

RECLAMATION

Managing Water in the West

Finding of No Significant Impact Final Environmental Assessment

Fort Hall National Historic Landmark
Bank Stabilization Project
Fort Hall Reservation of the Shoshone-Bannock Tribes
Upper Snake River Basin, Idaho



Prepared By:

U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
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In Cooperation With:

Shoshone-Bannock Tribes
Fort Hall Indian Reservation
and the
Bureau of Indian Affairs
Fort Hall, Idaho



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U.S. DEPARTMENT OF THE INTERIOR

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.

MISSION OF THE BUREAU OF RECLAMATION

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

Fort Hall National Historic Landmark Bank Stabilization Project, Fort Hall Reservation of the Shoshone-Bannock Tribes Upper Snake River Basin, Idaho

**U.S. Department of the Interior
Bureau of Reclamation
Snake River Area Office East**

PN FONSI 07-03

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 action, 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

The Fort Hall Indian Reservation (Reservation) is the permanent homelands of the Shoshone-Bannock Tribes and extends into four counties in southeastern Idaho (Bannock, Bingham, Caribou, and Power counties), encompassing 544,000 acres. The town of Fort Hall along Interstate 15, is the largest town on the Reservation.

The Fort Hall National Historic Landmark (Landmark) 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. 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.

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).

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 the EA. Looking downstream, the main (left) channel merges with a historic (right) channel and is referred to as the *main channel*. The section of the river below the confluence of the two merged channels is referred to as the *downstream reach*. 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.

Purpose and Need

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, the majority of which is 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.

Alternatives Considered

Reclamation considered a number of options to address stabilizing a localized section of the streambank upstream of the Landmark in an effort to protect the Landmark and reduce further channel migration. Alternative 1 is the No Action alternative defined by NEPA as the most likely future condition without the proposed action. The four action alternatives (2, 3, 4, and 5) provide different techniques to accomplish the purpose and need for the action. Alternative 2 was selected as the Preferred Alternative.

Alternative 2 (Preferred Alternative) – The Preferred Alternative features a bank height stone toe and upper bank revetment. A rock barrier would be placed over and adjacent to the current river bank for a length of 3,800 feet. There is no bank excavation required for placement of the rock barrier. The outside ends of the stone toe would include a feature called a “key-in.” Under the Preferred Alternative, the key-in would be comprised of sheet pile (interlocking “S” shaped steel plates) driven into the ground that creates a rigid barrier to prevent undercutting and the stream from circumventing the stone toe. The Preferred Alternative was selected primarily because it would have the least amount of impact to subsurface cultural and historical resources while providing the greatest amount of protection to the Landmark.

Alternative 3 – This alternative uses stone spurs to reshape the outside edge of the curve and concentrate the flow away from the bend.

Alternative 4 – This alternative uses stone toe with earthfill curve shaping and bioengineered terrace on the main channel and stone spurs on the downstream reach. A 425-foot key-in trench would be required upstream and a 30 foot revetment treatment would be required on the downstream reach.

Alternative 5 – This alternative uses stone spurs on the main channel and stone toe on the downstream reach. A 100-foot key-in trench would be required upstream and a 10 to 30 foot key-in trench would be required on the downstream reach.

Environmental Commitments

The EA identifies standard practices and mitigation measures to minimize environmental, cultural resources, Indian sacred sites, or Indian trust asset impacts. Reclamation is committed to their implementation using best management practices and considers them to be part of the Federal action. Environmental commitments relative to geology/soils, water, vegetation, fish and wildlife, historic properties, cultural resources, sacred sites, and Indian trust assets are described in Chapter 3, Section 3.13 and 3.14 of the Final EA.

Agency Consultation and Coordination

National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966 (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 cause on significant resources.

Section 800.6 of the 36 CFR 800 regulations requires agencies to notify the Advisory Council on Historic Preservation (ACHP) and invite their participation for any undertakings that have an adverse effect upon a National Historic Landmark. Section 800.10 directs agency officials, to the maximum extent possible, to undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. Section 800.10 also directs agencies to notify the Secretary (through NPS) of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect.

Under Section 101(d)(2) of the NHPA, Indian tribes have an opportunity to assume all or any part of the functions of a SHPO in accordance with specific procedures outlined in the Act. The tribal official who has assumed responsibilities of the SHPO for Section 106 compliance on tribal lands under Section 101(d)(2) of NHPA, is referred to as the Tribal Historic Preservation Officer (THPO). The Tribes have not assumed the responsibilities of the SHPO for Section 106 compliance on tribal lands, and do not have a formal designated THPO. Therefore, under the 36 CFR 800 regulations, Reclamation must consult with a representative designated by the Tribes, in addition to the Idaho SHPO, during review of the present bank stabilization undertaking.

Reclamation has collected existing cultural resource information from Class III inventories, photo-interpretive mapping, archaeological testing, GPR surveys, magnetometry studies, and historic documents to prepare the draft EA and to facilitate subsequent compliance with the NHPA. Coordination with the Idaho SHPO and other relevant agencies and organizations will occur in conjunction with public review of the draft EA. It is understood that specific, future undertakings not related to the present stabilization project will require separate consultations with the SHPO and the Tribes pursuant to the 36 CFR 800 regulations.

Archaeological Resources Protection Act (ARPA)

The Archaeological Resources Protection Act (ARPA) of 1979, as amended, insures the protection and preservation of archaeological sites on Federal and Indian land. ARPA requires that Federal permits be obtained before archaeological resource investigations can begin on Federal or Indian land. If a permit issued may harm an archaeological resource, the Federal

land manager, before issuing such permit, must notify the Indian tribe which may consider the site as having religious or cultural importance. The Act provides for civil and criminal penalties for unauthorized removal and collection of archaeological resources.

A class III archaeological survey and ground penetrating radar and magnetometry studies have not revealed significant archaeological resources adjacent to the landmark. Archaeological augering will be carried out prior to construction activities. Archaeological monitoring will occur during all earth moving and other construction. This will be implemented in conjunction with the standard practices and mitigation measures outlined in Chapter 3, Section 3.13 and 3.14 of the Final EA.

Native American Graves Protection and Repatriation Act (NAGPRA)

Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 regulates tribal consultation procedures in the event of discoveries of Native American graves and other NAGPRA “cultural items.” The Act requires consultation with tribes during Federal project planning if graves and other NAGPRA cultural items might be discovered. NAGPRA details procedures for repatriation of human skeletal remains and other cultural items with appropriate tribes.

Endangered Species Act

The Endangered Species Act (ESA) requires all Federal agencies to ensure that their actions do not jeopardize the continued existence of listed species or destroy or adversely modify their critical habitat. The evaluation of endangered species contained in this EA serves as Reclamation’s biological assessment as required under the ESA. It evaluates impacts on listed and candidate species, including the gray wolf (experimental, non essential), the bald eagle (threatened), Utah valvata snail (endangered), and Ute ladies’-tresses (threatened). Reclamation has proposed mitigation measures to avoid long-term impacts on bald eagles, Utah valvata snail, and Ute ladies’-tresses. It was determined that the Preferred Alternative would not have long-term negative impacts on these species. Therefore, Alternative 2, the Preferred Alternative, has an ESA determination of May Affect, Not Likely to Adversely Affect. In a letter dated May 2, 2007, USFWS concurred with Reclamation’s determination (see Appendix F in the Final EA).

There are no ESA-listed anadromous fish known to occur within the study area; therefore, Reclamation does not need concurrence from NOAA Fisheries; however, a copy of the Final EA will be distributed to the agency.

Tribal Coordination and Consultation

In accordance with 1501.6 of NEPA, an invitation to be a cooperating entity was mailed to the Tribes on September 8, 2005.

Government-to-Governmental Consultation with Tribes

Reclamation has worked closely with the Fort Hall Business Council, the Tribal Land Use Commission, and the Tribal staff to develop alternatives for the Landmark stabilization. Several meetings were held with Tribal representatives to receive input (see Appendix B – Tribal Consultation). A copy of the draft EA was provided to the Tribes for additional data, discussion, and comment prior to release to the public. The representatives that received the draft EA are listed in Appendix C.

Since the proposed project area is on Tribal lands, none of the action alternatives can be implemented without a resolution from the Business Council to allow Reclamation to construct on Tribal land. Additionally, Reclamation would need concurrence from the Bureau of Indian Affairs (BIA).

Indian Sacred Sites (Executive Order 13007)

Reclamation has discussed the Landmark bank stabilization proposal with representatives of the Shoshone-Bannock Tribes. Tribal representatives have been given opportunities through site visits and meetings to provide comments about Indian sacred sites that might be located in the project area. Although such information is not always disclosed by the Tribes for reasons of sensitivity, Reclamation would consider that information if it were provided by the Tribes.

Indian Trust Assets (ITAs)

All of the proposed stabilization alternatives would occur on Tribal lands and could impact Tribal resources and/or Indian Trust Assets. See Section 3.10 of the Final EA for a discussion regarding ITAs.

Other Laws and Regulations

The relationship between Federal agencies and sovereign Tribes is defined by laws, regulations, and Executive Orders addressing the requirement of Federal agencies to notify or consult with Native American groups or otherwise consider their interests when planning and implementing Federal undertakings. These mandates are included as Appendix D.

Furthermore, since the proposed project site is located on Reservation lands, Reclamation cannot implement any of the bank stabilization alternatives without the approval of the Fort Hall Business Council.

Public Involvement

The Draft EA was mailed to approximately 50 Federal, State, local agencies, elected officials, Indian tribes, irrigation districts, and interest groups for a 30-day comment period. Reclamation received 5 comment letters and 1 verbal response. Comments were received from

the BIA, the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Natural Resources Conservation Service (NRCS), the U.S. Fish and Wildlife Service (USFWS), and the Idaho Department of Water Resources (IDWR). The comments were largely in support of the project. The comment letters together with Reclamation's responses are included as an attachment to this FONSI and Final EA as Appendix F.

Changes to the Final EA

Reclamation received comments from the aforementioned entities and where appropriate, the Final EA was revised to reflect their concerns. Reclamation did incorporate editorial revisions to clarify aspects of the document and to ensure accuracy.

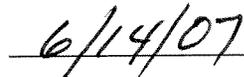
Finding

Based on a thorough review of the comments received and analysis of the environmental impacts, mitigation measures, and implementation of all environmental commitments as presented in the Final EA and this FONSI, Reclamation has concluded that the 2007 Preferred Alternative will have no significant effect on the human environment. Reclamation, therefore, concludes that preparation of an Environmental Impact Statement is not required, and that this FONSI satisfies the requirements of NEPA.

Recommended:

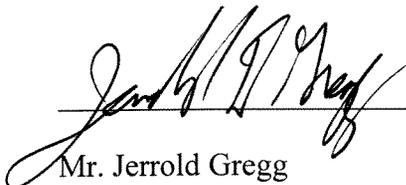


Mr. Robert Boyer
Snake River Area Natural Resources Manager
Burley, Idaho

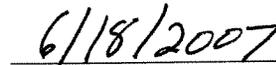


Date

Approved:



Mr. Jerrold Gregg
Snake River Area Manager
Boise, Idaho



Date

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