

Chapter 1 INTRODUCTION

This Environmental Assessment (EA) evaluates a range of alternatives for streambank stabilization to protect the Fort Hall National Historic Landmark (Landmark) from erosion by the Snake River. The proposed action is being developed by the U.S. Bureau of Reclamation (Reclamation) in coordination with the Shoshone-Bannock Tribes (Tribes), and the Bureau of Indian Affairs (BIA), to protect the cultural and historic resources of the threatened Landmark.

The Landmark is within the boundaries of the Fort Hall Indian Reservation (Reservation)¹, located in southeastern Idaho, which is the permanent homelands of the Tribes. The BIA serves as trustee of the Reservation lands held in trust by the United States for the Tribes (Tribal lands)² and individual Indians. The Landmark also encumbers land acquired by Reclamation (Reclamation lands) that are located inside Reservation boundaries. According to the Tribes, the Fort Bridger Treaty (1868), and Federal surveys, the centerline of the Snake River is the boundary of the Fort Hall Reservation; the continued erosion adversely impacts the shoreline of the Reservation.

This EA will determine whether to issue a Finding of No Significant Impact (FONSI) or a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS). As required by the National Environmental Policy Act (NEPA) of 1969, and subsequent implementing regulations promulgated by the Council on Environmental Quality (CEQ), this assessment explores a reasonable range of alternatives for streambank stabilization and potential environmental effects of these proposed actions. All of the action alternatives would occur on Reservation lands.

The impacts of each alternative were evaluated for the potentially affected resource areas, including land use, geology and soils, water quality, wetlands, vegetation, fish and wildlife, threatened and endangered species, cultural resources, Indian sacred sites, Indian trust assets, socio-economics, and cumulative effects.

¹ Reservation – lands within the Fort Hall Reservation boundaries which primarily include Tribal Trust Lands and/or Reclamation lands which reserve a “right to use” for the Fort Hall Indians.

² Tribal lands – lands within the Fort Hall Reservation boundaries which are Tribal Trust Lands of the Fort Hall Indians.

1.1 Location

1.1.1 Fort Hall Reservation

The Reservation extends into four counties in southeastern Idaho (Bannock, Bingham, Caribou, and Power counties, see Frontispiece), encompassing 544,000 acres (816 square miles). Founded in 1834, it is named for Fort Hall, a trading post that was an important stop along the Oregon Trail and California Trail in the middle 19th century. The town of Fort Hall, along Interstate 15, is the largest town on the Reservation.

1.1.2 Fort Hall National Historic Landmark

The Landmark boundary, originally designated along natural terrain barriers, is situated within the Reservation boundaries and is approximately 9 acres in size. It is located in the NW ¼ of Section 5, and the NE ¼ of Section 6, in Township 5 South, Range 33 East of the Boise Meridian, and is approximately 2 miles upstream of the upper end of American Falls Reservoir, in Bannock County (USBR 2001) (Figure 1-1). There are no visible features or markers at the site that delineate the Landmark boundaries nor is there any visible delineation of Tribal lands from Reclamation lands. The Landmark should not be confused with a stone marker located on the site that commemorates the location of the historic Fort Hall and the Oregon Trail.

1.2 Background

Historically, the Snake River was a wide and meandering channel with a sand and gravel bed and low banks. The river also experienced large floods and high sediment loads. In 1927, as part of the Minidoka Project, Reclamation constructed American Falls Dam on the Snake River downstream from the Landmark. Upstream, the Palisades Reservoir contributes greatly to water storage and flood control before the Snake River reaches American Falls Reservoir. There are many potential causes of bank erosion including both natural and human-induced causes. Natural river channel migration is the principal cause of historic and present bank erosion (USBR 2002). Over the years, the main river channel has changed course by widening and deepening existing secondary channels throughout this reach. The American Falls Reservoir backwater does not significantly contribute to bank erosion because the backwater only reaches the Landmark when the reservoir is full and the river flow is low (USBR 2002).

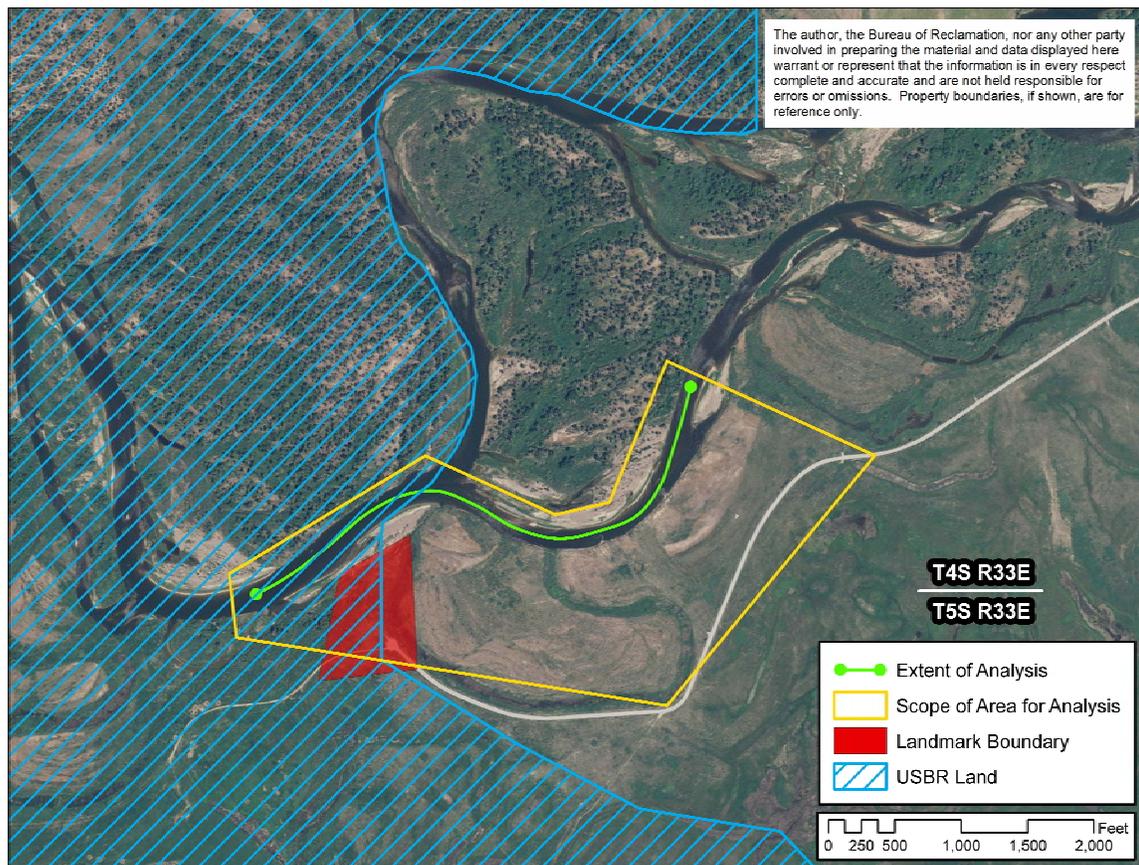


Figure 1-1. Aerial photo of the Fort Hall National Historic Landmark bank stabilization scope of project

Since 1976, this section of the river has altered its course. Currently, there are two channels in the Snake River that have formed and merged, and are the primary focus of this EA. Looking downstream, the main (left) channel merges with a historic (right) channel and is hereafter referred in this report as the *main channel*. The section of the river below the confluence of the two merged channels is referred to as the *downstream reach* (Figure 1-2). Extensive meandering of this river depicted in aerial photos taken by the United States Geological Survey (USGS) and the Department of Agriculture since 1936, indicate accelerated bank erosion encroaching on the Landmark and the increased need for protection. At the present time, the Snake River is eroding the left (south) bank of the main channel upstream of the Landmark.

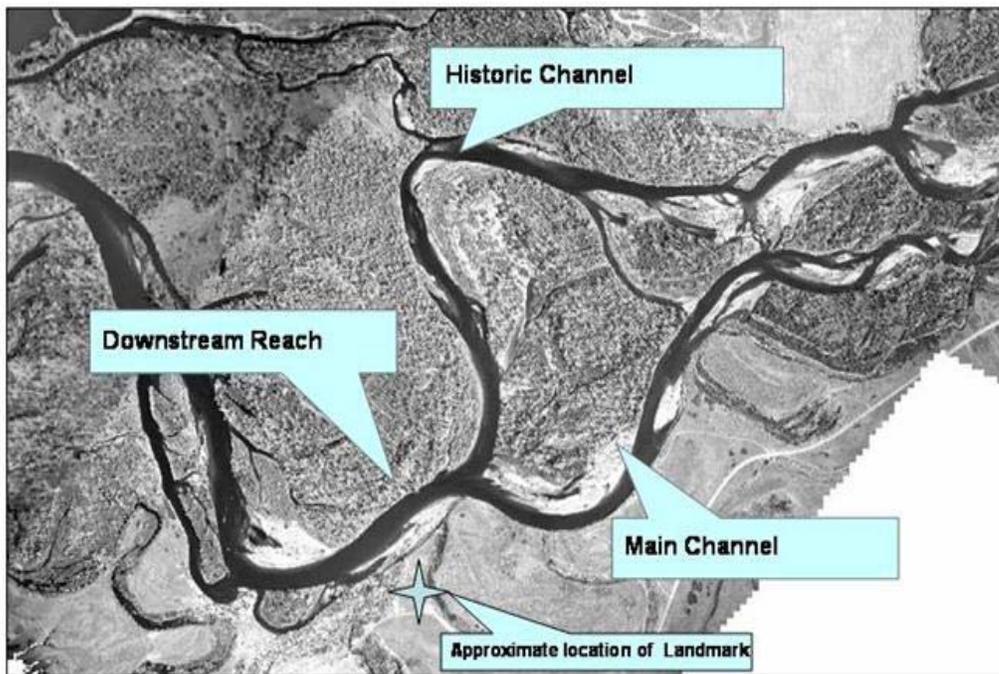


Figure 1-2. Aerial photo showing current channel positions and approximate location of the Landmark

1.3 Purpose and Need for Action

The Secretary of the Interior (Secretary) designated the area around the actual Fort Hall site as a National Historic Landmark in 1961. The Landmark was originally located approximately 150 yards from the river bank. As a result of many floods and subsequent bank erosion, the river channel has altered its course and the Landmark is presently only 17 yards from the river. The Snake River channel is eroding into the Tribal lands and is threatening the Landmark by decreasing the area and stability of the bank. Recently discovered historical artifacts, and the cultural and spiritual significance to the Tribes, has increased concern to preserve this Landmark.

The purpose of the proposed action is to implement bank stabilization, provide protection of the Landmark, and maintain existing cultural and historical significance. The Landmark is listed as endangered by the National Park Service (NPS) with a Priority 1 ranking. With the proposed action to protect the Landmark, stabilization of the Tribal lands near the Landmark will occur; thereby, protecting a Tribal trust asset.

The proposed action would stabilize approximately 3,800 feet of streambank located on Reservation lands. The site of the proposed bank stabilization project is located approximately 2 miles upstream from American Falls Reservoir and immediately adjacent to and upstream of the Landmark along the Snake River in Bannock and Bingham counties in Idaho. The Landmark is a nationally significant historic property and is protected under the National Historic Preservation Act (NHPA). Under the NHPA, Federal agencies responsible for managing and maintaining a historic landmark must take appropriate action to minimize damage or potential threats to that landmark.

The proposed action would reduce current and future, localized streambank damage in the river channel through streambank modification and diversion of river flow. This may involve using bioengineering techniques or terracing and vegetative planting in conjunction with one or several standard engineering techniques, such as revetment, stone toe, or stone spurs.

1.4 Legal Authorities and Constraints

The Federal agencies, Tribes, and the Idaho State Historic Preservation Office (SHPO) all have a unique role in the protection of the Landmark pursuant to the NHPA of 1966. Reclamation and BIA are consulting with the Fort Hall Business Council to seek solutions to protect the Landmark because its boundaries encumber both Tribal and Reclamation lands. Following is a brief discussion of each entity's authority.

1.4.1 Shoshone-Bannock Tribes

The Fort Hall Reservation was created by Executive Order on June 14, 1867, and was established as a permanent homeland to Shoshone and Bannock peoples pursuant to the Fort Bridger Treaty of July 3, 1868, ratified by Congress. The original Reservation was approximately 2 million acres, but by survey error and subsequent cessation agreements where the United States obtained land for non-Indian settlers and the Federal government, the current Reservation encompasses approximately 544,000 acres, not including recently acquired lands adjacent to the Reservation. The Shoshone-Bannock Tribes is a federally-recognized tribe organized under Section 16 and 17 of the Indian Reorganization Act of 1934. The Tribal Constitution and Bylaws established the governing structure for the Tribes, and provided the Fort Hall Business Council as the governing body.

1.4.2 Bureau of Indian Affairs

The BIA, acting on behalf of the Secretary, serves as trustee of the Fort Hall Reservation lands established by the 1867 Executive Order.

The United States Government owes a trust obligation to federally-recognized Indian Tribes. This trust obligation doctrine imposes fiduciary standards on the conduct of the Federal

government. The Secretary, through delegation of authority to the BIA, must protect and preserve Indian trust assets from loss, damage, unlawful alienation, waste, and depletion. The BIA also must assure that any management of Indian trust assets that the Secretary of the Interior has an obligation to undertake promotes the interest of the beneficial owner and supports, to the extent it is consistent with the government's trust obligation, the beneficial owner's intended use of the property.

1.4.3 Bureau of Reclamation

The Minidoka Project was authorized by the Secretary on April 23, 1904 under the June 17, 1902 Act. The Act of May 9, 1924 (ch. 151, 43 Stat. 117) authorized the acquisition of Indian lands on the Fort Hall Indian Reservation for the American Falls Reservoir subject to the reservation of an easement to the "Fort Hall Indians" to use the lands for grazing, hunting, fishing, gathering of wood, and so forth the same way as obtained prior to the act so far as such uses shall not interfere with the use of said lands for reservoir purposes (43 Stat. 1771). Work completed by Reclamation under this proposal would be conducted under the Act of April 27, 1935, ch. 85, 49 Stat. 163 of the Soil and Moisture Conservation Act.

1.5 Scoping

The scoping process under NEPA, is a course of action to request input from interested parties to help identify important issues and alternatives related to the proposed action.

The Federal government, however, has a special relationship with Tribes known as a Government-to-Government relationship. Accordingly, Reclamation has been in close communication with the Tribes to discuss Reclamation's ongoing interest and cooperation to develop a plan to protect the Landmark while providing bank stabilization adjacent to and immediately upstream of the Landmark. Upon initiating the NEPA process, Reclamation met with the Fort Hall Business Council, Tribal Land Use and Water Resource commissions, and staff on July 22, 2005. A news release issued to the Sho-Ban News on September 13, 2005 announced initiation of the draft EA and requested comments from the public regarding any issues or concerns (Appendix A).

Reclamation wrote to other Federal, State, local agencies, interest groups, and individuals on August, 31, 2005, announcing the intent to prepare a draft EA. Reclamation received no written scoping comments.

1.6 Related Actions and Activities

Concerns over threats to the Landmark from bank erosion have existed since 1976. The BIA developed several coordinated efforts with the Army Corps of Engineers (Corps), NPS,

Reclamation, U.S. Geological Survey (USGS), and other agencies to analyze the type and degree of erosion within the area.

In 2000, Reclamation and the BIA entered into an agreement to construct a demonstration project upstream of the Landmark to address the accelerated bank erosion threatening that historic site (Figure 1-3). The project was based on a design prepared by the National Resource Conservation Service (NRCS). The final report, an evaluation of the Snake River channel avulsion and erosion between Ferry Butte and American Falls Reservoir, was completed in 2001 (Sampson et al. 2001).

In 2002, Reclamation, with the assistance of the Tribes and BIA, studied a 14-mile reach of the Snake River to determine the causes of historic and current bank erosion using aerial photography, topographic surveys, collecting sample material, and hydraulic and hydrologic modeling of stream channel processes. Aerial photography documented significant changes in channel position in seven distinct sites along the 14-mile reach. Of the seven sites, three areas were identified as priority areas, including the Fort Hall Landmark (Area 1), the Dixey Ranch (Area 5), and in between these locations in Area 4 (USBR 2002).

Further investigations of conceptual designs specifically for the Landmark site were updated in 2004 by Reclamation in order to propose specific alternatives for the preservation of the threatened historic Landmark (USBR 2004a). Accelerated stream channel alterations make immediate protection of this section of the stream channel even more critical to prevent the loss of the historic Landmark (USBR 2006).

Reclamation is providing technical assistance to the Tribes and BIA by developing conceptual designs for erosion protection of Area 4 and Area 5 (USBR 2004b). These sites are on Tribal land. Reclamation only has authority to implement an action for the preservation of the Landmark by virtue of the underlying and joint ownership of the lands the Landmark encumbers. The design document, *Restoration and Bank Stabilization on Fort Hall Reservation Lands, Analysis of Alternatives*, currently being developed by Reclamation is expected to be provided to the Fort Hall Business Council and the BIA in the spring of 2007 so they can evaluate whether implementation of a design to protect Tribal lands upstream from the Landmark is desirable and feasible.

The Tribes contracted the Range Program from the BIA in 2003. The Tribes entered the area into the Continuous Conservation Reserve Program (CCRP) sponsored by the NRCS as a measure to protect the riparian areas. The CCRP agreement disallows cattle grazing 150 feet from the bank of the Snake River beginning at the Landmark and going upstream approximately 3,900 feet to the north end of the demonstration project.

The Tribes also entered into the Environmental Quality Incentive Program (EQIP) with the NRCS to cut and plant willows and dogwoods along the demonstration project. Reclamation will coordinate with the Tribes and NRCS as to the optimal time to begin this effort upon completion of the proposed project.

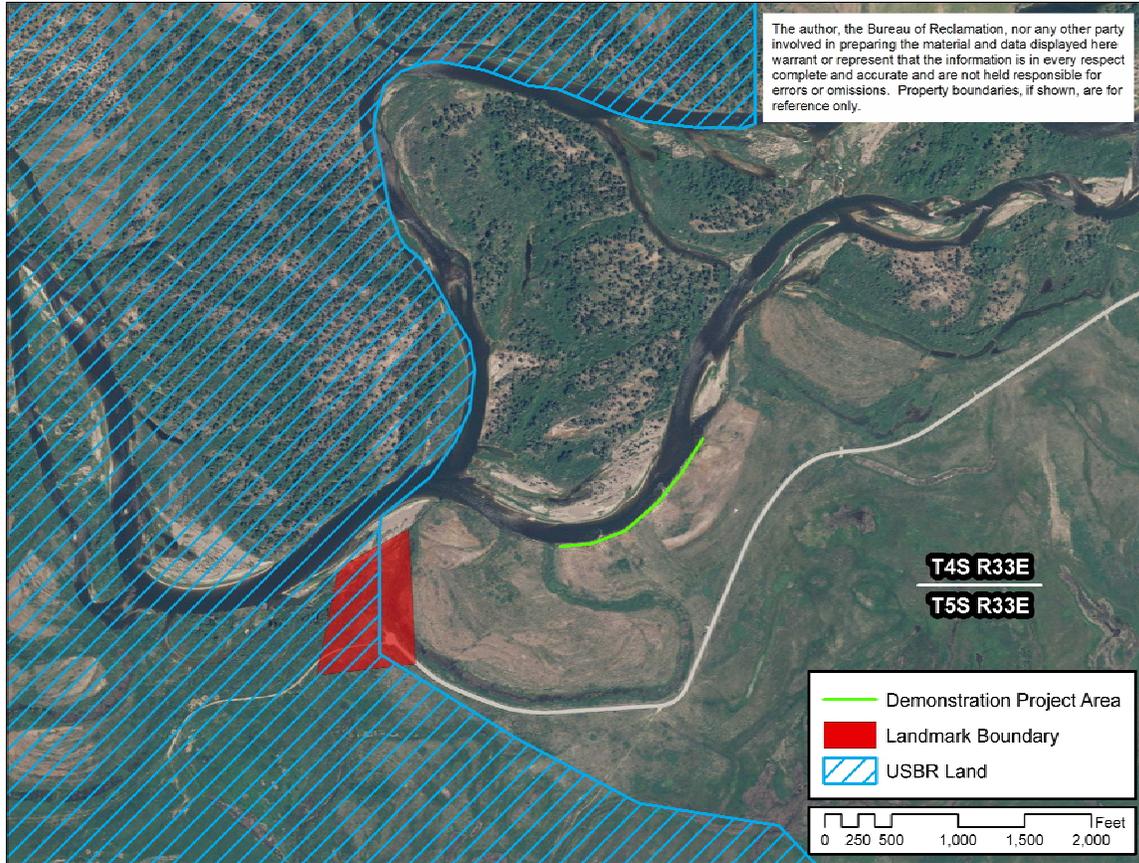


Figure 1-3. Aerial photo showing the demonstration project area