat requirements.

No ESA-listed snails were encountered, including the Utah valvata. The invasive New Zealand mudsnail was collected from one plot, with a total of two live individuals being collected.

It is anticipated the proposed action will have no effect on the listed *Valvata utahensis* or *Pyrgulopsis idahoensis*. The Snake River adjacent to the proposed project site does not possess the attributes consistent with the ESA-listed snails habitat requirements. Further, due to the instability of the river reach associated with the proposed project, gastropod colonization is limited.

The closest known *Valvata utahensis* colonies are located downstream in the lower portions of American Falls Reservoir. It is anticipated that the proposed project will have no effect on the snail colonies in the reservoir. The proposed project will result in greater stability in the Fort Hall reach, subsequently reducing sedimentation to the American Falls Reservoir. Any potential effects to the listed snails would be beneficial in nature.



Legend
● Snail Sampling Point



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RECLAMATION
Managing Water in the West

**Appendix D Fort Hall National Historic
Landmark Bank Stabilization Project Legal
Mandates**

Reclamation is required to comply with a number of legal mandates in the preparation and implementation of a proposed action. Additionally other agency authority to participate in certain activities is defined by various laws. The following is a list of the environmental laws, executive orders, and policies that may have an affect on the Fort Hall National Historic Landmark or Reclamation, the NPS, IDFG, IDPR and ISHPO actions in the implementation of the plan.

Law, Executive Order, or Policy	Description
American Indian Religious Freedom Act of 1978	Provides for freedom of Native Americans to believe, express, and exercise their traditional religion, including access to important sites.
Tribal Treaties, Statutes, and Executive Orders	The Fort Bridger Treaty of 1868 and the Fort Hall Indian Water Rights Act of 1990 – An Act to approve the Fort Hall Indian Water Rights Settlement, and for other purposes (Act of November 6, 1990, Public Law 101-602, 104 Stat. 3059). Both are discussed under Section 3.10 – Indian Trust Assets.
Archeological Resources Protection Act (ARPA) of 1979, as amended	Ensures the protection and preservation of archaeological sites on Federal land. ARPA requires that Federal permits be obtained before cultural resource investigations begin on Federal land. It also requires that investigators consult with the appropriate Native American groups before conducting archaeological studies on Native American origin sites.
Archeological and Historic Preservation Act of 1974	Provides for the preservation of historical buildings, sites, and objects of national significance.
Clean Water Act (CWA) of 1974, as amended*	Provides for protection of water quality including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters.
Clean Air Act (CAA) of 1970	Provides for protection of air quality.
Endangered Species Act (ESA) of 1973, as amended	Provides for protection of plants, fish, and wildlife that have a designation as threatened or endangered.

Law, Executive Order, or Policy	Description
Secretarial Order No. 3206, American Indian Tribal Rights, Federal Tribal Trust Responsibilities and the Endangered Species Act	Signed by the Secretaries of both Interior and Commerce, strives to assure that Indian tribes do not bear a disproportionate burden for the conservation of listed species so as to avoid or minimize the potential for conflict or confrontation.
Secretarial Memorandum, from the office of the Secretary of the Interior, Environmental Compliance Memorandum No. ECM97-2; Departmental Responsibilities for Indian Trust Resources and Indian Sacred Sites	Requires that any anticipated impacts to Indian trust resources from proposed projects be explicitly addressed in environmental documents.
Executive Order 12898, February 11, 1994, Environmental Justice, as amended by Executive Order 12948, January 30, 1995	Requires Federal agencies to consider the effects of its programs and policies on minority and lower income populations.
Executive Order 11990, Protection of Wetlands	Directs all Federal agencies to avoid, if possible, adverse impacts to wetlands and to preserve and enhance the natural and beneficial values of wetlands.
Executive Order 13007, Indian Sacred Sites, May 24, 1996	Provides for access to, and ceremonial use of, Indian sacred sites on Federal lands used by Indian religious practitioners.
Executive Order 13175, Consultation and Coordination with Indian Tribal Government, November 6, 2000 (revokes EO 13084)	The EO builds on previous administrative actions and is intended to: Establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications. Strengthen government- to-government relations with Indian tribes; and reduce the imposition of unfunded mandates upon Indian tribes.
Fish and Wildlife Coordination Act (FWCA) of 1958	Requires consultation and coordination with the U.S. Fish and Wildlife Service
Indian Trust Assets Policy (July 1993)	Reclamation will carry out its activities in a manner which protects Indian Trust Assets and avoids adverse impacts when possible.
Migratory Bird Treaty Act of 1918, as amended	Provides protection for bird species that migrate across state lines

Law, Executive Order, or Policy	Description
Executive Order 13186, January 10, 2001	Responsibilities of Federal Agencies to Protect Migratory Birds Requires Federal Agencies that may have a negative effect on migratory birds to develop and implement a Memorandum of Understanding with the U.S. Fish and Wildlife Service to promote the conservation of migratory birds.
National Environmental Policy Act (NEPA) of 1969	Council on Environmental Quality regulations implementing NEPA specify that as part of the NEPA scoping process, the lead agency "... shall invite the participation of affected Federal, State, and local agencies, any affected Indian tribe ... (1501.7[a] 1."
National Historic Preservation Act (NHPA) of 1966, as amended	Section 106 of the NHPA requires Federal agencies to consider the effects of any actions or programs on historic properties. Agencies must consult with Native American Tribes if a proposed Federal action may affect properties of religious and cultural significance. Section 110 requires agencies to identify and appropriately manage historic properties on lands under their jurisdiction.
Native American Graves Protection and Repatriation Act (NAGPRA) of 1990	Regulations for Tribal consultation in the event of discovery of Native American graves. Requires consultation with Tribes during Federal project planning if graves might be discovered.
Presidential Memorandum: Government-to-Government Relations with Native American Tribal Governments, April 29, 1994	Specifies a commitment to developing more effective day-to-day working relationships with sovereign Tribal governments. Each executive department and agency shall consult to the greatest extent practicable and to the extent permitted by law, with Tribal governments prior to taking actions affecting Federally recognized Tribal governments.
Interior Department Manual, Part 512, Chapter 2	Articulates the policy, responsibilities and procedures for consulting with tribes to identify and assess impact to Indian trust resources.

Appendix E EA Distribution List

FEDERAL GOVERNMENT

U.S. Fish and Wildlife Service
Snake River Basin Office
1387 S. Vinnell Way, Room 368
Boise, ID 83709
Attn: Gina Glenne

U.S. Fish and Wildlife Service
Eastern Idaho Suboffice Supervisor
4425 Burley Drive, Suite A
Chubbuck, Idaho 83202
Attn: Mr. Damien Miller

U.S. Fish and Wildlife Service
Eastern Idaho Suboffice
4425 Burley Drive, Suite A
Chubbuck, Idaho 83202
Attn: Ms. Sandi Arena

NOAA Fisheries
525 Northeast Oregon Street, Ste. 500
Portland, OR 97232
Attn: Mr. Brian Brown

Bureau of Indian Affairs
Attn: Dr. Chuck James
Federal Building
911 NE 11th Avenue
Portland, OR 97232

Bureau of Indian Affairs
Attn: Mr. B.J. Howerton
Federal Building
911 NE 11th Avenue
Portland, OR 97232

Bureau of Indian Affairs
Attn: Eric LaPointe, Superintendent
Fort Hall Agency
PO Box 220
Fort Hall, ID 83203-0220

Bureau of Indian Affairs
Attn: Mr. Norm Bird
Fort Hall Agency
PO Box 220
Fort Hall, ID 83203-0220

Bureau of Indian Affairs
Attn: Mr. Sam Hernandez
Fort Hall Agency
PO Box 220
Fort Hall, ID 83203-0220

Bureau of Indian Affairs
Attn: Lyman Clayton, Deputy
Superintendent
Fort Hall Agency
PO Box 220
Fort Hall, ID 83203-0220

Dr. Stephanie Toothman
National Park Service
Columbia Cascades Support Office
909 1st Avenue
Seattle, WA 98104

Ms. Kirstie Haertel
National Park Service
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STATE GOVERNMENT

Idaho Department of Environmental
Quality
Pocatello Regional Office
444 Hospital Way, #300
Pocatello, ID 83201
Attn: Mr. Mark Dietrich

LIBRARIES

South Bannock District
Downey Library
18 North Main, PO Box D
Downey, ID 83234

Shoshone-Bannock Library
HRDC Building, Bannock & Pima Sts
Fort Hall, ID 83202

North Bingham County District Library
(Power County)
197 W Locust St
Shelley, ID 83274-1309

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