

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

0 100 200 300 400 500 Feet 1,000 1,500

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.

