RECLAMATION

Managing Water in the West

Finding of No Significant Impact and Environmental Assessment

Purchase of Contract Entitlement in Deadwood Reservoir for Salmon Flow Augmentation

PN-FONSI 11-05

U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
Snake River Area Office, Boise, Idaho

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FINDING OF NO SIGNIFICANT IMPACT

Purchase of Contract Entitlement in Deadwood Reservoir for Salmon Flow Augmentation

Introduction, Purpose, and Need

In accordance with the National Environmental Policy Act (NEPA) the Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA) that evaluates the environmental effects of the Reclamation's proposed Purchase of Contract Entitlement in Deadwood Reservoir for Salmon Flow Augmentation.

The purpose of the project is to secure additional water to be used in salmon flow augmentation. The project is needed because NOAA Fisheries 2008 Biological Opinion (BO) requires Reclamation to release 427,000 acre feet of water from the Snake River to benefit ESA-listed salmon and steelhead that are impacted by Reclamation's projects in the upper Snake River Basin.

Reclamation has provided water in most years since 1993 to meet the requirements of BO's issued by NOAA Fisheries. The sources of flow augmentation water include uncontracted storage in Reclamation reservoirs, annual water rentals, powerhead space, and natural flow water rights. Flow augmentation water is typically released in the summer months to benefit salmon and steelhead smolt migration downstream in the Snake and Columbia Rivers.

Proposed Action

The proposed action is for Reclamation to purchase the contract entitlement to stored water in Deadwood Reservoir belonging to a landowner near Sweet, Idaho. The contract entitlement is for .3975 percent of the active storage capacity of Deadwood Reservoir, which amounts to approximately 608 acre-feet of water if the storage space fills. Reclamation plans to use the stored water acquired for salmon flow augmentation. The stored water would be released annually during April through September as an incremental part of Reclamation's 427,000 acre feet as provided in NOAA Fisheries 2008 BO.

Summary of Impacts

Land Use – The Proposed Action would have no impact on land use since the land associated with the Deadwood Reservoir storage is currently not irrigated and is expected to remain as dryland pasture in the foreseeable future.

Hydrology and Water Rights – The Proposed Action would have little if any effect on hydrology or water rights. Deadwood Reservoir storage is already used for flow augmentation and would continue to be without the Proposed Action except in very dry years when all or part of it could be leased for irrigation. Any potential impact to irrigation would be relatively minor due to the small volume of water involved compared to the total storage in Payette River reservoirs.

Socioeconomics – The Proposed action would have no measurable effect on local or regional economies.

Soil Erosion and Invasive Species – With no change in land use there would be no additional soil erosion or invasive species infestations.

Threatened and Endangered Species – The Proposed Action would, however provide a small benefit to ESA-listed salmon and steelhead by helping to insure the availability of flow augmentation water from the Payette River basin, particularly during dry years.

There would be no effect to bull trout or bull trout critical habitat, or slickspot peppergrass or slickspot peppergrass proposed critical habitat.

Cultural Resources - With no changes in land use and no measurable hydrologic effects, there would be no effect to cultural resources.

Environmental Justice - The Proposed Action would have no effect on minority or low-income populations.

Indian Trust Assets and Sacred Sites - The Proposed Action would have no effect to any tribal trust resources or rights to hunt and fish. There would be no effect to Indian Sacred Sites.

Cumulative Impacts - The Proposed Action would add a minor amount the past actions of dedicating uncontracted storage space in the Payette River system. The lack of hydrologic and land use impact, would result in only very minor cumulative impacts.

Consultation and Coordination

Agency consultation was limited for this proposed project since the scope of the project is small and effects are minimal. Reclamation did discuss the project with the Payette River Water Master.

Reclamation has had extensive consultation with NOAA Fisheries and other agencies and entities throughout the ESA consultation on operation of the FCRPS and Reclamation projects in the Upper Snake Basin. Separate consultations with these agencies were not conducted for this project since it is consistent with measures contained in the current BO for Reclamation's operation and maintenance activities.

Finding

The proposed Action would merely continue a use of the contracted storage in Deadwood Reservoir that has occurred for several years, and would likely persist into the future without the project. There would virtually be no measurable environmental effects from implementing the Proposed Action. Therefore Reclamation has determined that acquiring the contract rights from Deadwood Reservoir for flow augmentation would not have a significant impact on the human environment or natural resources in the area.

Recommended:

Steve Dunn — 12/21/11

Field Office Environmental Specialist — Date

Approved:

Area Manager — 12/21/11

Area Manager — Date

Environmental Assessment
Purchase of Contract Entitlement in Deadwood Reservoir for Salmon Flow Augmentation

1. Purpose and Need

The Bureau of Reclamation (Reclamation) is proposing to purchase the contract entitlement to stored water in Deadwood Reservoir belonging to a landowner near Sweet, Idaho. The contract entitlement is for .3975 percent of the active storage capacity of Deadwood Reservoir, which amounts to approximately 608 acre-feet of water if the storage space fills. Reclamation plans to use the storage space acquired for salmon flow augmentation.

1.1 Background

Reclamation is required by the National Marine Fisheries Service's (NOAA Fisheries) 2008 Biological Opinion (BO) on the Operation of the Federal Columbia Power System (FCRPS) and the Snake River Water Rights Act of 2004 (P.L. 108-447) to provide 427,000 acre-feet of flow augmentation in the Snake River to benefit salmon and steelhead stocks listed under the Endangered Species Act (ESA). Reclamation has provided water in most years since 1993 to meet the requirements of previous biological opinions issued by NOAA Fisheries. The sources of flow augmentation water include uncontracted storage in Reclamation reservoirs, annual water rentals, powerhead space, and natural flow water rights. Flow augmentation water is typically released in the summer months to benefit salmon and steelhead smolt migration downstream in the Snake and Columbia Rivers.

Reclamation has continued to seek reliable water for flow augmentation through the purchase or long-term lease of natural flow water rights and contracted storage space from willing sellers (Reclamation 1996, 1997a, 1997b, 2005. A landowner holding the contract rights to Deadwood Reservoir storage discussed in this document contacted Reclamation regarding the availability of their contracted storage that was not being used for irrigation.

1.2 Purpose and Need

The purpose of the proposed action is to assist Reclamation in acquiring a reliable source of water to be used in flow augmentation. The project is needed because NOAA Fisheries 2008 Biological Opinion requires Reclamation to release 427,000 acre feet of water from the Snake River to benefit ESA-listed salmon and steelhead that are impacted by Reclamation's projects in the upper Snake River Basin.

1.3 Issues and Concerns

Formal public scoping of issues and concerns was not conducted for the proposed action due to the relatively small amount of storage space and land involved and because past acquisitions of similar amounts of storage or natural flow water rights for salmon flow augmentation have not

revealed significant public or agency concern or interest. Based on Reclamation's experience in previous water acquisition actions, potential issues and concerns include:

- Economic effects from fallowing of farmland
- Erosion and weed invasion on fallow land
- Effects to river and reservoir hydrology and hydropower
- Effects to water quality
- Impacts to threatened and endangered species

2. Proposed Action and Alternatives

2.1 Proposed Action

The proposed action is for Reclamation to purchase the contract entitlement to stored water in Deadwood Reservoir belonging to a landowner near Sweet, Idaho. The contract entitlement is for .3975 percent of the active storage capacity of Deadwood Reservoir, which amounts to approximately 608 acre-feet of water if the storage space fills. Reclamation plans to use the stored water acquired for salmon flow augmentation. The stored water would be released annually during April through September as an incremental part of Reclamation's 427,000 acre feet as provided in NOAA Fisheries 2008 Biological Opinion.

2.2 No Action

Under the No Action alternative, it is expected that the landowner would make their water stored in Deadwood Reservoir available for flow augmentation through annual rentals from the Payette Basin rental Pool as they have since at least 2006. Reclamation would be able to rent this water for salmon flow augmentation in most years. In water short years it is assumed that this water would be leased to other irrigators who have preference in the rental pool over flow augmentation.

2.3 Other Alternatives Considered

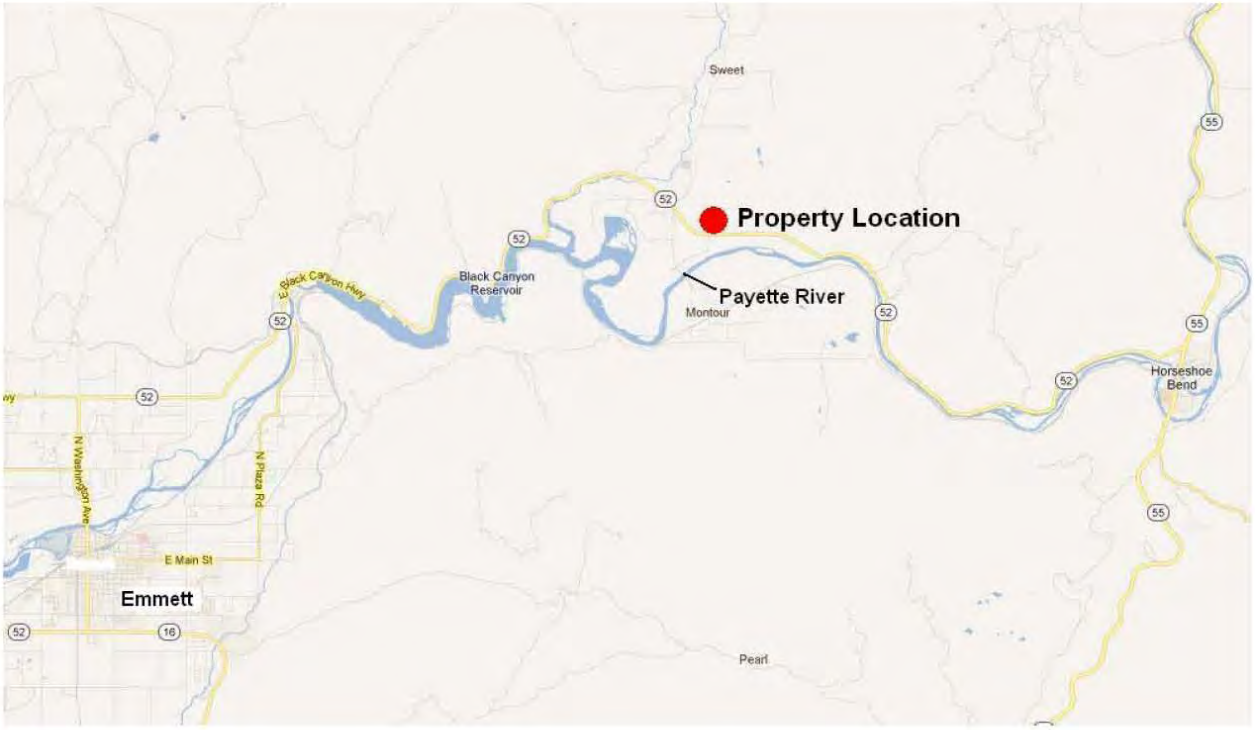
There are no other reasonable alternatives to the Proposed Action. The landowner's desire is to sell all of their storage contract rights for flow augmentation and not just a portion. Reclamation has not been approached by any other willing sellers of natural flow or storage rights that would meet Reclamation's purpose and need.

3. Affected Environment and Environmental Consequences

3.1 Land Use

The property served by the irrigation storage in Deadwood Reservoir is located approximately 13 miles northeast of Emmett, Idaho along State Highway 52 at the intersection with the Ola/Sweet Road (See Location Maps). The property currently consists of approximately 132 acres of dry pasture with a residence and some outbuildings. The Payette River lies approximately 1800 feet to the south. The land has not received irrigation water since at least 2005 (USDI 2011).

Location Maps



The proposed acquisition of the Deadwood Storage rights would have no effect on land use. Under either the No Action Alternative or Proposed Action, the current owners are not likely to irrigate the property, and it would remain as dry pasture.

3.2 Hydrology and Water Rights

The property has irrigation water rights from two sources. There is a natural flow irrigation right from the Payette River with a priority date of 1969 for 1.8 cfs diversion. The diversion point for this water is at the Payette River to the south of the property south of Highway 52. The diversion consists of a pump and pipeline that conveys water under the highway to the property. The pump system has not been used for several years due to the cost of delivering the water to the property. Since 2006 the natural flow water right has been leased to the Idaho State Water Bank.

The property owner's contract rights from Deadwood Reservoir are for .3975 percent of the storage which amounts to approximately 608 acre feet of the reservoir's current capacity. The contract states that stored water is to be diverted at the same location as the diversion works for the natural flow rights. According to the Payette River Watermaster, the natural flow right falls out of priority on average on July 7, which would require use of the Deadwood Reservoir storage water to provide full irrigation through the summer. Since 2006 the property owner has made this storage available to the Payette River Rental Pool.

Reclamation relies on the Payette River Rental Pool for a substantial portion of its flow augmentation water. Water leased from the rental pool includes both uncontracted storage in Cascade and Deadwood Reservoirs as well as stored water that contractors make available. Between 2006 and 2010 Reclamation leased between 46,000 and 71,000 acre feet of contracted storage Payette River reservoirs for flow augmentation.

Under the No Action Alternative, it is likely the property owner would continue to make both their natural flow water rights and Deadwood Reservoir storage available to the Water Bank and Rental Pool, respectively. Reclamation would continue to use water from the Rental Pool as part of their annual flow augmentation requirement. In very dry years the water in the rental Pool may be used by irrigators and unavailable for flow augmentation.

There are likely to be no measurable hydrologic effects under the Proposed Action compared to No Action. Under the Proposed Action, the property would only have the natural flow water right and would no longer be able to be irrigated in late summer; however it is not likely that either the natural flow rights or Deadwood storage rights would be used for irrigation in either case. Similarly, except in very dry years, it is likely that the 608 acre feet Deadwood storage would be used for flow augmentation whether it is available in the Rental Pool under No Action, or becomes uncontracted storage under the Proposed Action. Flows in the Payette River would change very little whether the stored water is passed downstream for flow augmentation or diverted for irrigation.

3.3 Socioeconomics

The proposed action would have no effect to local or regional economies. The only economic effect would be to the contractors who would receive payment for the entire amount of their contract entitlement rather than annual payments through the Water Bank and Rental Pool.

3.4 Soil Erosion and Invasive Species

With no changes in land use, no wind erosion or invasive species infestations would occur.

3.5 Threatened and Endangered Species

The Proposed Action addresses only a very small portion of the 427,000 acre feet provided for flow augmentation benefitting ESA listed salmon and steelhead. It would, however provide an incremental benefit to these fish by helping to ensure the availability of flow augmentation water from the Payette River basin, particularly during dry years.

Other ESA listed species that may occur in the project area include bull trout (and critical habitat) and slickspot peppergrass (and proposed critical habitat). Since the Proposed action would not affect hydrology or land use, it would have no effect on either of these species or their critical habitats.

3.6 Cultural Resources

With no changes in land use and no measurable hydrologic effects, there would be no effect to cultural resources.

3.7 Environmental Justice

The Proposed Action would have no effect on minority or low-income populations.

3.8 Indian Trust Assets and Sacred Sites

Indian Trust Assets are legal interests in property held in trust by the United States for Indian Tribes and individuals. The Secretary of the Interior, acting as trustee, holds many assets in trust for Indian Tribes and individuals. Examples of trust assets are lands, minerals, grazing, hunting and fishing, and water rights. The Proposed Action would have no effect to any tribal trust resources or rights to hunt and fish.

There are no known Indian Sacred Sites in the area. There would be no effect to either hydrology or land use and no effect to Indian Sacred Sites.

3.9 Cumulative Impacts

The Proposed Action would add incrementally to the past actions of dedicating uncontracted storage space in the Payette River system (Cascade and Deadwood Reservoirs) to salmon flow

augmentation. The Proposed Action would not result in any substantial hydrologic or land use changes, and represents a very small increase in Payette River storage dedicated to flow augmentation (608 acre feet) compared to the amount of storage already dedicated (95,000 acre feet) and the amount of storage overall.

4. Consultation and Coordination

Agency consultation was limited for this proposed project since the scope of the project is small and effects are minimal.

Reclamation has had extensive consultation with NOAA Fisheries and other agencies and entities throughout the ESA consultation on operation of the FCRPS and Reclamation projects in the Upper Snake Basin. Separate consultations with these agencies was not conducted for this project since it is consistent with measures contained in the current BO for Reclamation's operation and maintenance activities.

Agency consultation on this particular Proposed Action has included discussions with the Payette River Water Master.

5. Literature Cited

Bureau of Reclamation. 1996. Final Environmental Assessment and Finding of No Significant Impact, Purchase of Lucky Peak Reservoir Storage from Nampa and Meridian Irrigation District for Salmon Flow Augmentation. Snake River Area Office, Pacific Northwest Region, Boise, ID.

Bureau of Reclamation. 1997a. Finding of No Significant Impact and Final Environmental Assessment, Sale of Storage in Anderson Ranch Reservoir for Municipal and Industrial Purposes and related Acquisition of Lucky Peak reservoir Storage for Salmon Flow Augmentation. Snake River Area Office, Pacific Northwest Region, Boise, ID.

Bureau of Reclamation. 1997b. Finding of No Significant Impact and Final Environmental Assessment, Purchase of Water Rights from Skyline Farms for Salmon Flow Augmentation, Ontario, Oregon. Pacific Northwest Region, Boise, ID.

Bureau of Reclamation. 2005. Finding of No Significant Impact and Final Environmental Assessment, Lease of Natural Flow Rights for Flow Augmentation, Upper Snake River Basin, Idaho. Snake River Area Office, Pacific Northwest Region, Boise, ID.

U S. Department of Interior. 2011. Self Contained Appraisal Report of the Rodna E. Sisk Property. USDI Office of Valuation Services.