Appendix A:
Scoping Report

Teton River Canyon
Resource Management Plan & Environmental Assessment
ISSUE SCOPING REPORT
Spring - Summer 2005

This Issues Scoping Report is intended to summarize all of the issues and comments collected during scoping for the Teton River Canyon RMP and EA. The issues were received from the following outreach efforts:

1. a series of informal outreach/introductory meetings held by Reclamation personnel with interested agencies and public groups (including: the Teton and Madison County Commissions, Rexburg City Council, Henrys Fork Watershed Council, and Idaho Department of Fish and Game);
2. public meetings held in Rexburg, Driggs, and Fort Hall on April 6, 7, and 25, 2005, respectively;
3. mail-in responses from the first RMP Newsbrief mailed to approximately 200 people and other mail correspondence; and
4. meetings held with the Shoshone-Bannock Tribes.

Preparation of this document reflects Reclamation's practice of: [1] reporting all input received on issues and opportunities pertinent to its Resource Management Plan efforts, and [2] considering this input in the process of making decisions on short- and long-term management of lands under the Agency's jurisdiction.

However, it should be noted that this reporting does not necessarily infer endorsement of all comments received. Situations often arise where opposing points of view exist regarding how issues or opportunities should be addressed, and a decision must ultimately be made on which direction the RMP will follow. All issues will be comprehensively analyzed and evaluated with many considerations in mind. Additionally, Federal laws and Reclamation regulations, policies, and/or authorities (or those of other involved agencies) can limit the range of feasible responses.

Issues, Comments & Questions from Meeting with Staff Fort Hall – Shoshone-Bannock Tribes March 15, 2005
Tribes wish to be involved in Wild & Scenic River Determination
Protection of Treaty Rights
All natural resources are significant to the Tribe
Inclusion of the Policy of the Shoshone-Bannock Tribes for Management of the Snake River Basin Resources
Protection of cultural resources
Water Rights Issues
Treaty Rights Issues
Native Plant Communities
Wildlife & Fish Recovery Ecosystem
Continue Primitive Setting
Improve interpretative info with Tribal cooperation
Travel issues - access
Disposal of any Federal lands diminish Tribal Treaty Rights
Restore resources to natural riverine ecosystem

Issues, Comments & Questions from Government to Government Meeting Fort Hall Business Council of the Shoshone-Bannock Tribes April 25, 2005
Are there rainbow & cutthroat trout?
Are the adjacent lands private?
Is this the last Yellowstone Cutthroat hold?
Have the cultural interests of the Tribe been determined?
Are deer, elk, moose populations sustained at this location?
Will or have big horn sheep been introduced at this location? Are there transplants near Bitch Creek?
Will Upper Snake River snail studies be tied to this RMP?
Are there any petroglyphs or caves?
Was land ever put in the Conservation Reserve Program?
When will BLM become involved in the process?
What studies have we done in the canyon?
Would like Tribal Cultural interests inventory
Would like co-management of resources & fisheries
What about liability if they were to co-manage?
Want copy of comments from other public meetings
Tribes not consulted at the time the dam was built
Land set aside for hunting permits
Want opportunity to contract for work

Issues & Comments from Fort Hall, ID Public Meeting April 25, 2005
Request that Tribal members have free access to Teton Flood Museum in Rexburg
Would like to add Tribal history and interpretation to the displays at the Teton Flood Museum
Would like to see what the area looked like prior to building the dam
Concern over possibility of BLM exchanging lands in the project area. Concern about potential private demand in the future.
What cultural surveys were done prior to building the dam and what was found?
Will environmental justice for any future development be addressed in the plan?
Tribes would like to be co-managers along with Reclamation and BLM
Consideration for natural resources claims on and off reservation prior to and after dam construction
Amendment to Shoshone-Bannock land use ordinance to off-reservation regulations. Implement with an MOU.
Interested in employment opportunities associated with RMP such as monitoring, cultural surveys, studies, etc.
Recognize Tribal treaty and hunting rights; gathering & camping

Issues from Response Forms (newsbrief mail-in forms & meeting comment forms)	Number of Responses
Provide for big game habitat	3
Improve habitat for T & E species	3
Control noxious weeds	8
Provide for commercial recreation opportunities	0
Maintain a primitive recreation experience	3
Keep recreation use at current levels	6
Facilitate increases in recreation use	0
Improve boat ramps	1
Define parking areas to limit use	1
Provide for agricultural uses	8
Provide interpretation on historic significance	2
Facilitate education opportunities	0
Protect cultural resources and sacred sites	1
Protect Indian Trust Assets	1
Improve fishing	3
Improve fish habitat	6
Maintain water quality	7
Improve law enforcement	0
Attempt to reduce vandalism	2
Maintain visual quality	0

Issues from Letters & Write-in Comments	Number of Responses
Fire prevention	1
Maintain aesthetic qualities of the canyon	1
Concern about waterflow stoppage by Felt power plant for surges. It produces silt and bank erosion and is bad for fishing and boating.	1
Improve access roads	2
Designate rustic campsites	1
Improve awareness of recreation	1
Maintain a sustainable population of Yellowstone Cutthroat Trout	1
Enhance structural diversity of the channel	1
Improve fish habitat	1
Need for boat launch at Spring Hollow	1
Allow current level of recreation use to continue	1
Improve upper takeout site (1-mile above old dam site) for boats	1
Develop a boat ramp and visitor facilities above old dam site	1
Improve primitive camping /day-use stops along river	1
Restore shrub community in inundated areas	1
Protect & enhance mule deer wintering areas	1
Convert certain agricultural leases to permanent cover and wildlife habitat	1
Protect existing regeneration (cottonwood) in lower reaches near dam site	1
May be opportunities to plant willows or other woody species	1
Explore restoration of reed canarygrass to typical mix of riparian species.	1
Continue work on noxious weeds	1
Consider a winter closure of Reclamation lands to all human entry, especially along the north side rim for big-game	1

Issues & Comments from Rexburg, ID Public Meeting April 6, 2005
Concern about noxious weeds
Can Parkinson's lock their gate and deny public access to all but Teton Lodge?
Improve access to the canyon
Suggest using switchbacks to reduce erosion and improve access at Bitch Creek slide
Desire for interpretive signs and restrooms at overlook
Want legal public access routes more clearly identified
Inform people about Teton Flood Museum at the dam overlook area
Consider removing landslide material in places where it is constricting the river
Want to be notified when planning documents (issues & opportunities, goals, objectives) are available to look at. Want hard copies as well as website.
Concern about environmental protection
Want boat launch if water is deep enough
Build switchbacks from rim near overlook
Want historic interpretation at dam site
Use volunteers and students for projects
Too expensive to try to restore cutthroat habitat completely. Let them restore themselves. Do not wipe out other species at their expense
Try to plant landslide areas
Minimize commercialism and recreation
Desire to lease back Spring Hollow area and put it into a conservation easement area
Trespass (hunting) occurs now and don't want it any worse
Gate is being locked which is supposed to be open for public access. Need to make entire road public from Hog Hollow to river

Issues & Comments from Driggs, ID Public Meetings April 7, 2005
Area where topsoil was removed to build dam still needs to be reclaimed
Concern that dollars that went to IDFG to restore Teton Canyon were used elsewhere.
Farmers have helped keep soils stable along canyon rim after dam failure
Why not do one plan for Reclamation and BLM lands in the Canyon?
Noxious weed control needed
Landowners are concerned about access through private road to river. Turning road(s) over to public may help.
Leasee(s) would like to buy lands back from BOR
North road to old dam site sees a lot of vandalism
Farmed lands along Canyon creek seeing increasing public access and vandalism, hunting issues.
Farmers have done a great deal to make wildlife habitat better.
Fire is a concern along canyon rim by adjacent residents and landowners.
Law enforcement is minimal at best in this area
Lower Teton Canyon is known by IDFG as one of the worst for deer poaching
Poaching for fish is also a big problem, need more IDFG busts to get the word out
Need more woody species planted in the area. Reed canary grass better than no vegetation
If access remains minimal then not much more law enforcement would be needed.
Sense of some is that demand will increase, therefore access will need to be strictly controlled
Do not see need to open up anymore access. Spring Hollow is often trashed.
Seems to be a lot of "no trespassing" signs, gates, fences, and mentality in the area. Would like to see good public access, but limited.
No trespassing signs are out of a concern for lawsuits and recreation liability
Would like to see safety hazards in river cleared to make floating safer.
All access routes to canyon are open except road through Parkinson's which was closed due to road being torn up, crops destroyed, vandalism, and property damage

Appendix B:
Soil Types in the Teton River Canyon RMP Study Area

APPENDIX B
Soil Description for Teton River Canyon RMP Study Area

Name	Typical Profile	Location	Depth Class	Drainage Class	Permeability (P) and Available Water Capacity (C)	Runoff (R) and Erosion Hazard (E)
Fremont County: North Side of Teton River Canyon (NRCS 1993)						
Rubble land	• 95 percent rubble land • 5 percent rock outcrops and shallow soils	Side slopes of the Teton River Canyon	N/A	N/A	N/A	N/A
Rexburg-Ririe silt loams, 1 to 4% slopes, 4 to 12% slopes, and 12 to 20% slopes	Rexburg: • 0 to 5 inches dark grayish-brown silt loam • 5 to 14 inches grayish-brown silt loam • 14 to 25 inches light brownish-gray silt loam • 25 to 60 inches light gray silt loam Ririe: • 0 to 8 inches dark grayish-brown silt loam • 8 to 11 inches yellowish-brown silt loam • 11 to 20 inches very pale brown silt loam • 20 to 60 inches light yellowish-brown silt loam	Farmland abutting the north bench of Teton River Canyon from the dam site in the west to the confluence with an unnamed tributary to the east that joins the Teton River at Spring Hollow, prior to the confluence with Bitch Creek	Very deep	Well drained	P = Moderate C = Very high	R = Slow (1 to 4% slopes); rapid (4 to 12% slopes); very rapid (12 to 20% slopes) E = Moderate to slight (1 to 4% slopes); severe (4 to 12% slopes); very severe (12 to 20% slopes)
Tetonia-Rin silt loams, 4 to 12% slopes	Tetonia: • 0 to 32 inches brown silt loam • 32 to 47 inches light brownish-gray silt loam • 47 to 60 inches light gray silt loam Rin: • 0 to 12 inches brown silt loam • 12 to 36 inches yellowish-brown silt loam • 36 to 60 inches light yellowish-brown silt loam	Between the unnamed tributary at Spring Hollow and the confluence with Bitch Creek, upslope of the canyon	Very deep	Well drained	P = Moderate C = Very high	R = Rapid E = Severe

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Name	Typical Profile	Location	Depth Class	Drainage Class	Permeability (P) and Available Water Capacity (C)	Runoff (R) and Erosion Hazard (E)
Tetonia-Ririe silt loams, 1 to 4% slopes; 4 to 12% slopes; and 12 to 20% slopes	Tetonia: • 0 to 32 inches brown silt loam • 32 to 47 inches light brownish-gray silt loam • 47 to 60 inches light gray silt loam Ririe: • 0 to 8 inches dark grayish-brown silt loam • 8 to 11 inches yellowish-brown silt loam • 11 to 20 inches very pale brown silt loam • 20 to 60 inches light yellowish-brown silt loam	Same as above	Very deep	Well drained	P = Moderate C = Very high	R = Slow (1 to 4% slopes); rapid (4 to 12% slopes); very rapid (12 to 20% slopes) E = Moderate to slight; (1 to 4% slopes); severe (4 to 12% slopes); very severe (12 to 20% slopes)
Madison County, South Side of Teton River Canyon from Dam Site to Past Canyon Creek (NRCS 1981)						
Harston sandy loam, 0 to 1% slopes	• 0 to 8 inches light brownish-gray sandy loam • 8 to 16 inches light brownish-gray sandy loam • 16 to 20 inches light gray loamy sand • 20 to 60 inches loose sand and gravel. The depth to sand and gravel ranges from 25 to 40 inches. In some profiles, the lower part of the underlying material is sandy loam or gravelly sandy loam.	Within Teton River Canyon	Deep	Well drained	P = Moderately rapid to very rapid C = Moderate	R = Very slow E = Slight
Labenzo silt loam. Slopes are 0 to 1%	• 0 to 12 inches grayish-brown silt loam • 13 to 34 inches stratified, pale brown; light brownish-gray; and dark gray silt loam and loamy sand about 21 inches thick • 35 to 60 inches sand and gravel	River terraces and floodplains in Teton River Canyon		Moderately well drained	P = Moderate in the upper part and very rapid in the sand and gravel C = Moderate	R = Slow E = Slight
Rammel-Rock outcrop complex, 20 to 60% slopes	• 0 to 8 inches dark grayish-brown very stony loam • 8 to 26 inches brown stony loam • Substratum is pale brown, slightly effervescent stony loam	Sides of the Teton River Canyon	Moderate-deep	Well drained	P = Moderate C = Very Low or Low	R = Very rapid E = High

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Name	Typical Profile	Location	Depth Class	Drainage Class	Permeability (P) and Available Water Capacity (C)	Runoff (R) and Erosion Hazard (E)
Xerofluvents channeled	The surface layer is grayish-brown, light brownish-gray, or pale brown sand, loamy sand, or sandy loam. It is gravelly, very gravelly, cobbly, or very cobbly. All material above the sand and gravel is extremely variable. At intervals of about 50 feet, old channels about 2 feet deep occur. These channels are about 15 feet wide.	River terraces in the Teton River Canyon	Deep .	Well drained and moderately well drained	P = Moderately rapid C = Very low	R = Slow E = Slight
Pocatello Variant silt loam, 4 to 8% slopes, 8 to 12% slopes, and 12 to 20% slopes	• 0 to 12 inches light brownish-gray, moderately to strongly effervescent silt loam • 13 to 60 inches light gray, violently effervescent silt loam	Farmland abutting the south rim of Teton River Canyon in Madison County	Deep	Well drained	P = Moderate C = High	R = Medium (4 to 12% slopes, high (12 to 20% slopes) E = Moderate (4 to 12% slopes), high 12 to 20% slopes)
Rexburg silt loam, 4 to 8% slopes	• 0 to 12 inches dark grayish-brown silt loam • 13 to 22 inches brown and light brownish-gray silt loam • 23 to 60 inches light gray, violently effervescent silt loam	Same as above	Deep	Well drained	P = Moderate C = High	R = Medium E = Moderate
Ririe silt loam, 4 to 8% slopes, and 8 to 12% slopes	• 0 to 9 inches grayish-brown silt loam • 10 to 60 inches pale brown and light gray, violently effervescent silt loam	Same as above	Deep	Well drained	P = Moderate C = High	R = Medium E = Moderate

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Name	Typical Profile	Location	Depth Class	Drainage Class	Permeability (P) and Available Water Capacity (C)	Runoff (R) and Erosion Hazard (E)
Ririe-Rexburg silt loams, 4 to 12% slopes	Ririe: • 0 to 9 inches grayish-brown silt loam • 10 to 60 inches pale brown and light gray, violently effervescent silt loam Rexburg: • 0 to 12 inches dark grayish-brown silt loam • 13 to 24 inches brown and light brownish-gray silt loam • 25 to 33 inches brown and light brownish-gray silt loam • 34 to 60 inches light gray, violently effervescent silt loam	Same as above	Deep	Not reported	P = Moderate C = High	R = Medium E = Moderate
Tetonia silt loam, 0 to 4% slopes, 4 to 8% slopes, and 8 to 12% slopes	• 0 to 12 inches grayish-brown silt loam about 13 to 24 inches brown silt loam • 25 to 60 inches light brownish-gray, violently effervescent silt loam	Same as above	Deep	Well drained	P = Moderate C = High	R = Slow (0 to 4% slopes), medium (4 to 12% slopes) E = Slight (0 to 4% slopes), moderate (4 to 12% slopes)
Tetonia-Ririe silt loams, 4 to 12% slopes	Tetonia: • 0 to 10 inches grayish-brown silt loam about 10 inches thick • 11 to 23 inches brown silt loam • 24 to 60 inches light brownish-gray, violently effervescent silt loam Ririe: • 0 to 9 inches grayish-brown silt loam • 10 to 60 inches pale brown and light gray, violently effervescent silt loam	Same as above	Deep	Well drained	P = Moderate C = High	R = Medium to rapid E = Moderate

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Name	Typical Profile	Location	Depth Class	Drainage Class	Permeability (P) and Available Water Capacity (C)	Runoff (R) and Erosion Hazard (E)
Teton County, South Side of Teton River Canyon Past the Confluence with Canyon Creek to the Study Area Past Badger Creek (NRCS 1969)						
Swanner stony loam (0 to 12% slopes) to Swanner extremely stony loam, 30 to 60% slopes and 60 to 80% slopes	• 0 to 5 or 11 inches grayish-brown or brown stony, very stony, or extremely stony loam • Above soil is underlain by light-gray, extremely stony loam that extends to the light-gray rhyolite or rhyolitic tuff bedrock at a depth of 10 to 20 inches • The reaction grades from neutral in the upper part of the profile to moderately alkaline in the lower part	Teton River Canyon walls, south side	Moderate	Natural drainage is good	P = Moderate C = Low	R = Not reported E = Moderate (0 to 12% slopes) to very severe (30 to 80% slopes)
Ririe silt loam, 4 to 12% slopes, 12 to 20% slopes, and 12 to 30% slopes, eroded	The Ririe series consists of medium-textured soils that formed in loess. • The surface layer is grayish-brown silt loam 4 to 9 inches thick • The underlying layers are pale-brown and light gray, strongly calcareous silt loam to a depth of more than 60 inches	Upland areas adjacent to the south rim of the Teton River Canyon	Deep	Natural drainage is good	P = Moderate C = Very high	R = Not reported E = Moderate to severe (4 to 12% slopes); severe to very severe (12 to 30% slopes)
Ririe-Tetonia silt loams, 4 to 12% slopes	From 40 to 60% of any given area is eroded Ririe soil, and most of the rest is Tetonia soil.	Same as above	Deep	Natural drainage is good	P = Moderate C = Very high	R = Not reported E = Moderate to severe
Tetonia silt loam, 0 to 4% slopes and 4 to 12% slopes	The Tetonia series is medium-textured, gently undulating to hilly soils that formed in loess. • The surface layer is dark grayish-brown to grayish-brown silt loam 10 to 15 inches thick • It is underlain by dark grayish-brown to brown silt loam that extends to a depth of about 24 inches • The substratum is light-gray or light brownish-gray, strongly calcareous silt loam that extends to a depth of more than 60 inches	Same as above	Very deep	Well drained	P = Moderate C = Very high	R = Not reported E = Slight to moderate

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Soil Description for Teton River Canyon RMP Study Area

Name	Typical Profile	Location	Depth Class	Drainage Class	Permeability (P) and Available Water Capacity (C)	Runoff (R) and Erosion Hazard (E)
Lantonia silt loam, Lantonia silt loam, 0 to 4% slopes and 4 to 12% slopes	Lantonia series consists of medium-textured soils that formed in very deep deposits of loess. • The surface layer, to a depth of 14 to 18 inches, is dark grayish-brown silt loam • It is underlain by dark grayish-brown and brown silt loam to a depth of about 37 inches • The substratum is strongly calcareous silt loam. The reaction grades from neutral in the surface layer to mildly or moderately alkaline in the substratum.	Same as above	Very deep	Natural drainage is good	P = Moderate C = Very high	R = Not reported E = Slight to moderate
Lantonia-Tetonia silt loams, and Tetonia-Lantonia silt loams, 12 to 20% slopes, eroded	Lantonia-Tetonia: • From 50 to 75% of any mapped area is Lantonia silt loam, and most of the rest is Tetonia silt loam Tetonia-Lantonia: • From 50 to 75% of any given area is Tetonia silt loam, and most of the rest is Lantonia silt loam	The largest area of this complex is just west of the junction of the North Fork Teton River and Badger Creek.	Very deep	Natural drainage is good	P = Moderate C = Very high	R = Not reported E = Slight to moderate

Source: NRCS soil reports as indicated for each county above.

Appendix C:
Consultation and Coordination with Tribal Governments

APPENDIX C

Consultation and Coordination with Tribal Governments

Consultation and Coordination History

2002

November 26, 2002	Letter to the Chairman and staff of the Shoshone-Bannock Tribes notifying them of plans to prepare the Teton Resource Management Plan (RMP) and a cultural resources inventory, including an inventory of traditional cultural properties

2003

March 11, 2003	Meeting with the Shoshone-Bannock staff to discuss RMPs

2005

January 6, 2005	Letter to the Chair and staff of the Shoshone-Bannock Tribes requesting a meeting with the Fort Hall Business Council to discuss Reclamation programs and projects including the Teton River Canyon RMP
January 7, 2005	Letter to the Chairman and staff of the Shoshone-Paiute Tribes of Duck Valley requesting a meeting with the Tribal Council to discuss Reclamation programs and activities including the Teton River Canyon RMP
January 24, 2005	Letter to the Chair of the Northwestern Band of the Shoshoni Nation requesting information from, and a meeting with, the Tribal staff regarding Reclamation's development of the Teton River Canyon RMP
January 24, 2005	Letter to the Chair of the Fort Hall Business Council of the Shoshone-Bannock Tribes requesting information from, and a meeting with, the Tribal staff regarding Reclamation's development of the Teton River Canyon RMP
February 4, 2005	Meeting with the Fort Hall Business Council of the Shoshone-Bannock Tribes to discuss Reclamation programs and activities including the Teton River Canyon RMP
March 15, 2005	Meeting with a member of the Land Use Commission and staff of the Shoshone-Bannock Tribes to specifically discuss the Teton River Canyon RMP
March 15, 2005	Teton River Canyon RMP newsletter distributed to the Chair of the Fort Hall Business Council and staff of the Shoshone-Bannock Tribes

April 15, 2005	Media Release announcing the Tribal public meeting on April 25, 2005, at Fort Hall
April 25, 2005	Meeting with the Fort Hall Business Council to discuss the development of the Teton River Canyon RMP
April 25, 2005	Tribal public meeting conducted by Reclamation at the Fort Hall Business Council Chambers from 5-7:00 p.m.
April 28, 2005	Article in the Sho-Ban News about the Teton River Canyon RMP Tribal public meeting on April 25, 2005
May 26, 2005	Letter to the Chairman of the Fort Hall Business Council summarizing the April 25, 2005, meeting with the Council.
June 22, 2005	Field trip to the Teton River Canyon RMP study area hosted by Reclamation and attended by Shoshone-Bannock staff
July 14, 2005	Letter from the Chairman of the Fort Hall Business Council regarding the Teton River Canyon RMP and site visit.
August 3, 2005	Letter to Shoshone-Bannock staff regarding Teton Wild & Scenic Review and a request for comments
November 8, 2005	Reclamation response to July 14, 2005 Letter from the Fort Hall Business Council of the Shoshone-Bannock Tribes
April 27, 2006	Media Release to the Sho-Ban News announcing the Tribal Public Meeting on May 11, 2006
April 27, 2006	Letter to the Fort Hall Business Council Chairman of the Shoshone-Bannock Tribes regarding release of Draft EA and a request for comments
April 27, 2006	Letter to the Chair of the Northwestern Band of the Shoshone Nation of Utah regarding release of Draft EA and a request for comments
May 2, 2006	Teton River Canyon RMP newsletter distributed to the Chair of the Fort Hall Business Council and staff of the Shoshone-Bannock Tribes
May 11, 2006	Meeting with the Shoshone-Bannock staff at Fort Hall
May 11, 2006	Public Meeting at Council Chambers, Fort Hall Business Center, Idaho
June 26, 2006	Letter from the Chairman of the Fort Hall Business Council of the Shoshone-Bannock Tribes providing comments on the Draft EA

THE POLICY OF THE SHOSHONE-BANNOCK TRIBES FOR MANAGEMENT OF SNAKE RIVER BASIN RESOURCES

ISSUE DEFINITION

Beginning in 1989 and continuing through 2008, many non-Federal hydroelectric projects (Projects) within the Snake River Basin (Basin) will be reviewed under the Federal Energy Regulatory Commission relicensing process. In addition, subsequent to the listing of various salmon and snail species under the Endangered Species Act as well as the initiation of other conservation efforts, the Basin is being viewed, as never before, as a valuable resource contributing to the overall Pacific Northwest regional conservation framework. The Shoshone-Bannock Tribes support efforts to conserve, protect, and enhance natural and cultural resources within the Basin and therefore establish this policy to re-emphasize previous policy statements and provide new direction with regards to recently initiated Basin actions.

BACKGROUND AND INTRODUCTION

Since time immemorial, the Snake River Basin has provided substantial resources that sustain the diverse uses of the native Indian Tribes including the Shoshone-Bannock. The significance of these uses is partially reflected in the contemporary values associated with the many culturally sensitive species and geographic areas within the Basin. Various land management practices, such as the construction and operation of hydroelectric projects have contributed extensively to the loss of these crucial resources and reduced the productive capabilities of many resource systems. These losses have never been comprehensively identified or addressed as is the desire of the Shoshone-Bannock Tribes.

The Shoshone-Bannock Tribes reserved guaranteed continuous use Rights to utilize resources within the region that encompasses and includes lands of the Snake River basin. The Fort Hall Business Council has recognized the contemporary importance of these Rights and resources by advocating certain resource protection and restoration programs and by preserving a harvest opportunity on culturally significant resources necessary to fulfill inherent, contemporary and traditional Treaty Rights. However, certain resources utilization activities including the operation of Federal and non-Federal hydroelectric projects effect these resources and consequently, Tribal reserved Rights.

It has always been the intent and action of the Shoshone-bannock Tribes to promote the conservation, protection, restoration, and enhancement of natural resources during the processes that consider the operation and management of Federal projects and during the land management activities of other entities.

This policy re-emphasizes the Tribes previous policies with regards to these processes and activities. However, the formal relicensing process for non-Federal projects (Projects) as well as other recent undertaking that will consider the overall management of the Basin represent previously unavailable opportunity to comprehensively identify and address impacts to and losses of, resources affected by these Projects.

The importance of considering Tribal goals and objectives for effected resources is specifically recognized in the regulations outlining the Federal relicensing process. The Fort Hall Business Council has established the following policy for the Basin in order to provide guidance in determining these goals and objectives. This direction is intended to be consistent with existing Tribal policy for participating in processes dealing with other land and water management activities.

STATEMENT OF POLICY

The Shoshone Bannock Tribes (Tribes) will pursue, promote, and where necessary, initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate-the enhancement of Rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights.

CONCLUSION

In addition to the ongoing efforts of the Tribes and its cooperating agencies, the relicensing process as well as recently initiated Basin recovery efforts provide a firm basis for striving to meet Tribal needs regarding resource conservation protection, and enhancement. This policy will provide direction to Tribal staff for participating in regional processes as well as for the future development of resource and process specific Tribal plans and guidelines.

Tribal participation in the Project relicensing efforts will be used to identify the direct, indirect, and cumulative effects attributable to the construction, operation, and any proposed modifications of Project facilities. The Tribes expect the license applicant(s) and the Federal Energy Regulatory Commission, in consultation with the Tribes and agencies during the

relicensing process, to identify alternative management strategies and develop mitigation measures to reduce or eliminate the identified impacts consistent with this Policy.

In combination with existing policy and direction, other natural and cultural resource management activities (typically those undertaken by the Tribes cooperating agencies) will be utilized to identify additional land management impacts within the Snake River Basin and will similarly identify alternative management strategies and apply mitigation measures consistent with this Policy.

All cooperating agencies will be expected to utilize all available means, consistent with their respective trust responsibility mandates, to protect Treaty rights and Tribal interests consistent with this Policy.

Appendix D:
Wild & Scenic River Review

APPENDIX D

Wild & Scenic River Review

The Wild and Scenic Rivers Act of 1968 was passed to preserve free-flowing rivers with special values in their natural condition for the use and enjoyment of the public, balancing the nation's water resource development policies with river conservation and recreation goals.

The Wild and Scenic Rivers Act states, "In all planning for the use and development of water and related lands resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas…" As part of the current Teton River Canyon RMP, Reclamation is conducting an inventory of the Teton River within the RMP project boundary to determine if it is eligible under the Wild and Scenic River Act. Because of intermixed ownership, Reclamation and BLM are jointly conducting this study to address all Federal lands within the RMP Study Area.

For this RMP, the Study Area boundary was defined as a large rectangle encompassing all of the Reclamation lands in and around the Teton River Canyon. The area and river segments are shown on the map on the following page.

Table D-1 displays land ownership in river miles by segment of the Teton River and its tributaries.

This eligibility study will address the seven river segments listed above.

TABLE D-1
Land Ownership within RMP Boundary (in river miles)

Segment No.	Teton River or Tributary Segment	USBR	BLM	Private	Total
Teton River					
1	Felt Power Plant to Bitch Creek	.56	1.17	.07	1.80
2	Bitch Creek to Spring Hollow	1.47	3.53	0	5.00
3	Spring Hollow To Canyon Creek	4.49	2.71	0	7.20
4	Canyon Creek to the Dam Site	5.98	.28	0	6.26
Teton River Tributaries					
5	Badger Creek to Teton River	0	1.02	4.97	5.99
6	Bitch Creek from RMP Boundary to Teton River	0	1.81	3.15	4.96
7	Canyon Creek from RMP Boundary to Teton River	.51	3.25	3.62	7.38

D.1 Eligibility

The first step in the Wild and Scenic River study process is to determine if the river or river segment is eligible for inclusion in the National Wild and Scenic River System, and if it is, to then give it a proposed classification as "wild," "scenic," or "recreational."

D.1.1 Free Flowing Criteria

To be eligible for inclusion into the national system of rivers, the Wild and Scenic Rivers Act specifies that two criteria be met. The first criteria is that a river must be "free-flowing."

Three structures in the Study Area have either currently or historically served as dams and diversion structures:

1) Felt Power Plant is a small hydropower plant located just above the start of Segment 1 near the confluence of Badger Creek with the Teton River. This small (7450 kW) private hydroelectric plant is associated with a rock dam approximately 12 feet high and 135 feet long.
2) Linderman dam is a partially exposed low dam at the confluence of Milk Creek. This now defunct dam has a hydraulic drop of only about 2 feet and some adjacent concrete abutments.
3) The Teton Dam remains are located at the end of Segment 4. Remains include a large section of earthen dam, a concrete spillway, and the outlet works structures.

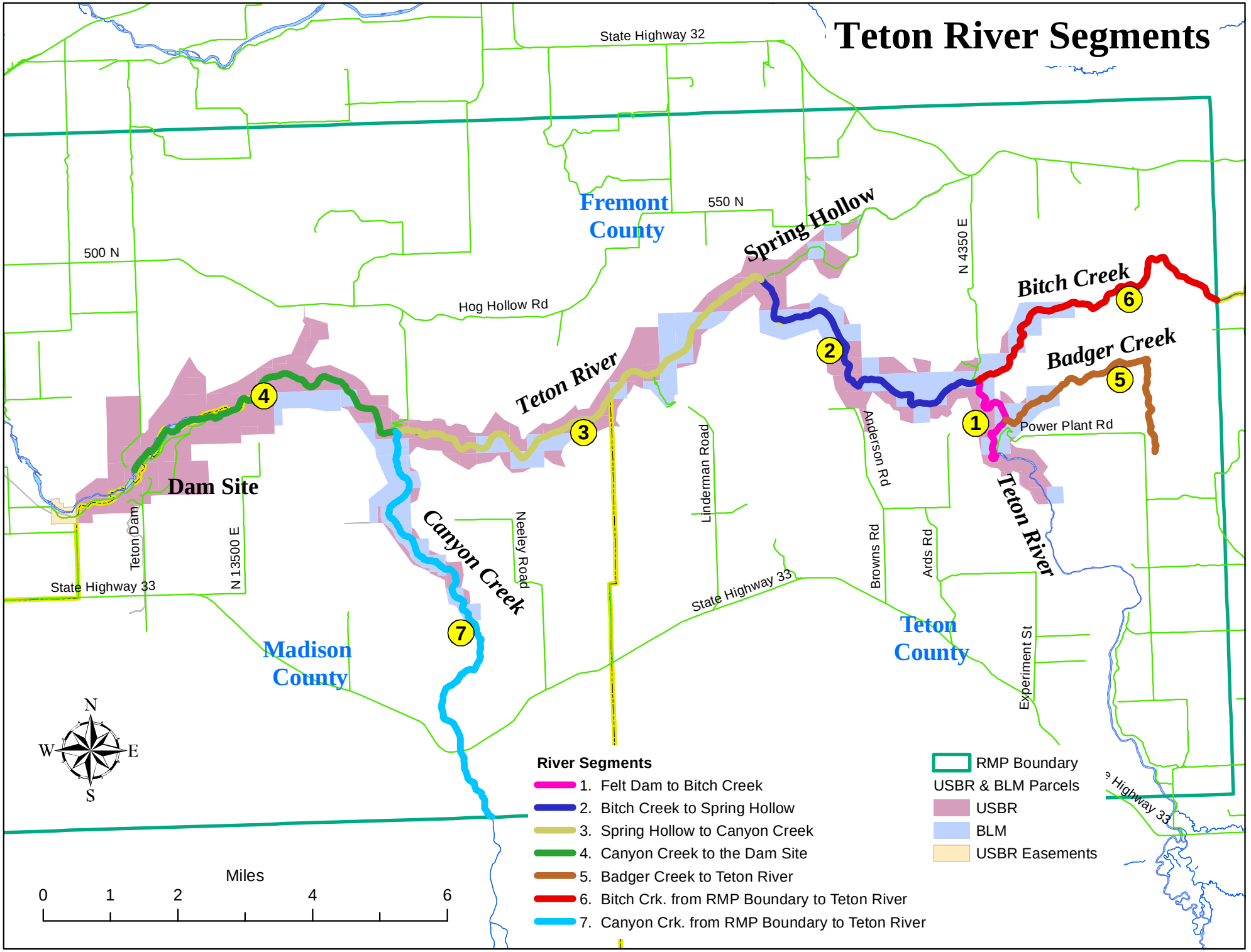
Existing minor dams or diversion structures within the Study Area do not necessarily render a river segment non-eligible. The Felt Power Plant dam can be considered a minor dam and diversion structure and is located just above the start of Segment 1. Linderman dam is a low head defunct dam with no remaining impact on river flows. The remnants of the failed Teton Dam provide no control over water flow above or below Segment 4 of the Teton River.

For these reasons, all seven segments of the Teton River can be considered free-flowing at this time.

D.1.2 Outstandingly Remarkable Values

The second criteria for eligibility is that the river must exhibit one or more "outstandingly remarkable values." An outstandingly remarkable value is a natural, cultural, recreational, or similar feature that is unique or especially significant when viewed from a regional or national context. Only one such value is needed for eligibility. Two questions must be considered for outstandingly remarkable values:

1. Is the value river-related or river-dependent?
2. Is the value rare, unique, or exemplary in a regional or national context?


Teton River Segments
State Highway 32
Fremont County
550 N
500 N
Hog Hollow Rd
Spring Hollow
N 4350 E
Bitch Creek
Badger Creek
Teton River
Power Plant Rd
Anderson Rd
Linderman Road
Dam Site
Teton Dam
N 13500 E
State Highway 33
Canyon Creek
Neeley Road
Browns Rd
Ards Rd
Teton River
Experiment St
Madison County
Teton County
N
W
E
S
Miles
0
1
2
4
6
River Segments
1. Felt Dam to Bitch Creek
2. Bitch Creek to Spring Hollow
3. Spring Hollow to Canyon Creek
4. Canyon Creek to the Dam Site
5. Badger Creek to Teton River
6. Bitch Crk. from RMP Boundary to Teton River
7. Canyon Crk. from RMP Boundary to Teton River
RMP Boundary
USBR & BLM Parcels
USBR
BLM
USBR Easements

Each river segment is assessed individually for outstandingly remarkable values. General findings are summarized below.

- *Scenic*. The Teton River Canyon provides a unique and dramatic landform in an area immediately surrounded by largely flat agricultural lands with little variations in topography or visual contrast. Views may include a steep, deep canyon with striking rock cliffs and variations in vegetation and ecologic features. River views include whitewater rapids, gently flowing currents, and sharp cascading river bends all within a pronounced river canyon. Wildlife viewing includes bald eagles, osprey, otters, and the occasional moose. Some views include the failed dam site and striking evidence of the tragedy that occurred here.

- *Recreational*. Upper segments of the Teton River provide one of the few Class VI and V whitewater boating opportunities in this part of the state. The canyon holds trophy deer, excellent bird watching, and opportunities for solitude close to Rexburg, one of the fastest growing communities in Idaho.

- *Fish*. The historic Yellowstone cutthroat has been eliminated from a significant portion of its historic range in Montana, Idaho, Wyoming, Utah, and Nevada because of a combination of habitat loss, disease, and replacement by non-native trout. The Teton River Canyon is one of the last strongholds for the Yellowstone cutthroat trout.

- *Wildlife*. The Teton River Canyon provides a unique refuge for wildlife because of its difficult access and steep topography. IDFG has identified the Teton River Canyon and adjacent rims are one of the most important mule deer wintering areas in eastern Idaho. Slow pools and slack water make for good Trumpeter Swan wintering habitat. Elk, moose, bald eagles, and osprey also frequent the Teton River Canyon.

- *Cultural.* Cultural resource surveys found that the river corridor contained sites indicating occupation or use by Native Americans. The Shoshone Bannock Tribe has identified the entire Teton River Canyon as an area of historical and cultural importance to the Tribe.

- *Historic.* On June 5, 1976, the Teton Dam structure failed within days of filling for the first time. The dam failure resulted in the loss of 11 lives, millions of dollars in property damage, and the total loss of the structure. Visitors, scientists, and engineers still come to view the site and learn from this tragic event. It is anticipated the Teton dam site will be listed on the National Register on or before its 50-year anniversary in the year 2026. The overlook of the failed dam site attracts many visitors wanting to see the remains of this dramatic engineering disaster and significant event in U.S. history.

- *Other.* BLM has identified Bitch Creek and Badger Creek as having some of the best riparian qualities in the area. These communities are pristine and undisturbed, with stable and diverse channel types.

All segments of the Teton River and its tributaries have at least one outstandingly remarkable value including scenic, recreational, fish, wildlife, cultural, historic, and other values. Because the Teton River is free flowing and has outstandingly remarkable values, Reclamation and BLM have made a preliminary determination of “eligible” for all segments of the Teton River and its tributaries within the project boundary.

D.1.3 Classifications

As a final step in the eligibility process, Wild and Scenic rivers are given one of three possible classifications: *wild, scenic,* or *recreational*. These classifications are based on the type and degree of human development associated with the river and adjacent lands present at the time of inventory. Classification establishes a guideline for management until either a suitability determination or designation decision is reached. It is a determination based on existing characteristics of a river area resulting from human-caused change or levels of development. Classification does not affect land use decisions related to private property. Final classification is determined if, and when, a river is designated into the national system by Congress. The classification system is shown in Table D-2.

TABLE D-2
Classification Criteria For Wild, Scenic, and Recreational River Areas

Attribute	Wild	Scenic	Recreational
Water Resources Development	Free of impoundment.	Free of impoundment.	Some existing impoundment or diversion. The existence of low dams, diversions, or other modifications of the waterway is acceptable, provided the waterway remains generally natural and riverine in appearance.
Shoreline Development	Essentially primitive. Little or no evidence of human activity. The presence of a few inconspicuous structures, particularly those of historic or cultural value, is acceptable. A limited amount of domestic livestock grazing or hay production is acceptable. Little or no evidence of past timber harvest. No ongoing timber harvest.	Largely primitive and undeveloped. No substantial evidence of human activity. The presence of small communities or dispersed dwellings or farm structures is acceptable. The presence of grazing, hay production, or row crops is acceptable. Evidence of past or ongoing timber harvest is acceptable, provided the forest appears natural from the riverbank.	Some development. Substantial evidence of human activity. The presence of extensive residential development and a few commercial structures is acceptable. Lands may have been developed for the full range of agricultural and forestry uses. May show evidence of past and ongoing timber harvest.
Accessibility	Generally inaccessible except by trail. No roads, railroads or other provision for vehicular travel within the river area. A few existing roads leading to the boundary of the river area is acceptable.	Accessible in places by road. Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads or railroads is acceptable.	Readily accessible by road or railroad. The existence of parallel roads or railroads on one or both banks as well as bridge crossings and other river access points is acceptable.

TABLE D-2
Classification Criteria For Wild, Scenic, and Recreational River Areas

Attribute	Wild	Scenic	Recreational
Water Quality	Meets or exceeds Federal criteria or federally approved State standards for aesthetics, for propagation of fish and wildlife normally adapted to the habitat of the river, and for primary contact recreation (swimming), except where exceeded by natural conditions.	No criteria prescribed by the Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the United States be made fishable and swimmable. Therefore, rivers will not be precluded from scenic or recreational classification because of poor water quality at the time of their study, provided a water quality improvement plan exists or is being developed in compliance with applicable Federal and State laws.	

Source: NPS 2005

The tentative classifications for each segment are as follows:

1. Felt Dam to Bitch Creek—*Scenic*. The Felt Power plant is located just above the start of this 1.8-mile long segment. This small (7450 kW) private hydro plant sits partially on Reclamation land. A small dam is associated with this plant (12 feet high and 135 feet long). An expert kayak run begins on private land 8.5 miles upstream at the Highway 33 bridge. This Class IV-V run provides a regionally significant whitewater experience.

2. Bitch Creek to Spring Hollow—*Scenic.* Access to this 5-mile river segment is particularly difficult. A user-created boat slide is the put-in point and is located near the confluence of Bitch Creek with the Teton River. This boat access is little more than a drag route down a very long and steep slope where some vegetation has been worn away from use. No other routes access the river in this segment. The reservoir inundation zone affected this stretch upstream from Spring Hollow, leaving evidence including landslides and a line of cleared trees below the reservoir's intended full pool level. This stretch provides a regionally significant whitewater experience. IDFG has identified this as an excellent and critical mule deer wintering area.

3. Spring Hollow to Canyon Creek—*Scenic*. This segment begins from a remnant boat ramp that was built for the reservoir and now provides one of the few semi-improved access routes into the canyon. Many landslides are visible in this river segment and are in various stages of recovery. Most have a least some vegetation growth and do not visually dominate the landscape. Access points are few and signs of human use are fairly limited. A seldom used road and old low head dam are visible at Linderman. The dam has a concrete wall and abutments that are visually dominate as boaters must float through this structure on their way downstream. This segment also has beautiful rhyolite rock formations in a fairly steep and narrow canyon. Wildlife viewing is good and most visitors would find this a primitive and scenic float. Although this stretch provides good recreational opportunities, they are not unique or significant at a regional level.

4. Canyon Creek to Dam site—*Recreational*. This stretch begins where a major side canyon joins the Teton River. A major pumping plant is prominent at this location, with large pipes across the river and pumping units visible and audible for some distance in either direction. A road to the pumps from the north side of the canyon is generally not open to the public. The canyon begins to open up and become wider from here down river and scenery remains good. As one gets nearer the dam site, the river is more pool-like, with long stretches of slow water that are the remnants of the borrow pits used for construction. At the dam site, signs of human use and disturbances are prominent. This is a unique site; however, and although disturbed, many

would find the views fascinating. Motorized vehicle and boating use occurs for several miles upstream from this point. Although this stretch provides good recreational opportunities, they are not unique or significant at a regional level.

5. Badger Creek to Teton River—*Scenic*. This 6-mile segment contains 5 miles of private land and 1 mile of BLM land near the creek's confluence with the Teton River. Access is limited.

6. Bitch Creek from RMP Boundary to Teton River—*Scenic*. This 5-mile segment contains 3 miles of private land and less than 2 miles of BLM land near the creek's confluence with the Teton River. The canyon here is a steep and narrow gorge with basalt pinnacles and rock formations. Access is limited.

7. Canyon Creek from RMP Boundary to Teton River—*Scenic*. This more than 7-mile segment contains greater than 3.5 miles of private land, 3.25 miles of BLM land, and a half mile of Reclamation land. This small steep creek has been run by kayakers; however, numerous portages and debris make this a difficult and seldom-used run. Access is limited.

D.2 Eligibility Determinations

The Teton River within the project boundary passes through lands managed by both Reclamation and BLM. Reclamation has coordinated with the BLM Upper Snake Field Office and both agencies are in agreement with a preliminary determination of "eligible" for these segments of the Teton River. The preliminary classification is summarized in Table D-3.

TABLE D-3
Preliminary Classification as Wild, Scenic, or Recreational Rivers

	Segment	Outstandingly Remarkable Values	Tentative Classification	Free Flowing	Eligible
1	Felt Dam to Bitch Creek	Scenic quality, recreation, fish, wildlife, cultural, and historic	Scenic	Yes	Yes
2	Bitch Creek to Spring Hollow	Scenic quality, recreation, fish, wildlife, cultural, and historic	Scenic	Yes	Yes
3	Spring Hollow to Canyon Creek	Fish, wildlife, cultural, and historic	Scenic	Yes	Yes
4	Canyon Creek to Dam site	Fish, wildlife, cultural, and historic	Recreational	Yes	Yes
5	Badger Creek to Teton River	Scenic quality, fish, wildlife, and cultural	Scenic	Yes	Yes
6	Bitch Creek from RMP Boundary to Teton River	Scenic quality, recreation, fish, wildlife, and cultural	Scenic	Yes	Yes
7	Canyon Creek from RMP Boundary to Teton River	Scenic quality, fish, wildlife, cultural, and historic	Scenic	Yes	Yes

D.3 Suitability

The final step in the river assessment process is the determination of suitability. A river's suitability for wild and scenic designation is a matter of whether it is free-flowing and contains outstandingly remarkable resources, whether designation makes sense, and whether designation provides lasting protection.

D.4 Congressional Direction

In 1964, Congress authorized the construction of the Lower Teton Division, with Teton Dam and Reservoir as key features. Reclamation acquired approximately 5,804 acres of lands in the Teton Basin Project for construction of Teton Dam. BLM also manages 3,496 acres within the project boundary. Project purposes included irrigation, flood control, power, recreation, and fish and wildlife.

Although the dam failed, the project authorization remains in place unless, and until, it is officially de-authorized, or cancelled, by Congress. A formal process, environmental analyses, and Congressional action are required to deauthorize the project.

D.5. State Direction

The Idaho State Legislature specifically identifies the Teton Dam site as a potential reservoir site that should be protected by the State from significant land use changes. Fremont-Madison Irrigation District originally contracted with Reclamation to build the Teton Dam and has continued to express a strong interest in seeing the dam rebuilt.

Although there are no active plans to re-build the dam, the project lands have been kept intact consistent with Federal and State direction.

D.6 Conflict

Section 7(a) of the Wild and Scenic Rivers Act prohibits Federal authorization of any water resources project, such as a dam, that would have an adverse impact on the values for which the river is designated. All of the Reclamation lands and BLM lands in the project area were acquired for the purpose of constructing the Teton Dam and related facilities. Designation of the Teton River as a Wild and Scenic River at this time would be in direct conflict with the existing Congressional authorization and State direction for these lands. If, and when, the project is de-authorized, consideration of the Teton River for designation under the Wild and Scenic Rivers Act can, and must, be reassessed.

D.7 Proposed Management

No actions proposed in the draft Teton RMP will negatively affect the potential for future designation of the Teton River under the Wild and Scenic Rivers Program. Additionally, BLM intends to propose managing their lands in the Teton River Canyon as an ACEC during their land management planning process. This would provide additional protection to this area including prohibiting mining and ORV use, neither of which presently occur in the Study Area.

Appendix E:
RMP Goals and Objectives

Teton River Canyon
RESOURCE MANAGEMENT PLAN
GOALS & OBJECTIVES

The Goals & Objectives were developed by the Planning Team using information gathered during the scoping process.

LAND USE MANAGEMENT (LUM)

Goal LUM 1: Provide comprehensive land use management based on a range of natural and socio-cultural resources.

Objective LUM 1.1: Implement clear direction for agricultural leasing and grazing on Reclamation lands.

Objective LUM 1.2: Provide clear direction regarding easements and rights-of-use on Reclamation lands.

Objective LUM 1.3: Define and protect necessary access routes for administrative purposes.

Objective LUM 1.4: Complete an evaluation of the Teton River within the study area for potential inclusion in the National Wild and Scenic River System.

Goal LUM 2: Ensure protection of the public, and public resource values and facilities.

Objective LUM 2.1: Reduce vandalism.

Objective LUM 2.2: Manage wildfire risk in the river canyon and along the canyon rim.

Objective LUM 2.3: Identify and resolve current and future unauthorized uses such as trespasses and encroachments.

Goal LUM 3: Achieve timely implementation and coordination of RMP programs and projects.

Objective LUM 3.1: Update management agreement and continue cooperative efforts with BLM.

Objective LUM 3.2: Continue cooperative efforts with IDFG.

NATURAL RESOURCES (NAT)

Goal NAT 1: Conserve, restore, and enhance natural ecosystems.

Objective NAT 1.1: Provide information to reduce the spread of noxious weeds through a variety of mediums.

Objective NAT 1.2: Continue to work with IDFG, BLM, and local weed management entities on cooperative management controls of noxious weeds.

Objective NAT 1.3: Establish management actions to help prevent erosion in the river canyon.

Objective NAT 1.4: Minimize the potential for pollutants to enter the Teton River and its tributaries from Reclamation lands.

Objective NAT 1.5: Continue to work with IDFG to maintain and/or enhance the Yellowstone cutthroat trout fishery and habitat in the Teton River Canyon.

Objective NAT 1.6: Protect, enhance, and restore native vegetation (e.g. bitterbrush, cottonwoods, willows), where feasible.

Objective NAT 1.7: Protect, enhance, and restore deer and elk winter habitat, where feasible.

Objective NAT 1.8: Work with adjacent landowners and partners to protect resource values within the canyon and along the canyon rim.

Objective NAT 1.9: Monitor and track natural resource changes over time in the Teton River Canyon.

Objective NAT 1.10: Support BLM efforts for special designations of the Teton River Canyon.

Objective NAT 1.11: Protect habitat for rare, threatened and endangered species.

CULTURAL RESOURCES (CTA)

Goal CTA 1: Protect and preserve cultural resources, including prehistoric and historic-period archaeological sites and traditional cultural properties.

Objective CTA 1.1: In accordance with Section 106 of the National Historic Preservation Act (NHPA) seek to protect National Register-eligible sites from impacts from new undertakings.

Objective CTA 1.2: In accordance with Section 110 of NHPA, implement proactive management of cultural resources focusing on protecting identified resources from damage.

Objective CTA 1.3: Increase awareness of cultural resources compliance and protection requirements among resource management partners.

Objective CTA 1.4: Provide opportunities for public education on area prehistory and history, including the importance of, and requirements for, protecting these resources.

Goal CTA 2: Comply with requirements of Executive Order 13007 (Indian Sacred Sites)

Objective CTA 2.1: Avoid damage to Indian sacred sites (when present and identified), when avoidance is consistent with accomplishing Reclamation's mission and larger public responsibilities.

Objective CTA 2.2: Allow for access by traditional religious practitioners to sacred sites, when consistent with mission.

INDIAN TRUST ASSETS (ITA)

Goal ITA 1: Conduct Government-to-Government Consultation with Tribes to discuss the RMP

Objective ITA 1.1: Consult to the greatest extent practicable and to the extent permitted by law with Tribal governments prior to taking actions that affect federally recognized Tribal governments.

Objective ITA 1.2: Protect Indian Trust Assets that may exist.

RECREATION, ACCESS & VISUAL QUALITY (RAV)

Goal RAV 1: Provide for recreation use within Reclamation's authorities, to afford a quality recreation experience consistent with natural and cultural resource management objectives.

Objective RAV 1.1: Maintain the existing semi-primitive recreation setting and experience, while providing for recreation opportunities and the continued protection of natural and cultural resources.

Objective RAV 1.2: Provide adequate access to the river canyon, where appropriate.

Objective RAV 1.3: Monitor visitor use levels, minimize conflicts, and visitor use impacts.

Objective RAV 1.4: Coordinate with BLM on outfitter and guide use, authorized put-in and take-out points, and routine patrols.

Goal RAV 2: Preserve and enhance existing scenic quality.

Objective RAV 2.1: Manage to retain the existing visual character of the landscape.

INTERPRETATION, EDUCATION & INFORMATION (IEI)

IEI Goal 1: Provide informational, educational, and interpretive messages through a variety of means to increase the public's awareness of opportunities, restrictions, safety, and natural and cultural resource values in the Teton River Canyon area.

Objective IEI 1.1: Provide interpretive information at the dam overlook site and other public access areas.

Objective IEI 1.2: Improve identification of Reclamation lands and recreational opportunities through signage, posting, and providing information on maps, brochures, and websites.

Objective IEI 1.3: Improve public awareness of rules and regulations on Reclamation lands.

Objective IEI 1.4: Coordinate with others on interpreting the natural and cultural history of the area.

APPLICABLE FEDERAL LAWS, ORDERS, AND POLICIES

Reclamation is required to comply with a number of legal mandates in the preparation and implementation of the RMP. The following is a list of the environmental laws, treaties, executive orders, and policies that may have an effect on the RMP or Reclamation actions in the implementation of the plan:

Law, Executive Order, or Policy	Description
Accessibility for Persons with Disabilities – Reclamation Policy (November 18, 1998)	Established a Pacific Northwest regional policy to assure that all administrative offices, facilities, services, and programs open to the public, utilized by Federal employees, and managed by Reclamation, a managing partner, or a concessionaire, are fully accessible for both employees and the public.
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.
Archaeological 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.
Archaeological 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.
Clean Air Act (CAA) of 1970	Provides for protection of air quality.
Department of Defense (DoD) American Indian and Alaska Native Policy, October 20, 1998	The policy supports Tribal self-governance and government-to-government relations between the Federal government. It specifies that DoD will meet its trust responsibilities to Tribes and will address Tribal concerns related to protected Tribal resources, Tribal rights, and Indian lands.
Endangered Species Act (ESA) of 1973, as amended	Provides for protection of plants, fish, and wildlife that have a designation as threatened or endangered.
Executive Order 12875, Enhancing the Intergovernmental Partnership, October 26, 1983	Establishes "regular and meaningful consultation and collaboration with state, local, and Tribal governments on Federal matters that significantly or uniquely affect their communities."
Executive Order 12898, February 11, 1994, Environmental Justice	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.

Law, Executive Order, or Policy	Description
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 that protects 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.
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] l."
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. It also requires agencies to consult with Native American Tribes if a proposed Federal action may affect properties to which they attach religious and cultural significance.
Native American Graves Protection and Repatriation Act (NAGPRA) of 1990	Regulations for the treatment of Native American graves, human remains, funeral objects, sacred objects, and other objects of cultural patrimony. Requires consultation with Native American Tribes during Federal project planning.
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.
Rehabilitation Act of 1973, Title V, Section 504	Provides for access to Federal or federally assisted facilities for the disabled. The Americans with Disabilities Act and Architectural Barriers Act Guideline (ADAABAG) is followed as compliance with Section 504.
Title 28, Public Law 89-72, as amended	Provides Reclamation with the authority to cost-share on recreation projects and fish and wildlife enhancement facilities with managing partners on Reclamation lands.
Tribal Treaties, Statutes and Executive Orders	The Fort Bridger Treaty of 1868 which is discussed under Indian Trust Assets at 3.14.1.1. The Fort Hall Indian Water Rights Act of 1990 – An Act to approve the Fort Hall Indian Water Right Settlement, and for other purposes (Act of November 16, 1990, Public Law 101-602, 104 Stat. 3059.

Law, Executive Order, or Policy	Description
Secretarial Memorandum, from the Office of the Secretary of Interior, Environmental Compliance Memorandum No. ECM97-2; Departmental Responsibilities for Indian Trust Resources and Indian Sacred Sites on Federal Lands.	Requires that any anticipated impacts to Indian trust resources from a proposed project be explicitly addressed in environmental documents.

*A permit may need to be required for construction related activities.

Appendix F:
Public and Agency Comments and Reclamation Responses on the Draft EA

APPENDIX F

Public and Agency Comments and Reclamation Responses on the Draft EA

Letters of comment received as a result of the public and agency review of the Draft EA are included in this appendix. All of the letters received are listed below. Copies of these letters follow, along with the responses.

Comment Letter **Page**

Tribal Comments and Reclamation Responses on the Draft EA

Tribal letters are published under section 4.3.5.

TETON COUNTY, IDAHO

BOARD OF COUNTY COMMISSIONERS

Vicki Kellerman, PN-3906
U.S. Bureau of Reclamation
1150 N. Curtis Road., Suite 100
Boise, ID 83706-1234

Re: Teton River Canyon Resource Management Plan
Draft Environment Assessment

June 5, 2006

Ms. Kellerman,

On behalf of the Board of County Commissioners for Teton County, I would like to thank you for allowing us the opportunity to review and provide comment on the Teton River Canyon Resource Management Plan and the impact this project has on our citizens.

After careful review, we have the following requests of the Controlling Agencies:

A. An established noxious weed control plan needs to be implemented and monitored for effectiveness on a regular basis. 1-1

B. Spring Hollow, the Teton Dam Site and the Felt Power Plant Access currently need physical improvements; in addition, is the need for ongoing maintenance to insure safe and efficient public access. 1-2

C. If public improvements are needed in and around the Teton River Canyon, and these improvements require access/usage via Teton County Roads, we ask that our office be both notified and included in the planning process. 1-3

Again, we appreciate being involved in the process and welcome every opportunity we have to work with the U.S. Bureau of Reclamation, as well as the Bureau of Land Management. If we can be of any further assistance, please do not hesitate to call our offices, 208-354-8775.

Sincerely,

6-5-06

Mark Trupp, Chairman Date

89 North Main Street • Suite 1 • Driggs • Idaho • 83422
Telephone: 208-354-8775 • Fax: 208-354-8776

1—Mark Trupp, Chairman, Teton County Board of Commissioners, Driggs, Idaho

1-1 Reclamation and its cooperators implement noxious weed control efforts on an annual basis. However, there is no formal noxious weed control plan specifically for the Teton River Canyon. Multi-agency plans are being developed for larger geographical areas that will include the Teton River Canyon. The existing noxious weed control program includes informal effectiveness monitoring and coordination among the participating agencies and entities.

1-2 Alternatives B and C call for limited physical improvements at Spring Hollow, the Teton Dam Site, and the Felt Power Plant access. Ongoing maintenance for access is handled on an as-needed basis and is limited by funding and consistent with managing for a semi-primitive recreation experience.

1-3 The Teton County Board of Commissioners will be notified and included in the planning substantial developments, if any, affecting the Teton County roads system.

IDAHO DEPARTMENT OF FISH AND GAME
UPPER SNAKE REGION
4279 Commerce Circle
Idaho Falls, Idaho 83401

James E. Risch / Governor
Steven M. Huffaker / Director

June 6, 2006

Vicki Kellerman
PN 3906
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

RE: Teton Canyon Resource Management Plan Draft Environmental Assessment

Dear Vicki:

We have reviewed the Teton River Canyon Resource Management Plan (RMP) Draft Environmental Assessment (EA). Our comments consist of a correction, several updates, and some specific comments on the proposed alternatives.

Correction

Page 3-31: Harrops Bridge is located on the Teton River, off of SR33,….

Updates

Page 3-15: A winter deer count was completed in January 2006 in Teton Canyon. The sightability estimate was 1,775 mule deer. We appreciate the discussion of raw counts and sightability estimates for mule deer. However we would like to suggest that the raw numbers be deleted from the EA as they may be misleading to some readers. The sightability estimate is the figure that has meaning to the discussion.

Page 3-19: The discussion references the 2000 Teton Canyon Fishery Progress Report by Bill Schrader. The final report was completed in 2004, and we recommend that report be cited instead of the 2000 Progress Report. These citations also need to be added to page 9-3.

Schrader, W.C. 2004. Teton River investigations – Part I: Fishery assessment 25 years after Teton Dam. Idaho Department of Fish and Game, Boise.

Schrader, W.C., and K.R. Brenden. 2004. Teton River investigations – Part II: Fish population surveys. Idaho Department of Fish and Game, Boise.

2—Steve Schmidt, Regional Supervisor, Idaho Department of Fish and Game (IDFG), Idaho Falls, Idaho

2-1

2-1 The location of the Harrops Bridge was corrected in the Final EA.

2-2

2-2 The raw numbers for deer counts were deleted as suggested for clarity.

2-3

2-3 The newer edition of the Teton Canyon Fishery Progress Report was cited in the discussion in Chapter 3 as well as in the Bibliography in Chapter 9.

Schrader, W.C., and M.D. Jones. 2004. Teton River investigations – Part III: Fish movements and life history. Idaho Department of Fish and Game, Boise.

This section also mentions a concern expressed at public meetings regarding fish poaching in the canyon. This has been discussed with several IDFG Conservation Officers and Fishery Biologists working in the Teton Canyon area, and they have no evidence to indicate fish poaching is a significant problem in Teton Canyon. 2-4

Page 3-20: Impassable irrigation diversions within the tributaries of the Teton River are mentioned. The diversion in Canyon Creek is the primary issue. Although that diversion does not completely block all fish passage, it is believed to be a significant barrier to fish passage. The other two important spawning tributaries, Bitch Creek and Badger Creek, do not have any irrigation diversions in the watered portion of those streams. 2-5

Page 3-23 and 3-24: The wolf discussion should be updated. The status of wolf packs and dispersing wolves is changing rapidly in this area. There has been considerable verified wolf activity within ten miles of the project area in recent years. Wolf activity has been reported immediately north of Teton Canyon in the Conant and Squirrel Creek areas for the past several winters. 2-6

Page 3-30 and 3-31: Recreation and Public Access. There are two additional sites that should be addressed in this section:

One site is the gated road from the Teton Dam overlook to a site immediately downstream of the Dam. There is a 'user-defined' trail around the gate and vehicles are driving down to the river at this point. Some vehicles with boat trailers have also been observed using this road. We would prefer to see this road open to the public except during winter to protect wintering mule deer. If there is a reason why this road needs to remain closed, it should be stated in the EA and the closure should be modified so it is an effective closure. 2-7

The other site is the unauthorized road from the south side canyon rim to the river upstream of Canyon Creek, near the Neely property. This road has been upgraded by a private individual in recent years and is being used as a private road and boat mooring. This road should either be opened to the public or closed to the unauthorized private use currently occurring. 2-8

Comments on the Proposed Alternatives

Overall we support implementation of either of the action alternatives, Alternative B or Alternative C. We note that Alternatives B and C are very similar, the main difference being treatment of Agricultural Leases and Access. Our preference would be an alternative that incorporates some aspects of Alternative B and some aspects of Alternative C.

Regarding Agricultural Leases, we prefer Alternative C as it appears to provide more opportunity for converting some of the agricultural lease lands to wildlife habitat. The highest priority areas for restoration of wildlife habitat (on both BOR and BLM lands) are detailed in our Dec. 20, 2005 letter to BOR. As opportunities become available for reseeding some of these lands, IDFG is very interested in cooperating with BOR on these projects. 2-9

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2-4 A sentence was added to this section to explain that poaching is not perceived as a significant factor by IDFG, but the public concern remains acknowledged.

2-5 Text was changed to include and reflect this information in Section 3.6, Aquatic Biology.

2-6 The wolf discussion was updated to include more recent information provided by IDFG. Additional discussion regarding the Effects Determination was added because of the nearby wolf occurrences.

2-7 This access point, called the Lower Teton Dam Access Road, has been added as a new access location and is included and addressed in the Final EA. Alternatives B and C state, "Pursue public vehicular access at a future time based on demand and balanced against resource protection and safety."

2-8 This road is an unauthorized access and will be closed and handled as a trespass issue.

2-9 Priority areas as identified by IDFG for restoration of wildlife habitat will be reflected in the RMP.

Regarding Access, in general we support improving and managing public access as described in Alternative B. The road down to the river immediately below the dam should also be listed in this section. Alternative C proposes three additional levels of access development. We support efforts to improve public access at Linderman and Brown Road. However we are concerned about the improvements proposed for Rocky Gulch in Alternative C. The Rocky Gulch area is extremely important as mule deer winter habitat. Any additional human disturbance in winter could have negative impacts on the survival of these wintering deer. It will be very important that any additional access to this area is restricted to summer only. Our concern is that if vehicle access is restored to the canyon rim, it will be very difficult to restrict winter use. For the Rocky Gulch site, our preference would be that public access be walk-in only, and only in summer, as described in Alternative B. 2-10

Restoring or obtaining administrative access is mentioned for a number of sites. Would this administrative access also apply to employees of the Idaho Department of Fish and Game? It would simplify matters considerably for IDFG to be included as an agency with administrative access to Teton Canyon for enforcement and fish and wildlife management activities. 2-11

Thank you for providing us an opportunity to review and comment on the Draft EA. Despite the resource damage resulting from the Teton Dam failure 30 years ago, Teton Canyon provides some very important and unique fish and wildlife habitats. We look forward to continuing to work with BOR on Teton Canyon management in the future.

Sincerely,

Steve Schmidt
Regional Supervisor

SLS:KER:jlp

cc: Natural Resources Policy Bureau, IDFG – Boise
Jim Fredericks, IDFG
John Hanson, IDFG
Gary Vecellio, IDFG
Daryl Meints, IDFG
Terry Thomas, IDFG
Wendy Reynolds, USDI-BLM Idaho Falls

2-10 Comment noted. The Lower Teton Dam Access Road has been included in the document. Alternative C for Rocky Gulch will specify summer-only access.

2-11 Document will be modified to state that administrative access would be available for all government agencies and their authorized agents on official business.

Upper Snake Field Office (USFO) - BLM

Comments Pertaining to Table 2.2-1
Teton River Canyon Resource Management Plan – Alternatives

Land Use Management

Agricultural and Grazing Leases: Alternatives state renew existing agricultural leases on Reclamation lands, the USFO assumes that this statement pertains only to Reclamation lands and not the entire project area. The USFO needs to coordinate with BOR pertaining to the agricultural leases permitted on BLM lands currently managed by BOR. 3-1

BLM lands in the project area are not allocated for grazing leases.

Recreation, Access & Visual Quality

Access: Linderman Road – BLM will continue to work with BOR and the private landowner to explore public access.

Bitch Creek Access – BLM will coordinate with BOR pertaining to the access at Bitch Creek. Members of the BLM staff have some concerns with the existing access to the river that is on BLM managed lands. The walk-in access to the river is very steep, there are concerns with safety and resource damage. 3-2

Felt Power Plan – BLM will coordinate with BOR pertaining to the walk-in access to the river. The parking area is on BOR lands and the pedestrian access via a hydroelectric project-related road to the river is on BLM lands.

River Corridor: Designate specific sites for overnight camping and monitor the use. BLM will coordinate with BOR pertaining to designated sites on BLM lands.

BLM will share visitor monitoring data with BOR.

Commercial Use: The Idaho Outfitters and Guides Licensing Board regulations pertain to commercial fishing outfitters. The IOGLB limits the number of outfitters who are licensed to operate on the Teton River to five outfitters and does not set a limit on the number of trips per day per outfitter. BLM has issued a Special Recreation Permit to the five licensed outfitters. The BLM, BOR, and IOGLB would need to work together to make any changes to the number of commercial outfitters licensed and permitted on the Teton River. The agencies would also need to coordinate pertaining to any adjustments made to launch days. 3-3

A limit should be set for any new requests for commercial uses (recreational use of public lands for business or financial gain) and competitive uses considered for the project area.

Recreation Monitoring: BLM will continue to share visitor use monitoring information and coordinate with BOR pertaining to recreation monitoring. 3-4

3—Upper Snake Field Office, U.S. Bureau of Land Management (BLM; comment letter not signed)

3-1 Comment noted. The alternative actions only apply to Reclamation lands and not to BLM lands.

3-2 Comments noted. Reclamation will coordinate with BLM on any actions affecting BLM lands.

3-3 The language for the commercial use section has been changed to reflect that there are currently five commercial fishing guide use permits and no limit to the number of daily launches. If the number of daily launches needs to be established or restricted because of the results of monitoring, these changes will be coordinated with the BLM and IOGLB.

3-4 Comment noted and BLM's efforts are appreciated.

Comments pertaining to Draft EA

Critical Element Checklist: Is BOR required to have a Critical Element Checklist?	3-5
Cumulative Impacts Analysis: The cumulative impacts analysis sections may need additional substance to avoid litigation.	3-6
Page 2-10: Change Governor Dirk Kempthorne	3-7
Page 3-34: Table 3.8-3, World Class Anglers is World Cast Anglers	3-8
Appendix D: It may be helpful to document the 13 factors related to the determination of suitability. This would support BOR's decision for nonsuitability. Factors are found in the Wild and Scenic Council's publication on The Wild and Scenic Study Process.	3-9

3-5 Reclamation is not required to have a Critical Element Checklist.

3-6 The cumulative impact analysis for bald eagles has been re-visited and expanded.

3-7 Document will be updated to reflect change of governors.

3-8 The correction has been made to "World Cast Anglers" in the Final EA.

3-9 The area is currently not suitable for Wild and Scenic River designation because it is still under Congressional authorization for construction of a dam. Other factors are inconsequential at this time. The area will be re-evaluated if, and when, these conditions change.

COMMENT FORM
Teton River Canyon Resource Management Plan
Draft Environmental Assessment

Please use the space below to provide us with your comments on the Draft Environmental Assessment for the Teton River Canyon Resource Management Plan. Feel free to hand this to us at the close of tonight's meeting, or if you'd prefer mail it back to:

Vicki Kellerman, PN-3906
U.S. Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

Comments may also be e-mailed to vkellerman@pn.usbr.gov. All comments must be received by June 6, 2006. Thank you!

The Teton River between the mouth of Bitch Creek and the Crosscut Canal has least altered hydrologic regime of any main-stem river reach in the Henry's Fork watershed. I have extensively researched alteration of hydrologic regimes and its ecological consequences throughout the upper Snake River basin and found this reach of the Teton River to be among the least altered in the basin by water management and use. As a result, native cutthroat trout maintain a competitive advantage over nonnative trout, especially rainbow trout, in Teton Canyon, whereas cutthroat have been or are being displaced by rainbows in many other stream reaches. The potential is high for maintaining and enhancing the cutthroat trout population in the still-intact system comprised of the Teton River, Canyon Cr., Bitch Cr. and Badger Creek. Any management actions take to restore stream habitat in Teton Canyon, including trying to remove the landslide debris dam, would be very effective at protecting and enhancing the strongest cutthroat trout population left in the Henry's Fork watershed. I strongly urge Reclamation to actively pursue channel & riparian restoration in the Teton Canyon (provided for under alternatives B & C).

Dr. Rob Van Kirk
Associate Professor
Idaho State University
Pocatello, ID

4-1

4—Dr. Rob VanKirk, Associate Professor, Idaho State University, Pocatello, Idaho

4-1 A small amount of native vegetation restoration and enhancement measures are anticipated under both Alternatives B and C. It is not planned under any of the alternatives to remove substantial landslide debris or alter the stream channel. Based on funding, Reclamation plans to enhance riparian habitat at one or more locations along the river but the total area of habitat improvement will be small compared to the total length of the affected river.

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I do support nearly all of alternative "B" management plans for your Teton River Canyon resource Management plan.

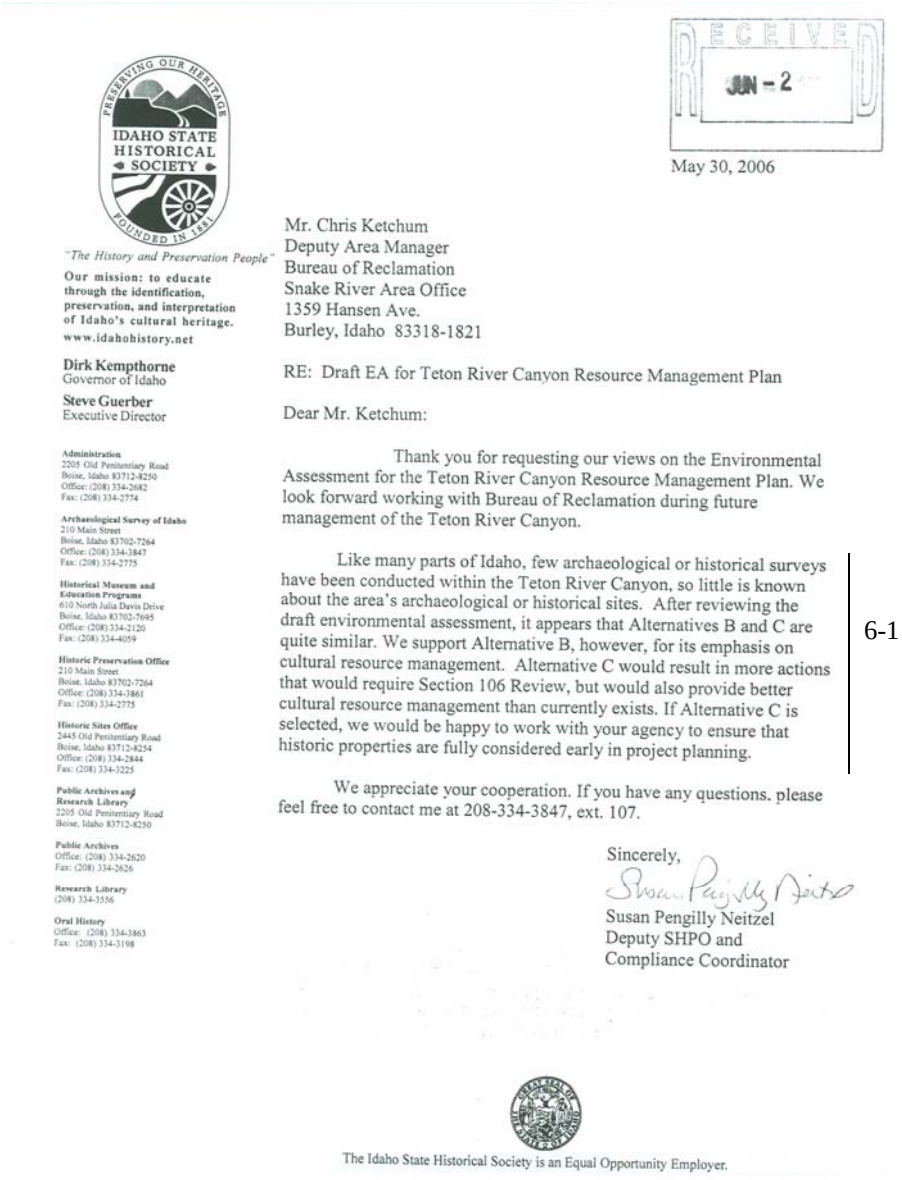
John Zirker lessee

I would like to see access into The parkinson pump area and the Rocky gulch area. 5-1

5—John Zirker, lessee (no address provided)

5-1 Alternative C includes public vehicular access to the Teton Canyon rim at Rocky Gulch.

6—Susan Pengilly Neitzel Idaho State Historical Society, Boise, Idaho



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Steve Guerber
Executive Director

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JUN - 2

May 30, 2006

Mr. Chris Ketchum
Deputy Area Manager
Bureau of Reclamation
Snake River Area Office
1359 Hansen Ave.
Burley, Idaho 83318-1821

RE: Draft EA for Teton River Canyon Resource Management Plan

Dear Mr. Ketchum:

Thank you for requesting our views on the Environmental Assessment for the Teton River Canyon Resource Management Plan. We look forward working with Bureau of Reclamation during future management of the Teton River Canyon.

Like many parts of Idaho, few archaeological or historical surveys have been conducted within the Teton River Canyon, so little is known about the area's archaeological or historical sites. After reviewing the draft environmental assessment, it appears that Alternatives B and C are quite similar. We support Alternative B, however, for its emphasis on cultural resource management. Alternative C would result in more actions that would require Section 106 Review, but would also provide better cultural resource management than currently exists. If Alternative C is selected, we would be happy to work with your agency to ensure that historic properties are fully considered early in project planning. 6-1

We appreciate your cooperation. If you have any questions, please feel free to contact me at 208-334-3847, ext. 107.

Sincerely,

Susan Pengilly Neitzel
Deputy SHPO and
Compliance Coordinator

The Idaho State Historical Society is an Equal Opportunity Employer.

6-1 Comment noted.

6 June 06

COMMENT FORM
Teton River Canyon Resource Management Plan
Draft Environmental Assessment

Please use the space below to provide us with your comments on the Draft Environmental Assessment for the Teton River Canyon Resource Management Plan. Feel free to hand this to us at the close of tonight's meeting, or if you'd prefer mail it back to:

Vicki Kellerman, PN-3906
U.S. Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

Comments may also be e-mailed to vkellerman@pn.usbr.gov. All comments must be received by June 6, 2006. Thank you!

My preference is alternative C.

My concern is having access to the river at all possible places either by foot or motorized so one may be able to find a place to fish without being in trouble with the land owners. 7-1

The UPPER TETON DAM SITE ACCESS.
The existing road needs to have a passing area constructed located half way between the rim and the river as there is no place to pass vehicles coming in or out. One cannot see the top or bottom of the existing ~~road~~ road until you are ⅓ of the way in or out, and then there is no place to pass then it is very difficult backing up or down that steep grade. 7-2

Dean M Doires
1830 W 5500 S.
Rexburg Idaho
83440.

7—Dean Doires, Resident, Rexburg, Idaho

7-1 Both of the action alternatives (B and C) allow for improved public access.

7-2 Alternatives B and C call for a sign warning drivers of the steep, narrow road at the top of the hill leading down to the Upper Teton Dam Site and managing the area for day-use only.

Appendix G:
Concurrence Letter from
U.S. Fish and Wildlife Service

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Eastern Idaho Field Office
4425 Burley Dr., Suite A
Chubbuck, Idaho 83202
Telephone (208) 237-6975
http://IdahoES.fws.gov

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

Subject: Teton Canyon Environmental Assessment/Biological Assessment and Resource Management Plan – Concurrence

Dear Mr. Ketchum:

The Fish and Wildlife Service (Service) is writing to provide concurrence with your determination of effects on listed species for the Environmental Assessment/Biological Assessment for the Teton Canyon Resource Management Plan (RMP) located along the Teton Canyon rim in Fremont, Teton, and Madison Counties, Idaho. In a letter dated September 14, 2006 and received by the Service on September 15, 2006, the Bureau of Reclamation (Reclamation) requested concurrence with your determination that the proposed RMP may affect, but is not likely to adversely affect bald eagles (*Haliaeetus leucocephalus*) documented within the Environmental Assessment/Biological Assessment (Assessment) for the RMP. Additionally, the Service acknowledges your determination that the RMP will have no effect on gray wolf (*Canis lupus*), Canada lynx (*Lynx Canadensis*), grizzly bear (*Ursus arctos*), Ute ladies'-tresses (*Spiranthes diluvialis*), Utah valvata (*Valvata utahensis*), and yellow-billed cuckoo (*Coccyzua americanus*). Our concurrence is provided pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended, and its implementing regulations.

The Service understands Reclamation is proposing to implement an RMP for 5,804 acres of Reclamation lands located within the Teton Basin Project. These lands are located adjacent to and upstream of the Teton Dam in the Teton River canyon and along the canyon rim in Fremont, Teton, and Madison Counties. Briefly, the RMP would allow for renewal of existing agricultural leases on Reclamation lands, protection and enhancement of native vegetation, enhancement of fisheries and wildlife habitat, and maintenance and management of public access at Reclamation facilities.

According to information provided in the Assessment and the 2005 Greater Yellowstone Ecosystem Annual Bald Eagle Productivity Report, three bald eagle nests occur/occurred along the Teton River within the RMP area. Two of those nests, Hog Hollow and Spring Hollow, have been occupied and productive for most of the last 5 years. The Danford nest has been occupied off and on for the last 5 years, but had never produced any chicks. In 2005, the Danford nest

apparently blew down, as researchers were not able to find the nest during their annual survey effort.

Currently, Reclamation is not proposing any new projects or permits within the RMP area. Additionally, current levels of human use are not having any known adverse impacts on bald eagles using the RMP area (nest productivity in the RMP area has not declined over the last 10 years). As such, Reclamation has developed a Teton Canyon Bald Eagle Management and Monitoring Plan to ensure bald eagles remain undisturbed. As part of that effort, Reclamation will prepare nest site management plans, in cooperation with the Idaho Department of Fish and Game and Bureau of Land Management, for the two remaining nests that occur in the RMP area. Those management plans will establish and maintain Primary Management Parcels, which will conform to the recommendations for nest site management zones provided in the Greater Yellowstone Bald Eagle Management Plan. They also intend to monitor bald eagle nest success and recreation use, and adjust boat launches if necessary, to avoid impacts and promote species recovery.

Based on the information provided in the Assessment and the Teton Canyon Bald Eagle Management and Monitoring Plan, as well as conversations held with Ryan Newman of your office, the Service concurs with Reclamation's conclusion that the proposed RMP may affect, but is not likely to adversely affect bald eagles.

This concludes informal consultation under section 7 of the ESA, as amended for the Teton Canyon RMP. Please contact the Service to verify the above determination is still valid if: 1) the project is changed or new information reveals effects of the action to a listed species to an extent not considered in the letter; or 2) a new species is listed or critical habitat is designated that may be affected by the project.

We appreciate your conscientious efforts to comply with Federal requirements. If you have any questions regarding this letter, please contact Sandi Arena of this office at 208-237-6975 ext. 34.

Sincerely,

Damien Miller, Supervisor
Eastern Idaho Field Office