



United States Department of the Interior

BUREAU OF RECLAMATION
Snake River Area Office
230 Collins Road
Boise, Idaho 83702-4520

FEB 27 2007



SRA-6121
ENV-1.00

Subject: Scoping of Issues for Proposed Transfer of Title for Bureau of Reclamation Drainage Facilities to the Pioneer Irrigation District, Boise Project, Idaho

Dear Interested Party:

At the request of the Pioneer Irrigation District (PID), the Bureau of Reclamation is considering a proposal to transfer title for certain Federal drains and associated real property interests to PID. The facilities and land interests included in this proposal are limited to those Reclamation-owned facilities which are operated and maintained by PID and which lie within the PID boundary. Reclamation and PID have identified you as a party with a potential interest in the proposed transfer. A more detailed description of the proposed title transfer is included in the enclosed information.

PID is interested in pursuing title transfer in order to streamline operations and maintenance procedures and to enhance their management of the drainage system used to handle agricultural return flows. Although the District has fully paid off its repayment obligations for the Federally-owned portion of the drainage system, title remains with the United States. The proposed title transfer would reduce Reclamation's administrative, oversight, and liability burden for facilities that PID has operated and maintained since they were constructed or improved in the early 1900s. The proposed title transfer is consistent with Reclamation's commitment to a federal government that works better and costs less.

The National Environmental Policy Act (NEPA) requires Reclamation to evaluate the environmental impacts resulting from this action. In order to meet the requirements of NEPA and to help determine if transfer of these facilities are in the best interest of the public, Reclamation is asking for your assistance in identifying issues and concerns you may have about the proposed title transfer.

We invite you to send your written comments on this proposal to the Bureau of Reclamation, Snake River Area Office, Attention: Gretchen Fitzgerald, 230 Collins Road, Boise, Idaho 83702-4520 by March 21, 2007. If you have any questions concerning the proposal or the NEPA process, contact Gretchen Fitzgerald at 208-383-2231.

Sincerely,

Jerrold D. Gregg
Area Manager

Enclosures

Proposed Action

Transfer of Title to Drainage Facilities, Boise Project, Idaho from Bureau of Reclamation to Pioneer Irrigation District

Background

Pioneer Irrigation District (PID) is an irrigation district organized and existing under the laws of the State of Idaho. PID diverts water from the Boise River into a system of canals and laterals for delivery to lands in Canyon County, Idaho, including the Cities of Caldwell and Nampa. PID manages return flows from irrigated lands through a system of drainage channels. The boundaries of PID are shown on the attached map.

In the early 1900s, the Bureau of Reclamation constructed drainage system facility improvements (primarily conveyance channels) within PID's service area. This work included obtaining necessary land interests (primarily rights-of-way and/or easements) for construction, operation, and maintenance of the facilities. The facilities constructed by Reclamation are shown on the attached map.

Reclamation holds title, on behalf of the United States, to the drainage facilities it constructed, including associated rights-of-way and easements. Since Reclamation had no involvement in developing the majority of PID's systems (e.g., irrigation delivery canals, laterals and associated works, as well as parts of the drainage conveyance system), the resulting ownership of facilities and land interests within PID is mixed (see attached map).

PID has operated and maintained the facilities constructed by Reclamation as an integral part of its system since the facilities were first completed. This PID/Reclamation relationship has been governed by a series of contracts consistent with Reclamation's policy of delegating operation and maintenance responsibilities to local entities where and when appropriate.

In 1995, as part of the Federal government's National Performance Review, with the goal increasing the efficiency and cost-effectiveness of government, Reclamation began a program to transfer title of facilities not identified as having national importance and which could more efficiently and effectively be managed by non-Federal entities. Reclamation's "Framework for the Transfer of Title" outlines the criteria that must be met prior to implementing any transfer of title action. These criteria are:

- 1) The Federal Treasury and thereby the taxpayers' financial interests must be protected.
- 2) There must be compliance with all Federal and State laws.
- 3) Interstate compacts and agreements must be protected.
- 4) The Secretary of the Interior's Native American trusts responsibilities must be met.
- 5) Treaty obligations and international agreements must be fulfilled.
- 6) The public aspects of the projects must be protected.

Reclamation's aim is to transfer title directly to project beneficiaries where these entities are competent to manage the facilities and are willing and able to fulfill legal obligations associated with taking ownership of those facilities. Reclamation believes that PID meets these requirements and that the relevant drainage facilities may appropriately be considered for potential title transfer.

Purpose and Need

PID is located in an area experiencing significant changes in land use with rapid urbanization occurring in some areas. Requests for encroachment on or modification to PID's irrigation and drainage systems are occurring with increasing frequency. Under current conditions, such requests involving Reclamation-owned facilities are reviewed separately by both Reclamation and PID. Prior to granting any such request, Reclamation normally requires formal approval from PID. This requirement is based on the fact that PID operates and maintains Reclamation's facilities as part of an integrated system and is in the best position to judge whether requested changes are workable and acceptable.

The proposed transfer of title would streamline administrative processes and place full responsibility and liability for operation of the subject facilities with the entity that controls operations and makes decisions related to facility use and/or modification (i.e., PID). For example, as urban development increases within PID boundaries, there is increasing pressure to discharge urban storm water runoff into PID facilities. Such discharges can represent increases in the volume and changes in the quality of water entering PID conveyance channels creating corresponding liability risk for facility owners due to property damage from flooding and/or water quality degradation. By transferring title of Reclamation-owned conveyances to PID, such liability risk would likewise be transferred fully to PID, the entity that is essentially responsible for decisions related to this risk.

Overall, the transfer of title of the United States' interest in these facilities to PID would completely divest Reclamation of the responsibility for the operation, maintenance, management, regulation of, and liability for the facilities.

The Proposed Action

The Proposed Action is a transfer by Reclamation to PID of all interest in and right/title to Reclamation's drainage facilities and associated land interests that are located within PID boundaries. The subject facilities are illustrated on the attached map and listed (with approximate length) in alphabetical order on the following page.

These facilities are all operated and maintained solely by PID and lie within the PID boundary. They are all characterized as drainage conveyance channels and associated rights-of-way and/or easements. No other significant land areas or facilities are involved and the purpose, use, operation and maintenance of the facilities would remain unchanged with the proposed title transfer. No water rights, storage rights, water distribution/management agreements, or facilities of other entities would be affected.

Reclamation does not currently have the authority to transfer title to these facilities and lands. Specific legislation would need to be passed by Congress. If the decision is made to proceed with the title transfer, PID would likely work with their Congressional delegation to draft legislation with provisions that are consistent with Reclamation's 1995 Framework for Title Transfer and, where appropriate, environmental commitments made by Reclamation through the National Environmental Policy Act process.

Proposed PID Title Transfer Facilities

Conveyance	Approximate Length (mi.)
Bardsley Gulch Drain	1.2
Dixie Drain	4.2
East Caldwell Drain	1.1
Elijah Drain	6.7
Fifteen Mile Drain	2.2
Grimes Drain	1.7
Isaiah Drain	2.7
Jonah Drain	1.0
Lower Fivemile Drain	2.4
Maddens Spur Drain	2.3
Mason Creek	10.7
Midway Drain	0.9
Moses Drain	1.5
Nampa Drain	1.7
Noble Drain	5.4
Parker Gulch Drain	0.7
Pipe Gulch Drain	0.5
Purdam Gulch Drain	4.5
Solomon Drain	4.9
Tenmile Drain	2.8
Upper Embankment Drain	1.8
West End Drain	6.4
Wilson Slough Drain	6.5
Yankee Drain	0.8
Total	74.5