

RECLAMATION

Managing Water in the West

Finding of No Significant Impact Final Environmental Assessment

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



Prepared By:

U.S. Department of the Interior
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In Cooperation With:

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



June 2007

U.S. DEPARTMENT OF THE INTERIOR

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian tribes and our commitments to island communities.

MISSION OF THE BUREAU OF RECLAMATION

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

FINDING OF NO SIGNIFICANT IMPACT

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

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

PN FONSI 07-03

Introduction

The Bureau of Reclamation (Reclamation) prepared this Finding of No Significant Impact (FONSI) to comply with the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA). This document briefly describes the proposed action, the alternatives considered, the scoping process, Reclamation's consultation and coordination activities, and Reclamation's finding. The Final Environmental Assessment (EA) fully documents the analyses.

Background

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

The Fort Hall National Historic Landmark (Landmark) is situated within the Reservation boundaries and is approximately 9 acres in size. It is located in the NW ¼ of Section 5 and the NE ¼ of Section 6, in Township 5 South, Range 33 East of the Boise Meridian, and is approximately 2 miles upstream of the upper end of American Falls Reservoir, in Bannock County. The Landmark also encumbers land acquired by Reclamation (Reclamation lands) that are located inside Reservation boundaries. According to the Tribes, the Fort Bridger Treaty (1868), and Federal surveys, the centerline of the Snake River is the boundary of the Fort Hall Reservation; the continued erosion adversely impacts the shoreline of the Reservation.

Historically, the Snake River was a wide and meandering channel with a sand and gravel bed and low banks. The river also experienced large floods and high sediment loads. In 1927, as

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

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

Purpose and Need

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

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

The proposed action would stabilize approximately 3,800 feet of streambank, the majority of which is located on Reservation lands. The site of the proposed bank stabilization project is located approximately 2 miles upstream from American Falls Reservoir and immediately adjacent to and upstream of the Landmark along the Snake River in Bannock and Bingham counties in Idaho. The Landmark is a nationally significant historic property and is protected under the National Historic Preservation Act (NHPA). Under the NHPA, Federal agencies

responsible for managing and maintaining a historic landmark must take appropriate action to minimize damage or potential threats to that landmark.

Alternatives Considered

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

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

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

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

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

Environmental Commitments

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

Agency Consultation and Coordination

National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966 (NHPA) (as amended in 1992) requires that Federal agencies consider the effects that their actions have on historic properties. To comply with Section 106 of NHPA, Federal agencies must consult with the SHPO, Native American tribes with a traditional or culturally significant religious interest in the study area, and the interested public to identify and evaluate the significance of historic properties and the project's effect on them. The Federal agency must then mitigate adverse effects the project may cause on significant resources.

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

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

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

Archaeological Resources Protection Act (ARPA)

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

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

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

Native American Graves Protection and Repatriation Act (NAGPRA)

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

Endangered Species Act

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

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

Tribal Coordination and Consultation

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

Government-to-Governmental Consultation with Tribes

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

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

Indian Sacred Sites (Executive Order 13007)

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

Indian Trust Assets (ITAs)

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

Other Laws and Regulations

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

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

Public Involvement

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

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

Changes to the Final EA

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

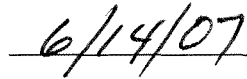
Finding

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

Recommended:

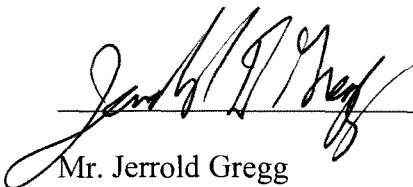


Mr. Robert Boyer
Snake River Area Natural Resources Manager
Burley, Idaho



Date

Approved:



Mr. Jerrold Gregg
Snake River Area Manager
Boise, Idaho



Date

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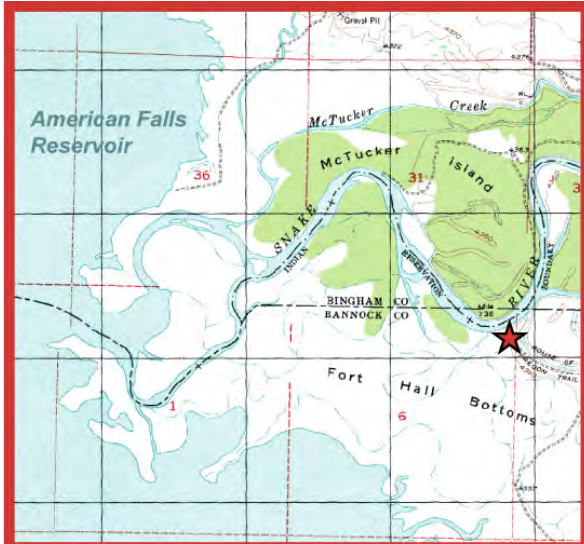
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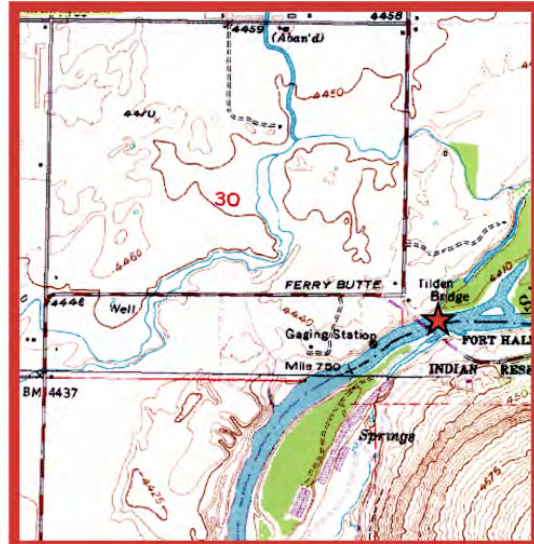
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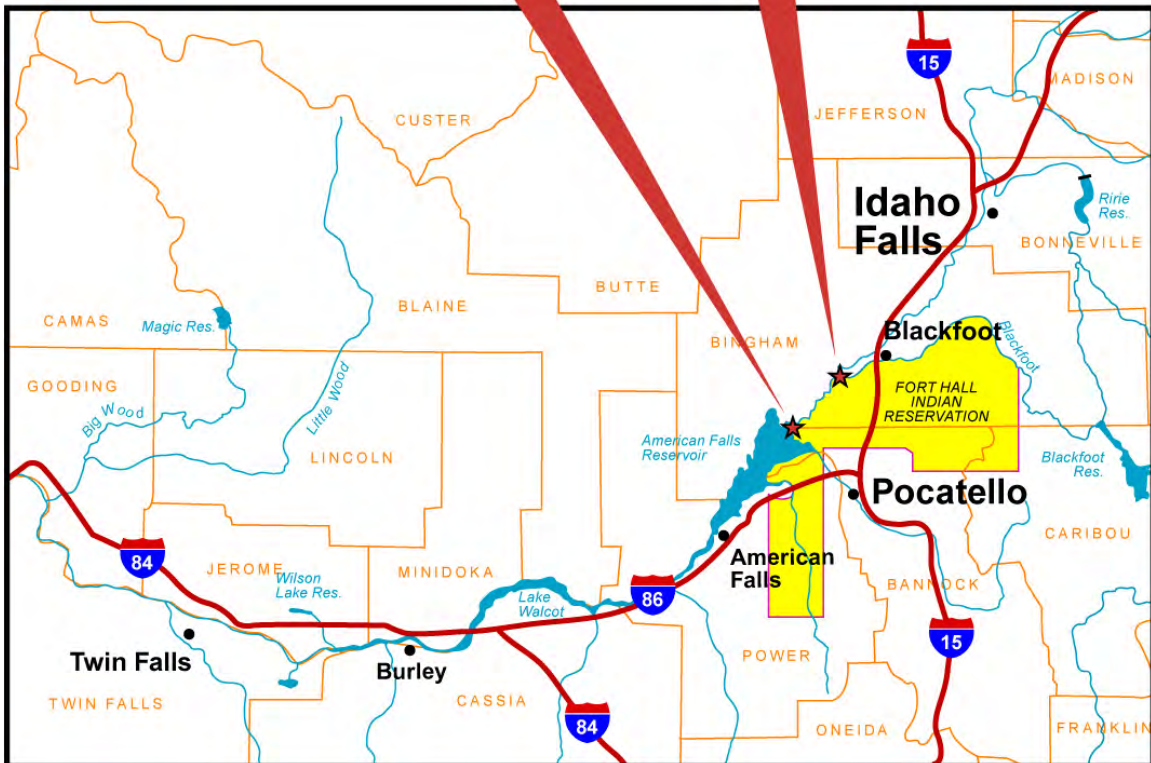
June 2007



Fort Hall National Historic Landmark



Tilden Bridge/FERRY BUTTE



Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
ARPA	Archaeological Resources Protection Act
AUM	animal unit months
BA	Biological Assessment
BIA	Bureau of Indian Affairs
BMP	best management practices
Business Council	Fort Hall Business Council
CEQ	Council on Environmental Quality
Corp	U.S. Army Corps of Engineers
CWA	Clean Water Act
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
GPR	ground penetrating radar
IDEQ	Idaho Department of Environmental Quality
IDFG	Idaho Department of Fish and Game
ITA	Indian Trust Asset
Landmark	Fort Hall National Historic Landmark
MHI	median household income
NAGPRA	Native American Graves Protection and Repatriation Act
NAWQA	National Water Quality Assessment Program
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act of 1966
NOAA Fisheries	National Oceanic and Atmospheric Administration Fisheries
NOI	Notice of Intent
NPS	National Park Service
NRCS	Natural Resources Conservation Service

NWI	National Wetland Inventory
PBERP	Pacific Bald Eagle Recovery Plan
Reclamation	Bureau of Reclamation
Reservation	Fort Hall Indian Reservation
Secretary	Secretary of the Interior
SHPO	State Historic Preservation Office
SSC	suspended sediment concentration
TCP	traditional cultural properties
T&E	Threatened and Endangered
TERO	Tribal Employment Rights Ordinance
THPO	Tribal Historic Preservation Officer
TMDL	total maximum daily load
Treaty	Fort Bridger Treaty (1868)
Tribal Land Use	Shoshone-Bannock Land Use Policy Commission
Tribal Water Resources	Shoshone-Bannock Water Resources Commission
Tribes	Shoshone and Bannock Tribes of the Fort Hall Indian Reservation
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

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Chapter 1 INTRODUCTION

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

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

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

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

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

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

1.1 Location

1.1.1 Fort Hall Reservation

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

1.1.2 Fort Hall National Historic Landmark

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

1.2 Background

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

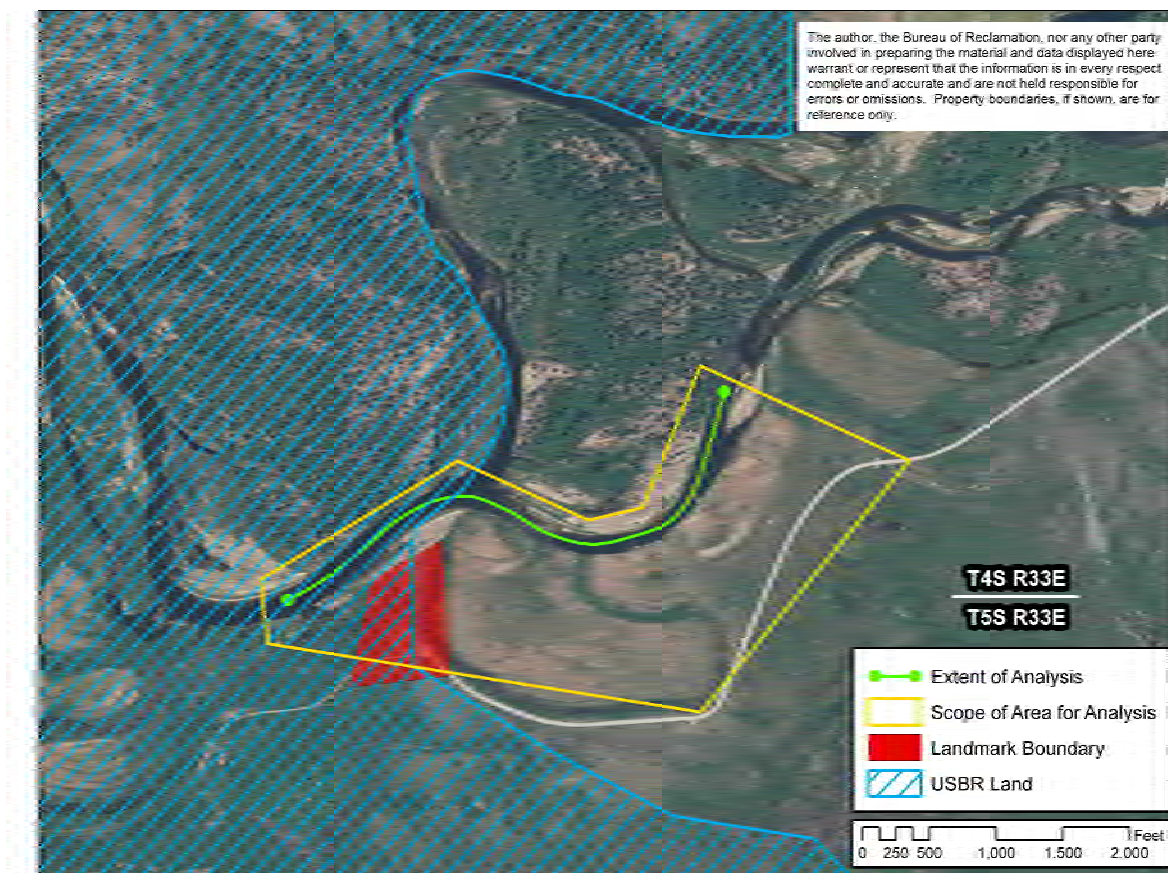


Figure 1-1. Aerial photo of the Fort Hall National Historic Landmark bank stabilization scope of project

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

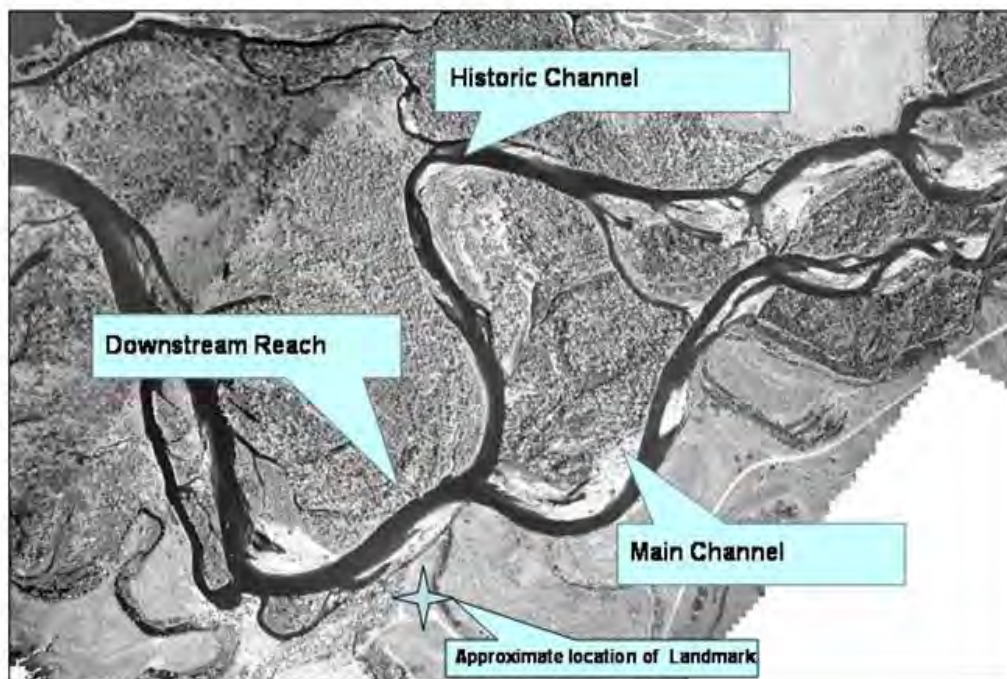


Figure 1-2. Aerial photo showing current channel positions and approximate location of the Landmark

1.3 Purpose and Need for Action

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

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

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

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

1.4 Legal Authorities and Constraints

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

1.4.1 Shoshone-Bannock Tribes

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

1.4.2 Bureau of Indian Affairs

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

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

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

1.4.3 Bureau of Reclamation

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

1.5 Scoping

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

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

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

1.6 Related Actions and Activities

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

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

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

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

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

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

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

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



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

Chapter 2 DESCRIPTIONS OF ALTERNATIVES

The proposed action is to stabilize a localized section of the streambank upstream of the Landmark in an effort to protect the Landmark and reduce further channel migration. Currently, there are two channels in the Snake River that have formed and merged, and are the primary focus of this EA. Looking downstream, the main (left) channel merges with the historic (right) channel and is hereafter referred in this report as the *main channel*. The section of the river below the confluence of the two merged channels is referred to as the *downstream reach*.

This chapter presents the following alternatives being considered for the implementation of the bank stabilization project based on current engineering practices and Tribal input.

- Alternative 1 – No Action
- Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment
- Alternative 3 – Stone Spurs
- Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)
- Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

NEPA typically defines the No Action Alternative as the most likely future condition without the proposed action. The No Action Alternative serves two purposes:

- It identifies future environmental conditions without taking measures to stabilize the bank or protect the Landmark.
- It is the basis (baseline condition) by which all other alternatives are compared.

The four action alternatives (2, 3, 4, and 5) provide different techniques to accomplish the purpose and need for the action. For ease of comparison, the alternatives are summarized in Table 2-1 in Section 2.8. This chapter also identifies alternatives examined but eliminated from further consideration.

2.1 Similarities among Alternatives

The following actions would apply to all the alternatives:

- Adhere to Federal laws and regulations; Shoshone-Bannock Tribal laws; and if applicable, State and County laws and regulations.
- Prior to any ground disturbing activities, conduct the appropriate level of site-specific NEPA analysis and public involvement.
- Prior to any ground disturbance, complete a Class III survey, Ground Penetrating Radar (GPR), and augering of areas of potential effect for this project.
- Prior to any ground disturbance and during project implementation, comply with Section 106 of NHPA by consulting with the Tribes, SHPO, and interested parties regarding site identification, eligibility, effects, and mitigation.
- During implementation, insure all ground-disturbance activities are monitored by a professional archaeologist.
- Comply with current accessibility regulations and standards required for Tribal lands.
- Ensure proposed action is within the authority of the applicable agency.

Alternative 4 considers bioengineering techniques which includes some degree of vegetative planting above the high water mark for increased bank stability. Alternatives 3 and 5 eliminated earthfill and bioengineering to allow natural sedimentation fill to accumulate over time and establish natural vegetation. All alternatives, other than the No Action Alternative, would use a rock source.

The existing demonstration project constructed cooperatively by the Tribes, BIA, NRCS, and Reclamation in 2002 would be left in place and incorporated into each of the four alternatives under consideration in this EA. Construction of the stone toe in either Alternative 2 or 4 would overlap onto and bury the existing rock barbs and buried logs with rootwads where these existing features tie into the river bank. The barbs and logs would be allowed to extend through the stone toe and project out into the river channel to locally deflect flows and reduce stream velocities. The intersections of the stone toe with the buried logs with rootwads would be enlarged by placement of additional rock to account for expected decomposition of the logs over time which would lead to settlement and displacement of the overlying stone toe. Construction of the spur field in Alternatives 3 and 5 would incorporate the existing rock barbs by enlarging them to the design dimensions of the spurs and including them as members of the spur field. The existing buried logs with rootwads would be left in place to encourage sediment deposition in between individual spur elements and to accelerate natural recruitment of riparian vegetation along the river bank.

2.2 Alternative 1 – No Action

The No Action Alternative represents continuation of the current conditions which would leave the river channel and its banks to meander and erode naturally over time. It does not address the historical site or associated environmental problems due to changes in the channel course. No work to repair or enhance bank stability or preserve and protect the Landmark would occur under this alternative.

2.3 Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

The Preferred Alternative features a bank height stone toe that does not include bioengineering or curve shaping. A rock barrier would be placed over and adjacent to the current river bank for a length of 3,800 feet (Figure 2-1). There is no bank excavation required for placement of the rock barrier. Soil or additional rock would be needed to bring the existing vertical undercut bank to an angled slope of 1.5 to 1 (horizontal distance to vertical distance) (Figure 2-2).

The outside ends of the stone toe would include a feature called a “key-in.” Under this alternative, the key-in would be comprised of sheet pile (interlocking “S” shaped steel plates) driven into the ground (Figure 2-1). The sheet pile extends from the outside ends of the stone toe and is angled into the bank for 200 feet on the upstream end and 30 feet on the downstream end. This feature creates a rigid barrier to prevent undercutting and the stream from circumventing the stone toe. There would be approximately 20 – 30 feet of excavation into the bank to secure the stone toe to the sheet pile. The zone of this disturbance for sheet pile placement is approximately 2 feet wide by 15 feet deep for a distance of 200 feet on the upstream end and a distance of 30 feet on the downstream end.

Key features of Alternative 2 (Preferred Alternative) include:

- Stone toe revetment construction along the total length of the bank – 3,800 feet (Figure 2-3)
- Sheet-pile key-in feature upstream – 200 feet
- Sheet-pile key-in feature on the downstream reach – 30 feet
- Estimated rock volume for construction of stone toe on the main channel – 8,184 cubic yards (yd³); stone toe on downstream reach (including key-in) – 8,952 yd³
- Estimated volume of material disturbed on the main channel – 250 yd³; on the downstream reach – 250 yd³
- Estimated zone of disturbance due to excavations where sheet pile ties into the stone toe upstream – 200 feet; downstream – 30 feet

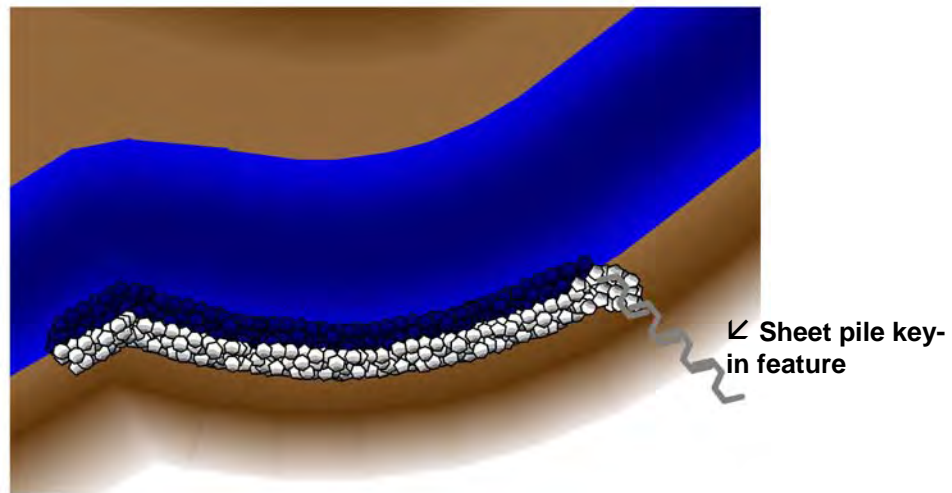


Figure 2-1. Conceptual rendering of Alternative 2 – stone toe and upper bank revetment with sheet pile key-in feature (plan view)



Figure 2-2. Conceptual rendering of Alternative 2 – stone toe construction (profile view)

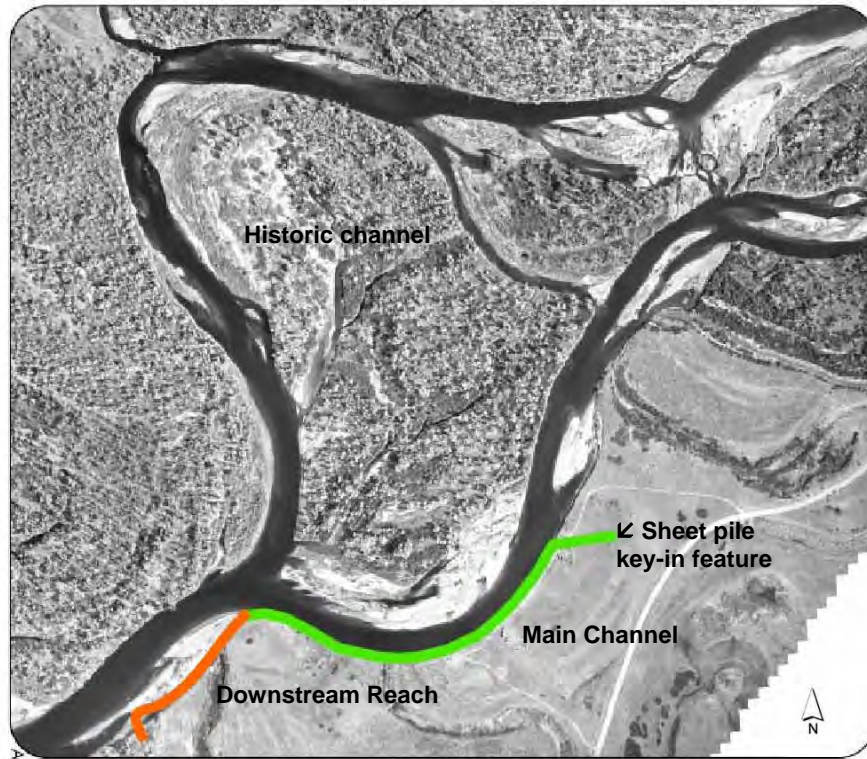


Figure 2-3. Aerial view of bank sections for Alternative 2 (Preferred Alternative) showing *approximate* location of stone toe protection for the entire length of the bank

2.4 Alternative 3 – Stone Spurs

Alternative 3 uses stone spurs to reshape the outside edge of the curve and concentrate the flow away from the bend (Figure 2-4). The spurs block the flow and would over time create spaces for natural sediment deposition and vegetation growth.

The stone spurs would be spaced approximately 150 feet apart, angled slightly upstream, and be tied into the bank for 20 feet (Figure 2-5). A transition zone is required for the area where the historic channel joins the main channel (Figure 2-6). The transition zone would consist of rock revetment with no excavation for approximately 100 feet and would be placed between

two stone spurs. This revetment would provide bank stabilization if a future increase occurs in the amount of flow in the historic channel.

Key features of Alternative 3 include:

- Stone spurs (15) construction on main channel – 60 feet in length; stone spurs (5) on downstream reach – 100 feet in length
- Key-in trench construction upstream – 425 feet
- Revetment treatment on the downstream reach – 30 feet; tie back excavation into the river bank – about 5 feet
- Estimated rock volume for construction of spurs and transition zone on the main channel – 26,700 yd³; spurs on downstream reach (including revetment) – 10,500 yd³
- Estimated volume of material disturbed on the main channel – 5,500 yd³; on the downstream reach – 150 yd³

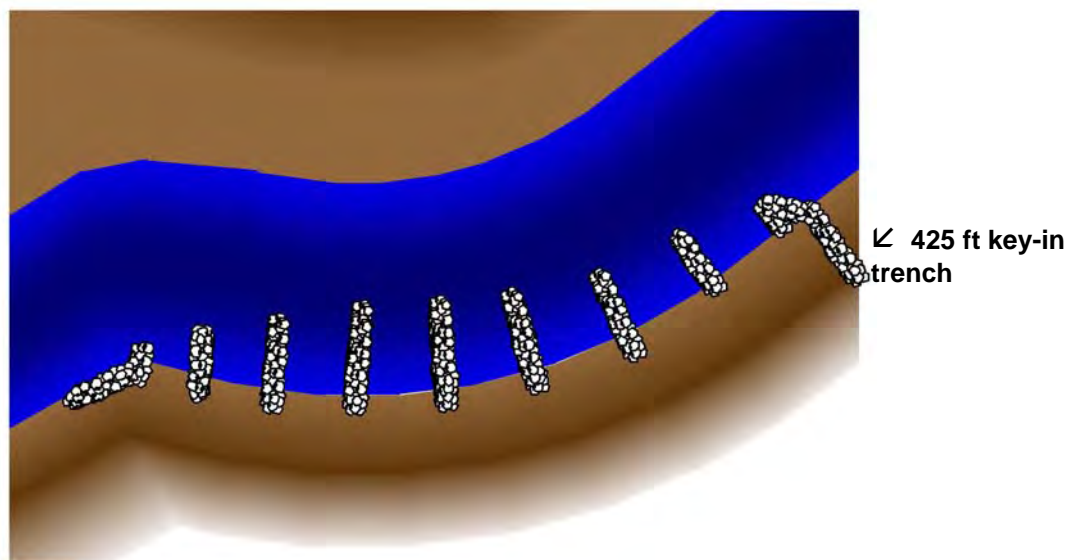


Figure 2-4. Conceptual rendering of Alternative 3 – stone spurs with no earthfill curve shaping and bioengineering on main channel (plan view)

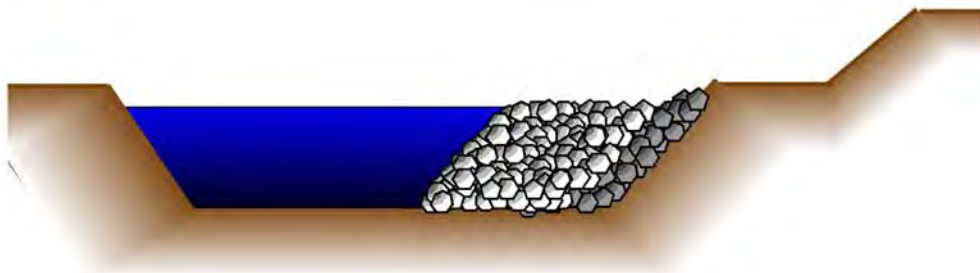


Figure 2-5. Conceptual rendering of stone spur construction (profile view)

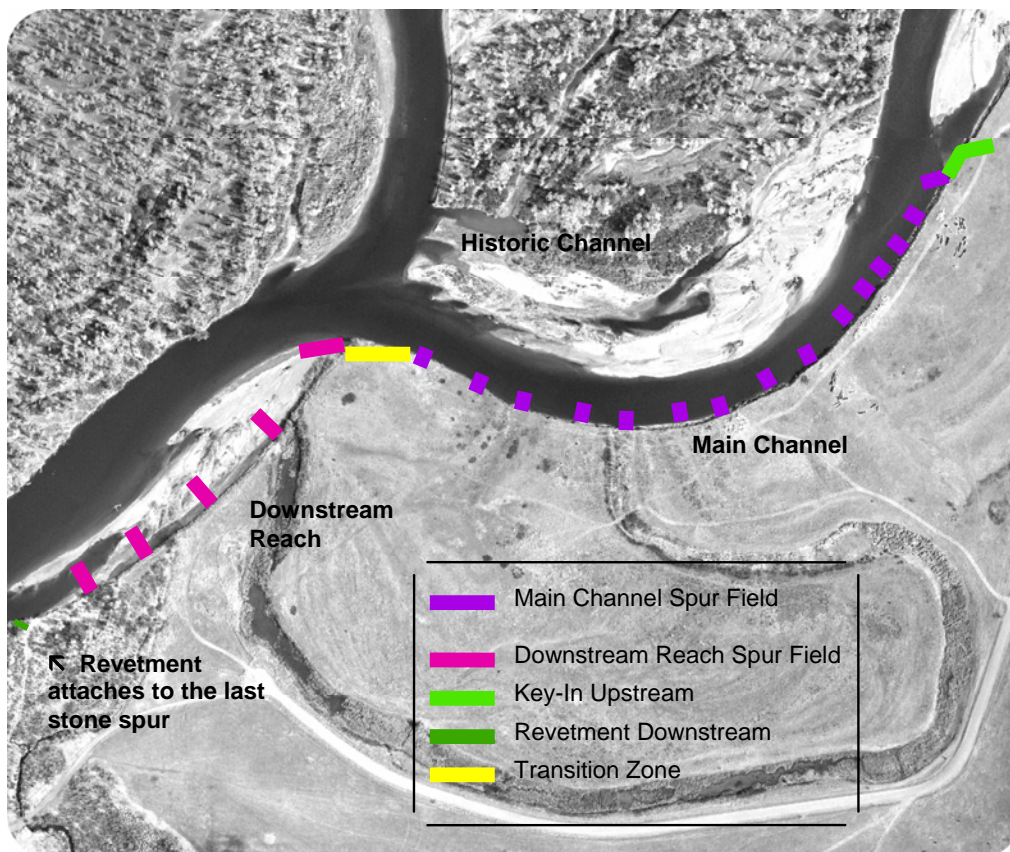


Figure 2-6. Aerial view of bank sections for Alternative 3 showing *approximate* location for stone spurs and transition zone

2.5 Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

This alternative combines some features of Alternatives 2 and 3. Stone toe would offer improved bank protection while stone spurs would minimize ground disturbance.

A transition zone would be required for the area where the historic channel joins the main channel (Figure 2-7). The transition zone would consist of rock revetment with no excavation for approximately 100 feet and would connect the stone toe with the first stone spur on the downstream reach. This revetment would provide bank stabilization if a future increase occurs in the amount of flow in the historic channel.

Alternative 4 also includes earthfill curve shaping and a bioengineered terrace. These activities would have the greatest disturbance effect of all the alternatives by lowering the bank height by 3 feet for a distance of 24 feet along the entire 2,200 feet of river bank.

Key features of Alternative 4 include:

- Stone toe construction with earthfill curve shaping and bioengineering on main channel – 2,200 feet; stone spurs (5) construction on downstream reach – 100 feet
- Key-in trench construction upstream – 425 feet
- Revetment treatment on the downstream reach – 30 feet
- Rock volume for construction of stone toe and transition zone on the main channel – 6,900 yd³; stone spurs on downstream reach (including revetment) – 10,500 yd³
- Estimated volume of material disturbed on the main channel – 22,000 yd³; on the downstream reach – 150 yd³

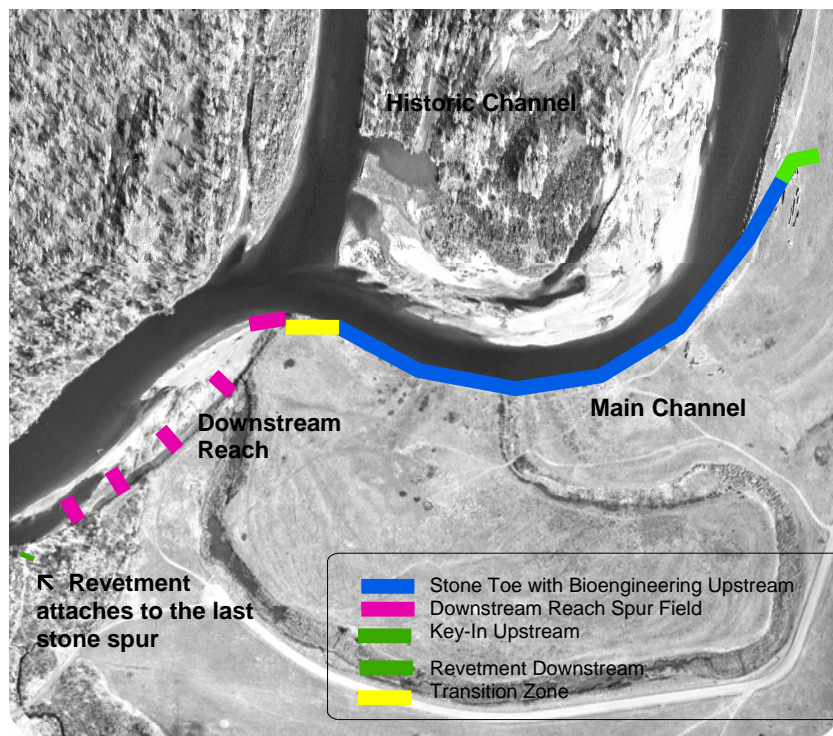


Figure 2-7. Aerial view of bank sections of Alternative 4 showing approximate locations of stone spurs, stone toe, key-in feature, and transition zone

2.6 Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Alternative 5 uses stone toe protection (no earthfill curve shaping or bioengineering) which would offer improved bank protection (Figure 2-8). The stone spurs without the earthfill curve shaping would minimize ground disturbance and be more suitable for protecting any cultural and natural resources. Key features of Alternative 5 include:

- Stone spur (15) construction on main channel – 61 feet long; stone toe construction on downstream reach – 1,600 feet long
- Key-in trench construction upstream – 100 feet
- Key-in trench on the downstream reach (tied into bank) – 10-30 feet
- Rock volume for construction of spurs on main channel – 26,700 yd³; stone toes on downstream reach (including key-in) – 9,000 yd³
- Estimated volume of material disturbed on the main channel – 3,300 yd³; on the downstream reach – 250 yd³

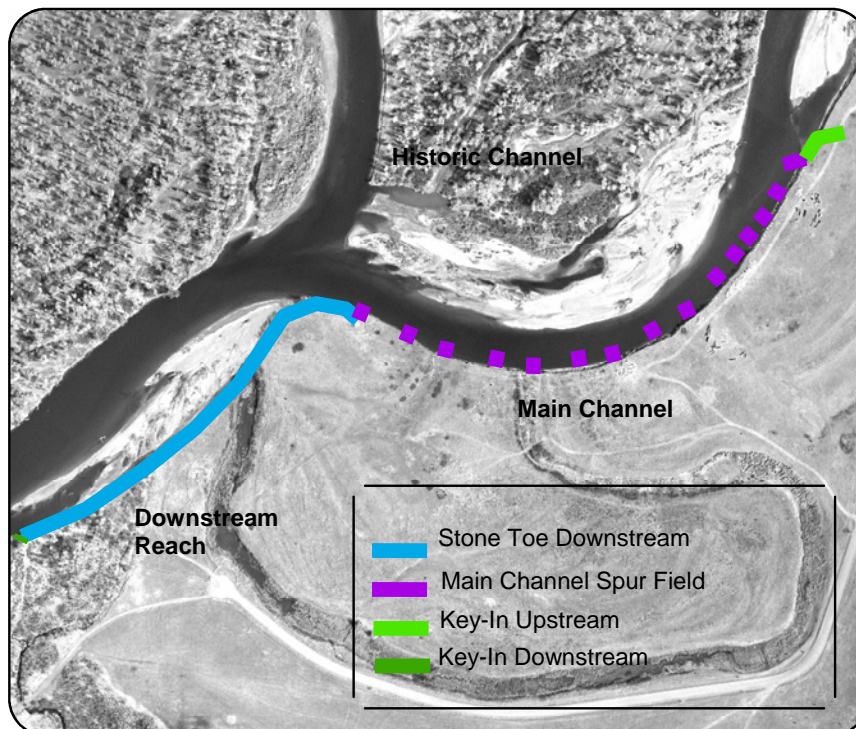


Figure 2-8. Aerial view of bank section for Alternative 5 showing *approximate* location of stone spur construction on main channel, stone toe, and revetment downstream

2.7 Alternatives Eliminated from Further Study

Several other alternatives were discussed early in the evaluation process but were eliminated from further study.

- Bendway Weir Transverse Features – With this alternative, the rock weirs are pointed upstream and installed below the water level. The disadvantage of this alternative is that high flow events may erode the rock weirs or shift the entrance angle of the flow. Although this alternative has a low initial cost, the maintenance costs are higher and provides only short-term bank protection.
- Channel Relocation – This alternative includes excavation to relocate the river channel and the use of stone dikes to block flow from returning into the old channel, creating a new oxbow and straightening the main flow. The disadvantages of this alternative are the high cost and the potential of altering the channel thereby increasing other future maintenance problems.
- Recapture Prevention – This alternative would block the historic channel forcing all flow into the main channel. This alternative would increase the flow into the main channel, and therefore, accelerate present bank erosion rates creating future maintenance problems.

2.8 Summary Comparison of the Environmental Impacts of the Alternatives

The environmental impacts of each alternative are compared below in Table 2-1 against the environmental impacts that would result under Alternative 1 – No Action Alternative. The environmental consequences of the alternatives arranged by resource are described in detail in Chapter 3. The terms “environmental consequences” and “environmental impacts” are synonymous in this document.

Table 2-1. Summary comparison of alternatives

Issue	Alt 1 – No Action	Alt 2 (Preferred Alternative) – Stone toe and upper bank revetment	Alt 3 – Stone spurs	Alt 4 – Stone toe with earthfill curve shaping & bioengineering (main channel); stone spurs (downstream reach)	Alt 5 – Stone spurs (main channel); stone toe (downstream reach)
Land use Livestock, agriculture, recreation	Bank erosion would continue.	Would provide highest level of protection; alternative would provide little access for wildlife to reach water; would allow the smallest amount of ground disturbing impacts to land within Landmark boundaries.	Streambank stability would be improved; alternative would provide possible access for wildlife to reach water.	Would provide intermediate amount of protection within the existing uses of livestock, agriculture, and recreation.	Would provide moderate protection while preserving natural and cultural resources.
Geology and soils	Bank erosion leads to loss of tribal lands and Landmark.	Effects limited to area of construction of an upstream 200-foot key-in structure for sheet piling. Effects limited to areas where toe keys into bank and at 30-foot revetment. Alternative has least risk for future bank erosion.	Effects limited to areas where spurs tie into bank and at 425-foot key-in trench; alternative has some risk for upstream flanking and future bank erosion. Effects limited to areas where spurs tie into bank and at 30-foot revetment.	Curve shaping and bioengineered terrace affect approx. 75 to 100-foot-wide zone along 2,200-foot-long treatment area plus 425-foot key-in trench; alternative has lower risk for future bank erosion. Effects limited to areas where spurs tie into bank and at 30-foot revetment.	Effects limited to areas where spurs tie into bank and at 100-foot key-in trench; alternative has some risk for upstream flanking and future bank erosion. Effects limited to areas where toe keys into bank and at 30-foot revetment.
Water quality	No change, bank erosion would continue.	Brief periods of high turbidity in main channel; no change in downstream reach.	Brief periods of high turbidity in main channel, greater than Alternatives 2 & 4; no change in downstream reach.	Brief periods of high turbidity in main channel; no change in downstream reach.	Brief periods of high turbidity in main channel, greater than Alternatives 2 & 4, similar to Alternative 3; no change in downstream reach.
Wetlands	Bank erosion would continue.	Due to construction of access road, oxbow area would be disturbed but restored. Water would continue to seep into wetland areas. Potential future impacts due to temporary access roads for monitoring and periodic maintenance.	Due to construction of access road, oxbow area would be disturbed but restored. Water would continue to seep into wetland areas. Potential future impacts due to temporary access roads for monitoring and periodic maintenance.	Due to construction of access road, oxbow area would be disturbed but restored. Water would continue to seep into wetland areas. Potential future impacts due to temporary access roads for monitoring and periodic maintenance.	Due to construction of access road, oxbow area would be disturbed but restored. Water would continue to seep into wetland areas. Potential future impacts due to temporary access roads for monitoring and periodic maintenance.

2.8 Summary Comparison of the Environmental Impacts of the Alternatives

Issue	Alt 1 – No Action	Alt 2 (Preferred Alternative) – Stone toe and upper bank revetment	Alt 3 – Stone spurs	Alt 4 – Stone toe with earthfill curve shaping & bioengineering (main channel); stone spurs (downstream reach)	Alt 5 – Stone spurs (main channel); stone toe (downstream reach)
Vegetation	Existing vegetation would be subject to continued erosion.	A total of 3,800 feet of main channel bank would be disturbed and some temporary loss of vegetation could occur during construction structures. The stone toe would benefit and protect upslope plants from disturbance caused by erosion. Potential impacts due to temporary access roads for monitoring and periodic maintenance activities.	Disturbance limited to spur and access locations on the main channel; vegetation and slopes between spurs would remain undisturbed; minimal disturbance of vegetation in downstream reach as spurs would be placed on existing point bar. Potential impacts due to temporary access roads for monitoring and periodic maintenance activities.	Similar disturbances as Alternatives 2 and 3 where temporary removal of existing vegetation would occur; this alternative would require extensive bioengineering revegetation for the main channel. Potential impacts due to temporary access roads for monitoring and periodic maintenance activities.	Similar disturbances as Alternatives 2 and 3 where temporary removal of existing vegetation would occur. Potential impacts due to temporary access roads for monitoring and periodic maintenance activities.
Fish and wildlife	Bank erosion would continue; bare soils would become increasingly unstable; minor levels of sedimentation may affect aquatic/semi-aquatic species.	A total of 3,800 feet of main channel bank would be disturbed dislodging sediment into the river, creating some turbidity. During construction this would have temporary effects on aquatic and semi-aquatic species distribution and habitat. The stone toe in the downstream reach would have little or no impact to fish. Some temporary loss to terrestrial and upland species habitat would occur.	Slightly less bank disturbance, minor dislodging of sediment into the river creating temporary turbidity; moderate disturbance during construction having temporary effects on aquatic/semi-aquatic species; long-term beneficial effects on species as structures would control erosion, reduce sediment, turbidity in river, and create backwater pools/habitat; minimal impacts to fish or wildlife; spurs may benefit species by providing habitat.	Main channel would be disturbed dislodging sediment into the river creating temporary turbidity; moderate/temporary effects on aquatic/semi-aquatic species distribution/habitat; stone toe would be least beneficial to terrestrial, riparian zone, semi-aquatic species due to loss of potential habitat near the waterline; upland species would benefit through improvements from planted vegetation & terraced slopes.	Similar to Alternative 3 with sediment dislodging into river creating temporary turbidity; minimal effect on aquatic/semi-aquatic species distribution/habitat; stone spurs more beneficial to terrestrial, riparian zone, semi-aquatic species due to continued use of potential habitat near waterline; minimal disturbance or benefit to upland species.
Threatened and endangered species	Bank erosion would continue.	No effect on the threatened gray wolf or bald eagle;	No effect on the threatened gray wolf or bald eagle; no	No effect on the threatened gray wolf or bald eagle; no	No effect on the threatened gray wolf or bald eagle; no

Issue	Alt 1 – No Action	Alt 2 (Preferred Alternative) – Stone toe and upper bank revetment	Alt 3 – Stone spurs	Alt 4 – Stone toe with earthfill curve shaping & bioengineering (main channel); stone spurs (downstream reach)	Alt 5 – Stone spurs (main channel); stone toe (downstream reach)
		no effect on the endangered Utah valvata snail. If surveys reveal the presence of Ute ladies'-tresses, there could be a potential short-term effect due to construction of temporary access road for oxbow.	effect on the endangered Utah valvata snail. If surveys reveal the presence of Ute ladies'-tresses, there could be a potential short-term effect due to construction of temporary access road for oxbow.	effect on the endangered Utah valvata snail. If surveys reveal the presence of Ute ladies'-tresses, there could be a potential short-term effect due to construction of temporary access road for oxbow.	effect on the endangered Utah valvata snail. If surveys reveal the presence of Ute ladies'-tresses, there could be a potential short-term effect due to construction of temporary access road for oxbow.
Cultural resources	Bank protection measures would not be implemented; no immediate effect on the Landmark; however, no action increases potential of the Landmark being lost or suffering extensive damage in the future.	Main channel – Utilizes system to place riprap from above the bank and eliminates bioengineering and curve shaping. Northern 200-foot key-in of sheet pile reduces impacts from key-in excavation, lessening threat to cultural resources. Minimal visual impacts. Downstream reach – Intact portions of Landmark avoided; effects in Landmark boundaries limited to areas where toe keys into bank and recent gravel bar. Installation of sheet pile eliminates need for excavated key-in trench.	Main channel - Limits surface disturbance to tie-back trenches for 15 spurs & access ramps, thus limiting potential impacts to sub-surface cultural resources accordingly. Northern 425 foot excavated key-in trench poses threat to sub-surface cultural resource deposits. Possible visual effects from unnatural spur appearance. Downstream reach – Intact portions of Landmark avoided; effects in Landmark boundaries limited to areas where the 5 stone spurs would tie into existing riprap on the recent gravel bar. Possible visual effects from spur configuration.	Main channel reach – Bioengineering & curve shaping entirely disturb a 2,200 foot x 24 foot area along the bank, posing a threat to any subsurface cultural deposits. A northern excavated 425 foot key-in trench poses a threat to any subsurface cultural resource deposits. Visual impacts due to bioengineering & curve shaping. Downstream reach – Same as Alternative 3, downstream reach.	Main channel reach – Same as Alternative 3, main channel, except a 100 foot x 30 foot northern key-in trench is proposed, reducing potential impacts to sub-surface cultural deposits compared to alternatives 3 and 4. Possible visual effects from unnatural spur appearance. Downstream reach – Intact portions of Landmark avoided; effects in Landmark boundaries limited to areas where toe keys into bank and recent gravel bar. Excavated key-in trench could expose subsurface archaeological deposits.
Indian sacred sites	Bank protection measures would not be implemented; no immediate effect on the Landmark; however, no action increases potential of the Landmark being	Use of sheet pile construction for the main channel key-in reduces the likelihood that human skeletal remains or other sacred site or materials would be disturbed.	Burials or other sacred sites in the Landmark – unaffected. Along the main channel, 15 spurs and key-in trench could increase potential for finding human remains or other	Burials in Landmark are unaffected. On main channel, there is more potential to impact sacred sites and natural vistas relative to other alternatives. Access ramps, bank-shaping/sloping,	Burials or other sacred sites in the Landmark – unaffected. Fewer visual impacts to Landmark than from stone spurs. On main channel, there is less potential to impact sacred sites

2.8 Summary Comparison of the Environmental Impacts of the Alternatives

Issue	Alt 1 – No Action	Alt 2 (Preferred Alternative) – Stone toe and upper bank revetment	Alt 3 – Stone spurs	Alt 4 – Stone toe with earthfill curve shaping & bioengineering (main channel); stone spurs (downstream reach)	Alt 5 – Stone spurs (main channel); stone toe (downstream reach)
	lost or suffering extensive damage in the future.	Downstream of Landmark, disturbance would only occur on the recently-formed gravel bar, burials or other sacred places within the Landmark boundaries would be unaffected.	sacred materials. Possible visual effects from spur configuration on natural sacred vistas.	terracing, stone toe placement, and bioengineering would completely disturb 2,200-feet by 24-feet wide surface area along existing bank.	relative to stone toe. Downstream key-in trench has potential to expose subsurface archaeological deposits.
Indian trust assets Reservation lands; right to hunt/fish, right to water, right to minerals	Erosion would continue on Tribal lands with some effects to resources associated with the land; the right to hunt/fish continues; no impacts to federally-reserved water rights; no known minerals at this site.	Construction sites would stabilize some Tribal lands with temporary effects to associated resources. The right to hunt/fish continues; no impacts to federally-reserved water rights; no known minerals at this site.	Construction sites would stabilize some Tribal lands with temporary effects to associated resources. The right to hunt/fish continues; no impacts to federally-reserved water rights; no known minerals at this site.	Construction sites would stabilize some Tribal lands with temporary effects to associated resources. The right to hunt/fish continues; no impacts to federally-reserved water rights; no known minerals at this site.	Construction sites would stabilize some Tribal lands with temporary effects to associated resources. The right to hunt/fish continues; no impacts to federally-reserved water rights; no known minerals at this site.
Socio-economics	Bank erosion continues.	No adverse impacts.	No adverse impacts.	No adverse impacts.	No adverse impacts.

Chapter 3 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter describes existing physical, biological, natural, and cultural resources that could be affected and identifies any potential impacts or benefits to those resources if any one of the alternatives were implemented.

The No Action Alternative (Alternative 1) describes conditions in the future if bank stabilization were not implemented and provides the basis to compare the action alternatives (Alternatives 2, 3, 4, and 5).

The resources analyzed include land use, geology and soils, water resources, wetlands, vegetation, fish and wildlife, threatened and endangered species, cultural resources, Indian sacred sites, Indian trust assets, socio-economics, and environmental justice. This chapter also describes cumulative effects of the alternatives.

Section 3.13 – *Standard Practices* describes practices that would be followed in order to avoid or minimize potential effects that could occur if any of the action alternatives were implemented. Section 3.14 – *Mitigation* lists potential measures that may be taken to reduce specific effects.

3.1 Land Use

3.1.1 Affected Environment

Reservation lands encompass approximately 544,000 acres and are located in Bingham, Bannock, Caribou, and Power counties (USBR 2001). Approximately 385,000 acres of the Reservation remain as open grassland, while the rest is divided as woodlands, crops, and residential. The project area, including lands both upstream and downstream on either side of the Snake River, has been influenced by farming and livestock grazing for more than 100 years. Livestock ranching and agricultural crops are the largest and most important land uses within these counties.

The Fort Hall Bottoms (Bottoms) is a unique area of the Reservation, established as a communal area for the Tribes. It is not included in the Tribal Rangelands, and the Land Use Policy Commission oversees the Bottoms area. The Bottoms provides valuable forage for big game which includes deer, moose, antelope, elk, and buffalo.

Livestock

The Tribes Land Use Director oversees the Reservation Range Program, which manages the rangelands and monitors livestock grazing. This program was contracted by the Tribes from BIA in 2003. According to BIA data (1994), 65 livestock operators utilize the Reservation with an average herd size of 150 head (USBR 2001). This same data shows approximately 46,525 total animal unit months (AUM) of grazing within the Reservation. One AUM is equal to the feed needed for one cow and one unweaned calf for one month. Approximately 9,222 cow units graze on the Reservation range units. A problem for range units on the Reservation is lack of adequate stock water, with 60,000 acres having low water supply and a carrying capacity of 10 acres per AUM (USBR 2001).

Agriculture

The Tribe currently leases irrigated farmland and grazing land. Over 120,000 acres of Reservation land are farmed, primarily in potato and grain rotation, in addition to sugar beets, alfalfa, pasture, and barley (USBR 2001). No agricultural influences exist within the immediate area of the project site; however, there may be minimal agricultural influence from upstream landowners.

Recreation

Except for access to the American Falls Reservoir, there are no developed recreation areas or facilities on either Reclamation or Tribal lands near the proposed action area. During high water in the Reservoir increased boat traffic may occur on the Snake River in the area of the project. The Idaho Department of Fish and Game (IDFG) stocks portions of the Snake River for fishing and the Tribes utilize the Bottoms area for fishing and hunting.

3.1.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, measures to stabilize the banks in the vicinity of the Landmark would not be implemented. The Snake River would continue to seek its natural course through the Bottoms and erosion would continue on the main channel bank. Livestock, agriculture, and recreation activities would continue to be managed as is.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

Alternative 2 would provide the highest level of protection of the Landmark. Streambank stability would be improved. The stone toe option would provide little access for wildlife or livestock to reach the water. However, it would allow the smallest amount of ground disturbing impacts to the land within or near the historic Landmark boundaries.

Alternative 3 – Stone Spurs

Under Alternative 3, streambank stability would be improved. Alternative 3 would allow livestock or wildlife access to the river and contribute to bank erosion by trampling.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

This alternative would provide an intermediate amount of protection of the Landmark within the existing uses of livestock, agriculture, and recreation.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Alternative 5 would provide moderate protection of the Landmark while preserving natural and cultural resources on Reservation lands.

3.1.3 Cumulative Effects

The Tribes and Reclamation ensure a high level of resource protection on the land surrounding the Landmark. Taking no action to prevent further loss of the land due to erosion would cause the most damaging cumulative effects.

The preferred alternative along with continued livestock, agriculture, and recreation management would reduce cumulative effects.

The CCRP program, which disallows cattle grazing, will positively impact the project area. In addition, the Tribes have entered into the EQIP with the NRCS to cut and plant willows and dogwoods along the demonstration project. Reclamation will coordinate with the Tribes and NRCS as to the optimal time to begin this effort upon completion of the proposed project.

3.2 Geology and Soils

3.2.1 Affected Environment

Geology

The geology of the Landmark consists of volcanic rocks that are complexly inter-layered with older river channel and lake deposits associated with the Snake River. American Falls Lake was formed as a result of damming of the Snake River by the Cedar Butte basalt about 72,000 years ago at Eagle Rock, located downstream of the town of American Falls (Scott et al. 1982; Houser 1992). Scott et al. 1982 indicated American Falls Lake had at least partially drained as the last glacial advance neared its end about 14,000 to 15,000 years ago.

Glaciation of the adjacent mountain ranges led to the deposition of large gravel sheets along the margins of American Falls Lake and along the channel of the Snake River upstream from the lake (Pierce and Scott 1982).

Melting and subsequent retreat of glacial ice at the end of the Pleistocene filled the basin of Lake Bonneville (now the Great Salt Lake) in Utah. Between 14,000 and 15,000 years ago, the rising lake waters overtopped the north rim of the lake at Red Rock Pass and spilled down the Portneuf River drainage to the Snake River near Pocatello, Idaho (Scott et al. 1982; Houser 1992). The resulting Bonneville Flood flowed northeasterly across the remnant of American Falls Lake, extending up the valley to the northeast and east past the present town of Blackfoot before the flood receded and drained down the Snake River channel across southwestern Idaho. The flood deposited extensive sheets of gravel across the area southeast of the present-day American Falls Reservoir. The entire region is covered by varying depths of wind-blown deposits composed of fine sand and silt. These wind-blown sediments were deposited concurrent with and subsequent to Pleistocene glaciation. Wind-blown silt deposits are common on the highlands east of the modern Snake River floodplain in the study area.

Subsequent to the end of the last Pleistocene glaciation and recession of the Bonneville Flood, the Snake River has incised its modern floodplain into the older Pleistocene sediments. The present river channel and relatively narrow floodplain on the north are confined by a high terrace of relatively young basaltic bedrock. A terrace of similar height exists along the boundary of the floodplain in the Bottoms, but at a distance of about a mile from the river channel's left (south) bank. This terrace is composed chiefly of Pleistocene gravels capped by wind-blown silt. The Snake River floodplain is sited on top of tectonic downwarp of older volcanic rock that dips gently west to northwest toward and under the basaltic bedrock on the right or north side of the river (Houser 1992). This downwarp tends to force the channel position to remain along the north, resulting in a relatively narrow floodplain along the right side and a wide floodplain along the left side. The left-side channel banks typically consist of a layer of fine sand- and silt-sized sediments about 3 to 6 feet thick. These sediments overlie unconsolidated (loose) gravels.

The main channel's left bank of the Snake River is composed of loose deposits of sand and gravel that are highly susceptible to erosion. The left bank has experienced significant erosion in the project area and has retreated to the left for a lateral distance of several hundred feet since the 1990s. The loose nature of the alluvium and the lack of any significant riparian vegetation to help anchor the bank indicates that bank erosion would continue in this area.

Soils

The Bottoms have been mapped by the U.S. Department of Agriculture (USDA 1977) as Snake-River-Philbon Association soils consisting of silty loam and peat deposits on bottom lands. These soils are nearly level and thick. The soils have a low to very low permeability (poorly drained), which accounts for the very high water table. The Snake River soils have developed on low terraces and are formed in calcareous alluvium (containing calcium

carbonate). These soils are a light brown to gray silty loam in the first foot, then a light-colored silty clay loam in the next 4 feet. The Philbon soils occur lower on the landscape than the Snake River soils, with a peat surface 22 inches thick and a silty-clay loam subsurface similar to that of the Snake River series.

Due to the loose, unconsolidated nature of the alluvium forming the Bottoms, these soils generally experience erosion along the main Snake River channel and some of the larger side channels. Channel migration due to excessive erosion of the left bank of the Snake River in the project area has resulted in the loss of several hundred lateral feet of soils directly adjacent to the channel. Some localized scouring of the soils may also occur during large flood events when flows overtop channel banks and move overland across the Bottoms.

3.2.2 Environmental Consequences

Geology

Environmental consequences of the proposed action alternatives involve disturbance and/or removal of the alluvial materials comprising the left bank of the main channel of the Snake River and active channel and bar deposits within the river itself. Each of the proposed bank stabilization alternatives involves excavation of the alluvium and partial replacement with large rock structures which are capable of resisting the erosive forces of the Snake River. The amount and extent of excavation varies widely dependent on the alternative selected, but options for excavations include curve shaping of the existing channel bank, construction of a bioengineered terrace, construction of tie backs for stone spurs, and construction for key-in trenches to prevent potential future river channel migrations. Regardless of the alternative selected, there would be short-term impacts to the local geology due to the required excavations.

Analysis of Alternatives

The following analysis of environmental consequences outlines the anticipated effects that the No Action Alternative and the four action alternatives would have on the geologic materials forming the Landmark and Tribal lands. The analysis focuses on the disturbance and/or removal of the materials forming the main channel's left bank and the adjacent materials comprising the Bottoms. The volume of excavation needed within the geologic materials for construction of the bank stabilization structures is evaluated for each of the action alternatives and is compared to the projected loss of land based on measured erosion rates for this site under the No Action Alternative. The results of the analysis are summarized in Table 3-1.

Sediment present within the active river channel and occurring as bar deposits adjacent to the channel are transient in nature and reside within the study reach for only a few years to tens of years. These deposits are frequently mobilized during large flood events and moved downstream by the Snake River to be ultimately deposited within the upper reaches of American Falls Reservoir. The time interval between flood events determines the resident

time of the sediment within the reach. These channel and bar deposits have been excluded from the analysis due to their temporary nature and the difficulty in assessing potential impacts to transient materials. Disturbance and removal of the channel and bar deposits would be limited to excavation for the toes of rock structures and the placement of scour protection. The volume of disturbance for these features is very small in comparison to that projected for the river bank and adjacent lands under the No Action Alternative.

The interlayered gravel and sand materials composing the alluvium would be affected by any alternative requiring sloping or excavation of the channel bank to place erosion protection. The area of alluvium to be affected would depend largely on the preferred alternative selected to protect the main channel of the Snake River and the Landmark.

The downstream reach near the Landmark was analyzed separately from the upstream main channel reach due to depositional rather than erosional channel morphology, different bank characteristics, and the presence of a riparian zone along much of the river bank.

Alternative 1– No Action

Meandering river systems, such as that observed for the Snake River through the Bottoms, tend to be very active and dynamic systems characterized by downstream migration of meander belts, frequent channel changes, and recycling of the adjacent floodplain through lateral erosion of channel banks and associated floodplain deposits. The No Action Alternative would allow these natural processes to continue unchecked, thereby allowing continued erosion of the main channel's left bank. Over time, this erosion would lead to substantial loss of tribal lands within the Bottoms and destruction of the Landmark and its associated cultural resources and historic value.

Reclamation (USBR 2002) analyzed bank erosion rates in the study area using a series of historic aerial photographs taken on approximate 10-year intervals between 1936 and 2001. Prior to 1976, the Snake River was located on the right side of the floodplain although small side channels near the left bank were occasionally activated during large flood events. The Snake River began to access one of these side channels in 1976 and over time enlarged the channel through erosion of the left bank. As the left channel enlarged, it captured an increasing volume of the total Snake River flows which then accelerated erosion of the left bank. By 2001, the Snake River had eroded the left bank for a horizontal distance of nearly 350 feet from the 1976 location. The average rate of horizontal bank erosion over the 25 years between 1976 and 2001 was about 14 feet per year, although analysis showed an increasing rate of erosion over time as the left side channel captured progressively more flow from the Snake River. The highest measured rate of erosion was 21 feet per year occurring between 1996 and 2001. Two-dimensional hydraulic modeling completed by Reclamation in 2005 demonstrated that the main channel now conveys about 70 percent of the total flow in the Snake River. Monitoring of bank conditions in the study reach has shown little or no measurable erosion since 2001 (USBR 2006), due to extreme drought conditions in eastern Idaho which have limited runoff in the upper Snake River basin. A return to normal or above

normal precipitation is expected to resume bank erosion at rates similar to that seen from 1996 to 2001.

Main Channel

The analysis for the No Action Alternative assumed normal to above normal flows of the Snake River with continued erosion of the main channel's left bank at the observed rate of 21 feet per year measured between 1996 and 2001. The main channel's left bank is composed of highly erodible unconsolidated sand and gravel overlain by 5 to 6 feet of fine-grained sand and silt. The median grain size of the bank materials is 0.16 mm (Mooney and Baird 2006). The main channel portion of the study reach lacks any riparian vegetation which could help stabilize the bank. Erosion of the left bank is expected to continue to the south into the Bottoms until the channel becomes too elongated to effectively transport sediment. Reclamation's analysis (USBR 2002) of channel migration patterns between 1936 and 2001 has shown that migration distances of 800 to 1000 horizontal feet are common in the reach of river between Tilden Bridge and American Falls Reservoir. The analysis of the No Action Alternative assumed future erosion of an additional 500 feet of the left bank and adjacent Fort Halls Bottoms beyond the 350 feet of erosion measured between 1976 and 2001. Using an average bank height of 10.5 feet (USBR 2006), future erosion of the left bank would result in the loss of about 428,000 cubic yards (yd³) of material from the left bank and adjacent bottoms. This material would eventually be transported downstream into American Falls Reservoir. Based on the measured erosion rate of 21 feet per year, erosion of the left bank for the additional 500 feet would occur over about 24 years assuming normal to above normal flows in the Snake River. This erosion rate could accelerate above the 21 feet per year, if the main channel continues to capture additional flow from the Snake River. The estimated 500 feet of horizontal erosion should be considered a minimum value, based on comparison with actual erosion rates observed elsewhere along the study reach. Distances in excess of 1,000 feet are possible due to the highly erodible nature of the river bank materials.

The analysis for the main channel reach did not account for beneficial effects of the demonstration project constructed at the site in 2002. This project consists of a series of rock barbs, woody debris, and rootwads installed as a cooperative effort between the Tribes, BIA, the NRCS, and Reclamation. Although similar in concept to the spur field in Alternative 3, the demonstration project is much smaller in size and is limited in extent. These types of structures are vulnerable to channel changes and bank migration upstream of the treatment zone which can change the approach angle of the river current where it impacts the barbs, resulting in flanking of the structure. In the No Action Alternative, bank erosion upstream from the demonstration project would be expected to continue at observed rates, leading to flanking and loss of the barb structures, rootwads, and woody debris. The rate of erosion and subsequent flanking of the demonstration project are dependent on the precipitation and annual runoff and are, therefore, difficult to predict. Flanking of the project could occur over a matter of a few years, if above normal precipitation and high runoff occurred over consecutive years.

Downstream Reach

Prior to the migration of the Snake River into the left side channel beginning in 1976, the river wound north to the right edge of the floodplain and then looped back to the left via a large meander curve to flow directly against the left bank of the river at the site of the Landmark, causing a considerable amount of bank erosion. Once the main flow of the Snake River moved into what is now the main channel, the approach angle at the Landmark site changed to the inside of the meander curve which became a zone of deposition. A prominent point bar has now developed as a buffer between the Landmark and the Snake River. As long as the present channel morphology remains in-place, the immediate threat of erosion to the Landmark is low. The geologic materials comprising the bank in the downstream reach are similar to those observed in the main channel: sand and gravel overlain by fine-grained sand and silt. The primary difference in bank conditions is the presence of riprap armoring placed as bank protection prior to the channel migration in 1976. Although somewhat limited in extent, this riprap armor provides an effective defense against bank erosion. Finally, the river bank in the vicinity of the Landmark does exhibit some riparian habitat which should help retain bank position in the event of a future channel migration and a return to a more erosional environment. Although lacking a large forested area that would provide large woody debris as bank protection, there is potential to develop a floodplain forest if this riparian area were allowed to be undisturbed from natural processes and human effects, particularly grazing activities which can destroy young growth.

The primary threat to the downstream reach at the Landmark is from continued upstream bank erosion in the main channel reach. This would eventually lead to flanking of the riprap armor and erosion of the point bar. Once the point bar and riprap were flanked, the highly erodible nature of the bank materials would likely lead to a rapid erosion rate similar to the main channel reach. For the purpose of this assessment, a horizontal erosion distance of approximately 250 horizontal feet was selected to reflect the more favorable conditions at the downstream reach. Factoring in an average bank height of 16.8 feet for the downstream reach (USBR 2006), horizontal bank erosion for a distance of about 250 feet would result in the erosion and loss of about 249,000 yd³ of geologic materials and adjacent land from the Bottoms. If the erosional rate of the bank material after flanking of the riprap armor is similar to that seen upstream at the main channel reach (i.e., 21 feet per year), the Snake River would take about 19 years to erode the estimated horizontal distance of 250 feet, assuming consistent normal to above normal flows in the river over that time period.

The foregoing analysis estimates the total effect on geologic materials present at both the main channel and the downstream reach at a combined volume of about 677,000 yd³ for the No Action Alternative. For comparative purposes, this volume placed on a regulation football field, including end zones, would reach a height of slightly more than 315 feet. Under the No Action Alternative, complete erosion of the Landmark would eventually occur over the long term, resulting in loss of the associated cultural resources and historic materials in addition to the geologic materials comprising the bank and adjacent lands.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

The construction of a stone toe and revetment in Alternative 2 would stabilize the left bank of the Snake River and control further erosion of the Bottoms. This alternative involves construction of a stone toe and revetment over the existing streambank and construction of an upstream 200-foot key-in feature using sheet piling to prevent flanking by future channel migrations. These construction activities would result in disturbance, excavation, and removal of the geologic materials of the main channel. In some instances, excavated material may be used in the construction of the structural features of the alternative. The consequences of these activities are analyzed separately for the main channel and the downstream reach due to significant differences in considerations and design concepts.

Main Channel

The stone toe and revetment would be constructed by placing riprap directly into the Snake River to provide armor protection while minimizing disturbance of the existing bank. The stone toe and revetment would be constructed to a suitable thickness and slope to minimize future operations and maintenance of the structure. A key-in feature consisting of a sheet pile wall would extend about 200 feet into the bank upstream of the stone toe to prevent possible flanking by future channel migrations. A short trench about 30 feet long, 10 feet deep (i.e., the average river bank height in this reach), and about 35 feet wide at the top would be excavated at the junction of the sheet pile wall and the revetment. This trench would be backfilled with rocks as a counter measure to prevent erosion from occurring at the junction of the revetment and sheet piling, and potentially causing a failure of the structure. The cumulative volume of geologic materials excavated for the stone toe/revetment alternative at the main channel is about 250 yd³ (see Table 3-1).

Downstream Reach

The stone toe concept in the downstream reach is similar to the main channel in that the river bank is only disturbed where the upstream and downstream ends of the stone toe tie into the bank. The intent of this concept is to minimize bank disturbance as much as possible in the immediate vicinity of the Landmark and to use the existing point bar adjacent to the site. The stone toe would protect the young riparian vegetation on the point bar, thereby eliminating the need for a bioengineered terrace in the downstream reach. The existing riprap armor would be left in-place as a secondary defense for the stone toe. The bulk of the excavation for the stone toe would involve the alluvium present in the point bar rather than the undisturbed bank materials. The outside end of the downstream reach stone toe would include a sheet-pile key-in feature similar to the key-in proposed for the main channel (above). This feature would be similarly comprised of a steel sheet pile driven into the ground and angled away from the water, for 30 feet on the downstream end. A short excavation of approximately 20-30 feet into the bank is required to secure the key-in to the stone toe.

The total volume of excavation of geologic materials for both the main channel and the downstream reach is about 500 yd³ for Alternative 2. This volume represents less than ½ percent of the total estimated volume of bank material that would be eroded by the Snake River as described under the No Action Alternative.

Alternative 3 – Stone Spurs

Alternative 3 would provide bank stabilization at the Landmark by constructing stone spurs rather than stone toes. The stone spurs would have a higher cost due to the greater volume of rock required. The stone spurs would have greater susceptibility to upstream flanking resulting from channel migrations, and would require periodic maintenance to replace eroded rock. The stone spurs at the main channel and downstream reach have slightly different configurations and are discussed separately in the following analysis.

Main Channel

Approximately 15 stone spurs, 60 feet in length would be constructed at spaced intervals (about 150-feet apart) along roughly 2,200 feet of the bank of the main channel, upstream of the Landmark. Installation would occur on the current river bed with a 20-foot-long tieback into the existing bank to secure each spur. A 425-foot-long key-in trench would be required to provide protection against flanking of the spur field due to upstream channel migrations. This alternative does not provide for a bioengineered terrace as properly spaced spur fields should initiate sediment deposition on the downstream side of each spur. With time, the sediment deposition would form bar deposits that would be colonized by local vegetation to form a riparian zone. The estimated volume of excavated geologic materials for the spur field is 5,500 yd³, including the key-in trench (see Table 3-1).

Downstream Reach

The spur field for the downstream reach would take advantage of the point bar recently deposited adjacent to the river bank and would limit the tie back excavation into the river bank to about 5 feet to not disturb lands within the Landmark boundary. The bulk of the excavation for the spurs would occur in the point bar sediments and incorporate the existing riprap armor. The spur field would be composed of 5, 100-foot-long spurs spaced on approximate 320-foot intervals. A 100-foot revetment would also be constructed to protect against upstream flanking at the transition between the main channel and the downstream reach spur fields. The spur field would be protected by the revetment in case there is an increase in the amount of flow in the historic channel. The construction of the revetment would involve placement of rock directly into the channel and would not require any additional excavation. The design of the spur field would also provide protection for the existing point bar and the young riparian vegetation on the bar, eliminating the need for a bioengineered terrace at this site. The estimated volume of excavated bank materials for construction of a spur field at the downstream reach is about 150 yd³.

The total volume of excavation of geologic materials for both the main channel and the downstream reach is about 5,700 yd³ for Alternative 3. This volume represents about 1 percent of the total estimated volume of bank material that would be eroded by the Snake River under the No Action Alternative.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

Alternative 4, a combination of Alternatives 2 and 3, would maximize protection of the main channel through construction of a stone toe while minimizing disturbance at the Landmark by constructing a spur field in the downstream reach. For this alternative, a stone toe would be constructed in the main channel, similar to Alternative 2. The stone toe would be extended to the first stone spur on the downstream reach to protect the bank in case there is an increase in flow in the historic channel. A primary component of Alternative 4 is construction of a bioengineered terrace to improve the bank's ability to resist erosion and also provide needed riparian habitat. The height of the bank would be lowered by about 3 feet to provide better access to the water table for planted vegetation and the terrace would require excavation for a horizontal distance of about 24 feet into the left bank. Construction of the bioengineered terrace would extend along the entire 2,200 feet of the stone toe and involves the largest volume of excavation of any of the four action alternatives under consideration. The estimated volume of bank materials to be disturbed by this element would be about 22,000 yd³, including the key-in trench. The downstream reach would be protected by a spur field, as described above for Alternative 3. Construction of a spur field and 30-foot revetment at this location would involve the disturbance of about 150 yd³ of bank materials.

The total volume of excavation of geologic materials for both the main channel and the downstream reach would be about 22,150 yd³ for Alternative 4. This volume represents less than 5 percent of the total estimated volume of bank material that would be eroded by the Snake River under the No Action Alternative.

Alternative 5 –Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Alternative 5 was developed to minimize disturbance of the main channel bank through construction of a spur field while maximizing protection at the Landmark by constructing a stone toe in the downstream reach. Under this alternative, a spur field would be constructed in the main channel, as described for Alternative 3. The estimated volume of bank materials to be disturbed is about 3,300 yd³, including the 100-foot key-in trench. A 10 to 30-foot-long key-in trench would be constructed downstream of the stone toe to prevent flanking of the structure by the Snake River. A short excavation about 10 to 30 feet long would be needed to tie the downstream end of the stone toe into the left bank. The estimated volume of excavation for the key-in trench is about 100 to 250 yd³ (Table 3-1).

The total volume of excavation of geologic materials for both the main channel and the downstream reach is about 3,550 yd³ for Alternative 5. This volume represents about ½ of a percent of the total estimated volume of bank material that would be eroded by the Snake River under the No Action Alternative.

Construction-related Environmental Considerations for All Alternatives

Construction-related considerations for geologic materials involve moving heavy equipment onto the site, excavating the materials of engineered structures, and hauling the excavated materials to other features of the project or to disposal sites, if necessary. Alluvium present in the channel at the toe of the structures or in the point bar next to the Landmark in the downstream reach would likely have high moisture contents and would require drying before used in engineered fills. The geologic materials present in the left bank and adjacent lands that lie at depth near or at the local water table would also have high moisture contents and would require special handling. Drying would require spreading these materials in a stock pile area and allowing them to drain and dry out. Initial setup of the stockpile area would need to account for control of the drainage water from the wet excavated materials. Alternately, the wet materials could be hauled to a disposal area.

Vehicular access to the site and the individual excavations is expected to have some impact on the local geologic materials. Access would include temporary haul roads, access ramps and loops to individual features of the project, parking areas, stockpile sites, contractor use areas, and fueling and maintenance stations for heavy equipment. Effects from equipment traffic would be confined to relatively shallow depths within the geologic materials. These effects would have greater influence on the soils that have developed within, and that are imprinted on, the parent geologic materials comprising the Bottoms.

Summary of Alternatives

The environmental effects on the local geologic materials have been analyzed based on the estimated amount of disturbance and/or removal of the materials under the No Action Alternative and the four proposed action alternatives. Disturbance is measured on the basis of volume in cubic yards which includes the estimated surface area disturbance (see Table 3-1).

Of the four proposed action alternatives, Alternative 2 involves the lowest volumes of excavation of geologic materials and provides the greatest amount of protection against future bank erosion of the options under consideration. Alternative 3 requires a considerably larger amount of excavation, but results in a lower level of site protection and assumes a greater risk of long-term flanking of the structure by future upstream channel migrations. Alternatives 4 and 5 provide for a mixing of structural elements to provide flexibility for management options and represent intermediate solutions between the stone toe and the spur fields. Alternative 4 requires the largest volume of ground disturbance of the four alternatives.

The No Action Alternative has the highest estimated environmental consequences due to the highly-erodible nature of the geologic materials comprising the main channel's left bank and adjacent Bottoms. Although the demonstration project and the riprap armor near the Landmark provide some measure of short-term protection, these structures would be ultimately flanked and destroyed by bank erosion over the long-term leading to destruction of the Landmark. The volume of bank material lost to erosion is substantially greater than the estimated disturbance for any of the action alternatives which range from about 0.5 to less than 5 percent of the volume of the naturally-eroded material that would be lost under the No Action Alternative.

3.2.3 Environmental Consequences

Soils

Environmental consequences of the proposed bank stabilization alternatives on the local soils present at the site involve two distinct categories: (1) disturbance and/or removal of the soils during excavations for engineered structures, and (2) disturbance of soils adjacent to excavations due to vehicular traffic and heavy equipment. Soils have developed within the geologic materials over long periods of time and extend to depths of about 3 to 5 feet in the Bottoms (USBR 2002). Because the soils have developed within and are imprinted on the geologic materials, the discussion on environmental consequences for geology (Section 3.2.2) incorporated consequences for soils in the estimates for material disturbed or removed from excavations or lost to erosion by natural processes.

Anticipated effects to the soils could include, but are not limited to, compaction under vehicle traffic loads with associated loss of internal soil structure and loss of infiltration capability, winnowing and rutting due to equipment traffic, and loss of soil material in the form of dust as the soil breaks down under traffic pressures. Some disruption of soils should be expected during driving of the sheet pile wall for the upstream key-in feature in Alternative 2. Each of the proposed bank stabilization action alternatives involves excavation of the soils and their parent geologic material and replacement, at least in part, with large rock structures which are capable of resisting the erosive forces of the Snake River. The amount of excavation and the extent of associated equipment traffic vary by alternative. Excavations include curve shaping of the existing channel bank, construction of a bioengineered terrace, construction of tie backs for stone spurs, and construction for key-in trenches. Regardless of the alternative selected, there would be short-term, localized impacts to the soils due to the required construction activity.

Analysis of Alternatives

The following analysis of environmental consequences discusses the anticipated effects that all alternatives would have on the soils forming the Bottoms which surround the Landmark. This analysis evaluates potential surface area disturbance of the soils and consists of three

related components: (1) localized disturbance areas adjacent to excavations for engineered structures, (2) potential disturbance areas along haul roads and access ramps to the construction site, and (3) potential disturbance at staging areas, stockpile sites, equipment maintenance sites, and parking areas. The environmental consequences of the action alternatives are compared with the estimated loss of soils in the Bottoms, if natural erosion processes are allowed to continue at present rates under the No Action Alternative. The results of the analysis are summarized in Table 3-1.

The amount of excavation and soils disturbance would vary by action alternative but the layout of haul roads and staging areas would likely be similar regardless of the alternative implemented due to the geometry of the site. For this analysis, a length of 10,000 feet was assumed for the haul roads and access ramps with an average width of 24 feet to accommodate two-way traffic. The surface area impacted by the haul roads totals about 240,000 square feet using these dimensions. It is estimated (USBR 2006) that an area of about 5.75 acres (i.e., 250,470 square feet) would be needed for contractor's use area, stock piles, and staging areas. The total combined disturbance area for both haul roads and staging areas is slightly less than 490,470 square feet. This surface area represents an upper end limit for expected disturbance.

Alternative 1– No Action

In the No Action Alternative, the Snake River would be allowed to seek its natural course through the Bottoms and loss of soils would continue through erosion of the main channel bank. As discussed previously, channel migrations of 800 to 1,000 feet have been observed at several locations throughout the bottoms (USBR 2002) and a future migration of 500 to 1,000 feet could reasonably be expected at the main channel area. Once the existing demonstration project is flanked by upstream erosion and channel migration, the rate of bank erosion is expected to occur at about 21 feet per year, which is the rate that erosion was measured prior to construction of the demonstration project. At this rate, the Snake River would be projected to erode a horizontal distance of 500 feet in about 24 years. The surface area of soils lost to bank erosion in the main channel is estimated at about 1,100,000 square feet over the 2,200-foot length of the main channel bank that would be protected by the proposed stabilization project.

The downstream reach at the Landmark is protected by riprap armor placed along the existing left bank and is buffered from the Snake River by a point bar which has developed at the site in response to the river's migration into the present main channel since 1976 (USBR 2002). The riprap and the point bar provide short-term protection for the Landmark, but continued erosion upstream of the Landmark in the main channel area would progress to the point that the riprap and point bar would eventually be flanked. Due to the similarity of the highly erodible bank materials in the main channel and downstream reaches, erosion would likely then proceed at the observed rate of 21 feet per year once the riprap and bar have been flanked. The main channel currently contains about 70 percent of the total flow in the Snake River (USBR 2006) and if the channel captures more of the flow in the future, the measured

rate of erosion would likely increase. Because it is difficult to estimate when upstream erosion would flank the riprap section and point bar, a horizontal erosion distance of 250 feet (i.e., half that estimated for the main channel area) was assumed for this analysis. A loss of about 400,000 square feet of soils would be expected to occur over the proposed treatment length of 1,600 feet for the downstream reach.

The No Action Alternative would ultimately lead to erosion and loss of the Landmark over the long term. The estimated disturbance of soils as a consequence of the No Action Alternative would total about 1,500,000 square feet for both the main channel area and the downstream reach at the Landmark. This area would equate to a loss of slightly less than 35 acres in the main channel and adjacent Bottoms.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

Alternative 2 would treat about 2,200 feet of the main channel with construction of a stone toe and upper bank revetment. A short excavation about 30 feet long would be required to protect the junction of the revetment and the upstream sheet pile wall serving as a key-in feature. A similar excavation would be required at the downstream end of the toe to prevent erosion and flanking of the stone toe and revetment. Factoring in a disturbed area about 24 feet wide around the perimeter of the excavations and along the length of the sheet pile wall, the estimated consequences in the main channel would be about 8,300 square feet. The length of stone toe for the downstream reach is about 1,600 feet, but most of this construction would occur in the existing point bar and a short 30-foot-long excavation to anchor the downstream end of the toe would impact the existing left bank. Using an assumed 24-foot disturbance area around the key-in features, the estimated amount of soil disturbance in the downstream reach is about 3,500 square feet.

The total combined estimated disturbance for Alternative 2 in both the main channel and the downstream reach is about 11,800 square feet around the perimeter of the excavations, as shown in Table 3-1. Additional soil disturbance from haul roads and staging areas, discussed above, would increase this total to 502,270 square feet for the stone toe alternative. This surface area equates to about 11.5 acres of disturbance and is about 33 percent of the estimated loss of soil under the No Action Alternative.

Alternative 3 – Stone Spurs

A spur field consisting of 15 stone spurs keyed 20 feet into the left bank would be constructed along the main channel. The revetment in the transition zone would provide protection in case there is an increase in the amount of flow in the historic channel. There is no excavation associated with the revetment. A key-in trench would provide some protection against upstream channel migration. The disturbance around the perimeter of these excavations is estimated at about 49,200 square feet using a traffic area 24 feet wide. The downstream reach would be protected with 5 spurs keyed 5 feet into the bank to minimize disturbance of the

Landmark. Most of this excavation would occur in the point bar deposit and minimal impact would occur to the in-place bank materials and soils. The surface area disturbance in the downstream reach is estimated at 8,000 square feet.

Construction of spur fields in the main channel and in the downstream reach results in an estimated 57,200 square feet of disturbance in soils adjacent to the excavations (see Table 3-1). The total disturbance estimated for this option is about 547,700 square feet when factoring effects from haul roads and staging areas, as discussed above. The estimated disturbance from the spur fields is slightly more than 12 acres and is about 36 percent of the estimate for soil lost to bank erosion under the No Action Alternative.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

Alternative 4 combines stone toe construction in the main channel for greater bank protection with spur field construction in the downstream reach to minimize disturbance in the Landmark area. The stone toe is extended as a revetment to the first stone spur on the downstream reach to protect the bank in case there is an increase in flow in the historic channel. There is no excavation associated with the revetment. The estimated soil disturbance resulting from stone toe and bioengineered terrace construction in the main channel is approximately 86,000 square feet. Construction of 5 stone spurs in the downstream reach results in disturbance of about 8,000 square feet of soil.

The total soil disturbance adjacent to excavations under Alternative 4 is estimated at about 94,000 square feet. This total increases to 584,500 square feet when effects from haul roads and staging areas are factored in. This represents about 13.4 acres and is about 40 percent of the estimated soil loss to bank erosion under the No Action Alternative.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Structural elements constructed in Alternative 5 minimize disturbance of the main channel area through a spur field while providing greater protection of the Landmark with a stone toe. The estimated soil disturbance from a spur field in the main channel is 34,000 square feet adjacent to the tie-back and key-in excavations. Construction of a stone toe involves excavation of a 10 to 30-foot-long key-in trench at the downstream end of the toe and disturbs an estimated 1,900 square feet of soil in a 24-foot wide traffic area around the excavations.

Alternative 5 results in a total estimated soil disturbance of 35,900 square feet around the perimeter of the excavations. Additional disturbance from haul roads and staging areas brings the total estimated soil disturbance for this alternative to 526,370 square feet or slightly more than 12 acres. This surface area is about 36 percent of the estimated amount of soils that would be lost to bank erosion by the Snake River under the No Action Alternative.

Construction-related Environmental Considerations for All Alternatives

Environmental consequences for soils from the proposed action alternatives result from heavy equipment operation, vehicular traffic, stock pile areas, and staging areas similar to effects described for Geology.

Summary of Alternatives

The environmental effects on the local soil have been analyzed based on the estimated amount of disturbance of soil under the No Action Alternative and the four proposed action alternatives. Disturbance has been estimated on the basis of area in square feet and summarized for each alternative in Table 3-1 and also includes the estimated volume of disturbance for local geologic materials described in the previous section.

Of the four proposed action alternatives, Alternative 2 involves the lowest area of disturbance of soil and provides the greatest amount of protection against future bank erosion of the alternatives under consideration. Alternative 4 has the largest area of disturbance when compared to the other options. Alternative 3 requires an intermediate amount of excavation, but results in a lower level of site protection and assumes a greater risk of long-term flanking of the structure by future upstream channel migration. Alternative 5 includes a similar amount of soil disturbance as Alternative 3.

The No Action Alternative has the highest estimated environmental consequences due to the highly-erodible nature of the geologic materials comprising the main channel left bank and adjacent Bottoms. Although the demonstration project and the riprap armor near the Landmark provide some measure of short-term protection, these structures would ultimately be flanked and destroyed by bank erosion over the long-term leading to destruction of the Landmark. The area of soil lost to erosion is considerably greater than the estimated disturbance for any of the action alternatives which range from about 36 to 40 percent of the area lost to natural bank erosion.

Table 3-1. Volume of geologic & soils materials disturbed during construction of alternatives

	Volume of Material Disturbed (cubic yards)	Disturbance Area Adjacent to Excavations (square feet) ¹	Net Expected Effect on Geology/Soils
Alternative 1 – No Action, continuation of current situation, no project			
Main Channel	428,000 ²	1,100,000	Continued bank erosion leads to loss of tribal lands and Landmark
Downstream Reach	249,000 ²	400,000	
Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment			
Main Channel	250 ³	8,300	Effects limited to area of construction of an upstream 200-foot key-in structure for sheet piling. Effects limited to areas where toe keys into bank and at 30-foot revetment. This alternative involves the lowest area of disturbance of soil and provides the greatest amount of protection against future bank erosion.
Downstream Reach	250 ³	3,500 (502,270) ⁴	
Alternative 3 – Stone Spurs			
Main Channel	5,500 ³	49,200	Effects limited to areas where spurs key into bank and at 425-foot key-in trench; alternative has some risk for upstream flanking and future bank erosion. Effects limited to areas where spurs key into bank and at 30-foot revetment. This alternative requires an intermediate amount of excavation and results in a lower level of site protection.
Downstream Reach	150 ³	8,000 (547,700) ⁴	
Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)			
Main Channel	22,000 ³	86,000	Curve shaping and bioengineered terrace affect approx. 75 to 100-foot-wide zone along 2,200-foot-long treatment area plus 425-foot key-in trench; alternative has the largest area of disturbance. Effects limited to areas where spurs key into bank and at 30- foot revetment
Downstream Reach	150 ³	8,000 (584,500) ⁴	
Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)			
Main Channel	3,300 ³	34,000	Effects limited to areas where spurs key into bank and at 100- foot key-in trench; alternative has some risk for upstream flanking and future bank erosion. Effects limited to areas where toe keys into bank and at 30-foot revetment. Similar amount of soil disturbance as Alternative 3.
Downstream Reach	250 ³	1,900 (526,370) ⁴	

¹ Calculation assumes at 24-ft wide disturbance zone around the perimeter of the excavations.² Volume shown is material lost from left channel bank due to lateral erosion by Snake River.³ Volume shown is estimated excavation needed for required structure (i.e., stone toe or rock spur).⁴ Area shown is estimated total including effects from haul roads and staging areas.

3.2.4 Cumulative Effects

Large fluvial systems such as the Snake River in the Bottoms are complex, dynamic systems in a continual state of change. Downstream migration of meander bends results in a frequent recycling of the floodplain materials and a constant cycle of bank erosion and sediment deposition. Analysis of channel migration patterns (USBR 2002) has shown that the Snake River has migrated across nearly the entire width of the floodplain at several locations since 1936. Alterations at one site in the system can result in the changes upstream and downstream directions, although these changes are typically localized in nature.

River channel alterations have occurred in the Bottoms in the form of bank armoring through the disposal of waste rock along the channel bank and through the placement of riprap. Several of the alterations have occurred upstream of the proposed project site. Hydraulic modeling and geomorphic analysis of these alterations (USBR 2002; Mooney 2007) have shown that the effects are very localized and are limited to within one to two meander bends of the individual site. These alterations are located too far upstream to have cumulative effects with the project under consideration in this proposed action. The proposed action is not expected to have cumulative impacts with the upstream alterations.

3.3 Water Quality

3.3.1 Affected Environment

A significant amount of water quality and other related data for the Snake River between Ferry Butte and American Falls Reservoir were used in this analysis. Most of the water quality data were collected at Tilden Bridge near Ferry Butte, which is approximately 12 river miles upriver from the Landmark site. These data are used to describe the affected environment at the Landmark site because they represent the nearest available water quality data that are robust enough for a thorough analysis. No water quality data were readily available from the vicinity of the Landmark site.

The data were collected through long-term monitoring programs by a variety of agencies, including the USGS, Reclamation, and Idaho Department of Environmental Quality (IDEQ). Table 3-2 shows the collecting agency, the type of data used in the analysis, and the relative period of record (POR) for each data set.

Table 3-2. Summary of water quality and other related data for the Snake River between Ferry Butte and American Falls Reservoir.

Collecting Agency	Type of Data ¹	Period of Record
U.S. Geological Survey	Chemical	1980-89, 1993-95,
Idaho Department of Environmental Quality	Chemical, Physical	2000-2005
U.S. Bureau of Reclamation	Chemical	2001-2004
¹ Chemical data include parameters such as sediment, nutrient, and dissolved oxygen concentration. Physical data include parameters such as water temperature and channel grade.		

The IDEQ lists the Snake River from Ferry Butte to American Falls Reservoir as water quality limited under Section 303(d) of the Clean Water Act (CWA) due to excess sediment. The designated beneficial uses in the Snake River from Ferry Butte to American Falls Reservoir include cold water aquatic life, salmonid spawning, primary and secondary contact recreation, and domestic water supply.

In July 2004, IDEQ completed the draft *American Falls Subbasin Total Maximum Daily Load Plan (TMDL): Subbasin Assessment and Loading Analysis* (IDEQ 2004). The subbasin assessment found that water column sediment levels in normal and low flow years are not impairing the designated beneficial uses in the Snake River between Ferry Butte and American Falls Reservoir. However, IDEQ also concluded that the effect of water column sediment and bedload sediment in high flow years were unknown. Due to this uncertainty, IDEQ did not remove sediment from the Section 303(d) list and assumed that sediment is impairing beneficial uses in the segment. IDEQ cited agriculture, livestock grazing, eroding banks, and in-stream channel erosion as possible sources of sediment. As a result of not de-listing sediment, IDEQ established a TMDL for sediment within the reach. The load allocation for suspended sediment as measured at the USGS gage at Ferry Butte (13069500) is 72,024 tons/year. This load allocation is based on an average concentration of not to exceed 60 milligrams per liter (mg/L) suspended sediment over a 14-day period.

In addition to establishing the sediment TMDL for the Snake River between Ferry Butte and American Falls Reservoir, IDEQ established nutrient allocations for total phosphorus and total nitrogen. Although the segment is not Section 303(d) listed for nutrients, and IDEQ found no evidence of nutrient induced impairment to beneficial uses, IDEQ set the TMDLs because the Snake River is the primary water source for American Falls Reservoir, which is water quality limited by excess nutrients. The TMDL load allocations, which apply at Ferry Butte are 167 tons/year total phosphorus and 1918 tons/year total nitrogen. These load allocations represent no increase above current loads. The total phosphorus load allocation is based on maintaining an average water column concentration of 0.035 mg/L.

The Snake River in the vicinity of the Landmark widens in several areas as it flows around numerous islands and side channels. The meander belt for the Snake River below Ferry Butte

is 2,000-3,000 feet wide (Sampson et al. 2001). The river gradient throughout this stretch is 0.1 percent (IDEQ 2004).

Suspended Sediment

Suspended sediment (sediment floating in the water column) can have detrimental effects on aquatic life communities. Many fish species can tolerate, and may actually benefit, from elevated suspended sediment levels for short periods of time, such as during natural spring runoff. However, longer durations of exposure can interfere with feeding behavior, damage gills, reduce growth rates, and in extreme cases eventually lead to death. Likewise, aquatic macroinvertebrate communities can withstand short durations of elevated suspended sediment, but longer durations may negatively alter their distribution, abundance, and community composition.

As part of the National Water Quality Assessment Program (NAWQA), USGS collected suspended sediment concentration (SSC) data from the Snake River near Ferry Butte in the years 1993-1995 (Clark 1997). While these years alone do not necessarily provide a good representation of current sediment conditions, they do provide an estimation of past conditions for three consecutive low to moderate flow years and provide for the recognition that sediment concentrations and their associated loads fluctuate based on varying annual mean flows. Table 3-3 shows the summary statistics for SSC in the Snake River near Ferry Butte during the 1993-1995 period of record.

Table 3-3. Summary statistics for 1993-1995 SSC in the Snake River near Ferry Butte

		Concentration of Indicated Percentile (mg/L)					
Period of Record	No. of Samples	10	25	50	75	90	Maximum Concentration
1993-1995	13	--	16	49	174	--	427

Figure 3-1 illustrates how the mean annual flow in the Snake River at the USGS Tilden Bridge gage (near Ferry Butte) can fluctuate from year to year. Figure 3-1 also shows the mean of the mean annual flows for the 1980 to 2002 period of record, which is 4,959 cubic feet per second (cfs). To further analyze the affected environment in terms of sediment and other water quality data, this flow serves as the basis for estimating representative high, medium, and low flow years. Based on the data presented Figure 3-1, 2002 is chosen as a low flow year (8.6 percentile rank), 1995 is chosen as an average flow year (58.3 percentile rank), and 1996 is chosen as a high flow year (82.6 percentile rank). The water quality data for these representative years are further evaluated to analyze how flow affects sediment concentrations and other water quality parameters in the Snake River near the Landmark.

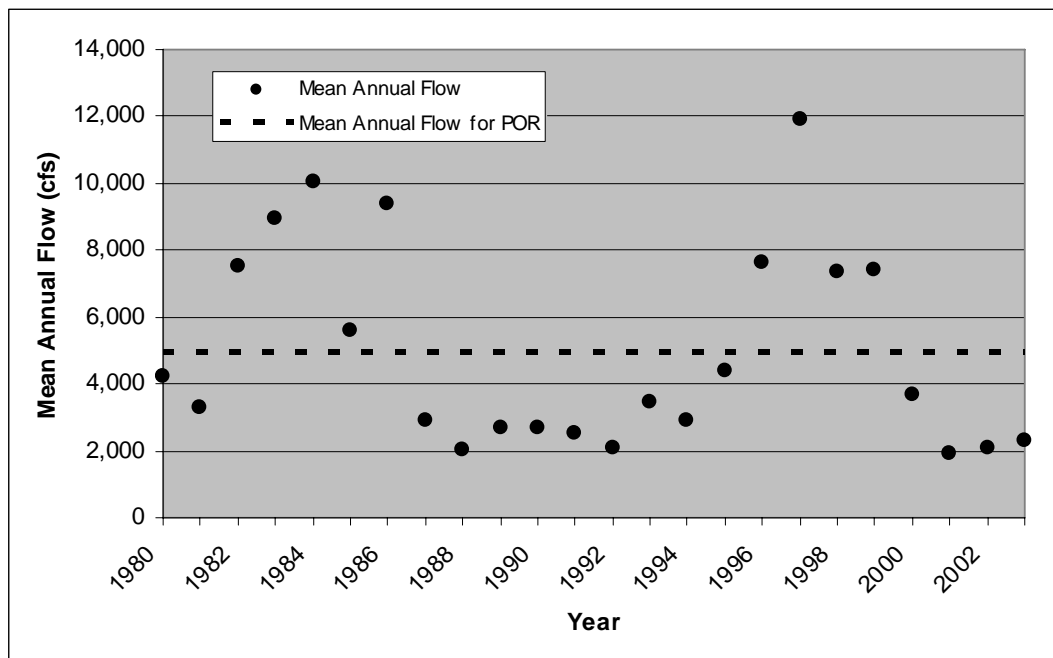


Figure 3-1. Mean annual flow in the Snake River at Tilden Bridge as compared to the mean of the mean annual flows

Table 3-4 shows the mean annual SSC and loads in the Snake River near Ferry Butte for the years 1995, 1996, and 2002. Note that the mean annual concentration and load adjusts correspondingly with mean annual flow. Additionally, while the frequency of the data do not allow for a direct comparison to the 60 mg/L 14-day average target established by IDEQ, the mean annual concentrations suggest that levels are below the target.

Table 3-4. Mean annual SSC concentration and load in the Snake River near Ferry Butte for the years 1995, 1996, and 2002

Year	Mean Annual SSC (mg/L)	Mean Annual SSC Load (tons/day)
1995 (Average Flow Year)	27	321
1996 (High Flow Year)	38	783
2000 (Low Flow Year)	17	96

Turbidity

While not an ideal measure of water column sediment (due to other suspended material that may exist in the water column), the Environmental Protection Agency (EPA) has indicated that turbidity is a suitable endpoint for determining the effects of sediment on beneficial use support status (EPA 1999).

The data are not sufficient enough to determine the flow-related turbidity levels in 1995, 1996, and 2002. However, the American Falls Subbasin Assessment and TMDL (IDEQ 2004) presents descriptive statistics for turbidity data collected by IDEQ and USGS in the Snake River near Ferry Butte, as shown in Table 3-5. The data were collected from 2000 to 2003, which are all low flow years. As such, it is difficult to determine whether turbidity levels near Ferry Butte fluctuate with flow.

Table 3-5. Descriptive statistics for turbidity data (n=39) collected in the Snake River near Ferry Butte from April 2000 to July 2003

Descriptive Statistic	Turbidity (NTU)
Mean	5
Standard Deviation	4
Maximum	22
Minimum	0.3
Median	4.3

Bedload

Excessive bedload sediment (particles that saltate along the river bottom without becoming suspended) can be detrimental to fish and other aquatic species which serve as a primary food source for fish. Increased sedimentation can decrease the availability and quality of spawning gravels that are critical to the reproductive cycle. Sedimentation can also lead to a macroinvertebrate community that is adapted to burrowing, thereby making the macroinvertebrates less available as a prey base to fish.

IDEQ presented USGS bedload data in the American Falls Subbasin Assessment and TMDL (IDEQ 2004). The data showed that most of the sediment load in the Snake River is passing in the suspended state, suggesting that bedload does not appear to be impairing water quality. Limited data sets collection in 2000 and 2002 (low flow years) showed that most particles were less than 4.0 mm but greater than 0.25 mm in diameter, although the bedload size is based in part on flow velocity. Thus, these observation do not qualify as a definitive bedload analysis.

Nutrients

As part of the same NAWQA study in which the sediment data were collected, USGS collected nutrient data from the Snake River near Ferry Butte in the years 1980-1989 and 1993-1995 (Clark 1994, 1997). Again, while these years alone, particularly the early 1980s data do not necessarily provide a good representation of current nutrient conditions, they do provide an estimation of past conditions and are able to capture the relative concentration and load fluctuations that occur with varying annual mean flows (note the large range of mean annual flows that occur in Figure 3-1).

Table 3-6 shows the summary statistics for nutrient concentrations in the Snake River near Ferry Butte during the 1980-1989 and 1993-1995 periods of record.

Table 3-6. Summary statistics for 1980-1989 and 1993-1995 nutrient concentrations in the Snake River near Ferry Butte

Parameter	Period of Record	No. of Samples	Concentration of Indicated Percentile (mg/L)					Max. Conc.
			10	25	50	75	90	
Total Phosphorus	1993-1995	35	<.01	<.01	.02	.03	.04	.11
Total Phosphorus	1980-1983	13	--	.035	.050	.055	--	--
Total Nitrogen	1980-1983	48	.270	.425	.745	1.08	1.73	--
Dissolved Orthophosphate	1993-1995	35	<.01	<.01	<.01	.01	.02	.03

Table 3-7 shows the mean annual nutrient concentrations and loads in the Snake River near Ferry Butte for the representative average, high and low flow years of 1995, 1996, and 2002, respectively. Note that in the case of nutrients, the mean annual concentration and load does not adjust correspondingly with mean annual flow.

Table 3-7. Mean annual nutrient concentrations and loads in the Snake River near Ferry Butte for the years 1995, 1996, and 2002

Year	Mean Annual TP (mg/L)	Mean Annual TP Load (kg/day)	Mean Annual Dissolved Orthophosphate (mg/L)	Mean Annual Dissolved Orthophosphate Load (kg/day)
1995 (Average Flow Year)	.023	249	.011	119
1996 (High Flow Year)	.033	618	.012	225
2000 (Low Flow Year)	.037	189	.008	41

Field Parameters

Beginning in 2003, IDEQ has collected near-monthly water temperature, pH, dissolved oxygen, and specific conductance data from the Snake River near Ferry Butte. These data are collected in-situ using multiprobes, with the measurements being taken along with laboratory samples for sediment and nutrient analysis. IDEQ's sampling protocol calls for a measurement to be taken from the left bank, the middle of the river, and the right bank. However, the data presented in this analysis are the mean of the three measurements for the given sampling day.

Table 3-8 shows the summary statistics for pH, dissolved oxygen, and specific conductance in the Snake River near Ferry Butte from January 2003 to June 2005. Figure 3-2 shows the dissolved oxygen and water temperature data for the same period of record. Note the inverse correlation between dissolved oxygen and water temperature. As expected, when water temperatures increase in the hot summer months the dissolved oxygen concentrations decrease. The phenomenon is likely due to the nighttime consumption of oxygen (respiration) by aquatic plants that grow during the summer.

Table 3-8. Summary statistics for pH, dissolved oxygen, and specific conductance in the Snake River near Ferry Butte from January 2003 to June 2005

		Percentile					
Parameter	Period of Record	10	25	50	75	90	Max. Conc.
pH	2003-2005	8.16	8.32	8.45	8.55	8.67	8.78
Dissolved Oxygen (mg/L)	2003-2005	7.65	9.14	10.78	12.24	13.62	15.43
Specific Conductance (µs/cm2)	2003-2005	303	316	333	352	366	469

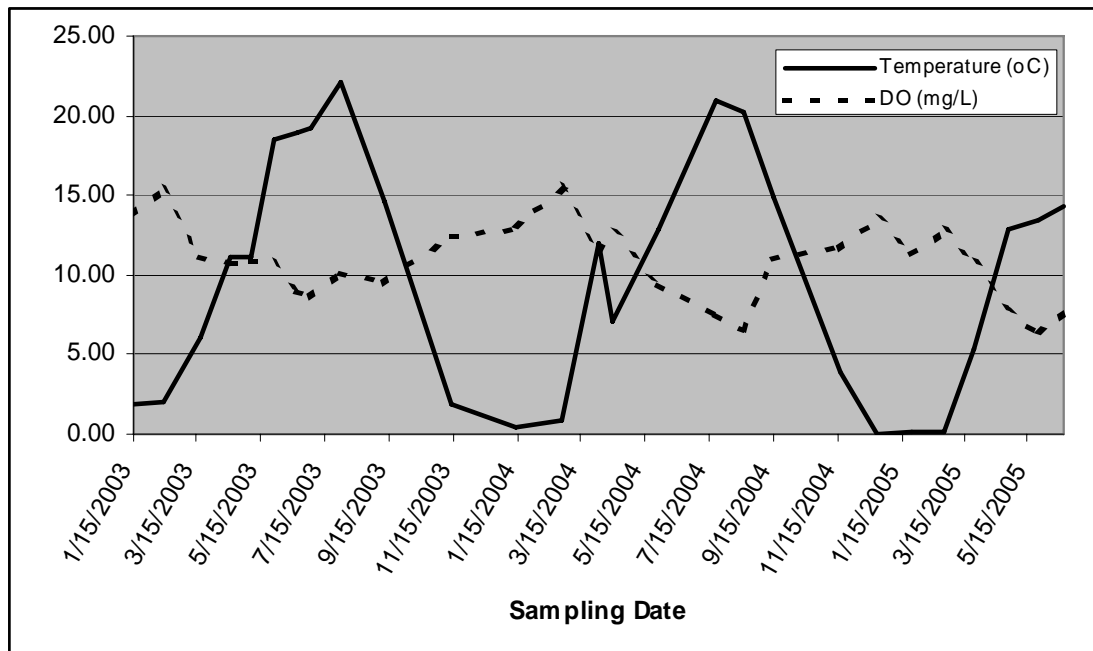


Figure 3-2. Dissolved oxygen concentrations and water temperatures in the Snake River near Ferry Butte

Sediment Transport/ Nutrient Cycling

Material that is eroded from the river bank contains attached nutrients, which contributes to the nutrient cycle in the river. While the exact amount and availability of nutrients bound within the bank sediments is unknown, there likely some amount of bound nutrients. When the sediments are eroded into the river, some of the associated nutrients would become unattached and available for primary production. In terms of nutrient cycling, the Snake River is a conservative system, meaning that it imports more nutrients that it exports and has a rapid rate of recycling nutrients to downstream sources. Once the banks are stabilized the localized nutrient cycle would change.

3.3.2 Environmental Consequences

The primary water quality concern associated with Alternatives 2, 3, 4, and 5 is a short-term increase in turbidity due to construction-related sediment discharge to the Snake River. The increase would primarily occur during river construction activities that disturb existing sediment or introduce new sediment at or below the ordinary water line. Sediment may also enter the river via storm water from the construction site during precipitation events, but comparatively speaking this amount is expected to be minimal and may not occur if

precipitation is not encountered during construction. Other water quality concerns associated with the action alternatives include short-term increases in nutrient levels and construction related pollutants such as oil and grease. However, the effects of these pollutants on water quality is expected to be minimal, if even detectable.

Analysis of Alternatives

The following discussion outlines the effects each alternative would have on water quality in the Snake River. Due to the anticipated brevity and relative mildness of any sediment discharge to the river, sediment transport modeling has not been performed. In order to provide a semi-quantitative comparison between alternatives in terms of *potential* sediment discharge and the resulting turbidity, the total volume of rock material used to construct each aspect of each alternative is used as a surrogate. Consideration is also given to the volume of rock that would actually be placed near or below the ordinary water line, since this volume of rock is more likely to cause turbidity than rock placed away from the water line.

Alternative 1 –No Action

Under a No Action Alternative, no additional rock material would be added to the banks and the current rate of bank erosion and resulting in-river sediment load is expected to continue or increase slightly as banks become more unstable. The bank material is highly erodible, with a median particle size of 0.16 mm in diameter. With migration rates of up to 600 feet over a 30-year period detected slightly upstream of the project area (USBR 2006), and a meander belt of 2,000-3,000 feet wide (Sampson et al. 2001), the river has the potential to migrate across and inundate the entire Landmark boundary.

Current trends and fluctuations in localized bedload and river bed particle size distribution are expected to continue as well. Although slight changes may occur over brief timelines, they would be in response to natural events and would not persist over extended periods. Due to the controlled nature of the river flow mass sediment wasting is not expected under normal conditions. However, given the already erosive nature of the river banks, flood events could increase the risk of mass wasting.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

Under the Preferred Alternative, a total of 3,800 feet of bank line would be treated (2,200-feet along the main channel and 1,600-feet in the downstream reach). Construction associated with this alternative would occur in phases. The first phase of clearing a staging area and stockpiling riprap material is not expected to have an affect on water quality, particularly from a sediment standpoint.

The next two phases of construction consist of developing paths for construction equipment and placing and grading the riprap material. The development of construction paths on the

terrace above the river bank is not expected to affect water quality. However, the development of paths directly adjacent and perpendicular to the river for purposes of placing and grading riprap would likely disturb the sediment enough to cause brief periods of turbidity.

The placing and grading of soil or additional rock to bring the existing vertical undercut bank to an angled slope of 1.5 to 1.0, and the placing of riprap material is expected to result in the largest amount of sediment discharged with this alternative. A total of 8,184 yd³ of rock would be placed in the main channel. The initial placement of this rock is expected to cause large, but brief increases in turbidity as the river bottom sediments are disturbed. However, these periods of increased turbidity are expected to be short-term in duration and are not expected to chronically affect water quality. As additional rock is placed on top of the previously placed rock there may be additional brief increases in turbidity due to shifting. The placing and grading of nearly all riprap on the downstream reach is expected to occur above the water line on an existing point bar; therefore, no substantial increase in turbidity is anticipated. The total volume of rock that would be placed in the downstream reach is 8,952 yds³.

The outside ends of the main channel and downstream reach stone toes would include key-in features. These features would be comprised of a steel sheet pile driven into the ground and angled away from the water for 200 feet on the upstream ends and 30 feet on the downstream ends. Approximately 20-30 feet of excavation into the bank is required to secure the key-in to the stone toes. Since this excavation would occur near the waters edge on the main channel, it is expected to result in large, but brief periods of turbidity. Less turbidity is expected on the downstream reach, since only the lower end of the stone toe would be in contact with the water. While a small amount of turbidity may occur when the sheet pile is driven into the ground (due to vibration), it is not expected to be substantial since the key-in features would be angled away from the waters edge.

If appropriately-sized riprap material is not used during construction, the possibility of erosion on and within the stone toe exists. Design scenarios to determine the appropriate size of rock determined that a D₅₀¹ of 1.0 feet on the main channel and a D₅₀ of 1.1 feet on the downstream historic channel is appropriate to prevent interstitial erosion (USBR 2006).

Following construction of the stone toe bank protection, the river would likely shift the thalweg toward the protected bank (USBR 2006). This shift would result in temporary scouring of the river channel as the thalweg migrates. However, the scour associated with the creation of a new thalweg is in essence a natural process, would stabilize over time, and is not expected to result in a substantial increase in water column or bedload sediment. Once the thalweg has migrated to the toe of the protected bank, there may be temporary scouring at the toe of the riprap. Additional material would be placed at the toe to account for this anticipated scour.

¹ D₅₀ = the median rock diameter

Alternative 3 – Stone Spurs

A total of 20 stone spurs would be constructed within the project area. Fifteen spurs would be placed on the 2,200-foot main channel and 5 spurs would be placed on the 1,600-foot downstream reach. The point bar in the transition zone would be protected by the revetment in case there is an increase in the amount of flow in the historic channel.

Similar to Alternative 2, the development of construction paths on the terrace above the river bank is not expected to affect water quality. However, the development of paths directly adjacent and perpendicular to the river for purposes of constructing the stone spurs may disturb the sediment enough to cause brief periods of turbidity. Less vegetation would be removed from the entire project area with the rock spur alternative since this alternative does not provide for bioengineering. However, some vegetation would be removed from the shoreline and the potential for erosion remains, particularly during storm events. Again, all appropriate construction best management practices (BMPs) would be used to minimize runoff during this period.

Assuming a rock core is used, a total volume of 10,500 yd³ of rock material would be used to construct the spurs in the downstream reach (USBR 2006). However, the placement of these spurs is not expected to result in an increase in turbidity since the spurs would be wholly constructed out of the river on an existing point bar. The base of the downstream spurs would be trenched to the elevation of the water table, but there would be no surface water hydrologic connection to the Snake River. The exception is the last downstream spur, which may be constructed in a backwater area if river flows are high enough. However, no substantial increase in turbidity is expected in the flowing portion of the river. These spurs would be in place if the flow of the river returns to the pre-1976 path, in which case the river would likely erode through the point bar to the spurs and cause a temporary, but natural increase in water column and bedload sediment.

A total volume of 26,700 yd³ of rock material would be used to construct the spurs and the bank revetment in the main channel (USBR 2006). The placing and shaping of the spurs is expected to result in the largest amount of sediment discharged with this alternative, since the toe end of the spurs is expected to be near and below the ordinary water line. The initial placement of rock on the bank line and river bottom would result in a large amount of sediment causing brief periods of turbidity. For each spur, material would be placed in the river beginning at the bank and would be slowly extended into the river until the desired spur length is reached. The periods of sediment discharge resulting in turbidity increases are expected to be short-term in duration, with the bulk of the disturbance occurring during initial placement of material on the river bottom. As additional rock is placed on top of the previously placed rock, there may be additional brief increases in turbidity due to shifting. The initial placement of rock to construct the revetment is also expected to result in brief periods of turbidity, but the turbidity would quickly subside as the revetment is completed.

The spurs in the main channel can be constructed with a soil core or a rock core, depending on limitations from the regulatory agencies. If a soil core is used, the amount of sediment lost to the river before the soil can be covered with rock is expected to be between 10-20 percent of the total volume of soil (Mooney 2005). If a rock core is used, the amount of sediment causing turbidity would likely be limited to that disturbed during placement and the small amount that may be attached to the rock itself. As the spurs are built up, the amount of disturbed sediment discharged to the river would decrease. The total amount of sediment discharged to the river is not expected to chronically affect water quality, even if a soil core is used. Spurs in the downstream reach may be constructed of existing point bar material overlain with rock.

Following construction of the spur fields, the thalweg would likely move toward the tips of the spurs and create large pools (USBR 2006). This shift in the thalweg would result in temporary scouring at tips of the spurs. However, the scouring would subside over time as the thalweg stabilizes and is not expected to result in a substantial increase in sediment load. In addition to a shift in the thalweg, the river may also exhibit sediment deposition between the spurs (USBR 2006).

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

This alternative combines the stone toe design with the spur field design. The stone toe is extended to the first stone spur on the downstream reach to protect the bank in case there is an increase in the amount of flow in the historic channel. A total of 2,200 feet of bank in the main channel would be shaped for the construction of a bioengineered, vegetated terrace with stone toe protection, and a total of 5 stone spurs would protect the 1,600-foot downstream reach.

While this is a combined alternative, the development of a staging area and construction paths is essentially the same as described in the previous alternatives. The development of paths on the terrace above the river bank is not expected to affect water quality. However, similar to the other alternatives, the development of paths directly adjacent and perpendicular to the river for purposes of constructing the stone toe on the main channel may disturb the sediment enough to cause brief periods of turbidity. No disturbance from construction paths for placement of the stone spurs is expected since the spurs would be entirely above the water line on the point bar in the downstream reach.

The construction of the stone toe, vegetated terrace, and bank revetment on the main channel is expected to use a total of 6,900 yd³ of rock material. The initial placement of the stone toe and revetment material is expected to result in a large amount of turbidity, since the placement would occur below the ordinary water line. However, these periods of increased turbidity are expected to be short-term in duration and are not expected to chronically affect water quality. As additional rock is placed on top of the previously placed rock, there may be slight increases in turbidity due to shifting, but the period is expected to be brief. The

removal of vegetation in the project area during this phase could potentially result in erosion, particularly during storm events, and contribute to additional sediment in the river downstream of the project area.

While a total of 10,500 yd³ of rock material (assuming a rock core) would be used to construct the spurs in the downstream reach (USBR 2006), the placement of these spurs is not expected to result in an increase in turbidity. The spurs would be wholly constructed out of the river on an existing point bar, and even though the base of the spurs would be trenched to the elevation of the water table, there would be no surface water hydrologic connection to the Snake River.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

This alternative combines the stone spur design from Alternative 3 with the stone toe design from Alternative 2. A total of 2,200 feet of bank in the main channel would be protected by 15 stone spurs while 1,600 feet of bank in the downstream reach would be protected by stone toe. The section of bank between the main channel and the downstream reach would be protected by a revetment.

As with Alternatives 2, 3 and 4, the development of construction paths on the terrace above the river bank is not expected to affect water quality. However, the development of paths directly adjacent and perpendicular to the river for purposes of construction may disturb the sediment enough to cause brief periods of turbidity. Less vegetation would be removed from the entire project area with the rock spur alternative since this alternative does not provide for curve shaping or bioengineering.

A total volume of 26,700 yd³ of rock material would be used to construct the spurs and bank revetment in the main channel (USBR 2006). The placing and shaping of the spurs is expected to result in the largest amount of sediment discharged with this alternative, since the toe end of the spurs is expected to be near and below the ordinary water line. The initial placement of rock on the bank line and river bottom would result in a large amount of sediment causing brief periods of turbidity. For each spur, material would be placed in the river beginning at the bank and would be slowly extended into the river until the desired spur length is reached. The periods of sediment discharge resulting in turbidity increases are expected to be short-term in duration, with the bulk of the disturbance occurring during initial placement of material on the river bottom. As additional rock is placed on top of the previously placed rock, there may be additional brief increases in turbidity due to shifting. The initial placement of rock to construct the revetment is also expected to result in brief periods of turbidity, but the turbidity would quickly subside as the revetment is completed.

The spurs in the main channel can be constructed with a soil core or a rock core, depending on limitations from the regulatory agencies. If a soil core is used, the amount of sediment lost to the river before the soil can be covered with rock is expected to be between 10 -20 percent of

the total volume of soil (Mooney 2005). If a rock core is used, the amount of sediment causing turbidity would likely be limited to that disturbed during placement and the small amount that may be attached to the rock itself. As the spurs are built up, the amount of disturbed sediment discharged to the river would decrease. The total amount of sediment discharged to the river is not expected to chronically affect water quality, even if a soil core is used.

Following construction of the spur fields, the thalweg would likely move toward the tips of the spurs and create large pools (USBR 2006). This shift in the thalweg would result in temporary scouring at the tips of the spurs. However, the scouring would subside over time as the thalweg stabilizes and is not expected to result in a substantial increase in sediment load. In addition to a shift in the thalweg, the river may also exhibit sediment deposition between the spurs (USBR 2006). This phenomenon occurs more often in rivers with elevated levels of suspended material, a phenomenon which this segment of the Snake River does not demonstrate (IDEQ 2004).

The placing and grading of the 9,000 yds³ of stone toe on the downstream reach is expected to occur above the water line on an existing point bar unless flows are high enough to reach the bar. In this case, the downstream most bar may be constructed in a backwater area. However, no substantial increase in turbidity is anticipated.

Summary of Alternatives

The total volume of rock material used to construct each aspect of each action alternative, in combination with a consideration of the volume of rock that would actually be placed near or below the ordinary water line, is used as a surrogate to the potential for increased turbidity in the Snake River. Table 3–9 shows the volume of rock material associated with the construction of each aspect of each action alternative. For this analysis, it is assumed that the total volume of rock placed in or near the water would have an affect on turbidity. However, in actuality not all of the rock placed near the water line would come into contact with water and cause an increase in turbidity. This assumption is made so that a relative comparison between alternatives can be evaluated.

The information provided in Table 3–9 suggests that when compared to Alternatives 2 and 4, Alternative 3 is expected to result in the largest amount of turbidity in the river. This expectation is based on the total volume of rock material that would be used to construct the 15 stone spurs in the main channel. Assuming similar construction practices for each, Alternatives 2 and 4 are expected to result in similar amounts of turbidity in the river.

Compared to the long-term benefits of stabilizing the main channel and downstream reach banks, the drawbacks of creating acute levels of construction-related turbidity are minimal. From a water quality standpoint, none of the four action alternatives would create chronic detrimental effects.

Table 3-9. Volume of rock material used to construct alternatives

	Volume of Rock Material (yd ³)	Volume of Rock Placed In/Near Water (yds ³)**	Net Expected Effect on Water Quality
Alternative 1 – No Action	0	0	No change
Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment			
Main Channel	8,184	8,184	Brief periods of high turbidity
Downstream Reach	8,952	0	No change
Alternative 3 – Stone Spurs			
Main Channel	26,700	26,700	Brief periods of high turbidity, greater than Alternatives 2 & 4
Downstream Reach	10,500	0	No change
Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)			
Main Channel	6,900	6,900	Brief periods of high turbidity
Downstream Reach	10,500	0	No change
Alternative 5 –Stone Spurs (Main Channel); Stone Toe (Downstream Reach)			
Main Channel	26,700	26,700	Brief periods of high turbidity, greater than Alternatives 2 & 4; similar to Alternative 3
Downstream Reach	9,000	0	No change
** The entire volume of rock would not result in turbidity			

3.4 Wetlands

3.4.1 Affected Environment

The Bottoms located on the west side of the Reservation are part of one of the largest wetlands in Idaho and provide resting, foraging, and nesting cover for migratory birds; high quality habitat for various fish and wildlife species; flood water storage; increased groundwater recharge; and sediment removal (Sampson et al. 2001). Additionally, these areas provide fish and wildlife habitat, erosion control, forage, late season streamflow enhancement, aquifer recharge, and water quality improvement.

The wetlands located along the Snake River generally belong to the Palustrine Class of wetlands as described by the Cowardin Wetland Classification System (Cowardin et al. 1979). Tree/shrub wetland or riparian habitat constitutes a very small portion of Idaho's landscape (approximately 0.7 percent according to Boccard 1980). Wetland and riparian habitats have been subject to extensive modification, particularly along the Snake River.

National Wetland Inventory (NWI) maps show a small scrub/shrub, freshwater emergent wetland oxbow is located just to the north of the Landmark and is hydrologically connected to the Snake River via subsurface flow and seepage. It is also inundated during high-flow events.

3.4.2 Environmental Consequences

Alternative 1 – No Action

Assuming past erosion, averaging 21 feet per year, continues into the future, the composition and location of existing wetlands would change. Some wetlands may be lost with the continued erosion of the banks and some may be gained as flows move inland.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

The stone toe revetment structure would be modified by one of the three oxbow options in the area of the entrance to the oxbow, so that waterflow could continue to seep into the wetland area. Impacts caused by construction would be temporary. Tribal management of the wetlands would not change.

Alternative 3 – Stone Spurs

The stone spur structures would be spaced to avoid the oxbow entrance; however, one of the three oxbow options would be applied in the area of the entrance to the oxbow so that waterflow could continue to seep into the wetland area. Since construction of a road is necessary across the entrance of the oxbow the area would be temporarily disturbed. Tribal management of the wetlands would not change.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach).

The stone toe structure would be modified by one of the three oxbow options in the area of the entrance to the oxbow, so that waterflow could continue to seep into the wetland area similar to Alternative 2. Impacts caused by construction would be temporary. Tribal management of the wetlands would not change.

Alternative 5 –Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

The stone spur structures could be spaced to avoid the oxbow, yet still allow waterflow to continue to seep into the wetland area similar to Alternative 3. Impacts caused by construction would be temporary. Tribal management of the wetlands would not change.

3.4.3 Construction-related Environmental Considerations for All Alternatives

Options for Maintaining Oxbow Wetlands

To retain current habitat in the oxbow area requires maintaining connectivity with the main channel to allow a defined amount of water to flow through the oxbow. This involves creating a hydraulic break in the bank engineering where the oxbow connects to the channel. There are three options proposed to create the hydraulic break.



Figure 3-3. Aerial view of the oxbow

Option 1 – Solid Riprap Weir Entrance

Construct a riprap weir entrance to the oxbow channel in which a rock sill restricts the amount of flow but increases risk for future damage to surrounding bank protection at the entrance to the oxbow.

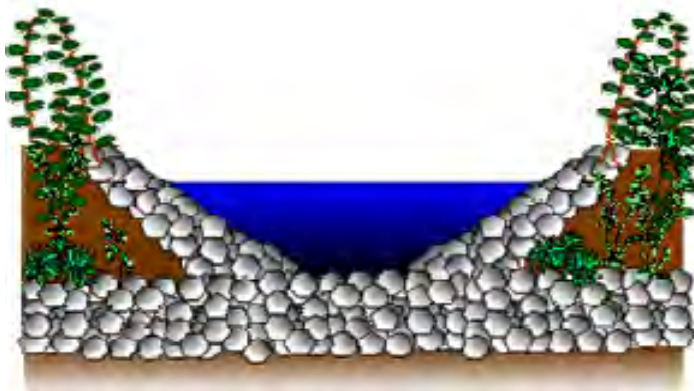


Figure 3-4. Conceptual front view of weir entrance through bank protection

Option 2 – Porous Riprap Wall

A porous riprap wall would provide a continuous line of bank protection while still allowing water to flow through the interstitial spaces and saturate the area behind the rock material. This design would reduce the risks of surrounding bank damage and wetland inundation at high water flows, but includes a high degree of uncertainty in the quantity of water able to pass through due to potential obstruction.

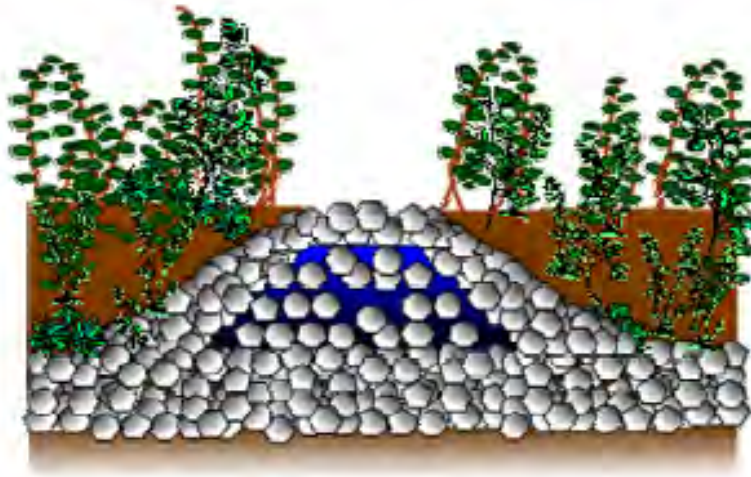


Figure 3-5. Conceptual front view of a porous riprap wall

Option 3 – Culverts

A structure consisting of one or more culverts installed at the entrance of the oxbow provides controlled hydraulic connectivity without breaking the line of bank protection. This design may require increased maintenance due to a higher degree of obstruction and the potential for plugging with debris.

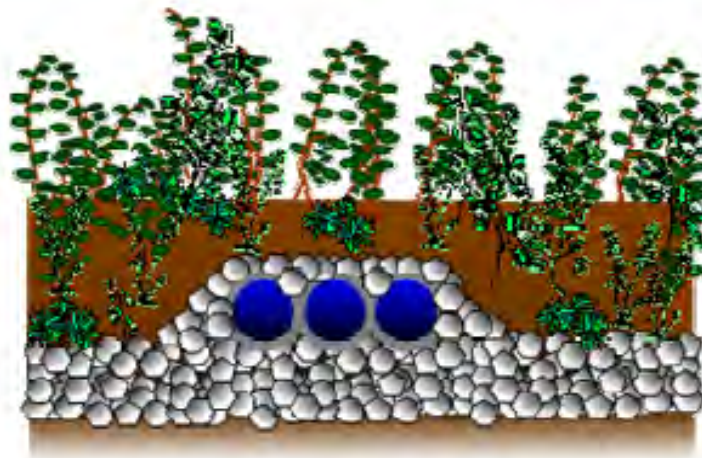


Figure 3-6. Conceptual front view of a culvert entrance

3.4.4 Cumulative Effects

The Army Corps of Engineers (Corp) and the Idaho Department of Lands (IDL) through the CWA regulate the loss of wetland habitat through permitting programs that track the loss and creation of wetlands. The small area affected by the Preferred Alternative would not significantly alter wetland values. The Corp through the CWA 404 permitting process would determine how Reclamation would mitigate for the loss or change in character of the wetlands.

The spur alternative would induce sediment deposition that could ultimately create a vegetated shoreline or a potential new wetland and riparian habitat that are currently lacking in the main channel area. Presently, this area is a grassland serving as pasture.

3.5 Vegetation

3.5.1 Affected Environment

The Reservation contains approximately 385,000 acres of habitat classified as sagebrush-grassland habitat (USBR 2001). Maintaining the native vegetation is an important part of Tribal spirituality and traditional healing as many plants are used for remedies for different ailments (USBR 2001). However, much of the native sagebrush-grassland area has been disturbed and altered for rangeland and agricultural purposes, while the remaining portions are woodlands.

The Reservation is located in the ecoregion classified as Dry Domain, Intermountain Sagebrush Province, Sagebrush-Wheatgrass Section (USBR 2001) Low Elevation (Sagebrush Zone). In eastern Idaho narrow-leaf cottonwood is present. Diverse communities of riparian shrubs including red-osier dogwood, water birch, American silverberry, smooth sumac, and common snowberry, are present in both the understory of cottonwood stands and as community dominants. Stands of common cattail, softstem bulrush, creeping spikerush, and bladder sedge are present in backwater sloughs and abandoned channels. Historically, the broad floodplain of the Snake River above American Falls Reservoir was several miles wide. The floodplain is now confined by levees placed up to 0.5 mi (0.8 km) away from the main channel. Cottonwood forests are well developed on islands and channel banks within the levees. Examples of this type are Bottoms and the Snake River below Heise (Ritter 2000).

In the 15,000 acres of woodlands and forests on the Reservation, four vegetative groups can be identified: 1) cottonwood/willow, 2) juniper, 3) quaking aspen, and 4) conifers (USBR 2001). The Bottoms and McTucker Island represent remnant floodplain forest, with large cottonwoods and tree-form brittle willows and a diverse understory with willows, alders and annual and perennial herbaceous vegetation. The dynamic nature of the cottonwood floodplain forest is the subject of considerable research. The regeneration of this association

is dependent upon periodic, large-scale disturbance through flooding. Absence of such flooding over the Bottoms adjacent to the Snake River may be adversely affecting regeneration, as few young cottonwoods are present in much of the area.

3.5.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, existing vegetation along the entire length of the proposed site would be influenced by the continued migration of meander belts and lateral erosion of banks. In this section of the main channel, vegetation is dominated by grasses because the bank height is too high above the normal water surface elevation to permit establishment of riparian vegetation. Potential flooding could increase erosion and loss of some vegetation.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

A total of 3,800 feet of the main channel bank would be disturbed and some temporary loss of vegetation could occur during construction of structures. The stone toe would benefit and protect upslope plants from disturbance caused by further erosion. Potential impacts could occur due to temporary access roads for monitoring and periodic maintenance. Stabilizing the bank would have an overall positive effect by preserving and increasing the riparian vegetation along the river.

Vegetation disturbance in the downstream reach would be limited to relatively new growth on the point bar as the stone toe would tie in with existing riprap along the crest of the bank, limiting disturbance to upslope vegetation.

Alternative 3 – Stone Spurs

Alternative 3 would disturb only the sections of the main channel bank where spurs and access to the spurs are built. Established vegetation along the bank in these areas would be removed, including the area for the transition zone revetment. Vegetation and slopes between the spurs would remain undisturbed from construction and, over time, sediment accumulation between the spurs would provide a base for vegetation growth.

In the downstream reach, spurs would be placed on the existing point bar. Spurs would be anchored into the existing riprap as much as possible so bank vegetation would have minimal to no disturbance.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

Alternative 4 would result in the similar disturbance as Alternatives 2 and 3 where temporary removal of existing vegetation would occur in specific locations, including the transition zone

area for revetment. This alternative would require extensive bioengineering revegetation for the main channel. Any temporary loss of vegetation would have to be mitigated by planting or hydroseeding the terrace in order for vegetation to hold it in place and reduce further erosion. Potential impacts could also occur due to temporary access roads for monitoring and periodic maintenance.

Under this alternative, the downstream reach would remain similar to Alternative 3 and the stone spurs would have minimal to no impacts to vegetation as spurs would be anchored to the existing riprap and point bar.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Alternative 5 would result in similar disturbances as Alternative 3 where removal of existing vegetation would occur in specific locations. This alternative would create solid bank stabilization for the main channel as shown for Alternative 3. Potential impacts could occur due to temporary access roads for monitoring and periodic maintenance.

The downstream reach would have minimal to no impacts to vegetation as the stone toe would be placed against the existing riprap and/or constructed on the existing point bar which has limited, immature vegetation.

3.5.3 Cumulative Effects

The Tribes and Reclamation ensure a high level of resource protection on the land surrounding the Landmark. Taking no action to prevent further loss of the land due to erosion would cause the most damaging cumulative effects to vegetative loss. The Preferred Alternative would reduce cumulative effects by involving the Tribes and Reclamation in discussions on site-specific stabilization efforts and providing natural and effective solutions that protect the vegetation resources surrounding the project area and the Landmark.

3.6 Fish and Wildlife

3.6.1 Affected Environment

Fish

The Snake River is a low gradient, large river complex with adjoining tributaries and springs that occur throughout the drainage and within the Reservation. The Snake River resident fish species includes rainbow trout, cutthroat, brown trout, mountain whitefish, mottled sculpin, Utah sucker, Utah chub, Common Carp, redbreast shiner, longnose and speckled dace, smallmouth and largemouth bass, bluegill, and yellow perch. Some of the Reservation and

surrounding streams have been stocked to create sport fishing opportunities. Other transient, non-resident species which may be encountered are an occasional black crappie.

No data exists describing the local aquatic invertebrate (except *Valvata utahensis*, See Section 3.7) or aquatic macrophyte community structure. Riffles, runs, pools, side channels, backwaters, aquatic vegetation, overhanging vegetation, cut banks, large woody debris, and substrate ranging from boulder to fines (dominated by fines to coarse gravel) provide a variety of habitat types available for species utilization.

Wildlife

There are 263 bird, 45 mammal, 17 reptile, and 6 amphibian species known to occur in the project area (USFWS 1992). This wide variety of species is a result of the unique diversity found in a relatively small area. Large reservoir, spring, large river, riparian woodland, sagebrush steppe, farmland, riparian meadow, wetland, grassland, and shrub habitat are all found within a 4-mile radius of the project site.

This portion of southern Idaho has continental significance, providing resting and forage for migratory bird species in the Pacific Flyway. Thirty-one species of waterfowl use the Bottoms area (USFWS 1992). In addition, many thousands of shorebirds utilize the downstream mudflats (upper end of American Falls Reservoir) during migration. Although there are approximately 28 species of shore birds that frequent the mud flats, 4 species can generally be found on the exposed gravel flats within the project area. These species include the killdeer, the western sandpiper, Baird's sandpiper, and the occasional American avocet. Some other avian species found in the project area at different times of the year include: herons, ducks, turkey vultures, hawks, eagles, doves, hummingbirds, crows, pelicans, and numerous other species.

The project area is part of a relatively large and ecologically rich and diverse area that is composed of much of the original multi-layered riparian forest and meandering channel floodplain of the original river. It is also part of a larger area nationally recognized for its avian significance. The wide variety local species attracts many bird watchers. It provides a significant buffer and security zone for many passerine and raptor species. Many passerine and raptor species rest, nest and forage in the project area, including the bald eagle, which is discussed in Section 3.7.

In addition to a diverse avian presence, the area is also home to a variety of small and large mammal species. The river and riparian habitat support such mammals as the mink, muskrat, longtail weasel, and beaver. The adjacent multi-layered cottonwood forest is home to the fox, squirrel, cottontail rabbit, red fox, coyote, raccoon, bobcat, badger, beaver, porcupine, skunk, white-tailed deer, mule deer, elk, Pronghorn, moose, and the occasional mountain lion. In addition, many small mammals exist including the masked shrew, meadow vole, longtail vole, western jumping mouse, deer mouse, western harvest mouse, cottontails, ground squirrels, and the brown bat.

3.6.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, the absence of preventative maintenance and bank stabilization would likely result in continued erosion of the river bank. Minimal levels of sedimentation may affect aquatic species and semi-aquatic species, but upland species habitat or distribution would not be affected.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

A standard engineering structure such as the stone toe and upper bank revetment would immediately control erosion and reduce sediment and turbidity. During construction, a total of 3,800 feet of main channel and downstream reach bank would be temporarily disturbed and have temporary effects on aquatic and semi-aquatic species distribution and habitat, in terms of sediment and turbidity. Upland species would have minimal benefit as improvements created by terraced slopes and bioengineering would not occur and the lack of a gradual slope or transition zone to the water line would decrease water access for upland species. Minimal temporary impacts could occur on or along access roads, but no large vegetation (trees) would be removed.

During construction, the stone toe in the downstream reach would have little to no impacts to fish as the activities should be well inside the point bar, away from the water line. Some temporary loss to terrestrial and semi-aquatic species habitat would occur, but over time should be reestablished.

Alternative 3 – Stone Spurs

Although not as immediate or stable for erosion control as Alternative 2, this alternative would have slightly less bank disturbance; the bank would be disturbed enough to dislodge sediment into the river. This moderate disturbance during construction would have temporary effects on aquatic and semi-aquatic species distribution and habitat in terms of sediment and turbidity. During construction, human disturbance and the use of heavy construction equipment could cause temporary disturbances to upland wildlife. During and following construction this action would be more beneficial than Alternative 2 to the terrestrial, riparian zone and semi-aquatic species as some of the banks would remain intact along the waters edge (transition zone). Minimal temporary impacts could occur on or along access roads, but no large vegetation (trees) would be removed.

The work on the downstream reach of the project area would have minimal to no impacts to fish or wildlife and the spurs may actually benefit species by providing habitat for terrestrial species and semi-aquatic species, or aquatic species, should the river return to its historic channel. Additionally, spurs would allow access to the river for upland wildlife.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

Alternative 4 would result in the similar disturbance as Alternatives 2 and 3 where temporary removal of existing vegetation would occur in specific locations, including the transition zone area for revetment. However, unlike Alternative 2, long-term benefits of curve shaping and bioengineering would benefit all species with increased vegetation, shade, and other micro-habitats. Minimal temporary impacts could occur on or along access roads, but no large vegetation (trees) would be removed.

Under this alternative, the downstream reach would remain similar to Alternative 3 and the stone spurs would have minimal to no impacts to vegetation as spurs would be anchored to the existing riprap and point bar and would provide habitat for terrestrial and semi-aquatic species, or aquatic species, should the river return to its historic channel.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Alternative 5 would result in similar disturbances as Alternative 3 where removal of existing vegetation would occur in specific locations. The difference between Alternative 3 and Alternative 5 is that Alternative 5 would have reduced key-in lengths reducing upland ground disturbance. Minimal temporary impacts could occur on or along access roads, but no large vegetation (trees) would be removed.

The downstream reach would have minimal temporary impacts to vegetation on the sandbar which would be used as an access route. The stone toe would be placed against the existing riprap so minimal dislodging of existing bank material would occur. Impacts to habitat for fish and wildlife in this reach would be minimal and temporary.

3.6.3 Cumulative Effects

Alternative 1 – No Action

Riparian zones provide a complex habitat structure for a high degree of biologically diverse species. Under Alternative 1, cumulative effects of the absence of preventative maintenance and bank stabilization would likely result in continued erosion of the bank. Increased erosion could worsen, as would downstream water quality from increased suspended solids. Increased sediment could have some negative biological impacts. Minimal sedimentation may affect aquatic and semi-aquatic species; upland species would not be affected. No new vegetation would be planted and shade habitat and riverine habitat would be dependent upon natural recolonization and present waterflow conditions respectively.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

The Preferred Alternative's long-term effects and use of primarily standard engineering structures (stone toe), would prevent vegetation growth and reduce habitat for terrestrial, aquatic and semi-aquatic species such as song birds, salamanders and frogs, and shrews. Stone toe structures create monotypic habitats which decrease the degree of biologically diverse species. A decrease in undercut banks and overhanging and other vegetation would occur, which would normally provide habitat for aquatic and semi-aquatic species. Alternative 2 may also increase or shift the stream velocity in this reach, which may shift the course of the river downstream to the opposite bank. Cumulative effects of this shift could result in the loss of established willows and young cottonwoods, but should have minimal long-term effects on fish and wildlife species and may create new habitat. Semi-aquatic and upland species would not benefit from any new habitat as no new vegetation would be planted.

The Preferred Alternative would reduce cumulative effects by reducing erosion and improving water quality, thereby improving conditions for fish and wildlife. Stabilizing the bank would be completed in concert with other efforts to preserve and protect local fish and wildlife species. Other land uses affecting terrestrial and aquatic habitats in the area would be unaffected by the Preferred Alternative.

Alternative 3 – Stone Spurs

Alternative 3's long-term effects would benefit fish and wildlife species as the spur structures would control erosion, reduce sediment and turbidity in the river, and provide access to the water line. Over time the spurs would slow the river's velocity and create some backwater pools, runs and riffles, and other secure habitat dynamics for all age classes of fish and other semi-aquatic species. Upland species may benefit through improvements by recruitment of vegetation on the sediment bars expected to develop downstream of the individual spurs. These sediment bars would also retain some habitat for continued semi-aquatic and upland species use/access to the water line. Although this alternative does not use bioengineering practices, it would be more beneficial to fish and wildlife species than Alternative 2.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

Alternative 4 would provide the best immediate erosion control option, but would require extensive digging (curve shaping) and bioengineering revegetation for the main channel improving long-term habitat, especially for upland or semi-aquatic species. Minimal habitat would be created for fish, but the potential for overhanging vegetation to establish may provide some shade, depending on the distance (height of the revetment) from the water surface. This alternative, although the most costly, would combine the standard engineering practices with bioengineering providing the most stable, long-term option, in addition to providing the best long-term habitat for fish and wildlife species.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

The long-term effects of Alternative 5 would be similar to Alternative 3 and would benefit fish and wildlife species as the spur structures would control erosion, reduce sediment and turbidity in the river. Over time the spurs would slow the river's velocity and create some backwater pools, runs and riffles, and other secure habitat dynamics for all age classes of fish and other semi-aquatic species. Upland species may benefit through improvements by recruitment of vegetation on the sediment bars expected to develop downstream of the individual spurs. These sediment bars would also retain some habitat for continued semi-aquatic and upland species use/access to the water line. Although this alternative does not use bioengineering practices, it would be more beneficial to fish and wildlife species than Alternative 2, have less ground disturbance than Alternative 3, and would be less beneficial to fish and wildlife than Alternative 4.

3.7 Threatened and Endangered Species

3.7.1 Affected Environment

For this section, Reclamation used information from the *2004 Biological Assessment for Bureau of Reclamation Operations and Maintenance in the Snake River Basin above Brownlee Reservoir* (USBR 2004c). In this 2004 Biological Assessment, the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries provided a list of proposed threatened and endangered species that could be present in the upper Snake River basin. As part of the upper Snake River basin, the Bottoms could contain the following listed species:

- gray wolf (threatened or as experimental/nonessential populations)
- bald eagle (threatened)
- Utah valvata snail (endangered)
- Ute ladies'-tresses (threatened)

Gray Wolf

The gray wolf (*Canis lupus*) currently listed as threatened, was historically present throughout much of the region. This animal was extirpated from the western states about 1930. An experimental population of gray wolves was introduced into Yellowstone National Park and into central Idaho in 1995 and 1996.

Bald Eagle

The USFWS lists the bald eagle (*Haliaeetus leucocephalus*) as threatened in the lower 48 states. The historic distribution of bald eagles included most of the North American continent

(USFWS 1986). Bans on DDT and other organochloride pesticides, habitat protection, and growing public awareness helped bald eagle populations steadily increase. This increase led the USFWS to reclassify the bald eagle in 1995 from endangered to threatened, in all lower 48 states (60 FR 35999). A Pacific Bald Eagle Recovery Plan (PBERP) was approved in 1986 (USFWS 1986). The Snake River basin is within the PBERP and includes California, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming. In July 1999, USFWS published a proposed rule to remove the bald eagle from the list of endangered and threatened wildlife in the lower 48 states; however, there has been no further formal action to delist the species (64 FR 36453). The bald eagle population in the Pacific Recovery Region is currently five times larger than when the recovery team developed the Pacific Recovery Plan (64 FR 36453).

Bald eagles require suitable trees for nesting and perching. In the Bottoms, nests are typically found in large cottonwoods. Nests and roosts are located along the Snake River and are generally located within 1 mile of other large bodies of water (lakes, reservoirs, large rivers, and coastal estuaries). Bald eagles breed from January through mid-August and winter from approximately November through March near ice-free water concentrated food sources such as fish runs or concentrations of waterfowl. Bald eagles are opportunistic foragers and consume a range of foods, including a variety of fish, waterfowl, jackrabbits, and mammalian carrion depending on prey availability (USFWS 1994).

The Snake River above Milner Dam supports a large breeding population of bald eagles and a significant population of wintering bald eagles. Immediately above American Falls Reservoir, the mature cottonwood forests provide an abundance of day and night roosting opportunities adjacent to foraging areas on the Snake River. This portion of the river provides substantial fish and waterfowl populations as a source of food. The area is currently being monitored under a Reclamation contract with the Fort Hall Business Council of the Shoshone-Bannock Tribes.

Utah Valvata

Utah valvata (*Valvata utahensis*) were historically documented as one of the most abundant species of mollusks in the Snake River and Box Canyon Creek during surveys conducted in the 1960s and 1980s (Bowler and Frest 1992). The Utah valvata currently has a discontinuous distribution ranging from Hagerman upstream to the lower Henrys Fork. Little is known about the abundance, distribution, and habitat of populations in this reach.

Utah valvata occur in low velocity habitats of free-flowing rivers, spring habitats, or reservoirs (USFWS 1995a; Weigel 2002, 2003). They are typically associated with fine sediments, pebble-size substrates, or gravels mixed with fines (Lysne 2003). Preferred temperatures range between 30 °C, and 7 °C (Lysne 2003). The snails appear to tolerate dewatering if conditions are damp, but mortality increases in drier environments (Lysne 2003).

Various factors have adversely affected the free-flowing, cold-water environments where listed Utah valvata snail species have existed for many years (USFWS 2004). Human activities that have adversely modified habitat and have contributed to deteriorated water quality include: hydroelectric development, operations, and maintenance; water withdrawal and diversions; point and non-point source water pollution; inadequate regulatory mechanisms; and adverse effects associated with non-native species.

Very low densities of Utah valvata have been detected in the Snake River downstream from the Henrys Fork confluence (USFWS 2003). Some aspects of river impoundment appear to be favorable to Utah valvata and they are known to exist in American Falls Reservoir (Weigel 2002, 2003). A 2005 diving survey conducted by Reclamation and the Tribes at the Fort Hall proposed project location resulted in no findings of the Utah valvata snail (Newman 2005).

Ute Ladies'-tresses

Ute ladies'-tresses (*Spiranthes diluvialis*), a perennial orchid, was federally listed as threatened in 1992 (57 FR 2048). Ute ladies'-tresses was first discovered in Idaho by Mabel Jones in 1996 along the South Fork of the Snake River (Moseley 1997a). The species is now known from Bonneville, Fremont, Jefferson, and Madison counties along the Snake River and from wetland sites along the Henry's Fork River (Mancuso 2004, Moseley 1998a, 1998b, 1999, Murphy 2001). Idaho populations occur in the Idaho Falls, Palisades, and Lower Henrys watersheds within the Columbia Plateau and Utah-Wyoming Rocky Mountains ecoregions.

The number of vegetation and hydrology types occupied by Ute ladies'-tresses has expanded to include seasonally flooded river terraces, subirrigated or spring-fed abandoned stream channels and valleys, and lakeshores. In addition, several populations have been discovered along irrigation canals, berms, levees, irrigated meadows, excavated gravel pits, roadside barrow pits, reservoirs, and other human-modified wetlands. The elevation range of the species varies from 720-1830 feet (220-558 meters) in Washington to 7000 feet (2134 meters) in northern Utah.

Populations of streamside Ute ladies'-tresses typically occur on shallow sandy loam, silty-loam, or clayey-silt alluvial soils overlying more permeable cobbles, gravels, and sediments. Surrounding vegetation is dominated by perennial graminoids and forbs, particularly *Agrostis stolonifera*, *Elymus repens*, *Juncus balticus*, and *Equisetum laevigatum*. Wet meadow habitats may become encroached by riparian shrub or woodland vegetation dominated by *Salix exigua*, *Populus angustifolia*, or *Betula occidentalis*. Groundwater-irrigated wet meadows occur in depressions, valley bottoms, and swampy lowlands characterized by a high water table and silty to loamy calcic soils with surface accumulations of crumbly, limey, marl (Heidel 1998, 2001). These wetlands mostly occur well outside of active river and stream channels and are not directly impacted by seasonal or periodic flooding events. Vegetation associated with marl-rich wet meadows is dominated by *Eleocharis pauciflora*, *Carex simulata*, *Muhlenbergia richardsonis*, *Juncus balticus*, and *Triglochin maritima* and often

occurs within somewhat drier *Sporobolus airoides*-*Distichlis stricta*-*Sarcobatus vermiculatus* vegetation (Heidel 1998, 2001, Jones 2002).

Although Ute ladies'-tresses have been found in the South Fork of the Teton Canyon, a Snake River tributary upstream of the Reservation, very few surveys have been conducted along the Snake River downstream of the South Fork; population status is unknown throughout this area. No confirmed findings have occurred or been reported within the Reservation to this date.

Life History and Requirements

Ute ladies'-tresses are a perennial, terrestrial orchid with the stem arising from tuberously thickened roots. Its narrow leaves are about 11 inches long at the base and become reduced in size toward the apex (Jordan 1999). The small white or ivory flowers cluster into a spike arrangement at the top of the stem. Individual flowers are long and faintly fragrant (with a vanilla-like scent). The lip petal is oval to lance-shaped, narrowed at the middle, and has wavy margins. Sepals are separate or fused only at the base (not fused into a hood-like structure) and are often spreading at their tips. Fruits are cylindrical capsules with numerous seeds (Sheviak 1984, Sheviak and Brown 2002, USFWS 1992).

Ute ladies'-tresses are primarily located in moist meadows associated with perennial stream terraces, floodplains, and oxbows at elevations between 4300-6850 feet (1310-2090 meters) (Coyner 1990, Jennings 1989, USFWS 1992). Most locations are in openings where vegetation cover is not overly dense or heavily grazed (USFWS 1992). Most populations occur within or near agricultural or urban settings and those that are not in these locations are persistent only where moist conditions prevail and in locations not greatly altered by human activity (Jennings 1989, USFWS 1992).

The orchid is endemic to moist soils in mesic or wet meadows near springs, lakes, or perennial streams (USFWS 1995b). The elevational range of known Ute ladies'-tresses is 4300 to 7000 feet. The plant seems to require permanent sub-irrigation (Coyner 1989), indicating a close affinity with floodplain areas where the water table is near the surface throughout the growing season. It grows primarily in areas where the vegetation is relatively open and not overly dense or overgrown (Coyner 1989, 1990; Jennings 1989, 1990), although a few populations in eastern Utah and Colorado are found in riparian woodlands. Plants usually occur in small scattered groups and occupy relatively small areas within the riparian system (Stone 1993). These preferred habitat features seem to imply that the plant is most likely to occur in riparian habitats created and maintained by stream activity within their floodplains (USFWS 1995b).

Environmental Baseline

Section 7 ESA consultation guidelines for the Ute ladies'-tresses require that all riparian and wetland communities below 7,000 feet be surveyed. In 1997, a Large-Scale Rural Water

Delivery System project was implemented on the Reservation. During this time, intense surveys were conducted to determine potential habitat for the Ute ladies'-tresses. The results of the survey indicated that the known distribution is restricted to the Snake River floodplain and no Ute ladies'-tresses populations were identified in the Reservation at that time.

Approximately 92 percent of the population of Ute ladies'-tresses occurrences in Idaho are between 8 and 49 miles below Palisades Dam (Murphy 2004). The Idaho Conservation Data Center has surveyed and monitored Ute ladies'-tresses on public lands along the Snake River, and they have published annual status/monitoring reports from 1997 through 2003 (Moseley 1997b, 1998a, 1998b, 2000; Murphy 2000, 2001, 2002, 2003, 2004a).

There are currently 20 occurrences that are monitored annually on public lands. Two occurrences on private land have not been visited since 1997 (Murphy 2004). There is also one known occurrence on State lands in the Chester Wetlands on the Henrys Fork (Murphy 2002) and one known occurrence on private land along the Texas Slough within the historical floodplain of the Snake River that are not monitored (Murphy 2004).

All known Ute ladies'-tresses occurrences within Idaho either are or were at one time associated with the Snake River floodplain and early to mid-seral riparian habitats. With the exception of the two occurrences mentioned above, Ute ladies'-tresses occurrences in Idaho still depend on fluvial processes or other disturbances to set back woody vegetation succession and create new flood-borne soil deposits that would later be suitable for colonization (USFWS 2005). Along the river, Ute ladies'-tresses is associated with relict flood channels that were abandoned between 25 and 150 years ago (USFWS 2005). These orthofluvial deposits, characterized by riparian vegetation, maintain a shifting habitat mosaic that is the basis for biological diversity within riparian areas. The flows required for creating new orthofluvial (straight) deposits are significantly higher than the flows required for parafluvial (in-stream) deposits that are needed for the aquatic community.

3.7.2 Environmental Consequences

Gray Wolf

Alternative 1 – No Action

There is no known record of a gray wolf sighting or designated critical habitat along the Snake River, Reservation, or in the area of the lands surrounding the Landmark and the No Action Alternative would have no effect on gray wolves.

Alternatives 2, 3, 4 and 5

No known wolf populations presently occur on the Reservation. Wolves do occur in northern and central Idaho and could use the Reservation as a corridor but their expected stay would be limited. Due to the high density and activity of human populations and the low population of

ungulate populations on the Reservation, wolves are not expected to occur near the project area. The proposed actions would not impact the gray wolf.

Bald Eagle

Alternative 1 – No Action

There is one bald eagle nest located approximately ½ mile away from the project area on the east bank and upstream from the demonstration project. The area provides suitable habitat for nesting, roosting and migrating. Under the No Action Alternative, continued channel alterations and increased sediments may diminish water quality, which may affect fish prey populations. These activities are not likely to alter or limit fish populations or bald eagle prey base to a significant degree. Habitat that would provide potential roosting, nesting, perching and feeding habitat would not be affected by the proposed action. This alternative would have no effect on bald eagles.

Alternatives 2, 3, 4 and 5

There is one bald eagle nest located approximately ½ mile away from the project area on the east bank and upstream from the demonstration project. The habitat is suitable in this area and is currently occupied, in addition to occasional migrants. The Snake River near the location of the project area would continue to support an abundance of waterfowl and fish. The nesting eagles within this area benefit from the abundant forage base. Any of the four alternatives although contributing to increased sedimentation and possibly temporarily reducing the prey base, is not significant and it is unlikely they would adversely affect the food base for bald eagles in this reach. Though the flow velocity and direction may be altered and shifted into established cottonwood stands which currently provide roosting habitat, they should not significantly reduce the availability of nesting or roosting trees in the Bottoms area. Additionally, the construction timeline would be outside of the nesting season for the bald eagles. Therefore, the proposed action would not impact bald eagles.

Utah Valvata

Alternative 1 – No Action

Though the area is suitable habitat, there are no Utah valvata snails currently in the area of the proposed action (Appendix C). Under the No Action Alternative, continued channel alterations and increased sediments may diminish water quality, which may affect snail populations. These activities are not likely to alter or limit the populations to a significant degree. This alternative would have no effect on the Utah valvata snail.

Alternatives 2, 3, 4 and 5

No Utah valvata snails currently exist in the proposed project area. The habitat, though suitable in this area, is currently unoccupied. Any of the four alternatives may contribute to sedimentation

and reduced water quality, but it is not significant and they are not likely to adversely affect snails in this reach. The proposed actions would not impact the Utah valvata snail.

Ute Ladies'-tresses

Alternative 1 – No Action

Under the No Action Alternative, bank erosion would continue causing loss of soil and vegetative material. The proposed project area does not contain the elements for suitable habitat for Ute ladies'-tresses; therefore, there would be no effect on the plant.

Some of the eroded material may be deposited downstream and may assist in the establishment of these species' since they prefer slightly disturbed areas. These activities are not likely to alter or limit the populations to any measurable degree. This alternative would have no effect on the Ute ladies'-tresses.

Alternatives 2, 3, 4 and 5

The area was scheduled for a presence/absence survey during the late summer early fall season of 2006. The survey was not completed for a variety of reasons; therefore, it is unknown if Ute ladies'-tresses exist in the project area. During an initial site visit of the proposed project area, two locations were identified as potential habitat. Under all action alternatives, a survey would be completed prior to construction. The presence/absence survey would be a pedestrian survey in the vicinity of the Landmark and conducted by an experienced biologist. The survey would be conducted during August through early October prior to construction, when the characteristic flowers are identifiable.

The areas of potential habitat are at the entrance and exit to the oxbow. The entrance to the oxbow would be disturbed by the construction of a temporary access road. If the plant is found in this location, the site of the access road would be located to avoid the plant. If this is not possible, disturbance would be minimized by using a bridge-like structure, such as a railroad car to cross the oxbow. If the plant is not found, the temporary access road would be built using rock and gravel crossing. Under all options, flow would be maintained to the oxbow.

The exit of the oxbow is located at an area of deposition. Therefore, the oxbow exit is located back from the river, with the water meandering through a gravel bar. At this site, the temporary road crossing is not located in potential habitat and should not affect the habitat or any plants found during the survey.

The entrance to the oxbow would include one of three options for a hydraulic break in the bank engineering. All three options include riprap being placed in the oxbow entrance to secure the bank engineering on the main channel and to protect the oxbow from erosion. If the plant is found in the oxbow, a determination would be made if the riprap can be placed to

avoid the plant. If the plant cannot be avoided, the plants would be relocated or may be disturbed by the placement of riprap.

3.7.3 Conclusion

The closest known population of Ute Ladies'-tresses in the vicinity of the proposed project area is in the Chester wetlands, Henrys Fork basin (ID-023) and is used as a surrogate for determining the effects to the species. The Chester wetlands population covers four sites of 1 – 10 acres containing approximately 482 plants, with an estimated plant density of approximately 12.5 to 120.5 plants per acre. Based on the Chester wetlands site, the proposed action could affect up to 5 plants. Based on the total estimated population in Idaho of 7,807 plants (Table 3-10), the proposed action could affect 3-4 plants. Therefore, Reclamation concludes that the proposed action “*may affect, not likely to adversely affect*” the Ute ladies'-tresses.

**Table 3-10. Ute Ladies'-tresses (*Spiranthes diluvialis*)
population totals by state through 2004**

State	Total # Populations circa 2004	# of Extant Populations circa 2004	Estimated # of Plants circa 2004	Area (Acres) circa 2004
Colorado	10	8	24,166	173-200
Idaho	4	4	7,807	74-83
Montana	11	11	1,588	40
Nebraska	1	1	2,300	140
Nevada**	1	0	0	1
Utah	28	23	47,859	234-308
Washington	2	1	384	1
Wyoming	4	4	1,212	11
TOTAL	61	52	85,316	674-784

* Population estimates are derived from the sum of the maximum number of plants recorded at each extant population in the state based on data from 1980-2004. Since not all plants in a population are observable each year, these figures are probably conservative.

** The Nevada population was rediscovered in July 2005 and contains a minimum of 75 plants in 0.8 acres of habitat.

3.7.4 Cumulative Effects

The alternatives would have minimal significant cumulative effects on federally-listed species in the area. Tribes and Reclamation could provide natural and effective solutions that protect the Threatened and Endangered Species resources surrounding the project area and the Landmark.

3.8 Cultural Resources

3.8.1 Affected Environment

Historic Context and Significance of the Fort

Fort Hall was constructed during the summer of 1834 by Nathaniel Wyeth of the Columbia River Fishing and Trading Company. Wyeth established the post on the Snake River near the mouth of the Portneuf River to engage in trade and trapping with the Indians. The original fort consisted of a wooden stockade with two bastions on opposite corners and a house on the interior of the fort (Thompson 2004).

Wyeth sold Fort Hall to the Hudson's Bay Company who continued to operate the fort as a fur trading post and supply trade with free trappers and Company brigades in the Snake River valley and other locations throughout the region. However, the high cost of transportation, competition with American trappers and traders, a continued decline in the numbers of beaver, along with a reduction in the market value for beaver pelts, were a serious drain on the revenues at Fort Hall. Nonetheless, a profitable mercantile trade existed with the increasing numbers of American immigrants passing through Fort Hall en route to the Oregon country beginning in 1839. Fort Hall was considered as one of the more important "way stations" on the Oregon Trail (Thompson 2004).

After the Hudson's Bay Company abandoned Fort Hall, the site was occupied by seasonal traders capitalizing on the immigrant traffic and U.S. Army and volunteer troops were dispatched to protect the immigrant travelers. The Fort was essentially abandoned by the early 1860s and much of the structure was salvaged for building materials. The Snake River flooded in 1862 and 1864 leaving the site in ruins. The same floods apparently cut a new channel for the Snake River bringing it closer to the fort site than it was during the fur trade era (Thompson 2004).

Several segments of the Oregon and California Trail are known to have crossed the Bottoms area. Although there are small segments of these trails that are still visible, many sections now form part of the current road system and are no longer visible. Changes in the river channel and agricultural uses of the area have also affected trail visibility (Thompson 2004).

The Secretary of the Interior designated the historic fort as a National Historic Landmark in 1961. Reclamation and BIA (as trustee for the Tribes) have joint ownership and responsibility under the National Historic Preservation Act (NHPA) for protecting this Landmark. Under the NHPA, (Sec. 110(a)(2)(B)), Federal agencies are required to manage and maintain significant properties in a way that gives special consideration to preserving such properties having national significance. The 36 CFR 800 regulations require Federal agencies to take actions to minimize damage occurring to a nationally significant site. Failure of an agency to protect a site is an adverse effect under the regulations.

The Threat to the Fort

The primary threat to the Landmark is from active bank erosion immediately upriver from the fort and moving downstream toward the fort. The BIA and Tribes have been mapping lateral recession upriver from the fort since 1992, and have recorded over 250 feet of loss of bank due to erosion. Presently, bank movement is cutting into a former meander scar that forms the slough along the eastern boundary of the fort. If a significant high flow event occurs, the Landmark as well as the cultural resources in the immediate vicinity would suffer considerable damage. The NPS, in providing its annual Section 8 report to Congress on the state of our Nation's historic Landmarks, has assigned the Landmark a Priority 1 ranking as an endangered Landmark, in which the loss of the site to erosion is imminent (NPS 1991).

Past Efforts to Protect the Fort Hall National Historic Landmark

Concern over the damaging effects of bank erosion on the Landmark has existed since the mid 1970s, at which time the BIA placed riprap on the north bank of the Landmark (Hernandez 2004). In 1984, the Tribes passed a resolution authorizing the BIA to:

- Investigate hydraulic and load characteristics of the Snake River near the Landmark
- Coordinate an effort with NPS, Corps, Reclamation, USGS, and Idaho SHPO to analyze the type and degree of erosion occurring at the site
- Develop a method of bank stabilization

The result of the effort was a 1986 Reclamation/BIA interagency agreement which provided riprap on the riverbank and fencing to restrict livestock access (USBR and BIA 1986).

There has been ongoing concern over the river cutting off a meander just upstream of the historic fort, flowing through an actively enlarging neck channel, and breaking out onto a vast area of tribal farm land and the Landmark (NPS 1984). From the mid 1980s and into the 1990s, much debate ensued over the cause of the erosion that was posing a threat to the historic Landmark, and over responsibilities for fixing the problem. Flows from American Falls Reservoir, higher releases from Palisades Reservoir, the 1976 Teton Dam flood, ice jams on the Snake River caused by American Falls Reservoir, were several of the possible causes being cited.

In 1993, the Corps prepared a streambank protection plan for the Landmark under its Section 14 Emergency Streambank Protection Congressional authority (Corps 1993; Curtis 1997). The program, which would have involved cost sharing with the Tribes, eventually failed to materialize. Nevertheless, the Landmark coalition of Federal and State agencies, along with the Tribes, resolved to develop a plan of action to deal with the ongoing bank erosion threats to the historic fort.

As a result of an interagency coalition meeting in December 1999 involving the Advisory Council on Historic Preservation (ACHP), it was decided that a short-term fix was needed to

deal with immediate threats to the Landmark and a longer-term program needed to be developed to manage river action and provide future bank stabilization. In March 2000, the interagency coalition agreed to implement a demonstration project in order to relieve streamflow pressure from the critical outside bank of the northeast channel. This action lessened the possibility for impacts to the eastern side of the fort. The demonstration project was accomplished in 2001 and 2002 through a Reclamation/BIA agreement (BIA 2003) with project designs by NRCS.

As a result of a Congressional appropriation for fiscal year 2001, Reclamation was authorized to complete a study of erosion at Fort Hall. Reclamation entered into a cooperative agreement with the Tribes to participate in the study. As a result of the efforts of the Tribes, BIA, NRCS, and Reclamation, the *“Snake River at Fort Hall, Idaho Bank Erosion Study”* was completed and presented to the Tribes in February 2002. The report offered a series of long-term protective bank stabilization alternatives, including bendway weirs, conventional riprap armoring, rock sills, and engineered log jams. Subsequent development of conceptual designs by Reclamation (USBR 2006) has expanded protection methods to include stone toe protection, bioengineering, stone spurs, and curve shaping. This document presents the analysis of these alternatives.

Previous Cultural Resource Investigations

Several cultural resource projects of note have been carried out in the vicinity of the boundaries of the Landmark.

- | | |
|------|--|
| 1988 | NPS contracted for a photo interpretive survey near the Landmark, revealing various historic road segments and pattern zones which could be indicative of past cultural use (Ebert and Camilli 1989). |
| 1993 | Through cooperative efforts of Reclamation, BIA, NPS, Shoshone-Bannock Tribes, and Idaho SHPO, archaeological test excavations were conducted at the Landmark. The testing supported the conclusion that the present Landmark boundaries encompass the Wyeth-Hudson’s Bay Company Fort Hall site, and that based on the rich array of artifacts, the site remains intact and possesses significant research potential (Thomas 1994). |
| 2001 | NPS mapped and field-measured the fort and associated features, geo-referencing all features to the Idaho state plane coordinate system (NPS 2001). |
| 2004 | Reclamation contracted with the Tribes to conduct a Class III cultural resources survey in the area of the Landmark (Thompson 2004). The survey combined pedestrian transects and visual inspection of 800 acres. Two historic properties were recorded, |

neither considered to meet the criteria for eligibility to the National Register of Historic Places (NRHP). A potential historic grave site near the northwest corner of the Landmark boundary, may be that of one of the Native Hawaiians employed during construction of the original Wyeth fort.

- 2004 Reclamation conducted a GPR study of the suspected burial site (noted above), including a number of profiles conducted across the suspect burial site. The GPR data indicate that the site should be regarded as a potential gravesite characterized by disturbed sediments and/or buried material (Carpenter 2004).
- 2006 Reclamation contracted for a GPR and magnetometry survey in areas adjacent to and upstream of the Landmark that would be impacted by impending bank stabilization. No anomalies were found over the entire survey area that would indicate burials or subsurface archaeological deposits.

Cultural Resource Site Potential

It is recognized that the formal Landmark boundaries are artificial constructs and do not delineate an area fully representative of the range of activities that were occurring in the vicinity of the fort, outside the Landmark boundaries. Historical accounts mention agricultural fields, graves, fur trader encampments, corrals, and Shoshone-Bannock winter lodges in the area of the fort. Shoshone and Bannock members are known to have camped in the vicinity of Fort Hall and it is also thought that the Tribes utilized other areas of the Bottoms for winter encampments. Particularly, during the height of immigration along the Oregon Trail, Fort Hall was the site of repair, refitting, and trading of thousands of wagons, oxen, and horses. Food and supplies were sold to tens of thousands of immigrants who passed by. Some immigrants camped at Fort Hall for weeks while such activities took place, and many support personnel lived there as well. Few of these intense activities, which undoubtedly left considerable material evidence, would have taken place within the walls of the Fort (Ebert and Camilli 1989; Thompson 2004). It is in this context that the planned stabilization of banks must take into account the potential for finding prehistoric and historic archaeological subsurface deposits not only within the Landmark boundaries, but outside the boundaries as well.

Traditional Cultural Properties (TCPs)

Tribal members are reluctant to provide specific information about locations where traditional artistic, economic, or other cultural practices were conducted, and to publish such information would be disrespectful. Nevertheless, the cultural and traditional importance of the Bottoms area to the Tribes cannot be overstated. Various areas of the Bottoms hold traditional values for various members of the Tribes, mainly from the standpoint of biological and natural resource collection and utilization (for food, medicine, and other purposes), and long-term

occupation and use of certain locations in the Bottoms. Although prehistoric archaeological sites were not encountered during the 2004 survey or the 2006 geophysical survey, it is widely acknowledged that the Bottoms area has been used for traditional practices for generations and is still held in high regard by the Tribes (Yupe 1999; Hevewah 1996). On the basis of documented past and present use of the Bottoms area by the Tribes, lands in the vicinity of and encompassing the historic Landmark would appear to meet the criteria for a TCP.

Cultural Resource Site Identification

The 2004 cultural resource survey examined only the surface of the present project area, not subsurface deposits that might contain cultural resources. To insure that every possible effort is made to identify cultural sites that might be impacted by the proposed bank stabilization, Reclamation committed to the following additional activities:

Prior to bank stabilization activities and pending Tribal approval, Reclamation would conduct soil augering in areas where surface disturbance is expected, to identify the presence or absence of cultural deposits and to evaluate such deposits. The purpose of the augering would be to identify artifacts and other cultural materials which, because of small size, were unable to be identified during recent GPR and magnetometry investigations. These smaller materials could represent important archaeological and cultural sites which would need to be flagged for protection prior to construction. Augering would be scheduled in advance of project implementation, so that project modifications could occur in order to protect important sites or locations.

All construction activities would be monitored by a professional archaeologist. In the event that subsurface archaeological deposits are discovered, construction activities would cease in the immediate area of the find while an archaeologist evaluates the significance of the find. If properties eligible for the NRHP cannot be avoided by project operations, Reclamation would follow 36 CFR 800 procedures in consulting with the Idaho SHPO, the Tribes, ACHP, and interested parties, to arrive at a plan for mitigating adverse effects to the property.

3.8.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, measures to stabilize the banks in the vicinity of the Landmark would not be implemented. Therefore, there would be no immediate effect on the Landmark or adjacent historic properties. Reclamation would continue to consult with the SHPO for Federal undertakings if the No Action Alternative is chosen, and would work with the Tribes, SHPO, and NPS to mitigate any adverse effects from those undertakings. However, if prompt action is not taken to stabilize the active bank erosion occurring upriver from the historic Landmark, there is an increased potential that “no action” would result in the Landmark being lost or suffering extensive damage from a future high flow event.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

Main Channel

Implementation of the Preferred Alternative along the main channel upstream of the Landmark is potentially less damaging to subsurface cultural resource deposits than any of the other action alternatives. The stone toe revetment would be constructed by placing riprap directly into the Snake River to provide armor protection while minimizing disturbance of the existing bank. The stone toe barrier would be constructed to a suitable thickness and slope to minimize future operations and maintenance of the structure. A key-in feature consisting of a sheet pile wall would extend about 200 feet into the bank upstream of the stone toe to prevent possible flanking by future channel migrations. A short trench about 30 feet long, 10 feet deep (i.e., the average river bank height in this reach), and about 35 feet wide at the top would be excavated at the junction of the sheet pile wall and the revetment. This trench would be backfilled with rocks as a counter measure to prevent erosion from occurring at the junction of the revetment and piling and potentially causing a failure of the structure.

Primary access to construction areas for any of the action alternatives would be by means of an existing two-track road splintering off the Monument Road that runs by the historic Landmark, and roughly paralleling the river bank. Movement on the primary access would be in one direction along the main channel, becoming two-way as it approached the oxbow inlet channel and continuing to a point where it would terminate at the oxbow outlet. At that point a vehicle turnaround would be created. At the turn-around, access to the gravel bar at the Landmark would be afforded by constructing a temporary crossing at the oxbow outlet and creating a new construction path along the gravel bar.

Areas associated with portions of road segments thought to have connected the historic fort area with the multiple remnants of the Oregon Train east of the Fort would remain intact under this alternative. These possible segments are reported by Ebert in his 1988 photo-interpretive analysis as “R-4” and “R-5.” These segments have not been confirmed on the ground in recent cultural resource and GPR surveys, although they were observed in historic photographs. The edge of the sparse remains of a homestead identified by Thompson in his 2004 survey (Site FH-2), determined ineligible for the National Register, would be avoided under Alternative 2.

The results of Thompson’s 2004 survey as well as the 2006 GPR and magnetometry survey point to minimal subsurface archaeological deposits along the main channel. If deposits are present, the reduced surface disturbance from Alternative 2 construction methods render those deposits less likely to be impacted relative to other action alternatives. Indirect visual effects from stone toe construction along the main channel would also be less intrusive than from spur field construction along the same stretch, as the rocks would be placed close to the bank as opposed to stone spurs which would angle out from the bank and could be seen for a

greater distance. Because the Preferred Alternative does not include bioengineering, the historic landscape upstream of the Landmark on the bank would remain visually intact.

Downstream Reach

The intent of stone toe in this area is to limit bank disturbance as much as possible in the immediate vicinity of the Landmark. The stone toe would protect the young riparian vegetation which has recently become established on the point bar, thus eliminating the need for a bioengineered terrace. The existing riprap would be left in-place as a secondary defense for the stone toe.

Construction-related surface alteration would occur within the official Landmark boundaries and for a short distance along the bank downstream of the Landmark boundary. Within the official Landmark boundaries, all riprap placement and vehicle and equipment movement would be confined to the gravel depositional point bar that has formed in recent years as a result of a shift in predominant flow from the historic channel to the current main channel. The gravel bar is devoid of archaeological deposits or other cultural resources. There would be no excavation into the banks at the Landmark to anchor riprap, with excavation for the stone toe utilizing alluvium present in the point bar. The outside end of the downstream reach stone toes would include a sheet-pile key-in feature similar to the key-in proposed for the main channel (above). This feature would be similarly comprised of a steel sheet pile driven into the ground and angled away from the water, for 30 feet on the downstream end. A short excavation of approximately 20-30 feet into the bank is required to secure the key-in to the stone toe. The downstream reach key-in feature would be located in previously undisturbed deposits outside the Landmark boundaries.

The intact portion of the Landmark would be unaffected by the stone toe stabilization activities that would occur on the gravel bar, thus the physical integrity of the Landmark and any subsurface cultural deposits within the Landmark boundaries would remain unaltered. For that reason, there would be no direct adverse effect upon the Landmark from physical alterations. Placement of sheet piles for a key-in downstream of the Landmark could affect subsurface cultural deposits outside the Landmark boundary that would not have been located in previous archaeological surveys, but that might become exposed during earth moving activities.

Vehicles and equipment would access the gravel bar from an existing two-track road running across the northern extent of the oxbow, crossing the oxbow outlet to the gravel bar, continuing along the gravel bar as a new construction path. At the Landmark, heavy equipment and construction vehicles would operate on the recent gravel bar, avoiding the undisturbed deposits above the bank.

The addition of stone toe would not have adverse visual effects on the Landmark because the new riprap would complement previous riprap armoring placed by the Boy Scouts in the 1970s and Reclamation and BIA in the 1980s. The new riprap is of natural stone and would

blend in with the existing riprap, which over the years has taken on a natural appearance. Because the riprap would be placed on north bank of the Landmark, it would not be visible from the Landmark above the banks.

Alternative 3 – Stone Spurs

Main Channel

Approximately 15 stone spur fields 60 feet in length would be installed at spaced intervals along approximately 2,200 feet of the bank of the main channel, upstream of the Landmark. The point bar in the transition zone (where the historic channel joins the main channel) would be protected by a revetment in case there is an increase in the amount of flow in the historic channel. There is no excavation associated with the revetment. Installation would occur on the current river bed with a 20-foot-long tieback for each spur into the existing bank to secure the spurs. An excavated trench approximately 10 feet wide at the bottom and 40 feet wide at the top would accommodate each spur at the tieback. Fifteen access ramps splitting from the primary two-track road paralleling the bank, would be constructed for heavy equipment movement to and from the bank. Earthfill curve-shaping and bioengineering would not occur with stone spurs along the main channel. A 425-foot by 35-foot key-in trench would be excavated at the upstream terminus of the stone spurs.

The areas associated with possible historic road segments (Ebert's R-4 and R-5) and homestead remains within the area of potential effect under Alternative 3. However, because of flexibility regarding stone spur placement, possible road segments could be avoided (if identified on the ground) and no previously recorded sites would be impacted. Stone spurs at spaced intervals pose less of a direct threat to subsurface cultural resources than does stone toe protection with earthfill curve shaping and bioengineering (Alternative 4), where soil disturbance would be continuous and complete up to 24 feet from the bank. Nevertheless, the surface disturbance on the main channel from stone spur fields (mainly from the trenches to accommodate each spur) could expose undiscovered intact cultural deposits.

Downstream Reach

Undisturbed portions of the Landmark within its boundary would remain intact, and would not be subject to direct physical impacts from stone spur installation or from construction activities associated with the spur installation. Construction of 5 stone spurs, 100 feet in length (and associated vehicle and equipment movement) would occur on the recently formed gravel point bar adjacent to the river. Spurs in this reach will have a minimal tie back extending 5 feet into the bank. Where a spur would be installed within the Landmark boundaries, the existing riprap would be removed to allow for this minimal tie-back distance; however, existing natural ground would remain undisturbed. Although the action would occur partially inside the Landmark boundaries, the effect would not be adverse and the integrity of the Landmark would remain intact. Alternative 3 would also require a downstream above-ground 30-foot revetment to

protect against upstream flanking, which would minimize impacts to any subsurface cultural deposits.

The “*no adverse effect*” determination at the Landmark assumes that the spurs would be tied back into the existing riprap without disturbing the existing bank deposits. Heavy equipment and vehicles would operate on the gravel bar only and not on undisturbed land above the bank. In the event that a tieback must be excavated into undisturbed portions of the Landmark or that equipment and vehicles cannot be confined exclusively to the gravel bar, consultation under Section 106 would be required.

Five stone spurs extending into the river would be more visually intrusive to the Landmark than placement of stone toe. In addition, the arrangement of spurs along the river evoke an artificial and more human-influenced quality potentially detracting from the feeling and association of the original fort environment.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

Main Channel

Access ramp construction, bank-shaping/sloping and terracing, stone toe placement, and bioengineering would disturb an entire 2,200-foot-long by 24-foot-wide surface area to a depth of 3 feet along the existing bank. Because of the magnitude of disturbance of intact soils in from the bank, Alternative 4 has greater potential to expose subsurface cultural deposits than any of the action alternatives. The areas associated with the two possible road segments that may have connected the historic fort area with multiple remnants of the Oregon Trail east of the Fort would be obliterated under Alternative 4 (although these segments have yet to be observed on the ground in recent years). A 425-foot by 35-foot key-in trench would be excavated at the northern (upstream) portion of the stone toe construction in order to prevent flanking by future channel migrations.

Downstream Reach

As with Alternative 3, undisturbed portions of the Landmark within its boundary would remain intact, and would not be subject to direct physical impacts from stone spur installation or from construction activities associated with the spur installation. Construction of 5 stone spurs, 100 feet in length (and associated vehicle and equipment movement) would occur on the recently formed gravel point bar adjacent to the river. Spurs in this reach would have a minimal tie back extending 5 feet into the bank. Where a spur would be installed within the Landmark boundaries, the existing riprap would be removed to allow for this minimal tie-back distance; however, existing natural ground would remain undisturbed. Although the action would occur partially inside the Landmark boundaries, the effect would not be adverse and the integrity of the Landmark would remain intact. In the event that a tieback must be excavated into undisturbed portions of the Landmark or that equipment and vehicles cannot be confined

exclusively to the gravel bar, consultation under Section 106 would be required. Construction of a 30-foot-long downstream above ground revetment would minimize disturbance of any subsurface cultural deposits. In terms of potential indirect effects from Alternative 4, stone toe is less visually intrusive than the stone spurs.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Main Channel

Refer to Alternative 3 for a discussion about stone spur construction and its potential effects on cultural resources along the main channel. Use of stone spurs on the main channel (Alternatives 3 and 5) would potentially be less of an impact to intact subsurface archaeological deposits than the use of stone toe with earthfill curve shaping and bioengineering (Alternative 4). Reduced impacts would be due to a smaller area of surface disturbance resulting from no planned curve shaping or bioengineering. Except for the length of the northern 100-foot key-in trench, Alternative 5 would be similar to Alternative 3 in terms of location and amount of surface disturbance from spurs, trenches, and construction paths paralleling each spur.

Downstream Reach

The integrity of the Landmark would be retained with no physical adverse effects occurring if heavy equipment and construction vehicles are confined to the point bar. Any visual effects that might occur to the Landmark would be minimal, as the riprap would complement the existing riprap already in place, and would be less conspicuous than if stone spurs were erected at the Landmark. Downstream of the Landmark, construction of a 10 to 30-foot-long key-in trench has the potential to affect undisturbed subsurface archaeological deposits in those areas.

Table 3-11. Potential impacts to cultural resources by alternative

Alternative	Potential Impacts to Cultural Resources
Alternative 1 – No Action Main Channel Downstream Reach	Measures to protect banks would not be implemented; no immediate effect on the Landmark; however, there is increased potential that “no action” would result in the Landmark being lost or suffering extensive damage from continued erosion.
Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment Main Channel	Utilizes system to place riprap from above the bank and eliminates bioengineering and curve shaping. Northern 200-foot key-in of sheet pile reduces impacts from key-in excavation, lessening the threat to cultural resources. Minimal visual impacts relative to stone spurs.

Alternative	Potential Impacts to Cultural Resources
Downstream Reach	Intact portions of Landmark avoided; effects in Landmark boundaries limited to areas where toe keys into bank & recent gravel point bar. ¹ Downstream of Landmark, placement of sheet piles for key-in eliminates need to excavate key-in trench, reducing potential impacts to archaeological deposits (although some excavation into the bank will be necessary). Minimal visual impacts relative to stone spurs.
Alternative 3 – Stone Spurs Main Channel	No curve shaping or bioengineering limits surface disturbance to tie-back trenches for 15 spurs & access ramps, thus potential impacts to subsurface cultural resources less than for stone toe with bioengineering and curve shaping (Alternative 4). Northern 425-foot excavated key-in trench poses threat to subsurface cultural resource deposits. Possible visual effects from unnatural spur appearance.
Downstream Reach	Intact portions of Landmark avoided; effects in Landmark boundaries limited to areas where the 5 stone spurs would tie into existing riprap on the recent gravel bar. ² Possible visual effects from unnatural spur configuration.
Alternative 4 – Stone Toe (Main Channel); Stone Spurs (Downstream Reach) Main Channel	Bioengineering & curve shaping entirely disturb a 2,200 foot by 24 foot area along the bank, posing a threat to any subsurface cultural deposits. A northern excavated 425-foot key-in trench poses a threat to any subsurface cultural resource deposits.
Downstream Reach	(Same as Alternative 3, Downstream Reach) ²
Alternative 5 –Stone Spurs (Main Channel); Stone Toe (Downstream Reach) Main Channel	(Same as Alternative 3, Main Channel, except a 100 feet by 30 feet northern key-in trench is proposed, reducing potential impacts to subsurface cultural deposits compared to other action alternatives)
Downstream Reach	Intact portions of the Landmark avoided; effects in Landmark boundaries limited to areas where toe keys into the bank and recent gravel bar. Downstream of the Landmark, excavated key-in trench could expose subsurface archaeological deposits.
¹ If vehicles or equipment must operate on undisturbed portions of the Landmark, consultation under Section 106 would be required.	
² In the event that a tieback must be excavated into undisturbed portions of the Landmark or that equipment or construction vehicles cannot be confined exclusively to the gravel bar, consultation under Section 106 would be required.	

Construction-related Environmental Considerations for All Cultural Resource Alternatives

Soil augering would be completed for the Preferred Alternative pending Tribal approval, in areas where undisturbed soils would be impacted by construction. No augering would occur within the Landmark boundaries. The auger is a hand-held device that is used to bore an approximate 6-inch diameter hole into the soil, in order to remove a small core that the archaeologist could examine to identify any archaeological materials. Auger holes would be spaced approximately 30 feet apart. All holes would be backfilled and compacted. Surface disturbance impacts from the auger holes would be minor and limited to the holes themselves. All auger holes would be backfilled and compacted.

The advantage of augering is that the sample size is limited and ground disturbance is confined to the diameter of the auger hole. Augering would also allow those archaeological sites of Tribal concern to be avoided. If augering is not implemented and significant archaeological sites are encountered during construction, potential damage could occur to those sites, and construction delays from Section 106 consultation could be expected.

Staging Areas

Potential staging areas for all alternatives would be located at three locations, depicted on Figure 3-7. These locations were included in the 2004 Thompson archaeological survey and were found to be devoid of cultural resources.

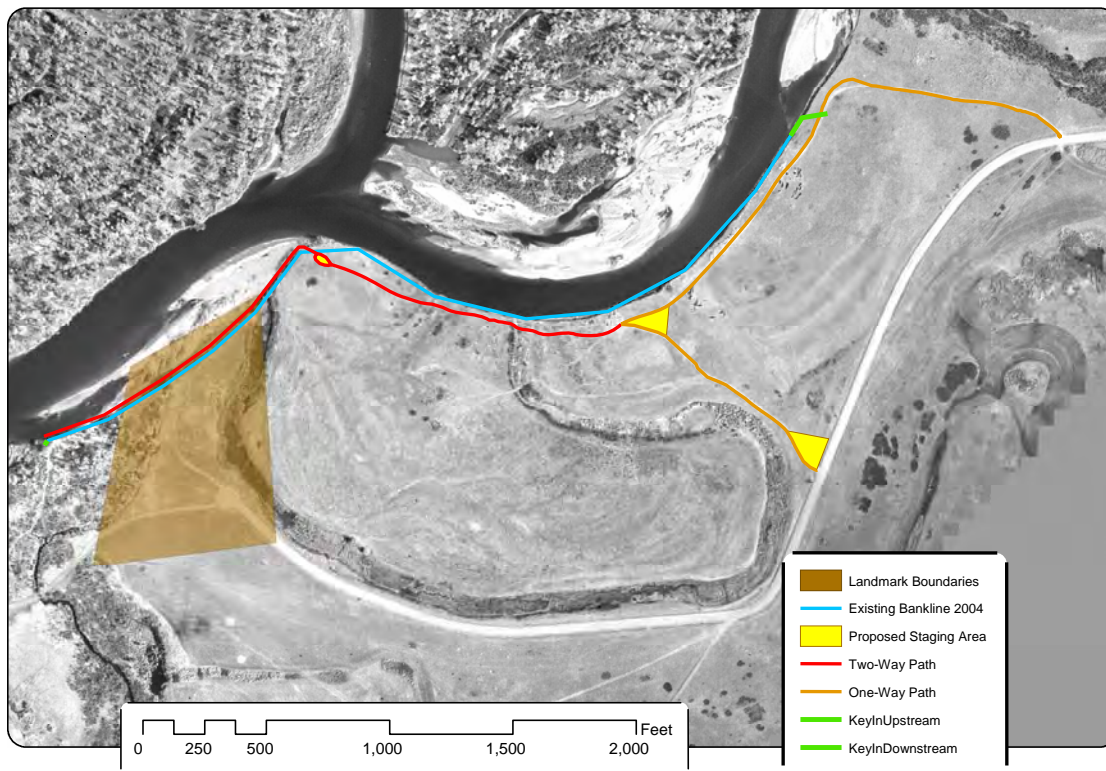


Figure 3-7. Potential staging areas and access routes for the Fort Hall Landmark Bank Stabilization Project

3.9 Indian Sacred Sites

3.9.1 Affected Environment

Federal responsibility for Indian sacred sites is defined in Executive Order (EO) 13007. Indian sacred sites are defined as “any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or an Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion...” Under EO 13007, Federal land managing agencies must accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoid adversely affecting the physical integrity of such sacred sites.

Tribal members are reluctant to provide specific information about locations of sacred sites, and to publish such information would be disrespectful. The cultural and traditional importance of the Bottoms area to the Tribes cannot be overstated. As previously discussed

under TCPs, the cultural resource assessment process does not adequately address places that might be of religious or sacred importance to Indian people. Those places would include physical locations that are recounted in tribal oral history, grave sites, vistas of natural or physical features, places of community ceremonial events (such as the sundance or ghost dance), and places where tribal people gather natural resources for these sacred ceremonies (Yupe 2000).

3.9.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, efforts to eliminate streambank damage in the vicinity of the Landmark would not occur. Therefore, there would be no immediate effect upon sacred or religious properties. Reclamation would continue to ensure that its actions do not adversely affect Indian sacred or religious sites, if such sites are present, to the extent practicable, and that access to and ceremonial use of Indian sacred sites is accommodated. However, if prompt action is not taken to stabilize the active bank erosion occurring upriver from the Landmark, there is an increased potential that “no action” would result in the Landmark being lost or suffering extensive damage from future erosion.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

The use of sheet pile construction for the main channel key-in (rather than excavated trenches) considerably reduces the likelihood that human skeletal remains or other sacred sites or materials would be exposed. In addition, stone toe without curve shaping and bioengineering essentially leaves the area above the banks free of physical and visual disturbances, therefore, the character, feeling, and association of any sacred sites would be retained. Stone toe lining the bank of the main channel could be considered a visual intrusion, therefore, the “sacredness” and importance of the general area as a religious or sacred area could be diminished.

Because disturbance from stone toe placement to the downstream reach at the Landmark would occur only on the recently-formed gravel bar, burials or other sacred places within the Landmark boundaries would not be affected. Use of sheet pile construction (rather than excavated trenches) would cause minimal soil disturbance due to ground vibration on the downstream reach; however, it lessens the possibility that human skeletal remains or other sacred sites or materials would become exposed under this alternative.

Alternative 3 – Stone Spurs

Along the main channel, construction of 15 stone spurs (along with associated trenches and construction paths) and excavation of a 425-foot-long key-in trench, could increase the potential for encountering human skeletal remains and other sacred materials. The point bar

in the transition zone would be protected by the revetment in case there is an increase in the amount of flow in the historic channel. There is no excavation associated with the revetment. Natural vistas regarded as sacred by the Tribes could be compromised by stone spurs, which would impart a “manmade” aspect to an otherwise very natural and pristine river environment. If sacred sites are located within the area of potential effect, their integrity would be compromised by physical as well as visual intrusions, thus altering the character, feeling, and associative qualities of the site.

Undisturbed portions of the Landmark within its boundary would remain intact, and would not be subject to direct physical impacts from stone spur installation or from construction activities associated with the spur installation. Construction of 5 stone spurs, 100 feet in length (and associated vehicle and equipment movement) would occur on the recently formed gravel point bar adjacent to the river. Spurs in this reach would have a minimal tie back extending 5 feet into the bank. Where a spur would be installed within the Landmark boundaries, the existing riprap would be removed to allow for this minimal tie-back distance; however, existing natural ground would remain undisturbed. Although the action would occur partially inside the Landmark boundaries, the effect would not be adverse and the integrity of the Landmark would remain intact. Downstream of the Landmark, a 30-foot revetment constructed on the surface, designed to prevent upstream flanking, would minimize impacts to possible burials or other archaeological deposits.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

Access ramp construction, bank-shaping/sloping and terracing, stone toe placement, and bioengineering would completely disturb a 2,200-foot-long by 24-foot-wide surface area to a depth of 3 feet along the existing bank. Because of the magnitude of complete and total surface disturbance associated with Alternative 4 along the main channel, there would be a greater likelihood of unearthing subsurface sacred or religious features than for any of the other alternatives. In addition, vistas regarded as sacred by the Tribes could be compromised as areas along the main channel took on a different appearance, resulting in changes in character, feeling, and association.

As with Alternative 3, undisturbed portions of the Landmark within its boundary would remain intact, and would not be subject to direct physical impacts from stone spur installation or from construction activities associated with the spur installation. Construction of 5 stone spurs, 100 feet in length would occur on the recently formed gravel point bar adjacent to the river. Spurs in this reach would have a minimal tie back extending 5 feet into the bank. Where a spur would be installed within the Landmark boundaries, the existing riprap would be removed to allow for this minimal tie-back distance; however, existing natural ground would remain undisturbed. Although the action would occur partially inside the Landmark boundaries, the effect would not be adverse and the integrity of the Landmark would remain intact. In the event that a tieback must be excavated into undisturbed portions of the

Landmark or that equipment and vehicles cannot be confined exclusively to the gravel bar, consultation under Section 106 would be required. Construction of a 30-foot-long downstream above ground revetment would minimize disturbance of any subsurface cultural deposits. Natural vistas regarded as sacred by the Tribes could be compromised by stone spurs at the Landmark, which would impart more of a “manmade” aspect to a natural environment than would use of stone toe. A downstream revetment constructed on the surface, designed to prevent upstream flanking, would minimize impacts to possible burials or other archaeological deposits.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Except for Alternative 2, Alternative 5 is potentially the least impacting alternative for sacred sites on the main channel. However, along the main channel, activities associated with construction of stone spurs for Alternative 5 (and Alternative 3) could cause physical impacts to sacred properties. Erecting 15 stone spur fields with associated tieback trenching, construction paths, and excavation of a 100-foot key-in trench, would have the potential to disturb sacred sites if present. Alternative 5 could also degrade natural vistas and river landscapes that might be considered by the Tribes as sacred, thus compromising the integrity of those features. Changes in the character, feeling, and association of sacred sites could diminish the sacredness and religious qualities of the site. This visual degradation of vistas and landscapes would be more pronounced with stone spurs than stone toe construction.

Stone toe construction within Landmark boundaries would be limited to the recently-formed gravel bar, thus sacred sites that might exist within those boundaries would not be affected. Potential visual effects to the Landmark from stone toe (Alternatives 2 and 5) would be considerably less than from stone spurs (Alternatives 3 and 4). An excavated 10 to 30-foot-long key-in trench could have the potential to expose human graves and other sacred properties in intact soil deposits downstream of the Landmark boundaries. If such sites are encountered, all operations would cease and an onsite professional archaeologist would be consulted.

3.10 Indian Trust Assets (ITAs)

3.10.1 Affected Environment

ITAs are legal interests in property held in trust by the United States for Indian Tribes or individuals. The Secretary, acting as the trustee, holds many assets in trust for Indian Tribes or Indian individuals. Examples of ITAs are lands, minerals, and hunting fishing, and water rights. While most ITAs are on-Reservation, trust assets may also be off-Reservation. The United States has an Indian trust responsibility to protect and maintain rights reserved by or

granted to Indian Tribes or Indian individuals by treaties, statutes, and executive orders. These are sometimes further interpreted through court decisions and regulations.

Reservation Lands

The Fort Hall Reservation was designated as the Tribal homelands by the United States President Andrew Johnson who set apart lands for the Reservation currently inhabited by the Shoshone and Bannock Indian Tribes with an Executive Order issued June 14, 1867. The Second Treaty of Fort Bridger relating to the Fort Hall Reservation was signed July 3, 1868.

Effects to resources associated with the Reservation lands are discussed in the previous and following sections.

Water Rights

The 1990 Fort Hall Indian Water Rights Agreement was signed on July 10, 1990 in settlement of litigation involving claims made by the United States on behalf of the Tribes to water rights in the upper Snake River basin and its tributaries. There are no formal water diversions in either the vicinity of the erosion or the stabilization sites. Rights reserved with the Fort Hall Indian Water Rights Act of 1990 are not impacted by any of the alternatives.

A discussion of water quality effects that are associated with a Tribal reserved water right, can be found under Section 3.3 – *Water Quality*.

Mineral Rights

There are no known minerals of commercial value in the vicinity of the erosion near the Landmark on the Reservation. Likewise there are no known minerals of commercial value in the vicinity of the proposed stabilization access sites.

A discussion of effects to geology and soils, a natural resource associated with a mineral right, can be found under Section 3.2 – *Geology and Soils*.

Hunting and Fishing Rights

The Tribal members have the right to hunt or fish on their homeland and are regulated according to Fort Hall Reservation Ordinances.

A discussion of effects to fish and wildlife, natural resources associated with the rights to hunt and fish, can be found under Sections 3.6 – *Fish and Wildlife* and 3.7 – *Threatened and Endangered Species*.

3.10.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, the Reservation lands near the Landmark would continue to erode from the forces of the Snake River since no stabilization actions would occur. Erosion would ultimately threaten the Landmark site which encumbers Tribal lands and Reclamation lands. Impacts to all other resources associated with the Reservation land are identified in the previous sections under the No Action Alternative.

There are no formal water diversions in the vicinity of the erosion. The No Action Alternative would not impact the water rights reserved in the Fort Hall Indian Water Rights Act of 1990.

There are no known minerals of commercial value in the vicinity of the erosion near the Landmark on Reservation lands. There would be no impacts to mineral rights.

Under the No Action Alternative, the Tribal members have the right to hunt or fish and are regulated according to Fort Hall Reservation Ordinances. Hunting and fishing rights would not be impacted by the No Action Alternative.

Alternative 2 (Preferred Alternative) – Stone Toe and Upper Bank Revetment

Stabilization sites and construction access would occur on Reservation lands near the Landmark. For safety purposes, access to the stabilization site would be restricted during construction. Natural resources associated with the lands could be affected. For a summarized understanding of the effects of ITAs refer to Table 3-12.

There are no formal water diversions in the vicinity of the proposed locations for bank stabilization along the Snake River. Alternative 2 would not impact the water rights reserved in the Fort Hall Indian Water Rights Act of 1990.

There are no known minerals of commercial value in the vicinity proposed stabilization sites. Mineral rights would not be impacted by Alternative 2. A discussion of effects to geology and soils, a resource that may be associated with mineral rights, can be found in Section 3.2 – *Geology and Soils*.

The Tribal members would continue to have the right to hunt or fish; the rights would be regulated according to Fort Hall Reservation Ordinances. There would be no impacts to hunting and fishing rights; however, for safety purposes, access for hunting and fishing would be restricted during construction.

Alternative 3 – Stone Spurs

Both the stabilization sites near the Landmark and construction access would occur on Reservation lands. The natural resources associated with the lands could be affected. For a discussion of the effects to the natural resources associated with the Reservation lands read the entire document. For a summarized understanding of the effects to ITAs refer to Table 3-12.

As with Alternative 2, there would be no impacts to water rights, mineral rights, and hunting and fishing rights. For safety purposes, access to the construction area would be restricted during construction.

Alternative 4 – Stone Toe with Earthfill Curve Shaping and Bioengineering (Main Channel); Stone Spurs (Downstream Reach)

Both the stabilization sites near the Landmark and construction access would occur on Reservation lands. The natural resources associated with the lands could be affected. For a discussion of the effects to the natural resources associated with the Reservation lands read the entire document. For a summarized understanding of the effects to ITAs refer to Table 3-12.

As with Alternative 2, there would be no impacts to water rights, mineral rights and hunting and fishing rights. For safety purposes, access to the construction area would be restricted during construction.

Alternative 5 – Stone Spurs (Main Channel); Stone Toe (Downstream Reach)

Both the stabilization sites near the Landmark and construction access would occur on Reservation lands. The natural resources associated with the lands could be affected. For a discussion of the effects to the natural resources associated with the Reservation lands read the entire document. For a summarized understanding of the effects to ITAs refer to Table 3-12.

As with Alternative 2 there would be no impacts to water rights, mineral rights, and hunting and fishing rights. For safety purposes, access to the construction area would be restricted during construction.

3.10.3 Cumulative Effects

The proposed action will stabilize Tribal Lands thereby protecting a valuable Tribal resource. The resources associated with the land will have some temporary impacts as described in Table 3-12. Tribes will be able to exercise their right to hunt or fish.

Table 3-12. Indian Trust Assets (legal interests)

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Reservation Lands & associated resources	Erosion occurs on some Tribal lands with some effects to associated resources.	Construction sites would stabilize some Tribal lands with some temporary effects to associated resources. For safety purposes, access would be restricted during construction.	Construction sites would stabilize some Tribal lands with some temporary effects to associated resources. For safety purposes, access would be restricted during construction.	Construction sites would stabilize some Tribal lands with some temporary effects to associated resources. For safety purposes, access would be restricted during construction.	Construction sites would stabilize some Tribal lands with some temporary effects to associated resources. For safety purposes, access would be restricted during construction.
Right to Hunt or Right to Fish	Tribal members may exercise their right to hunt and fish.	The right to hunt and fish continues. For safety purposes, access would be restricted during construction	The right to hunt and fish continues. For safety purposes, access would be restricted during construction	The right to hunt and fish continues. For safety purposes, access would be restricted during construction	The right to hunt and fish continues. For safety purposes, access would be restricted during construction
Right to Water	No impacts to federally-reserved water rights.	No impacts to federally-reserved water rights.	No impacts to federally-reserved water rights.	No impacts to federally-reserved water rights.	No impacts to federally-reserved water rights.
Right to Minerals	No known minerals at this site.	No known minerals at this site.	No known minerals at this site.	No known minerals at this site.	No known minerals at this site.

3.11 Socio-economics

3.11.1 Affected Environment

The Presidential EO 12898 (1994) mandates Federal agencies to identify and address any impact the action would have on environmental justice with regard to human health as well as social and economic issues. The Fort Hall area has a diverse geographical terrain that provides opportunity for agricultural production and recreation (USBR 2001). This section describes and analyzes the general features of the population, including the minority population, and employment that could be affected by the proposed action.

Population

The Census Bureau does not have specific information for the Fort Hall Indian Reservation; therefore, the following information is for surrounding areas. According to 2000 Census estimates, approximately 3,193 Indian and non-Indian residents live within the Census Designated Place (CDP) area surrounding the Fort Hall Reservation. In 2000, the American Indian portion of this population lists 2,072 residents. A majority of this population reside in

Bannock and Bingham counties. Bannock and Bingham counties are the largest with populations of 75,565 and 42,926, respectively.

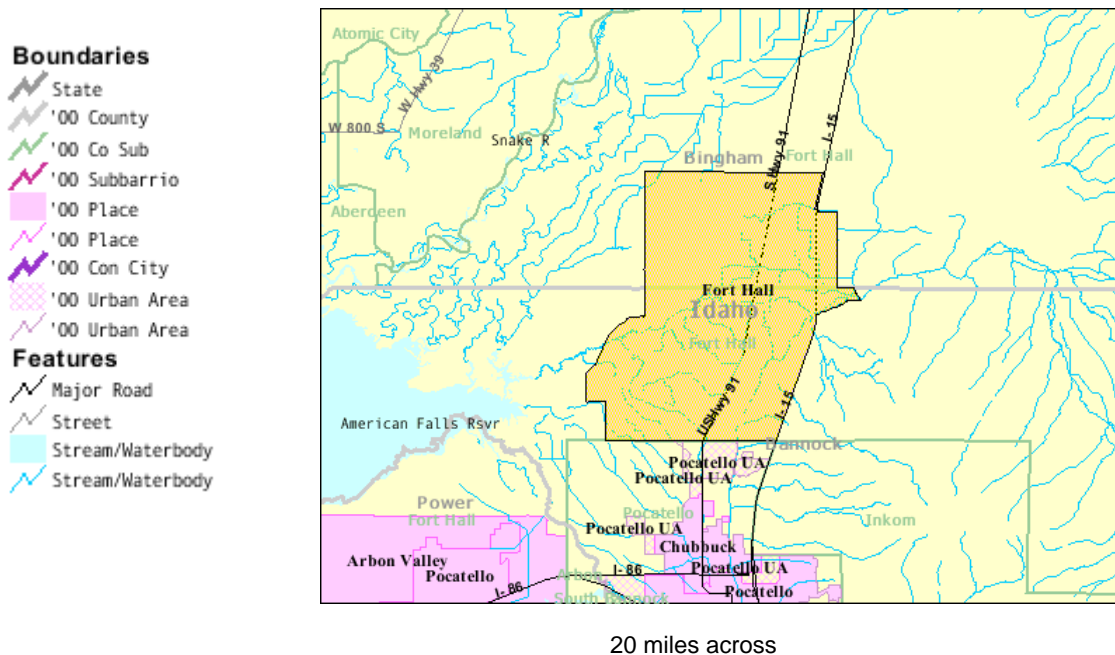


Figure 3-8. Fort Hall Census Designated Place (CDP), Idaho (www.census.gov)

Income and Employment

Median household income (MHI) and per capita income are two measures of income that are often used. The MHI and per capita income for the CDP are \$31,961 and \$11,309 respectively (income in 1999) (Census 2000). The CDP's unemployment and poverty levels are moderate compared to levels in the state of Idaho. Unemployment within the CDP including non-Indians, was 11.2 percent compared to the 3.8 percent for the State in 2000. The percentage of individual residents below the poverty level was 23.6 percent on the CDP compared to 11.8 percent for Idaho. The three counties contain a larger percentage of people considered below the poverty level than the national average of 12.4 percent below the poverty level (Census 2003).

The distribution of employment by industry on the CDP is unlike the State or the four counties. The service sector including education, health and social services is the largest employment category in the CDP area, accounting for 15 percent of the total employment. Manufacturing, construction, arts, and recreational services are also important. The government is the largest noncommercial employer on the Reservation with a 30 percent of the area employed, while private and salary workers make up about 60 percent of the CDP area employment (Census 2003).

Environmental Justice

Environmental justice analysis examines disproportionately high or adverse impacts to minority and low-income populations resulting from the implementation of the proposed action. These populations are:

- minority populations: persons of Hispanic or Latino, African-American, American-Indian and Alaska Native, Asian, Pacific Islander origins.
- low-income populations: persons living below the poverty level, based on a weighted-average total-annual income of \$8,501 for a single person.

Information contained in the 2003 Census of Population was used to identify these populations. The 2003 Census set apart people of Hispanic or Latino heritage from the White category; however, prior to 2003 these people were counted as nonminorities. For this analysis they would be counted as a minority status. The percentages of racial populations, and persons and children below poverty within the three counties and the state are shown in Table 3-13. Approximately 38.3 percent of the total United States population belongs to minority groups, including the Hispanic and Latino populations. None of the three counties contain a higher minority population than the national average. From the 2000 Census data for the Reservation and Off Reservation Trust Land 64.6 percent of the population is included in the American Indian or Alaska Native category, followed by 33.2 percent in the White racial category.

Table 3-13. Percentage of racial population and poverty within the main counties in the Fort Hall Indian Reservation

U. S. Census Bureau 2003 Statistics	Bannock	Bingham	Power	Idaho State
Total Population, 2003 estimate	75,630	42,926	7,373	1,366,332
Population, percent change (2000 to 2003)	0.1%	2.9%	-2.2%	5.6%
White	93.1	84	84.9	92.8
Hispanic or Latino	4.7	13.3	21.7	7.9
American Indian or Alaska Native	0.9	0.4	0.2	0.6
Asian	3.6	7.3	3.7	2.1
Black or African American	1.5	0.9	0.5	1.3
Native Hawaiian or Pacific Islander		0.1	0.1	0.2
Other Races	2.7	9.1	12.0	5.0
Persons below poverty	13.5	12.6	13.8	11.8
Children below poverty	16.8	16.6	18.9	14.9

3.11.2 Environmental Consequences

The No Action Alternative or any of the action alternatives would not cause disproportionately adverse social, economic, or human health impacts to local minority or low-income populations. Since the bank stabilization project is located within the Reservation boundaries, the Shoshone-Bannock Tribal membership would have an opportunity to work through the Tribal Employment Rights Ordinance (TERO). A TERO program monitors and enforces employment and contracting rights of Indians and ensures their rights are protected and exerted. The TERO office negotiates job slots in contracts, which must be filled by qualified Indians before any non-Indians can be hired. The Tribes would have an opportunity to work with Reclamation collecting biological information and would assist with cultural resource activities.

3.12 Cumulative Impacts

During preliminary meetings with the Tribes and agencies, cumulative impacts, particularly relating to river hydrology and geomorphology, were discussed.

As discussed previously in Section 3.3 – *Water Quality*, large fluvial systems such as the Snake River in the project area, are complex, dynamic systems in a continual state of change. Sediment flux, bedload and suspended load, driven by the system's turbulence, velocity and magnitude, are continually reshaping the channel. Alterations in one portion of the system are going to inevitably result in changes upstream and downstream from that point, although changes upstream are typically localized in nature with respect to the alteration.

River channel alterations have occurred in the Bottoms in the form of bank armoring, typically via the disposal of waste rock along the channel bank and through the placement of riprap. Several of these alterations have occurred upstream of the proposed project site. However, the proposed action is not expected to have cumulative impacts with the upstream alterations. Hydraulic modeling and geomorphic analysis of these alterations (USBR 2002; Mooney 2007) have shown that they have very localized effects that are limited to within one to two meander bends of the individual alteration site. These alterations are located too far upstream to have cumulative effects with the project under consideration in this proposed action.

3.13 Standard Practices

The following standard practices would be followed to avoid or minimize potential effects that could occur if any of the action alternatives were implemented.

- Following structure placement, restore vegetation to produce a suitable vegetative cover, provide protection to soils and the adjacent stream, and provide wildlife habitat.

- Contingent on Tribal approval, temporarily fence off the area until the vegetation has been established.
- As much as possible, perform bank stabilization and construction during dry periods and when flow is low in the channel.
- Contingent on Tribal approval, restrict the use of the access road to dry periods and only to those performing the construction and oversight.
- Use BMPs to minimize environmental consequences caused by stabilizing activities and construction.
- Take standard and reasonable precautions to reduce erosion and limit sediment runoff from the construction site.
- At standard engineering sites, stockpile or deposit excavated materials away from streambanks, wetlands, or other watercourse perimeters where they could be washed away by storm events.
- Implement final erosion control and site restoration measures, such as restoring original contours, and blocking unnecessary construction access roads, and reseeded areas of construction, including culvert installation sites to prevent future erosion.
- Obtain and follow all conditions of the appropriate Corps permits.
- Obtain and follow all conditions of the appropriate storm water permit through the Environmental Protection Agency and the BMPs identified in a storm water pollution prevention plan.
- During construction, take appropriate measures to prevent the entrance of accidental spillage of contaminants or other objectionable pollutants into the surface water.
- Remove heavy equipment and machinery from the river area prior to refueling, repair and/or maintenance. Heavy equipment use in the river channel would be kept to a minimum, and within the areas specified in applicable Federal permits.
- Avoid wetlands during the construction process where possible.
- Follow the appropriate requirements and obtain all permits required for construction in or near a wetlands area to comply with the CWA.
- Maintain waterflows during construction of oxbow exit crossings.
- Arrange clearing operations and standard engineering structures to preserve and protect all trees, shrubs and current vegetation to the maximum practicable extent.
- Implement site specific erosion control to avoid degradation of downstream fish habitat caused by release of sediment or increased turbidity
- Coordinate with USFWS and the Tribes to preserve and protect species and ensure potential impacts are either avoided or minimized.

- During the 3 years following project completion, Reclamation recommends joint monitoring and evaluation of the project's performance. This would be accomplished semi-annually, first in the spring and second after irrigation season ends. In the years following this initial 3-year period, monitoring will take place annually. Contingent upon Tribal approval, if problems are identified, necessary repairs would be completed to prevent potential failure of the project.

In addition to the above standard practices, the following would apply:

Cultural Resources

- To the maximum extent possible, avoid affecting known cultural resource sites or areas.
- Locate rock sources and or borrow sites and stockpile at an existing gravel pit at the end of Sheepskin Road. This location on the Reservation has been used for stockpiling materials in the past and would avoid further impacts to the project location near the Landmark.
- Use the services of a professional archaeologist, approved by the Heritage Tribal Office (HeTO) staff, to monitor all construction or any other soil-disturbing activity.
- If cultural deposits are encountered during construction, cease operations in the immediate area of the discovery, and resume operations only after authorized by Reclamation to proceed.
- Resolve the adverse effects by consulting with the Idaho SHPO, Tribes, NPS, and BIA, in accordance with 36 CFR Part 800.6, 7, and 10.
- For unavoidable adverse impacts, develop a memorandum of agreement (MOA) pursuant to 36 CFR Part 800.6, stipulating how mitigation would be accomplished.
- Implement the Native American Graves Protection and Repatriation Act (NAGPRA) if Native American human skeletal remains or other cultural items that fall under the purview of that statute are located during construction.
- Provide awareness training to construction staff on the cultural significance of the Landmark and Bottoms emphasizing the need to preserve its cultural integrity.

Indian Sacred Sites

- Use a professional archaeologist to monitor all construction to ensure maximum protection of identified sacred sites.
- In accordance with EO13007, avoid, whenever possible, adversely affecting actual or suspected human burials or other sites that could harbor sacred qualities.
- If Indian sacred sites are encountered during construction, cease operations in the immediate area of the discovery, and resume operations there only after authorization from Reclamation to proceed.

- If it is not possible to avoid adverse effects to sacred sites discovered during project implementation, consult with the Idaho SHPO, Tribes, NPS, and the BIA, to arrive at a plan of action to lessen the adverse effects. Follow 36 CFR Part 800 procedures for sacred sites that might also qualify as “historic properties” and thus fall under those procedures. All consultation must be completed before construction may resume in the area of the discovery.
- Implement NAGPRA if Native American skeletal remains or other NAGPRA cultural items are located during construction.
- Curate recovered archaeological collections at the Archaeological Survey of Idaho – Eastern Repository, Idaho State University (except for NAGPRA items). When NAGPRA cultural items are recovered, follow 43 CFR Part 10 procedures for Tribal consultations and custody.

Indian Trust Assets

- Follow Reclamation Standard Practices to protect Tribal lands and the resources associated with these lands.

3.14 Mitigation Measures

In addition to the standard practices, the following mitigation measures may be selected:

Geology/Soils

- Replace some of the haul roads and access ramps with one-way traffic loops to decrease effects to soils from roads.
- Protect areas of high traffic volume by placement of temporary road fill particularly if construction occurs during winter months; fill could be removed upon project completion.
- Reduce amount of staging area by using off-site areas if possible.
- Construct temporary work pads and parking areas to help prevent short-term damage of local soils but with increased costs.

Wetlands

- Implement one of the three options identified in Section 3.4.3 for creating a hydraulic break in the bank engineering where the oxbow connects to the main channel (applicable to all action alternatives).

Vegetation

- Use only live cuttings and suitable local native vegetative species for bioengineering techniques that would provide quality habitat and forage for wildlife.

Fish and Wildlife

- Revegetate streambanks and other disturbed areas with native species that would provide habitat and forage for fish and wildlife.

Cultural Resources

- Use the services of a professional archaeologist to conduct on-the-ground monitoring of all construction to ensure maximum protection of identified archaeological sites.
- Provide awareness training to construction staff on the cultural significance of the Landmark and Bottoms area emphasizing the need to preserve its cultural integrity.
- If necessary, widening of existing access to the gravel bar at the Landmark would be by placement and buildup of gravel on the surface (which would be dispersed or removed upon project completion).
- All short-term construction and maintenance, including use of construction equipment and vehicle activity, must be limited to designated staging areas that have cultural clearances from HeTO.
- Any archaeological materials recovered during the course of this project are property of the Shoshone-Bannock Tribes, and must be returned to the in situ location, or reburied as close to the original location as possible.

Indian Trust Assets

- Comply with identified Tribal Regulation and where appropriate, obtain permits to protect Tribal lands and resources associated with these lands.

Chapter 4 CONSULTATION AND COORDINATION

4.1 Agency Consultation

4.1.1 Consulting Agencies

In a September 19th, 2005 letter, Reclamation formally invited the NPS and BIA to be consulting parties under Section 106 of the National Historic Preservation Act of 1966 (NHPA), implementing regulations (36 CFR 800). Both agencies subsequently expressed a desire to be consulting parties. Reclamation has consulted with the Fort Hall Business Council and the Shoshone-Bannock Tribal Land Use Commission about the bank stabilization project. Tribal consultation is addressed under Section 4.2.

On several occasions, Reclamation has met with the SHPO and provided them with details of the project. A letter was received from the SHPO indicating they have no objection to Reclamation substituting the NEPA process for the Section 106 review process for the present undertaking. The ACHP was invited to participate in the consultation under 36 CFR 800 regulations, but officially declined that invitation.

Other agencies such as the NRCS have taken an active role in seeking solutions to protect the Landmark. The NRCS prepared a demonstration project plan for bank stabilization which was used by the Tribes, BIA, and Reclamation upstream of the Landmark in 2001 and 2002. The Corps has jurisdiction over the navigable waters of the United States and as such reviews any 404 permits for stabilization work on the Snake River. Reclamation consulted with these agencies and other Federal and local agencies throughout the process to gather valuable input and to meet regulatory requirements. Since the proposed action would occur on Tribal lands, it is unlikely any local planning or zoning ordinances would apply. State involvement would include the SHPO.

4.1.2 National Historic Preservation Act of 1966

The NHPA, as amended, requires that Federal agencies consider the effects that their projects have on historic properties. Section 106 of this Act and its implementing regulations (36 CR Part 800) provides procedures that Federal agencies must follow to comply with NHPA on specific undertakings. The Act requires Federal agencies to consult with SHPO, Native American tribes with a traditional or culturally-significant religious interest in the study area, and the interested public. Federal agencies must identify historic

properties in the area of potential effect for a project. The significance of historic properties must be determined, and the Federal agency must mitigate adverse effects the project may cause on significant resources.

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

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

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

4.1.3 Archaeological Resources Protection Act (ARPA)

The Archaeological Resources Protection Act (ARPA) of 1979, as amended, insures the protection and preservation of archaeological sites on Federal and Indian land. ARPA requires that Federal permits be obtained before archaeological resource investigations can begin on Federal or Indian land. If a permit issued may harm an archaeological resource, the Federal land manager, before issuing such permit, must notify the Indian tribe which may consider the site as having religious or cultural importance. The Act provides for civil and criminal penalties for unauthorized removal and collection of archaeological resources.

4.1.4 Native American Graves Protection and Repatriation Act (NAGPRA)

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

4.1.5 Endangered Species Act (1973) Section 7 Consultation

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

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

4.2 Tribal Coordination and Consultation

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

4.2.1 Government-to-Government Consultation with Tribes

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

discussion, and comment prior to release to the public. The representatives that will receive the draft EA are listed in Appendix C.

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

4.2.2 Indian Sacred Sites (Executive Order 13007)

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

4.2.3 Indian Trust Assets (ITAs)

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

4.2.4 Other Laws and Regulations

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

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

4.3 Public Involvement

Reclamation has involved numerous agencies in discussions regarding protection of the Landmark that has been discussed throughout the draft EA. Several site visits occurred with the Tribes and agencies, including one on October 24, 2005. In September 2005, the NEPA scoping process was initiated by sending letters to Federal, State and local agencies, congressional representatives, and individual landholders along the Snake River. Additionally, a news release was provided to the Sho-Ban News. Copies of the letters and news release can be found in Appendix A.

Chapter 5 REFERENCES

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Houser 1992	Houser, Brenda B., 1992. Quaternary Stratigraphy of an Area Northeast of American Falls Reservoir, Eastern Snake River Plain, Idaho: <i>Geological Society of America Memoir</i> 179, p. 269-287.
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Parenthetical Reference**Bibliographic Citation**

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Moseley 2000	Moseley, R.K. 2000. Ute Ladies'-tresses (<i>Spiranthes diluvialis</i>) in Idaho: 1999 Status Report. Conservation Data Center, Idaho Department of Fish and Game.
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Murphy 2001	Murphy, C. 2001. Ute Ladies'-tresses (<i>Spiranthes diluvialis</i>) in Idaho: 2001 Status Report. Natural Resource Policy Bureau, Idaho Department of Fish and Game, Boise, Idaho.
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Parenthetical Reference**Bibliographic Citation**

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NPS 2001	National Park Service. 2001. Map depicting 1993 test units and auger probes, remnant walls, Oregon Trail remnants, and vegetation in the vicinity of the Fort Hall National Historic Landmark.
NPS 2005	National Park Service. 2005. "National Historic Landmarks Program." 18 Nov. 2005 < http://www.cr.nps.gov/nhl/ >
NPS	National Park Service. 2005. "Tribal Historic Preservation Officers " <u>National Park Service's THPO List</u> . Advisory Council on Historic Preservation. 18 Nov. 2005 < http://www.achp.gov/thpo.html >.
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Parenthetical Reference**Bibliographic Citation**

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Parenthetical Reference**Bibliographic Citation**

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Parentetical Reference**Bibliographic Citation**

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USFWS 2003	U.S. Fish and Wildlife Service. 2003. Data from Utah Valvata Survey near Firth, Idaho. Snake River Office, Boise, Idaho.
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USFWS 2005	U.S. Fish and Wildlife Service. 2005. <i>Biological Opinion for Bureau of Reclamation Operations and Maintenance in the Snake River Basin Above Brownlee Reservoir</i> . Boise, Idaho.
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Parenthetical Reference**Bibliographic Citation**

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Chapter 6 LIST OF PREPARERS

This EA was prepared by the Bureau of Reclamation, in cooperation with the Shoshone-Bannock Tribes and the BIA. A list of persons who prepared various sections of this document, significant background material, or participated to a significant degree in preparing the EA is presented below.

Name	Contribution
Snake River Area Office West, Boise, Idaho	
Gretchen Fitzgerald	NEPA lead/fish biologist
Jill Lawrence	ITAs, Tribal Coordination
Ray Leicht	Cultural Resources
Snake River Area Office East, Burley, Idaho	
Robert H. Boyer	Program Manager
Chris Ketchum	Manager
Keith Brooks	Engineering
Ryan Newman	Wildlife/snails
Pacific Northwest Regional Office, Boise, Idaho	
Bryan Horsburgh	Water Quality
Richard Link	Geology/soils
Sue Tholen	Activity Manager
Carri Hessman	Acting Activity Manager
Vickie Barnes	Technical Writer

Name	Contribution
Technical Service Center, Denver, Colorado	
Drew Baird	Hydraulic Engineer
David Mooney	Hydraulic Engineer
Shoshone-Bannock Tribes	
	January 29, 2007 – letter from the Fort Hall Business Council,
Bureau of Indian Affairs	
F.A. Sam Hernandez	Agricultural Engineer
Norman Bird	Supervisory Soil Conservationist

APPENDICES

Appendix A Scoping Correspondence



IN REPLY REFER TO:

SRA-6300
ENV-6.00

Mr. Eric LaPointe, Superintendent
Fort Hall Agency
Bureau of Indian Affairs
P.O. Box 220
Fort Hall ID 83203-0220

Ms. Stephanie Toothman
National Park Service
Columbia Cascades Support Office
909 1st Avenue
Seattle, WA 98104

Subject: Invitation to be a Cooperating Agency for the National Environmental Policy Act Process; Proposed Bank Stabilization Project for the Fort Hall National Historic Landmark, Fort Hall Reservation and the Minidoka Project

Dear Agency Representatives:

Due to your jurisdictional involvement and technical expertise in the Proposed Bank Stabilization Project for the Fort Hall National Historic Landmark, Reclamation invites you to be a cooperator in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA).

As explained in the attached scoping document, Reclamation has been working with the Shoshone-Bannock Tribes, the Bureau of Indian Affairs (BIA) and other interested agencies to seek long term solutions to stabilize the streambank near the Fort Hall National Historic Landmark (Landmark) which is situated on both Reclamation and Fort Hall Reservation lands. Last summer representatives from your agency and other interested agencies attended an August, 2004 field day at the Landmark to share interests and discuss concerns regarding the proposed project. Based on the discussion at the meeting and the issues identified to date, Reclamation has decided to prepare an Environmental Assessment (EA). Reclamation will also include information and analysis to comply with Section 106 of the National Historic Preservation Act in the EA.

As Cooperating Agencies, BIA and NPS could provide special expertise as available, review draft documents in a timely manner, and help address intergovernmental issues. Reclamation will

United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

SEP 08 2005

ENV 6.00
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FOLDER #: 2166		

serve as lead agency, disclose relevant information early in the analytical process and write and distribute the EA. No funding will be provided as a part of any agreement to participate as a cooperator. Reclamation has also extended this invitation to the Shoshone-Bannock Tribes.

Please notify me by letter or phone call if you wish to be a Cooperating Agency. The Shoshone-Bannock Tribes and agencies can discuss the means to document the expectations, roles and responsibilities once Reclamation is notified of the interest in cooperating status.

If your agency does not wish to be a Cooperating Agency, Reclamation will still continue to involve interested agencies in the process and we will continue to work closely with the Shoshone-Bannock Tribes. If you would like to discuss this project, you may contact me at 208 678-0461 ext. 34.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Enclosures: Scoping document

Copy of letter to the Chairman of the Fort Hall Business Council of the Shoshone-Bannock Tribes

cc:

Mr. Norm Bird
Fort Hall Agency
Bureau of Indian Affairs
P.O. Box 220
Fort Hall ID 83203-0220

Ms. June Boyington
Bureau of Indian Affairs
Federal Building
911 NE 11th Avenue
Portland, OR 97232

Mr. Sam Hernandez
Fort Hall Agency
Bureau of Indian Affairs
P.O. Box 220
Fort Hall ID 83203-0220

Ms. Kirstie Haertel
National Park Service
Columbia Cascades Support Office
909 1st Avenue
Seattle, WA 98104
(w/enc to each)

Dr. Chuck James
Bureau of Indian Affairs
Federal Building
911 NE 11th Avenue
Portland, OR 97232
(wenc to each)



IN REPLY REFER TO:

SRA-6300
ENV-6.00

Mr. Blaine Edmo, Chairman
Fort Hall Business Council
P.O. Box 306
Fort Hall, ID 83203-0306

United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

SEP 08 2005

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TO	INIT	DATE
6306		
CONTROL #: 8-5078		
FOLDER #: 01166		

Subject: Invitation to be a Cooperating Tribe for the National Environmental Policy Act Process; Proposed Bank Stabilization Project to protect the Fort Hall National Historic Landmark on the Fort Hall Indian Reservation and the Minidoka Project

Dear Chairman:

Due to your jurisdictional involvement and technical expertise in the Proposed Bank Stabilization Project for the Fort Hall National Historic Landmark, Reclamation invites the Tribes to be a cooperator in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA).

Reclamation representatives recently met with representatives from the Shoshone-Bannock Tribes and the Bureau of Indian Affairs (BIA) on July 22, 2005 to discuss the next steps required to consider a bank stabilization project to protect the Fort Hall National Historic Landmark (Landmark) from erosion. All of the stabilization proposals would occur on the Fort Hall Indian Reservation (Reservation) lands. Based on the discussions at meetings in August 2004 and July 2005 and the issues identified to date, Reclamation has decided to prepare an Environmental Assessment (EA). Reclamation will also include information and analysis to comply with Section 106 of the National Historic Preservation Act in the EA. For your information we have attached a copy of the scoping document.

As a cooperating Tribe, the Shoshone-Bannock would provide special expertise on local resources, review draft documents, provide written comments, and assist in addressing intergovernmental issues. Reclamation has also invited the BIA and the National Park Service (NPS) since NPS serves as trustee for the Landmark. Reclamation will serve as lead agency, disclose relevant information early in the analytical process and write and distribute the EA. No funding will be provided as a part of any agreement to participate as a cooperator.

Please notify me by letter or phone call if you wish to be a Cooperating Tribe. We can discuss whether a Memorandum of Agreement or letter is the appropriate means to document the expectations, roles and responsibilities once Reclamation is notified of the interest in cooperating status.

Regardless of your decision, Reclamation intends to work closely with the Tribes as we proceed with the NEPA process. If you would like to discuss this project, you may contact me at 208 678-0461 ext. 34.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Enclosures: Scoping Document
Copy of letter to the Bureau of Indian Affairs and National Park Service

cc:

Land Use Commission
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Mr. Arnold Appeney
Land Use Director
Shoshone-Bannock Tribe
PO Box 306
Fort Hall, ID 83203

Ms. Yvette Tuell
Environmental Coordinator
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Ms. Carolyn Smith
Cultural Resources
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Hunter Osborne, Fisheries
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203
(w/ encl to all)



IN REPLY REFER TO:

SRA-6300
ENV-6.00

Ms. Margie Ingle-Nowick
Advisory Council on Historic Preservation
12136 W. Bayaud Avenue
Room 330
Lakewood, CO 80228

United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

SEP 08 2005

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6306		
CONTROL#:		S-5081
FOLDER#		21166

Subject: Scoping of Issues - Proposed Bank Stabilization Project to Protect the Fort Hall National Historic Landmark, Fort Hall Indian Reservation and Minidoka Project

Dear Ms. Ingle-Nowick:

For several years Reclamation has been working with the Shoshone-Bannock Tribes, the Bureau of Indian Affairs (BIA) and other interested agencies to seek long term solutions to protect the Fort Hall National Historic Landmark (Landmark) from erosion. The Landmark is situated on both Reclamation and Fort Hall Indian Reservation (Reservation) lands. Reclamation has recently completed studies used to develop proposals for long term solutions for streambank stabilization.

Reclamation held meetings on July 22, 2005 with the representatives of the Shoshone-Bannock Tribes which included the Fort Hall Business Council (Council), the Land Use Policy Commission and the Tribal staff and the BIA. We discussed that the proposed sites for stabilization are on Reservation land and that before any action could occur (1) the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and other environmental law processes would need to be completed and (2) approval from the Council and BIA would need to be granted for Reclamation to fund construction on Tribal lands.

Under the National Environmental Policy Act (1969), Reclamation is required to evaluate the impacts of the proposed action on the human and natural environment. Reclamation has initiated the process to complete an Environmental Assessment (EA). The enclosed scoping document describes the project.

Last summer representatives from your agency and other interested agencies were invited to an August, 2004 field day at the Landmark to share interests and discuss concerns regarding the proposed project. Not all of the agencies were able to send a representative. Comments or concerns related to the proposal will assist us in determining issues to be included in the EA and may help in selecting alternatives to the proposed action.

If you have any interests that were not expressed at the August 2004 meeting please provide your written comment by October 7, 2005 to

Robert L. (Hap) Boyer
Bureau of Reclamation
Snake River Area Office
1359 Hansen Avenue,
Burley, Idaho 83318-1821

Reclamation has invited the Shoshone-Bannock Tribes, BIA and the National Park Service to serve as cooperating agencies in the NEPA process and intends to work closely with the Tribes and government agencies throughout the process. Reclamation will include information and analysis to comply with Section 106 of the NHPA in the EA. If you have questions concerning the project, you may contact Mr. Hap Boyer of my staff at Reclamation's Snake River Area Office in Burley at 208 678-0461 ext. 15.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Enclosure: Scoping Document

Identical Letters Sent To the Following Agencies:

Advisory Council on Historic Preservation
(Ms. Margie Ingle-Nowick)
Corps of Engineers
(Mr. Brayton Willis)
Idaho State Historic Preservation Office
(Ms. Suzie Neitzel)
Natural Resources Conservation Service
(Mr. Kurt Cates)

cc:

Mr. Robert Brochu
Corps of Engineers
Idaho Falls Regulatory Office
900 N. Skyline Drive, Ste.A
Idaho Falls ID 83402

Mr. Steve Guerber
Executive Director
Idaho State Historical Society
1109 Main Street, Suite 250
Boise, ID 83702-5642

Mr. Greg Graham
Corps of Engineers
Planning Division
201 North 3rd Avenue
Walla Walla, WA 99362



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6300
ENV-6.00

SEP 08 2005

Subject: Scoping of Issues - Proposed Bank Stabilization Project to Protect the Fort Hall National Historic Landmark on the Fort Hall Indian Reservation and the Minidoka Project.

Dear Ladies and Gentlemen:

For several years the Bureau of Reclamation (Reclamation) has been working with the Shoshone-Bannock Tribes, the Bureau of Indian Affairs (BIA) and other interested agencies to seek long term solutions to stabilize a localized section of eroded bank-line along the Snake River to protect the Fort Hall National Historic Landmark (Landmark) from erosion. The Landmark is situated inside the Fort Hall Indian Reservation (Reservation) boundaries on both Reclamation and Reservation lands. In 2002, Reclamation with the assistance of the Shoshone-Bannock Tribes and BIA studied the area to determine the causes of historic and current bank erosion.

The Shoshone-Bannock Tribes, government agencies, and interest groups value this area culturally, spiritually and historically and are concerned about losing threatened, valued properties, and artifacts. Reclamation as part owner must address these issues and any impacts that might result. The bank stabilization site proposals would be on Reservation land and before any action could occur (1) the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and other environmental law processes would need to be completed and (2) approval from the Fort Hall Business Council and BIA would need to be granted for Reclamation to fund construction on Tribal lands.

Under the National Environmental Policy Act (1969), Reclamation is required to evaluate the impacts of the proposed action on the human and natural environment. Reclamation will also include information and analysis to comply with Section 106 of the NHPA in the EA. Reclamation has initiated the process to complete an Environmental Assessment (EA) and has invited the Shoshone-Bannock Tribes, BIA and the National Park Service (NPS) to serve as "Cooperating Agencies" in the NEPA process. The enclosed scoping document describes the project background and requests your input.

Comments or concerns related to the proposal will assist us in determining issues to be included in the EA and may help in selecting alternatives to the proposed action. Please send comments concerning the project by October 7, 2005 to:

Robert L. (Hap) Boyer
Bureau of Reclamation
Snake River Area Office
1359 Hansen Avenue,
Burley, Idaho 83318-1821

If you have questions concerning the project, you may contact Mr. Hap Boyer of my staff at Reclamation's Snake River Area Office in Burley, at 208 678-0461 ext. 15.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Enclosure: scoping document

bc: PN-6306-(Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht), SRA-6121 (Fitzgerald), SRA-2000 (Ketchum), SRA-6300 (Boyer), SRA-6323 (Newman)
(w/o enc to all)

WBR:GFitzgerald:AGlass:09/09/2005:208-678-0461
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Identical letter sent to persons on next page.

Identical letter sent to:

FEDERAL GOVERNMENT

Mr. Greg Graham
Corps of Engineers
Planning Division
201 N. 3rd Avenue
Walla Walla, WA 99362-1876

Mr. Jeff Foss
U.S. Fish and Wildlife Service
Snake River Basin Office
1387 S. Vinnell Way, Room 368
Boise, ID 83709

Ms. Deb Mignagno
US Fish and Wildlife Service
Eastern Idaho Sub-Office
4425 Burley Drive, Suite A
Chubbuck, Idaho 83202

Mr. Brian Brown
NOAA Fisheries
525 Northeast Oregon Street, Ste. 500
Portland, OR 97232

Mr. Patrick Takasugi
Idaho Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Mr. K. Lynn Bennett, Idaho State Director
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709

Mr. Joe Kraayenbrink, District Manager
Bureau of Land Management
Idaho Falls District
1405 Hollipark Dr.
Idaho Falls ID 83401

Mr. Robert Brochu
Corps of Engineers
Regulatory Office
900 North Skyline Drive, Ste. A
Idaho Falls ID 83402

CONGRESSIONAL

Honorable Larry E. Craig
United States Senator
Attn: Jason Boher
490 Memorial Dr., Ste. 101
Idaho Falls ID 83402-3600

Honorable Larry E. Craig
United States Senator
Attn: Michael S. Matthews
560 Filer Ave., Ste. A
Twin falls ID 83301

Honorable Larry E. Craig
United States Senator
250 S. 4th Ave., Room 216
Pocatello ID 83201

Honorable Michael Simpson
House of Representatives
490 Memorial Dr, Ste. 103
Idaho Falls ID 83402

Honorable Michael Simpson
House of Representatives
801 E. Sherman, Ste 194
Pocatello ID 83201

Honorable Michael Simpson
House of Representatives
628 Blue Lakes Blvd. N.
Twin Falls ID 83301

Honorable Michael Crapo
United States Senator
Attn: Don Dixon
490 Memorial Dr., Ste. 102
Idaho Falls ID 83402-3600

Honorable Michael Crapo
United States Senator
Attn: John Adkins
450 S. 4th Ave., Room 207
Pocatello ID 83201

Honorable Michael Crapo
United States Senator
Attn: Linda Norris
202 Falls Ave., Ste 2
Twin Falls ID 83301

STATE GOVERNMENT

Mr. Brian Whitlock, Chief of Staff
Office of the Governor, State of Idaho
700 West Jefferson, 2nd Floor
PO Box 83720
Boise ID 83720-0034

Mr. Mark Gamblin, Regional Supervisor
Idaho Department of Fish and Game
South East Region
1345 Barton Road
Pocatello, ID 83204

Mr. Mark Dietrich
Idaho Department of Environmental Quality
Pocatello Regional Office
444 Hospital Way, #300
Pocatello, ID 83201

Mr. Winston Wiggins, Director Idaho
Department of Lands
PO Box 83720
Boise, ID 83720

Mr. Karl Dreher
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720

Mr. Kent Foster, Executive Director
Idaho Association of Soil Conservation
6003 Overland Rd., Ste 204
Boise, ID 83709

ORGANIZATIONS

Mr. Geoff Pampush
The Nature Conservancy
116 1st Avenue North
Hailey, ID 83333

Mr. Scott Brown
Idaho Conservation League
PO Box 844
Boise, ID 83701

Mr. Matt Woodard
Trout Unlimited
Project Director- South Fork Snake River
Home Rivers Initiative
151 North Ridge Ave., St. 120
Idaho Falls, ID 83402

Mr. Doug Jensen, President Idaho-Oregon
California Trails Association
5204 Water Wheel Dr.
Boise, ID 83706

LOCAL LANDOWNERS/OTHERS

Ms. Violet Bernard Rich
1213 W 600 S
Pingree, ID 83262-1319

Mr. Larve Rich
1195 W 600 S
Pingree, ID 83262-1306

Mr. Roland Rich
1213 W 600 S
Pingree, ID 83262-1319

Mr. Thorne Springs Ranch
14710 Tanner TRL
Elbert, CO 80106-001

Larry and Merna Watt
462 S 1200 W
Pingree, ID 83262-5393

Ms. Lori C. Miller
1219 W 600 S
Pingree, ID 83262-1319

Samuel & Joanne Beck
730 S 1325 W
Pingree, ID 83262-5884

Val Ray & Lorelee Beck
746 S 1325 W
Pingree, ID 83262-1544

Herman R. & Marry Ellen Queen
1363 W 750 S
Pingree, ID 83262-2958

THOMPSON BROTHERS
493 S 1200 N
Pingree, ID 83262-1067

Bernadine & Glen Tabor
14710 Tanner TRL
Elbert, CO 80106-5078

Val C. & Heather I. Carter
1025 S 1500 W
Pingree, ID 83262-1719

L. Tim & Lucille Pierce
46 N Wind River Land
Linden, UT 84042-5231

Rockin S Equipment CO.
P.O. BOX 127
San Ramon, CA 94583-1549

Rockin S Equipment CO
P.O. BOX 1595 W 1075 S
Pingree, ID 83262

James B. & Hilary H. Green
1067 S 1580 W
Pingree, ID 83262-1214

Duane A. & Arlie Bybee
3828 Bluegrouse
Pocatello, ID 83201-1719

Ron & Vickie Gentillon
C/O Rockin S Equipment CO.
348 S 1300 W
Pingree, ID 83262-1137

Margaret H. Thurston
1649 W 1075 S
Pingree, ID 83262-1719

Loyal A. & Barbara Hopkins
1597 W 1075 S
Pingree, ID 83262-1719

John R. & Rebecca Houghland
P.O. BOX 17
Springfield, ID 83277-3640

Jeanette E. Powell
P.O. BOX 87
Springfield, ID 83277-1719

Dave Babbitt
Public Works Director
501 Maple # 209
Blackfoot, ID 83221-1700

Board of Bannock County Commissioners
P.O. Box 4016
Pocatello, ID 83205-4016

Board of Bingham County Commissioners
501 N. Maple #205
Blackfoot, ID 83221-1028

Power County Board of Commissioners
543 Bannock Ave.
American Falls, Id 83211

LIBRARIES

South Bannock District
Downey Library
18 North Main, PO Box D
Downey, ID 83234

Shoshone-Bannock Library
HRDC Building, Bannock and Pima Streets
Fort Hall, ID 83202

North Bingham County District Library
(Power County)
197 W Locust St
Shelley, ID 83274-1309

NEWS MEDIA

Sho-Ban News
P.O. Box 900
Fort Hall, ID 83203

News Release

RECLAMATION

Managing Water in the West

Snake River Area Office
Burley, Idaho

Media Contact: John Redding (208) 378-5212
jredding@pn.usbr.gov

Robert L. "Hap" Boyer (208) 678-0461 ext. 15
rboyer@pn.usbr.gov
TTY/TDD: 711

For Release: September 13, 2005

PUBLIC COMMENT SOUGHT ON BANK STABILIZATION TO PROTECT FORT HALL NATIONAL HISTORIC LANDMARK

The Bureau of Reclamation, in conjunction with the Bureau of Indian Affairs and the Shoshone-Bannock Tribes, are considering proposals to stabilize the Snake River stream channel near the Fort Hall National Historic Landmark to protect the site from erosion. The Landmark is situated on both Reservation and Reclamation lands and is protected under the National Historic Preservation Act for its cultural and historic significance.

The proposed stabilization project, which would occur upstream from the Landmark on Reservation lands, would use vegetative planting with engineered improvements, such as stone barriers or stone spurs, to eliminate stream bank damage in the river channel.

For several years the Tribes and federal agencies have worked together to seek long term solutions to stabilize the eroded bank-line. In 2002, the area was studied to determine the causes of historic and current bank erosion.

The National Environmental Policy Act (NEPA) requires Reclamation and the BIA to evaluate the impacts of this proposed action on the human and natural environment. Reclamation is planning to write an Environmental Assessment (EA) and has invited both BIA and the Tribes to be cooperators. Reclamation will include information and analysis to comply with Section 106 of the National Historic Protection Act in the EA.

"Federal agencies are required to follow several environmental laws before any construction could begin. Completing the NEPA process will help Reclamation, the Fort Hall Business Council, and the Tribal Land Use Commission understand the environmental consequences of the proposals," said Chris Ketchum, Deputy Area Manager of the Snake River Area Office. "After all, the Business Council would have to give us permission to work on Tribal lands before Reclamation could proceed with any construction activities."



U.S. Department of the Interior
Bureau of Reclamation

Reclamation is asking individuals to help identify issues and concerns. Send your written comments on this proposal to: Robert L. "Hap" Boyer, Bureau of Reclamation, Snake River Area Office, 1359 Hansen Avenue, Burley, Idaho, 83318-1821 by October 7, 2005.

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Reclamation is the largest wholesale water supplier and the second largest producer of hydroelectric power in the United States, with operations and facilities in the 17 Western States. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Visit our website at www.usbr.gov.



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6116
ENV-3.00

SEP 19 2005

Ms. Suzi Neitzel
Deputy SHPO and Compliance Coordinator
Idaho Historical Society
210 Main Street
Boise ID 83702

Subject: Proposed Bank Stabilization Project to Protect Fort Hall National Historic Landmark, and
Section 106 Responsibilities, Fort Hall Indian Reservation and Minidoka Project

Dear Ms. Neitzel:

For several years the Bureau of Reclamation (Reclamation) has been developing plans to seek long term solutions to stabilize the banks of the Snake River adjacent to the Fort Hall National Historic Landmark (Landmark) in order to protect that significant site. As you know, the Landmark has been assigned a Section 8 Report Priority 1 ranking by the National Park Service, in which the loss of the Landmark to erosion is imminent. Your office has had an abiding regulatory and personal interest in protecting the Landmark and for a number of years has been actively involved, with other federal agencies and the Shoshone-Bannock Tribes, in working with Reclamation to effect means for protecting the Landmark.

In August 2004, you and Mr. Larry Jones of your staff, represented the Idaho SHPO at an interagency meeting and field trip at Fort Hall, to share interests and discuss concerns regarding Reclamation's proposed bank stabilization project. As a result of discussions from that meeting and issues identified to date, Reclamation has decided to begin an Environmental Assessment for the bank stabilization. In a September 8, 2005, letter, Reclamation wrote to you about the proposal, provided a Scoping Document, and requested comments.

For efficiency, Reclamation would like to use the process and documentation required under NEPA to comply with the requirements of Section 106, as provided for under 36 CFR 800.8(c).

In using the NEPA process for 106 purposes, Reclamation intends to meet the "*Standards for developing environmental documents to comply with Section 106*" contained in Section 800.8(c)(1) of the regulations, as well as the other requirements specified in 800.8(c)(2-5). We would appreciate your concurrence with this approach.

In coming months, Reclamation will be coordinating with your office and other interested parties over the identification of historic properties and effects on those properties from the impending bank stabilization. We look forward to working with you on this extremely important project. You may direct any questions about this notification to Ray Leicht of my staff at 208-383-2215.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

bc: PN-6306 (Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht),
SRA-6322 (Fitzgerald), SRA-2000 (Ketchum), SRA-6400 (Boyer)

WBR:RLeicht:AGlass:09/16/2005:208-678-0461

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United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6116
ENV-3.00

SEP 19 2005

Ms. Margie Ingle-Nowick
Advisory Council on Historic Preservation
12136 W. Bayaud Avenue, Room 330
Lakewood CO 80228

Subject: Proposed Bank Stabilization Project to Protect the Fort Hall National Historic Landmark, Fort Hall Reservation and Minidoka Project

Dear Ms. Nowick:

For several years the Bureau of Reclamation (Reclamation) has been developing plans to seek long term solutions to stabilize the banks of the Snake River adjacent to the Fort Hall National Historic Landmark (Landmark) in southeast Idaho, in order to protect that significant site. The primary threat to the Landmark is from active bank erosion immediately upriver from the fort, moving downstream toward the fort. In addition, it is feared that a slough that passes along the eastern boundary of the fort will become active with another high flow event such as the flooding that occurred in 1997, potentially impacting the stockade, bastions, artifacts, remnants of the Oregon Trail, and possible Native American burials. The National Park Service (NPS), in providing its annual Section 8 report to Congress on the state of our Nation's historic landmarks, has assigned the Landmark a Priority 1 ranking as an endangered landmark, in which the loss of the site to erosion is imminent.

The Secretary of the Interior designated the historic fort as a National Historic Landmark in 1961. Reclamation and the Bureau of Indian Affairs (BIA) (as trustee for the Shoshone-Bannock Tribes) have joint ownership and responsibility for the Landmark under the National Historic Preservation Act.

Since at least the mid-1980's, a coalition comprised of federal and state agencies, and the Shoshone-Bannock Tribes, all with an abiding regulatory interest in protecting the Landmark, have held meetings to discuss strategies to protect the Landmark. That coalition has been represented by Reclamation, BIA, NPS, Idaho SHPO, and the Shoshone-Bannock Tribes. More recently, the U.S. Army Corps of Engineers and the Natural Resources Conservation Service have begun participating in the coalition. Since the late 1990's, the Advisory Council on Historic Preservation (Council) has been concerned about threats to the Landmark; in 1999, as a representative from the Council's Western Office, you participated in an interagency coalition meeting on the Fort Hall Reservation, designed to develop long-term protection of the Landmark.

Present plans to protect the Fort Hall National Historic Landmark had their genesis in a Congressional appropriation in fiscal year 2001, which authorized Reclamation to complete a study of erosion along the upper Snake River. Reclamation entered into a cooperative agreement with the Shoshone-Bannock Tribes to participate in the study. The study resulted in a report entitled "*Snake River at Fort Hall, Idaho Bank Erosion Study - Final.*" The report provided impetus for Reclamation to seek assistance from its hydraulic engineers from Reclamation's Sedimentation and River Hydraulics Group in Denver, known for providing erosion control solutions on large rivers.

The result was the present plan for bank stabilization designed to protect the historic fort on a long-term basis by repairing and stabilizing the stream channel near the fort.

In August 2004, an interagency meeting and field trip to the historic fort was held on the Fort Hall Indian Reservation, for the purpose of sharing interests and discussing concerns regarding Reclamation's proposed bank stabilization project. Although you were unable to attend the meeting, you expressed a strong interest in the plans to protect the Landmark and the outcome of the August 2004 meeting. As a result of discussions from that meeting and issues identified to date, Reclamation has decided to begin an Environmental Assessment for the proposed bank stabilization project. In a September 8, 2005, letter, Reclamation wrote to you about the proposal, providing a Scoping Document and requesting comments.

We wish to notify the Council of our intent to use the process and documentation required for the preparation of an EA/FONSI to comply with Section 106, in lieu of the procedures set forth in 36 CFR 800.3 - through 800.6. In addition, in accordance with 36 CFR 800.10 (Special Requirements for Protecting National Historic Landmarks), we invite the Council to participate in the consultation under those regulations. However, given the expected closure of the Council's Western Office in Denver in October 2005 with regulatory functions being transferred to its Washington staff, we fear that past levels of valuable assistance and involvement by the Council (mainly through your efforts) will no longer be available.

We look forward to your reply. Please feel free to call Ray Leicht of my staff at 208 383-2215 to discuss the compliance aspects of this project in greater detail.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

bc: PN-6306 (Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht),
SRA-6322 (Fitzgerald), SRA-2000 (Ketchum), SRA-6400 (Boyer)

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United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6116
ENV-3.00

SEP 19 2005

Mr. Eric LaPointe, Superintendent
Fort Hall Agency
Bureau of Indian Affairs
P.O. Box 220
Fort Hall ID 83203-0220

Subject: Invitation to be a Consulting Party under the 36CFR800.10 Regulations - - Proposed Bank Stabilization Project to Protect the Fort Hall National Historic Landmark, Fort Hall Reservation and the Minidoka Project

Dear Mr. LaPointe:

For several years the Bureau of Reclamation (Reclamation) has been developing plans to seek long term solutions to stabilize banks of the Snake River adjacent to the Fort Hall National Historic Landmark (Landmark) in order to protect that significant site situated on the Fort Hall Indian Reservation and Reclamation lands. As you know, the National Park Service has assigned the Landmark a Section 8 Report Priority 1 ranking, in which the loss of the site to erosion is imminent.

For a number of years the Bureau of Indian Affairs (BIA), as trustee of the reservation lands, has maintained an abiding regulatory and personal interest in protecting that property. In the 1970's and 1980's BIA placed riprap on the north boundary of the Landmark. In more recent years, your agency has mapped lateral recession upriver from the historic fort and has recorded over 250 feet of loss of bank due to erosion. Most recently, the BIA and Reclamation, through a cooperative agreement, completed a pilot "demonstration project" upstream from the Landmark, for the purpose of relieving stream flow pressure from the critical outside bank of the main channel.

In August 2004, Messrs. Norm Bird and Sam Hernandez of your staff represented BIA at an interagency meeting and field trip at Fort Hall, to share interests and discuss concerns regarding Reclamation's proposed bank stabilization project. As a result of discussions from that meeting and issues identified to date, Reclamation has decided to begin an Environmental Assessment for the bank stabilization project. In a September 8, 2005, letter to the BIA, Reclamation invited the agency to be a cooperator in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA), and enclosed a Scoping Document.

Reclamation intends to use the process and documentation required under NEPA to comply with Section 106 requirements of the National Historic Preservation Act. As we proceed with the NEPA process, we would like to work closely with the BIA, Shoshone-Bannock Tribes, National Park Service, the Idaho SHPO, and Advisory Council on Historic Preservation, in an effort to

incorporate Section 106 consultation into the NEPA process as efficiently as possible.

In accordance with procedures specified in 36 CFR 800.2, we would like to invite the BIA to participate in the consultation under those regulations. As a consulting party, BIA would play a role in helping Reclamation to identify historic properties, to determine potential effects to the Landmark, and to develop mitigation strategies, and would be a signatory to any Memorandums of Agreement.

Please notify me by letter should you wish to serve as a "consulting party" under Section 106 for the impending bank stabilization. If your agency does not wish to be formally designated a "consulting party," Reclamation would continue to keep BIA informed as consultation proceeds, and continue to work closely with you to insure protection of the Landmark and other historic properties.

If you would like to discuss this project, you may contact me at 208 678-0461, ext. 34. To discuss specific Section 106 responsibilities, you may call Ray Leicht, archaeologist on my staff, at 208 383-2215, or e-mail him at rleicht@pn.usbr.gov.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Similar letters to:

National Park Service
Dr. Stephanie Toothman
Idaho State Historic Preservation Office
Ms. Suzie Neitzel

cc: Mr. Sam Hernandez
Bureau of Indian Affairs
PO Box 220
Fort Hall, ID 83203-0220

Mr. Norm Bird
Bureau of Indian Affairs
PO Box 220
Fort Hall, ID 83203-0220

Dr. Chuck James
Bureau of Indian Affairs
Portland Area Office
911 N.E. 11th Avenue
Portland, OR 97232-4169

bc: PN-6306 (Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht),
SRA-6322 (Fitzgerald), SRA-2000 (Ketchum), SRA-6400 (Boyer)

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United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

SRA-6116
ENV-3.00

SEP 19 2005

SEP 20 05

Dr. Stephanie Toothman
National Park Service
Columbia Cascades Support Office
909 1 st Avenue
Seattle, WA 98104

Subject: Invitation to be a Consulting Party Under the 36 CFR 800.10 Regulation - - Proposed Bank Stabilization Project for the Fort Hall National Historic Landmark, Fort Hall Reservation and the Minidoka Project

Dear Dr. Toothman:

For several years the Bureau of Reclamation (Reclamation) has been developing plans to seek long term solutions to stabilize banks of the Snake River adjacent to the Fort Hall National Historic Landmark (Landmark) in order to protect that significant site. As you know, the Landmark has been assigned a Section 8 Report Priority 1 ranking, in which the loss of the Landmark to erosion is imminent. For a number of years, the National Park Service (NPS) has maintained an abiding regulatory and personal interest in the status of the Landmark and has provided valuable advice for protecting this site.

In August 2004, Ms. Kirstie Haertel represented NPS at a meeting and field trip on the Fort Hall Indian Reservation, along with other interested agencies, to share interests and discuss concerns regarding Reclamation's proposed bank stabilization project. As a result of discussions from that meeting and issues identified to date, Reclamation has decided to begin an Environmental Assessment for the bank stabilization project. In a September 8, 2005, letter to the NPS, Reclamation invited the agency to be a cooperator in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA), and enclosed a Scoping Document.

For efficiency, Reclamation intends to use the process and documentation required under NEPA to comply with Section 106 requirements. As we proceed with the NEPA process, we will work closely with the NPS, Bureau of Indian Affairs, Shoshone-Bannock Tribes, Idaho SHPO, and Advisory Council on Historic Preservation, in an effort to incorporate Section 106 consultation into the NEPA process as efficiently as possible.

In accordance with 36 CFR 800.10 (Special Requirements for Protecting National Historic Landmarks), we would like to invite the NPS to participate in the consultation under those

regulations. As a consulting party, NPS would play a vital role in helping Reclamation to identify historic properties, to determine potential effects to the Landmark, and to develop mitigation strategies, and would be a signatory to any Memorandums of Agreement.

Please notify me by letter should you wish to serve as a consulting party under Section 106 for the impending bank stabilization. If your agency does not wish to be a consulting party, Reclamation would continue to keep NPS informed as consultation proceeds, and continue to work with you to insure protection of the Landmark and other historic properties. If you would like to discuss this project, you may contact me at 208 678-0461, ext. 34. To discuss specific Section 106 responsibilities, you may call Ray Leicht, archaeologist on my staff, at 208 383-2215, or e-mail him at rleicht@pn.usbr.gov.

Sincerely,

CHRIS W. KETCHUM

Chris W. Ketchum
Deputy Area Manager

Similar letters to:

Bureau of Indian Affairs - Fort Hall Agency
Mr. Eric La Pointe
Idaho State Historic Preservation Office
Ms. Suzi Neitzel

bc: PN-6306 (Tholen), SRA-1000 (Gregg), SRA-1104 (Lawrence), SRA-6116 (Leicht),
SRA-6322 (Fitzgerald), SRA-2000 (Ketchum), SRA-6400 (Boyer)

WBR:RLeicht:AGlass:09/16/2005:208-678-0461

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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169



IN REPLY REFER TO:

OCT 20 2005

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

Dear Mr. Ketchum:

We are in receipt of your September 19, 2005 correspondence which invites the Bureau of Indian Affairs (BIA) to be a consulting party under Section 106 of the National Historic Preservation Act's (NHPA) implementing regulations (36 CFR 800). This request is for the "Proposed Bank Stabilization Project to protect the Fort Hall National Historic Landmark (NHL), Fort Hall Reservation and the Minidoka Project. Mr. Eric LaPointe, Fort Hall Agency Superintendent has recently indicated the BIA's desire to be a consulting party as we have oversight responsibilities for actions on trust lands and under Section 106 of the National Historic Preservation Act (NHPA).

As the Bureau of Reclamation (BOR) is developing the proposed project's Environmental Assessment, we assume you have taken on the role of Lead Federal Agency for Section 106 compliance. Since a large portion of this project is on Tribal Trust lands, however, the BIA and Shoshone Bannock Tribes of the Fort Hall Reservation (Tribes) have specific obligations, approval, and permitting authority for project actions that may affect potentially eligible historic properties. If any agreements are developed for this project, please consider the BIA and Tribes as full signatories rather than concurring parties.

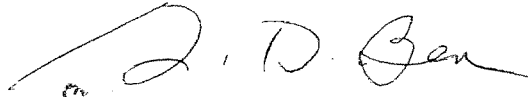
The BOR, BIA and Tribes are co-managers at Fort Hall NHL. The National Park Service (NPS), SHPO, and/or Advisory Council also have roles and obligations at this site and will necessarily be involved if any action has the potential to affect the Fort Hall NHL.

As indicated in Mr. LaPointe's correspondence, the appropriate signatory for this Section 106 undertaking will be the Fort Hall Superintendent. The archaeological review of this work will be done through staff from the Northwest Regional Office. Please insure a copy of correspondence and documents will be sent to Chuck James, Regional Archaeologist, Northwest Regional Office, 911 NE 11th Avenue, Portland, Oregon 97232.

OCT 24 2005

If you have any questions about our NHPA involvement, please direct them to Chuck James at (503) 231-6229.

Sincerely,


ACTING Northwest Regional Director

cc: Honorable Blaine Edmo, Chairman, Shoshone-Bannock Tribes of the Fort Hall Reservation

Carolyn Smith, HeTO Office, Shoshoni-Bannock Tribes of the Fort Hall Reservation

Lynn McDonald, Regional Archaeologist, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234

Ray Leicht, Area Archaeologist, BOR, Snake River Area Office, 230 Collins Road, Boise, ID 83702-4520

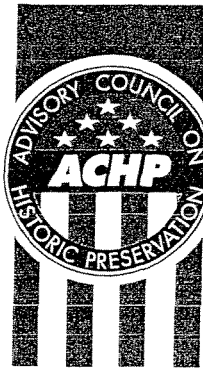
Superintendent, Fort Hall Agency

Norm Bird, Fort Hall Agency

Sam Hernandez, Fort Hall Agency

Stephane Toothman, Ph.D., CRM Program Director, National Park Service, 909 1st. Avenue, Seattle, WA 98104

Suzie Neitzel, Deputy SHPO, Idaho State Historic Society, 1109 Main St., Suite 250, Boise, ID 83702-5642



Preserving America's Heritage

October 13, 2005

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

REF: Bank Stabilization, Fort Hall NHL, ID.

We received your notification and supporting documentation regarding the adverse effects of the referenced project on a property or properties eligible for inclusion in the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change, please notify us so we can re-evaluate if our participation is required. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the Agreement, and related documentation at the conclusion of the consultation process. The filing of this Agreement with the ACHP is necessary to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Margie Nowick at 303/969-5110 or via email at mnowick@achp.gov.

Sincerely,

Nancy Kochan
Office Administrator/Technician
Western Office of Federal
Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228
Phone: 303-969-5110 • Fax: 303-969-5115 • achp@achp.gov • www.achp.gov

Appendix B Tribal Consultation

Note:

Many letters make reference to the Fort Hall Monument. After referring to the historic site as the “Monument” for several years, it was discovered that the official name is the “Fort Hall National Historic Landmark.” Any reference to the “Monument” may be regarded as a reference to the “Landmark.”

This chronological accounting of major activities with the Tribes only includes the most recent years. It does not include the information on the “Demonstration Project” or specific studies for stabilization to protect Reservation lands.

2001

February 14	Letter to the Tribes regarding appropriations to Reclamation’s budget “to continue the study of erosion problems on the Fort Hall Indian Reservation.”
February 16	Letter received from the Tribes regarding appropriations for a study of bank erosion problems on the Fort Hall Indian Reservation.
February 27	Meeting with the Tribal Staff to discuss appropriations for the study of bank erosion problems on the Fort Hall Indian Reservation.
March 7	Meeting with Fort Hall Business Council to discuss appropriations for a study of bank erosion problems on the Fort Hall Indian Reservation.
March 29	Request for Trespass Permits for the erosion control study.
May 9	Letter summarizing meetings regarding erosion control study of the Fort Hall Reservation and response to the Tribes’ February 16, 2001, letter.
May 11	Meeting with the Tribal Staff to discuss proposals outlined in the Tribes’ February 16 letter.
May 16	Letter transmitting an Agreement for the Tribes’ participation in the Study of Erosion at the Fort Hall Reservation.

June 26	Letter summarizing the May 11, 2001 meeting with the Shoshone-Bannock Tribes.
August 20	Modification to Agreement for the Tribes' participation in the Fort Hall Erosion Control Study.
September 7	Letter to the Land Use Commission regarding the Fort Hall Historic Landmark Protection Study.
September 28	Draft report, " <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study</i> ," mailed to the Tribes for comment.
October 15	Letter to the Land Use Commission regarding the Fort Hall Historic Landmark Protection Study.
November 2	Meeting at which Reclamation presented to the Land Use Commission and staff the findings from " <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study – November 2001</i> ."
November 19	Meeting at which Reclamation presented to the Fort Hall Business Council, findings of " <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study – November 2001</i> ."
November 27	Meeting at which Reclamation presented findings of <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study – November 2001</i> . Those attending included the Tribes, BIA, Corps, NRCS, and a representative from Senator Craig's office.
December 17	Letter from the Fort Hall Business Council to Reclamation providing comments on the <i>Bank Erosion Study</i> .
December 17	Letter from the Fort Hall Business Council to Reclamation providing additional comments on the <i>Bank Erosion Study</i> .
December 19	Memorandum from BIA to Reclamation providing comments on " <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study</i> ."

2002

- | | |
|------------|---|
| January 9 | Letter to the Fort Hall Business Council summarizing the November 19, 2001, meeting to review “ <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study.</i> ” |
| January 31 | Letter to the Tribal Land Use Commission transmitting the final copy of “ <i>The Snake River at Fort Hall, Idaho, Bank Erosion Study.</i> ” |

After this time, bank stabilization to protect the Landmark is addressed separately from bank stabilization to protect the Fort Hall Reservation boundaries. The information that follows applies to protection of the Landmark.

- | | |
|-----------|---|
| May 13 | Solicitation issued to Shoshone-Bannock Tribes for sole source cultural resource survey in the vicinity of the historic Fort Hall Landmark. |
| August 8 | Letter to the Fort Hall Business Council inquiring about the Tribes’ decision on contract solicitation for the cultural survey. |
| August 23 | Telephone call between Bev Wadsworth, Tribal Contracting Officer, and Ray Leicht, Reclamation Archeologist, indicating Shoshone-Bannock Tribes will not be signing cultural resources contract. |

2003

- | | |
|----------|--|
| April 22 | Letter confirming an April 30 th meeting with the Fort Hall Business Council and requesting the opportunity to discuss with the Tribes, participation in the Cultural Resources Survey for the Fort Hall historic site erosion control. |
| April 30 | Meeting among the Tribes, BIA, and Reclamation in which one of the discussion items was the Fort Hall erosion. |
| June 11 | Purchase order transmitting to the Shoshone-Bannock Tribes for a Fort Hall Class III Cultural Resources Inventory. |

June 19	Summary of the April 30 th , 2003, meeting with the Fort Hall Business Council.
June 27	Letter transmitting to the Tribe, additional copies of “ <i>The Snake River at Fort Hall, Idaho Bank Erosion Study.</i> ”
September 24	Site visit and meeting with Reclamation’s Technical Service Center staff, the Snake River Area staff, and Tribal representatives. The participants discussed the steps it would take to come to any on-the-ground stabilization solutions which included gathering data, developing alternatives, completing the cultural survey, completing the National Environmental Policy Act (NEPA) process, and obtaining funding.
October 7	Letter to the Tribal, BIA, NRCS, and Reclamation staff summarizing the September 24, meeting at the Fort Hall historic site.
October 10	Letter to the Director of Fisheries transmitting a 1997 video showing flood levels in the Fort Hall Bottoms.
December 23	Letter from the Shoshone-Bannock Heritage Tribal Office to Reclamation, requesting an extension of the deadline for the Fort Hall cultural resources inventory.

2004

January 12	Letter to Tribal Department of Energy Director, allowing extension of time to complete the Fort Hall Class III Cultural Resources Inventory.
May 11	Site visit with Reclamation survey crew and representatives from Reclamation’s Technical Service Center and members of the Tribal Fish and Wildlife Department, to gather information along the Snake River.
June 1	Letter to the Chairman of the Fort Hall Land Use Commission confirming a meeting to discuss the Fort Hall historic site erosion.
June 15	Letter to the Director of Land Use, transmitting the Proposed

Agenda for a June 23, 2004, meeting among the Tribes, BIA, and Reclamation.

- July 8 Meeting between Reclamation representatives, Tribal Commissioners and staff, and NRCS to present conceptual alternatives for bank stabilization.
- August 24 Meeting between Reclamation representatives from the Land Use and Water Commissions, Tribal staff, Tribal cultural resources contractor, BIA, NRCS, Corps, NPS, and Idaho SHPO. See October 8, 2004, letter to the Advisory Board on Historic Places.
- September 30 Letter to Reclamation from the Shoshone-Bannock Heritage Tribal Office transmitting final report of the Fort Hall cultural resources inventory.
- October 8 Letter to the Fort Hall Land Use Commission summarizing the meeting of August 24, 2004.

2005

- January 6 Letter to the Fort Hall Business Council requesting a meeting to discuss the bank stabilization for the Fort Hall Monument and other activities.
- February 4 Meeting between Reclamation management and the Fort Hall Business Council to discuss Reclamation activities including the stabilization of the Fort Hall Monument.
- February 9 Letter summarizing the meeting between Reclamation management and the Fort Hall Business Council which including a discussion regarding the stabilization of the Fort Hall Monument.
- July 12 Letter to the Land Use Policy Commission and TERO requesting a Trespass Permit for Reclamation staff and contractor to access Tribal lands for a snail survey.
- July 15 Letter to the Chairman confirming meetings on July 22, 2005.
- July 22 Three separate meetings held with the Shoshone-Bannock staff, Land Use Commission, and the Fort Hall Business Council to

discuss the initiation of NEPA and other associated surveys including the snail survey.

August 2	Letter to the Chairman of the Shoshone-Bannock Tribes summarizing the meeting of July 22, 2005.
September 13	News release mailed to the Tribes – <i>Public Comment Sought on Bank Stabilization to Protect Fort Hall National Landmark</i> .
October 20	Letter to the Chairman of the Shoshone-Bannock Tribes inviting Tribes to be a cooperating Tribe for the National Environmental Policy Act process for the Proposed Bank Stabilization Project to protect the Landmark.
October 26	Meeting between Reclamation representatives, Tribal Land Use Commissioners, Tribal staff, and BIA to discuss cultural considerations and information needs.
October 28	Meeting between Reclamation representatives and Tribal staff to discuss ESA efforts including the snail survey in the vicinity of the Landmark.
November 4	Site visit in which Reclamation, Tribal and BIA representatives flagged the area being considered in the stabilization project.

2006

June 1	Meeting between representatives from Reclamation, Tribal Land Use, Tribal staff, and BIA to specifically discuss stabilization of the Landmark.
June 7	Meeting among representatives from Reclamation, Tribal Land Use, Tribal staff, and BIA to specifically discuss stabilization of the Landmark.
June 23	Report, “ <i>Geophysical Investigations in the vicinity of Fort Hall National Historic Landmark</i> ” was transmitted to the Tribal Cultural Resources Department.
July 10	Letter to the Fort Hall Land Use Commission requesting guidance on the proposed stabilization of the Fort Hall National Historic

Landmark at Fort Hall.

August 9	Letter from the Shoshone-Bannock Tribes regarding the Fort Hall Monument project.
October 11	Meeting between the Fort Hall Business Council and Reclamation to discuss the Landmark and other Reclamation activities.
November 6	Conference call between Tribal Fish and Wildlife, U.S. Fish and Wildlife, and Reclamation to discuss Utes ladies’-tresses.
November 15	Letter summarizing the October 11, 2006, meeting with the Fort Hall Business Council regarding a campground proposal at Lake Cascade and protection of the Fort Hall National Historic Landmark.
November 30	Letter to the Tribes transmitting the “ <i>Predraft Environmental Assessment, Fort Hall National Historic Landmark, Bank Stabilization Project</i> ” for Tribal and BIA review.
December 13	Meeting with the Fort Hall Business Council, Commission members, Tribal Staff, and Reclamation representatives to discuss the Landmark NEPA process including alternatives, the predraft EA, and schedule.
December 20	Letter to the Chairman of the Fort Hall Business Council summarizing the December 13, 2006 meeting.

2007

January 29	Letter from the Fort Hall Business Council regarding the predecisional EA (<i>Predraft Environmental Assessment, Fort Hall National Historic Landmark, Bank Stabilization Project</i>) – Shoshone-Bannock Tribes comments.
April 4	Letter to the Chairman of the Fort Hall Business Council transmitting the Public Draft EA for a 30-day comment period.

Appendix C ESA-related Documents/Correspondence

Fort Hall National Historic Landmark Stabilization Project Snail Survey Summary

In 1992, the U.S. Fish and Wildlife Service (USFWS) listed the following five species of snails endemic to the middle Snake River as threatened or endangered under the Endangered Species Act (57 FR 59244): Utah valvata (*Valvata utahensis*), Snake River physa (*Physa natricina*), Bliss Rapids snail (*Taylorconcha serpenticola*), Idaho springsnail (*Pyrgulopsis idahoensis*), and the Lanx (*Lanx* sp.). The overall recovery area for these species extends from C. J. Strike Reservoir (RM 518) upstream to American Falls Dam (RM 714) (USFWS 1995). The U.S. Fish and Wildlife Service (USFWS) identifies the alteration of the Snake River from a free-flowing, cold water riverine habitat to an impounded, slower, warmer water habitat as the primary cause for decline of the aquatic mollusk species (USFWS 1995). Threats and limiting factors include habitat fragmentation, water withdrawals, increased water temperatures, decreased water quality (i.e., lower dissolved oxygen levels, increased sedimentation, and increased pollutants), and the expanding distribution of the non-native New Zealand mudsnail (*Potamopyrgus antipodarum*).

U.S. Bureau of Reclamation (Reclamation) and Shoshone-Bannock Tribes fisheries staff conducted surveys for Endangered Species Act (ESA) listed gastropods August 23 and 24, 2005. The target species was Utah valvata. The purpose of the snail survey was to determine the presence of ESA-listed snails adjacent to and downstream from the proposed Fort Hall National Landmark Bank Stabilization Project.

A total of 60, 0.25-m² plots were surveyed for ESA-listed snails (Figure C-1). Each 0.25-m² plot was excavated approximately 2.5 cm deep using a Venturi suction dredge operated by a SCUBA diver at boat sites. Contents of each sample were transported through flexible tubing and collected in a 1000 µm sieve. Sieve contents were then transferred to a 9 in x 11 in plastic sorting tray, sorted and identified. Sorting and identification took place on site immediately following sample collection and was conducted by Tribal and Reclamation fishery staff. Sorted and identified samples were immediately returned to the river.

The substrate at each site was characterized by a mix of small to medium gravel with intermixed fines. Sample depths ranged from .75 ft to 5.5 ft. All sites were selected based on *Pyrgulopsis idahoensis* and *Valvata utahensis* habitat requirements.

No ESA-listed snails were encountered, including the Utah valvata. The invasive New Zealand mudsnail was collected from one plot, with a total of two live individuals being collected.

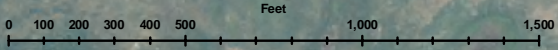
It is anticipated the proposed action will have no effect on the listed *Valvata utahensis* or *Pyrgulopsis idahoensis*. The Snake River adjacent to the proposed project site does not possess the attributes consistent with the ESA-listed snails habitat requirements. Further, due to the instability of the river reach associated with the proposed project, gastropod colonization is limited.

The closest known *Valvata utahensis* colonies are located downstream in the lower portions of American Falls Reservoir. It is anticipated that the proposed project will have no effect on the snail colonies in the reservoir. The proposed project will result in greater stability in the Fort Hall reach, subsequently reducing sedimentation to the American Falls Reservoir. Any potential effects to the listed snails would be beneficial in nature.



Legend

● Snail Sampling Point



**Appendix D Fort Hall National Historic
Landmark Bank Stabilization Project Legal
Mandates**

Reclamation is required to comply with a number of legal mandates in the preparation and implementation of a proposed action. Additionally other agency authority to participate in certain activities is defined by various laws. The following is a list of the environmental laws, executive orders, and policies that may have an affect on the Fort Hall National Historic Landmark or Reclamation, the NPS, IDFG, IDPR and ISHPO actions in the implementation of the plan.

Law, Executive Order, or Policy	Description
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.
Tribal Treaties, Statutes, and Executive Orders	The Fort Bridger Treaty of 1868 and the Fort Hall Indian Water Rights Act of 1990 – An Act to approve the Fort Hall Indian Water Rights Settlement, and for other purposes (Act of November 6, 1990, Public Law 101-602, 104 Stat. 3059). Both are discussed under Section 3.10 – Indian Trust Assets.
Archeological 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.
Archeological 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 including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters.
Clean Air Act (CAA) of 1970	Provides for protection of air quality.
Endangered Species Act (ESA) of 1973, as amended	Provides for protection of plants, fish, and wildlife that have a designation as threatened or endangered.

Law, Executive Order, or Policy	Description
Secretarial Order No. 3206, American Indian Tribal Rights, Federal Tribal Trust Responsibilities and the Endangered Species Act	Signed by the Secretaries of both Interior and Commerce, strives to assure that Indian tribes do not bear a disproportionate burden for the conservation of listed species so as to avoid or minimize the potential for conflict or confrontation.
Secretarial Memorandum, from the office of the Secretary of the Interior, Environmental Compliance Memorandum No. ECM97-2; Departmental Responsibilities for Indian Trust Resources and Indian Sacred Sites	Requires that any anticipated impacts to Indian trust resources from proposed projects be explicitly addressed in environmental documents.
Executive Order 12898, February 11, 1994, Environmental Justice, as amended by Executive Order 12948, January 30, 1995	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.
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 which protects Indian 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

Law, Executive Order, or Policy	Description
Executive Order 13186, January 10, 2001	Responsibilities of Federal Agencies to Protect Migratory Birds Requires Federal Agencies that may have a negative effect on migratory birds to develop and implement a Memorandum of Understanding with the U.S. Fish and Wildlife Service to promote the conservation of migratory birds.
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] 1."
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. Agencies must consult with Native American Tribes if a proposed Federal action may affect properties of religious and cultural significance. Section 110 requires agencies to identify and appropriately manage historic properties on lands under their jurisdiction.
Native American Graves Protection and Repatriation Act (NAGPRA) of 1990	Regulations for Tribal consultation in the event of discovery of Native American graves. Requires consultation with Tribes during Federal project planning if graves might be discovered.
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.
Interior Department Manual, Part 512, Chapter 2	Articulates the policy, responsibilities and procedures for consulting with tribes to identify and assess impact to Indian trust resources.

Appendix E EA Distribution List

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Commissioners

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Pocatello, ID 83205-4016

Board of Bingham County
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United States Senator
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Boise, ID 83702

Honorable Mike Crapo
United States Senator
304 N 8th Street, Room 338
Boise, ID 83702

Honorable C.L. Butch Otter
Member, United States House of
Representatives
304 N 8th Street, Room 454
Boise, ID 83702

Honorable Mike Simpson
Member, United States House of
Representatives
304 N 8th Street, Room 454
Boise, ID 83702

NEWS MEDIA

Sho-Ban News
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Fort Hall, ID 83203

Appendix F Public Comment Letters & Reclamation's Responses



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

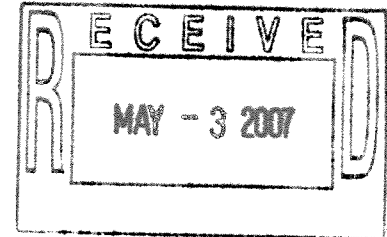
EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 1, 2007

US Bureau of Reclamation
Attn: Mr. Robert Boyer
1359 Hansen Ave
Burley, ID 83318



Dear Mr. Boyer:

This letter is to inform you that you do not need an Idaho Department of Water Resources (IDWR) Stream Channel Alteration Permit for stabilizing 3800 linear feet of the Snake River located in the NW ¼ of Section 5, Township 4S, Range 33E, B.M., in Bannock County, Idaho. The project entails work located on the Fort Hall Indian Reservation and thus is exempt from stream channel alteration rules under Idaho Code. Though you are exempt from obtaining a Stream Channel Alteration permit we recommend that you utilize Best Management Practices (BMP) to limit sediment transport into the Snake River. We also recommend you utilize vegetation plantings behind the rock riprap for biological and aesthetic attributes and to aid in additional bank stabilization.

This does not relieve you of the responsibility to obtain any other local, state, or federal permits that may be required, such as those required under the Clean Water Act or local ordinances required to meet federal flood insurance guidelines. A copy of this letter is being sent to the Corps of Engineers and the local county administrators.

If you have any questions or require any additional assistance, please do not hesitate to contact this office.

Sincerely,

Tom Bassista
Stream Protection Specialist

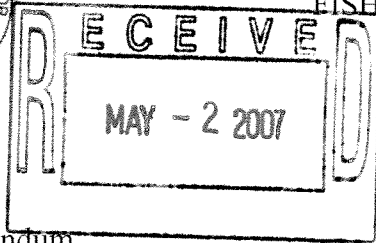
cc: COE (Idaho Falls); Bannock County



United States Department of the Interior

FISH AND WILDLIFE SERVICE

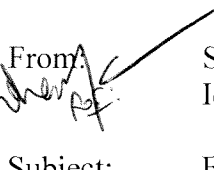
Eastern Idaho Field Office
4425 Burley Dr., Suite A
Chubbuck, Idaho 83202
Telephone (208) 237-6975
<http://IdahoES.fws.gov>



MAY 01 2007

Memorandum

To: Deputy Area Manager, Snake River Area Office-East Unit, Bureau of Reclamation, Burley, Idaho

From:  Supervisor, Eastern Idaho Field Office, Fish and Wildlife Service, Chubbuck, Idaho

Subject: Fort Hall Landmark Bank Stabilization Project on the Fort Hall Reservation of the Shoshone-Bannock Tribes in the Upper Snake Basin, Idaho - Concurrence
File # 1008.0000 TAILS # 07-I-0423

The Fish and Wildlife Service (Service) is writing to provide concurrence with your determination of effects on listed species for the proposed Fort Hall Landmark Bank Stabilization Project (Project) on the Fort Hall Reservation of the Shoshone-Bannock Tribes in the Upper Snake River Basin, Idaho. In a letter dated April 4, 2007, and received by the Service on April 6, 2007, the Bureau of Reclamation (Bureau) requested concurrence with its determination that the proposed Project may affect, but is not likely to adversely affect Ute ladies'-tresses (*Spiranthes diluvialis*), documented within the accompanying Environmental/Biological Assessment (Assessment) for the Project. Additionally, the Service acknowledges your determination that the Project will not affect gray wolf (*Canis lupus*), bald eagle (*Haliaeetus leucocephalus*), and Utah valvata snails (*Valvata utahensis*). The following Service comments are provided in accordance with section 7 of the Endangered Species Act of 1973, as amended.

The Service understands the Bureau proposes to implement a streambank stabilization project to protect the Fort Hall National Historic Landmark from erosion by the Snake River. The Landmark boundary is situated within the Fort Hall Reservation boundaries, and is approximately 9 acres in size. The Landmark originally was located approximately 150 yards from the river bank; however, as a result of many floods and subsequent bank erosion, the river channel has altered its course and the Landmark is presently 17 yards from the river bank. The Snake River channel is eroding into the Tribal lands and is threatening the Landmark by decreasing the area and stability of the bank.

The preferred alternative for Project completion includes a bank height stone toe. Project details entail placing a rock barrier over and adjacent to the current river bank for a length of 3,800 feet. There is no bank excavation required for placement of the rock barrier. Soil or additional rock would be needed to bring the existing vertical undercut bank to an angled slope of 1.5:1. The outside ends of the stone tow would include a feature called a "key-in". The key-in would be

comprised of sheet pile (interlocking "S" shaped steel plates) driven into the ground. The sheet pile extends from the outside ends of the stone toe and is angled into the bank for 200 feet on the upstream end and 30 feet on the downstream end. This feature creates a rigid barrier to prevent undercutting and the stream from circumventing the stone toe. There would be approximately 20-30 feet of excavation into the bank to secure the stone toe to the sheet pile. The zone of this disturbance for sheet pile placement is approximately 2 feet wide by 15 feet deep for a distance of 200 feet on the upstream end and a distance of 30 feet on the downstream end. Project activities are not expected to commence until mid-September 2007.

Ute ladies'-tresses are known to occur in Bonneville, Fremont, Jefferson, and Madison Counties along the Snake River and from wetland sites along the Henry's Fork River; however, they occur in greatest numbers along the South Fork of the Snake River.

In 2006 there was an unconfirmed siting of Ute ladies'-tresses on Fort Hall Reservation. Due to the potential for Ute ladies'-tresses to occur on the Reservation, and because potential habitat exists within the Project area, the Bureau has elected to conduct Ute ladies'-tresses surveys prior to any Project construction. If the survey (to be conducted in August) identifies Ute ladies'-tresses in the Project area, the Bureau will document the occurrence, flag the area, and avoid impacting it entirely during construction activities.

Based on the information provided in the Assessment, the conference call held on November 6, 2006 with the Service, Bureau, and Tribe, conversations held with Sue Tholen and Toni Turner of your staff, and the fact that should any Ute ladies'-tresses be identified in the Project area, they would be avoided, the Service concurs with the Bureau's determination that the proposed Project may affect but is not likely to adversely affect Ute ladies'-tresses.

This concludes consultation under section 7 of the Endangered Species Act of 1973, as amended. 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 Assessment; 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 the Service's Eastern Idaho Field Office at 208-237-6975 ext. 34.

cc: Service, Boise (Glenn)

Reclamation's responses to the May 1, 2007 comments from USFWS		
Issue	Reclamation's response	For further information, refer to the Fort Hall National Historic Landmark Bank Stabilization Project Final EA
The DEA states that "There is one bald eagle near the proposed project area on the east bank..." Please provide the distance this nest is from the construction site.	Final EA has been revised to include this information.	Chapter 3, page 71
It is believed that a Ute Ladies' -tresses survey was conducted by BLM, Cleve Davis, in 2006 that documented the orchid was present on the Reservation. The Draft EA only documents the surrogate Chester wetlands site, which is off the Reservation, but does not mention the survey completed on the reservation. Please clarify.	It is unclear if the survey completed by Cleve David actually found the orchid on the Reservation as there was no official documentation of any such finding at the time of the DEA release. Also, the Tribe had requested that any information about the possible locations of the orchid remain confidential. In our effort to respect the Tribe's request, we used the Chester wetlands information as an "indicator" site so that we could adequately address this issue without revealing confidential information about the species presence or lack of presence on Tribal land.	
The surrogate site (Chester wetlands) was used as the basis for Reclamation's estimate that 3 to 4 plants may be impacted during construction. USFWS cannot give a "may affect/not likely to adversely affect" call if even one plant is impacted.	If the August survey uncovers any Ute Ladies' -tresses in the project area (there is one area on the project site that may contain suitable habitat), we will document the location of the orchid on the plan set, flag the area prior to construction, and avoid impacting it entirely during construction as requested (work around it as necessary). It is our understanding that if we complete that documentation, USFWS can make a "may affect, not likely to adversely affect" decision.	



United States Department of Agriculture
Natural Resources Conservation Service

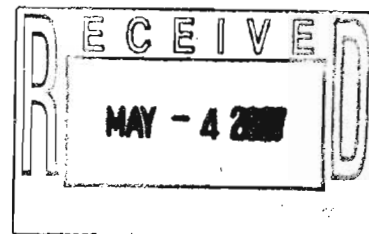
Natural Resources Conservation Service
P.O. Box 306
Fort Hall, ID 83203

"A Partner in Conservation Since 1935"

Kurt Cates, District Conservationist
Phone: 208-478-3778
fax: 208-238-8018
Email: kurt.cates@id.usda.gov

2000
to 3000
APN to PN 6305

Robert (Hap) Boyer,
Bureau of Reclamation,
1359 Hansen Avenue,
Burley ID 83318



Re: Comments to Draft EA for Fort Hall National Historic Landmark Bank Stabilization project

The following are my comments:

My concern is on the upper portion of this stretch of river where the "demonstration project" was installed in 2001.

The draft EA does not give enough, if any detail on the current condition of this portion of the riverbank (left bank). The Environmental Quality Incentive Program (EQIP) contract that the Shoshone-Bannock Tribe (Tribe) signed with NRCS has armored this bank more than adequately to withstand most high flows on the river. There are native grasses, willows and cottonwood trees that have come in naturally and are helping to protect this bank. I don't believe that this was adequately taken into account in the initial assessment of this area for the designs. The BOR was told in meetings in 2004 that the Tribe had the EQIP contract. The designs in the draft EA does not take into account that the Tribe had signed the contract and was planning on planting willows in this area. It states on page 7 that Reclamation will coordinate with the Tribes and NRCS as to the optimal time to begin this effort upon completion of the proposed project. After the meetings in 2004, the NRCS was never again contacted by the BOR about attending any meetings or any consultation on the EQIP contract. The Tribes wanted these willows planted, otherwise would not have signed the contract. I believe that no work should be done on the 2001 demonstration area until further discussions have taken place between the Tribe, BOR and NRCS concerning the plantings that have taken place.

The Bureau of Reclamation (BOR) in public meetings with the Shoshone-Bannock Tribal Council and at an onsite meeting on the riverbank with Tribal employees and Natural Resources Conservation Service (NRCS) said that the design in the draft EA was based on the fact that the flows equivalent to the 1997 flood will happen every few years. In searching the BOR website and finding the flows that occurred in 1997, the peak flows were 41,900 cfs. Statistics show that approximately 43,000 cfs is a 100 year storm event. This shows that these types of flows will not likely occur every few years as stated by BOR personnel. If the BOR used these types of flows in the computer models used for these designs, the data may be misrepresented and should be adjusted to the likely flow that will actually occur every few years.

In 2006, there was bank full flow at the proposed project site (see photos). This high flow, which was 20,230 cfs, is approximately a 5 year storm event, which is likely to occur every few years. During this event, the only bank erosion that occurred at the demonstration site was on the upper

two to three feet of bank. This indicates that the bank is trying to come to its natural angle of repose. The lower four to five feet of bank was stable and didn't erode during the event of 2006. Shortly after the demonstration project was installed in 2001, the Tribal GIS department installed rebar horizontally into the bank to measure the erosion. In 2007, one of the rebar pieces was found during willow planting and there was only about 4-6 inches of rebar protruding out of the bank. The rebar was approximately 3 feet from the top of the bank. This indicates that since 2001, there has only been 4-6 inches of bank that has eroded. Again, this is mainly due to the soil trying to come to its natural angle of repose.

Since the Tribe signed an EQIP contract with the NRCS, they are obligated to fulfill the terms of the contract. If the contract terms are not fulfilled, the Tribe will be obliged to pay a penalty to NRCS. This was discussed in the aforementioned meeting with the Tribal Council. BOR personnel that were at this meeting stated that BOR could reimburse the Tribe for any monetary penalties that NRCS would charge the tribe. This may be a misuse of public funds. All of the agencies I have worked with state that if a person or entity is found out of compliance of any federal, state or local law, that an agency may NOT assist that person or entity in coming into compliance or helping with any damages that may occur to that person or entity. Reimbursing the Tribe for any damages the NRCS assesses may be a violation of federal law in itself. If the BOR wishes to try and reimburse the Tribe, you better consult your national office, lawyers and any other federal agencies that may have oversight on your funding and spending.

Mr. Robert Boyer of BOR has stated in public meetings at Fort Hall that he envisions the proposed preferred alternative being installed in three phases. The first phase would be to rip rap the area below the 2001 demonstration project. I fully agree with this needing completed as soon as possible.

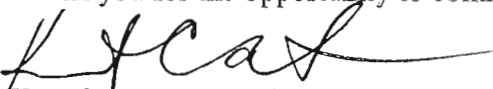
Phase 2 is proposed for the area within the 2001 demonstration project.

Phase 3 is proposed for the area along the river immediately west of the monument. I agree wholeheartedly that this also needs done.

As for phase 2, I believe this money could be better spent where this channel takes off from the main channel upstream. I believe that some stream barbs or some other kind of diversion could be put in place just upstream from where this channel takes off to divert at least some of the water back into the main channel. This would give the area where the channel takes off a chance to start building some bank and keep the water out of this channel and in the main channel.

The area for phase 2, as stated above, is adequately protected with the plants that have come in naturally and those that were planted under the Tribes EQIP contract.

Thank you for the opportunity to comment on this draft EA.



Kurt Cates, District Conservationist
Fort Hall NRCS Office

The following summarized information provides Reclamation's technical responses to a letter from Kurt Cates, District Conservationist, Fort Hall NRCS Office to Robert (Hap) Boyer, Bureau of Reclamation, Burley ID received May 4, 2007 regarding bank stabilization of a meander bend upstream of the Fort Hall National Historic Landmark. This documented in the *Draft: Fort Hall National Historic Landmark Bank Stabilization Analysis of Alternatives – May 2006*. The full reference for this document is presented at the end of this response letter and can be requested hard copy by contacting Mr. Robert Boyer at (208) 678-0461.

Background

The irreplaceable cultural resource of the Fort Hall National Historic Landmark warranted a bank stabilization alternative with a high certainty of success. Tribal concerns imposed the requirement for minimal maintenance. These considerations drove the selection of viable alternatives. Reclamation design accounts for changes in river alignment over time including meander bend migration and compression, both likely processes in this reach. FISRWG (1998) describes the process of evaluating tradeoffs.

2001 Demonstration Site Conditions

Aerial photography, repeat surveys, and field visits indicate continued migration and bank erosion on the bend of the Snake River, ID upstream of the Fort Hall National Historic Landmark subsequent to the installation of the 2001 demonstration project. The demonstration project failed to halt meander migration. The Fort Hall National Historic Landmark and adjacent upstream lands remain at risk.

Field evaluation of the barbs in both 2004 and 2006 found dislodgement of the constituent rocks at flow events smaller than a 5-year flood. Continued removal of material and a loss of barb effectiveness are expected. Historical aerial photography shows the potential for shifts in approach angle on time scales of less than one decade. A change in approach angle of the river could negate the influence of the barbs even before additional rock removal. The barbs form the key component of the existing bank stabilization. The existing line of protection is discontinuous and lacks toe protection. The loss of flow redirection by the barbs will expose the root wads and recent vegetation to high velocity flows and toe scour. The current damage to the barbs and susceptibility to changing river conditions preclude relying on the 2001 demonstration project for bank protection.

Vegetation

A review of photographs taken on a field visit in April 2007 was unable to identify naturally established willows or cottonwoods providing bank protection at the 2001 demonstration site. The adjacent floodplain also lacks mature trees and dense stands of woody species. Thin

grasses provide little protection against impinging flows. The following photo taken April 10, 2007 illustrates the conditions at the site.



The lack noticeable woody vegetation on photographs 6 years after project installation limits confidence in the sustainability of vegetation densities sufficient to resist erosive forces at this site.

Woody vegetation can effectively slow (but not stop) river migration under conditions with a sufficient water table and where bank heights do not exceed root depths. Performance is highly uncertain. The Fort Hall site includes bank heights exceeding the root depth, a semi-arid climate, and a severe bend with impinging flows and deep toe scour. Over the study period beginning in 1936, the 14 mile reach from Tilden Bridge to American Falls Reservoir shows migration even on vegetated banks. Many of these banks included mature trees and woody stands and would therefore be expected to provide higher erosion resistance than the 2001 site. Protecting the Fort Hall Landmark requires halting erosion. The conditions do not warrant a purely biological solution.

Design Event and Natural Angle of Repose

The selection of the design event is described on Page 11 of Reclamation's *Draft: Fort Hall National Historic Landmark Bank Stabilization Analysis of Alternatives* document (USBR 2006) under the heading "Main Left Channel Existing Conditions". One-dimensional hydraulic modeling indicated the most severe hydraulic conditions occur at a discharge of approximately 10,500 ft³/s. The computer models are documented in the same report. The NRCS hydrology is a reasonable estimate of flood recurrence and consistent with Reclamation analysis.

The conclusion that net erosion in 2006 is merely the bank approaching a natural angle of repose cannot be supported with the evidence provided. Field photography shows block failure mechanisms indicative of an undercut root zone. Natural angles of repose do not typically form under these conditions. Biedenharn et al (1997) describes bank failure processes. Reclamation design considered the field evidence adequate to forgo a more detailed geotechnical evaluation of stability. Reclamation's decision on the 2001 demonstration project considered the long term stability and protection of the bank under potential future conditions of the structures and channel within and around the demonstration site.

Upstream Flow Redirection

A proposal for redirecting flow was presented under the title "Channel Relocation" in the Analysis of Alternatives report and excluded from consideration due to:

- construction costs;
- the presence of cultural resources;
- dynamic planform; and
- unsuitable terrain (Reclamation 2004).

Banks on the outside of migrating bends tend to remain steep and overhanging until passage of a meander bend. Biedenharn et al. (1997) describes typical cross section shapes. No reason has been identified why the river would depart from typical behavior at this site due to a partial diversion of flow. Figure 2-12 of Reclamation (USBR 2006) shows the hydraulic connections between the two flow paths and indicates the difficulty in isolating the channel.

Summary

The 2001 demonstration site shows signs of damage and is unlikely to provide long-term erosion protection under the range of likely future river conditions. Constraints on the planned Reclamation structures require strategies with a high likelihood of success and minimal maintenance. Flanking protection requires modification of the 2001 demonstration site to account for changing river form.

References

- Biedenharn, D.S., Elliot, C.M., and Watson, C.C. (1997). *The WES Stream Investigation and Streambank Stabilization Handbook*. U.S. Army Engineer Waterways Experiment Station (WES), Vicksburg, MS. October.
- FISRWG (1998). *Stream Corridor Restoration Principles, Processes, and Practices*. Federal Interagency Stream Restoration Working Group. October.
- U.S. Department of the Interior. Bureau of Reclamation. 2004. *Draft: Fort Hall Bank Stabilization Conceptual Alternatives, Snake River, ID*. Mooney, D.M. and Baird, D.C., Sedimentation and River Hydraulics Group, Technical Service Center, Bureau of Reclamation, Department of the Interior. Denver, CO. July 6.
- U.S. Department of the Interior. Bureau of Reclamation. 2006. *Draft: Fort Hall National Historic Landmark Bank Stabilization Analysis of Alternatives, Snake River, ID*. Mooney, D.M. and Baird, D.C., Sedimentation and River Hydraulics Group, Technical Service Center, Bureau of Reclamation, Department of the Interior. Denver, CO. May.



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Natural Resources Conservation Service

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May 11, 2007

Mr. Robert Boyer, BOR
1359 East Hansen Avenue
Burley, ID 83318-1821

Mr. Boyer,

I am writing this letter in regards to the decisions being made concerning the Snake River above the Fort Hall Monument. I did send in comments concerning the Draft EA but thought a letter to you personally on a couple of items might be in order.

As we have discussed in the past, the Tribe entered into an Environmental Quality Incentive Program (EQIP) contract with the Natural Resources Conservation Service (NRCS) in 2004. Starting in 2006, a group of Tribal students started to plant willows along the upper stretch of river that is within the proposed project area in the draft EA. In 2007, the Tribe completed planting willows and installing fascines along this stretch of river. The work the Tribe completed on the river will complete the terms of this contract. However, in the preferred alternative of the draft EA, the work that has been completed by the Tribe will be torn out, which will be in violation of the EQIP contract. When the Tribe is found in violation of the contract, they will have to pay a penalty for non-compliance with the contract.

In a public meeting with the Tribes, you stated that the Bureau of Reclamation (BOR) could reimburse the Tribe for any penalty or fine that the NRCS levies against them. Before this is promised to the Tribe, you may need to check federal guidelines on use of taxpayer dollars. Is it a violation for one Federal Agency to pay for or reimburse a private entity for a fine or penalty levied by another Federal Agency? As a Federal Employee, I have always been told that this is a violation of federal law. I recommend that you check with the BOR lawyers and your national headquarters before giving the Tribe any money.

Secondly, you stated many times that the Snake River flows during the floods of 1997 will happen every few years and those flows were used by your engineers to determine the best alternative for this stretch of river. In looking at flow charts, the flows of 1997, which peaked at 41,900 cubic feet per second (cfs), are between 50-60 year flow event. This suggests that the flows of 1997 will not likely happen every few years. In 2006, we had near bank full flows on this stretch of river. The peak flows in 2006 were 20, 230 cfs, which is about a 10 year event, which suggests that this flow is more likely to occur every few years. During the 2006 flows, there was very little bank loss on the upper stretch of this portion of the river. If the BOR used the 1997 flows as happening every few years as you have stated, this may be somewhat misleading information for the computer programs used for the design data. I have enclosed the storm event chart, flow data for 1997 and 2006 and photo's I took in 2006.

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conserve, maintain, and improve our natural resources and environment.

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You stated that you envision the rip rap work will be done in three stages. The first stage would be immediately below the area where the demonstration project was completed in 2001. The demonstration project and the EQIP contract are in the same area. The second stage would be in the area of the 2001 Demo project and the EQIP contract and the third stage would be on the river just west of the Fort Hall Monument site. I agree that the first and third stages need completed as soon as possible. However, I believe that the second stage is unnecessary because of the work that was completed in 2001 and more recently by the Tribes, BOR, BIA and NRCS. The 2001 demonstration project was completed using BOR and BIA funding and NRCS engineering assistance. If the BOR felt that rip rap was needed, this should have been suggested in 2001 instead of wasting the time and money installing the demonstration project. In looking at the left bank of the river since the demonstration project was completed in 2001 and the willows were planted, there has been very little erosion of the bank. The only noticeable erosion is the upper portion of the bank and this is mainly due to the soil trying to get to its natural angle of repose (slope). The lower portion of bank has grasses, forbs and woody shrubs and trees growing on it. These plants along with the structures that were installed in 2001 show to be holding the bank in place and in fact show signs of bank building. The gravel bar at the northern end of this stretch of river has elongated and is also helping to protect this portion of bank.

In looking at the overall picture of this stretch of river, I believe that the money for the second stage would be better utilized in going to the point where this channel departs from the main stream channel and install some structures to deflect a portion of the water back into the main channel, thus decreasing the danger of erosion in this channel. The stream barbs that were installed in 2001 are meant to deflect water away from the bank. Barbs or other structures could be installed to help deflect some of the water away from this channel and back into the main channel. This work could be done after the first and third stages are completed in the monument area. In talking to one of the Tribes Land Use Commissioners, he agrees that this should be done.

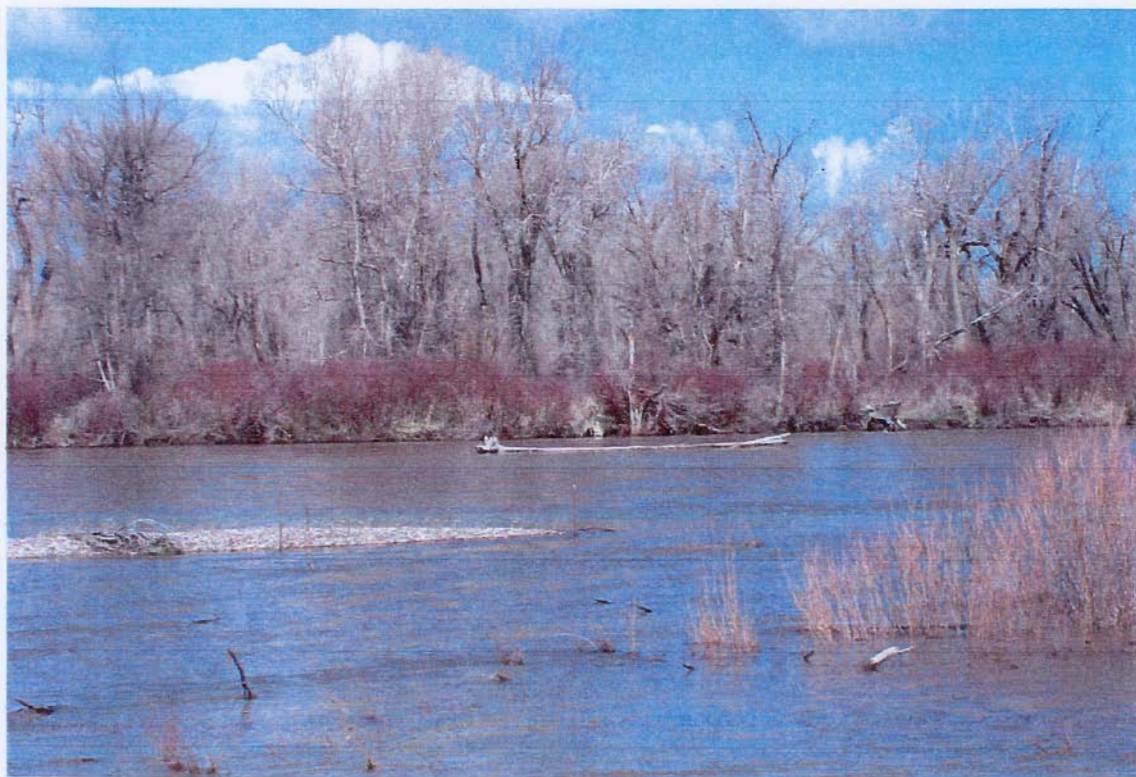
I believe that all parties involved need to sit down and discuss this area more. I would highly recommend completing stages one and three as soon as possible, but waiting on stage two until we can clear up any differences in thought. We may be able to come up with a way to better utilize the money meant for stage two. I look forward to hearing from you and am willing to meet with all parties involved. Please let me know if you have any questions or comments regarding this letter or any other contact we have had in the past.

Sincerely,

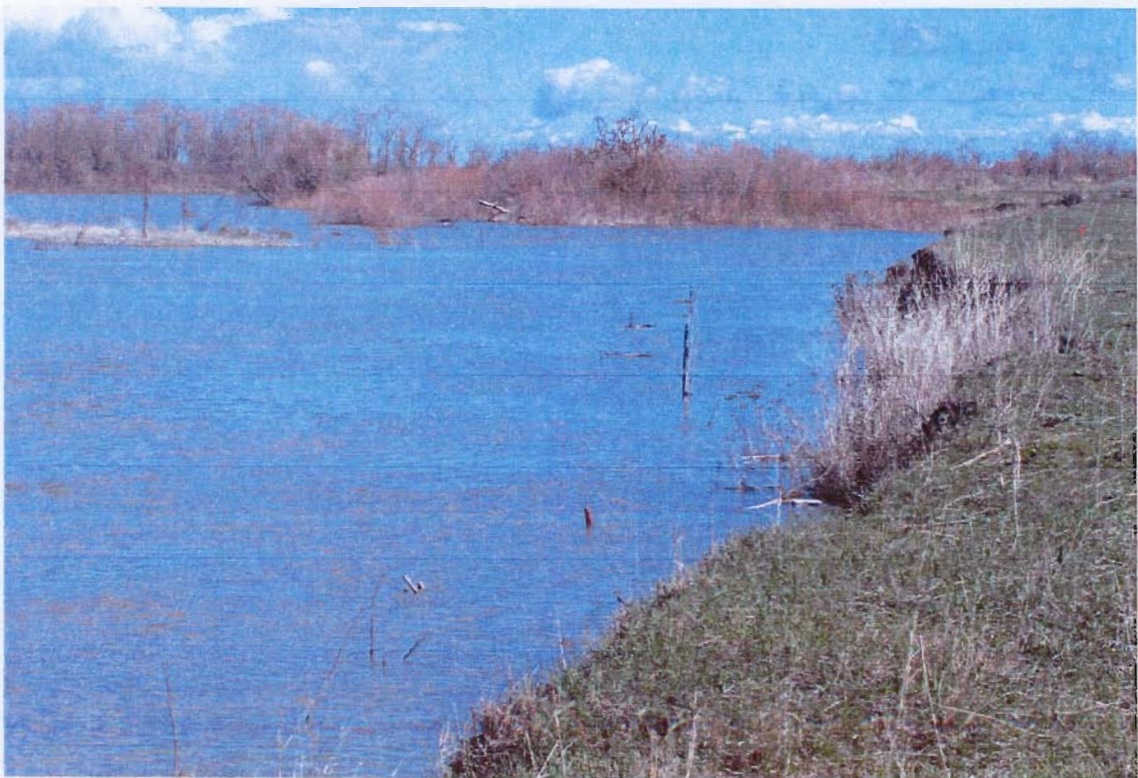


Kurt Cates, District Conservationist
Fort Hall NRCS Office

Cc: Alonzo Coby, Chairman – Shoshone-Bannock Tribes
Don Dixon, Ag. Representative – Senator Mike Crapo
Chris Ketchum, Deputy Area Manager, BOR - Burley



April 2006



April 2006

Search Reclamation

BFTI == Snake River near Blackfoot, ID

Provisional Data - Subject to Change

DATE	QD
06/01/1997	23800.00
06/02/1997	24300.00
06/03/1997	23700.00
06/04/1997	23000.00
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06/08/1997	22700.00
06/09/1997	24000.00
06/10/1997	24800.00
06/11/1997	26000.00
06/12/1997	28400.00
06/13/1997	32200.00
06/14/1997	37100.00
06/15/1997	39500.00
06/16/1997	41300.00
06/17/1997	41900.00
06/18/1997	41400.00
06/19/1997	40000.00
06/20/1997	39000.00
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06/22/1997	40800.00
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06/25/1997	36700.00
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Search Reclamation

BFTI == Snake River near Blackfoot, ID

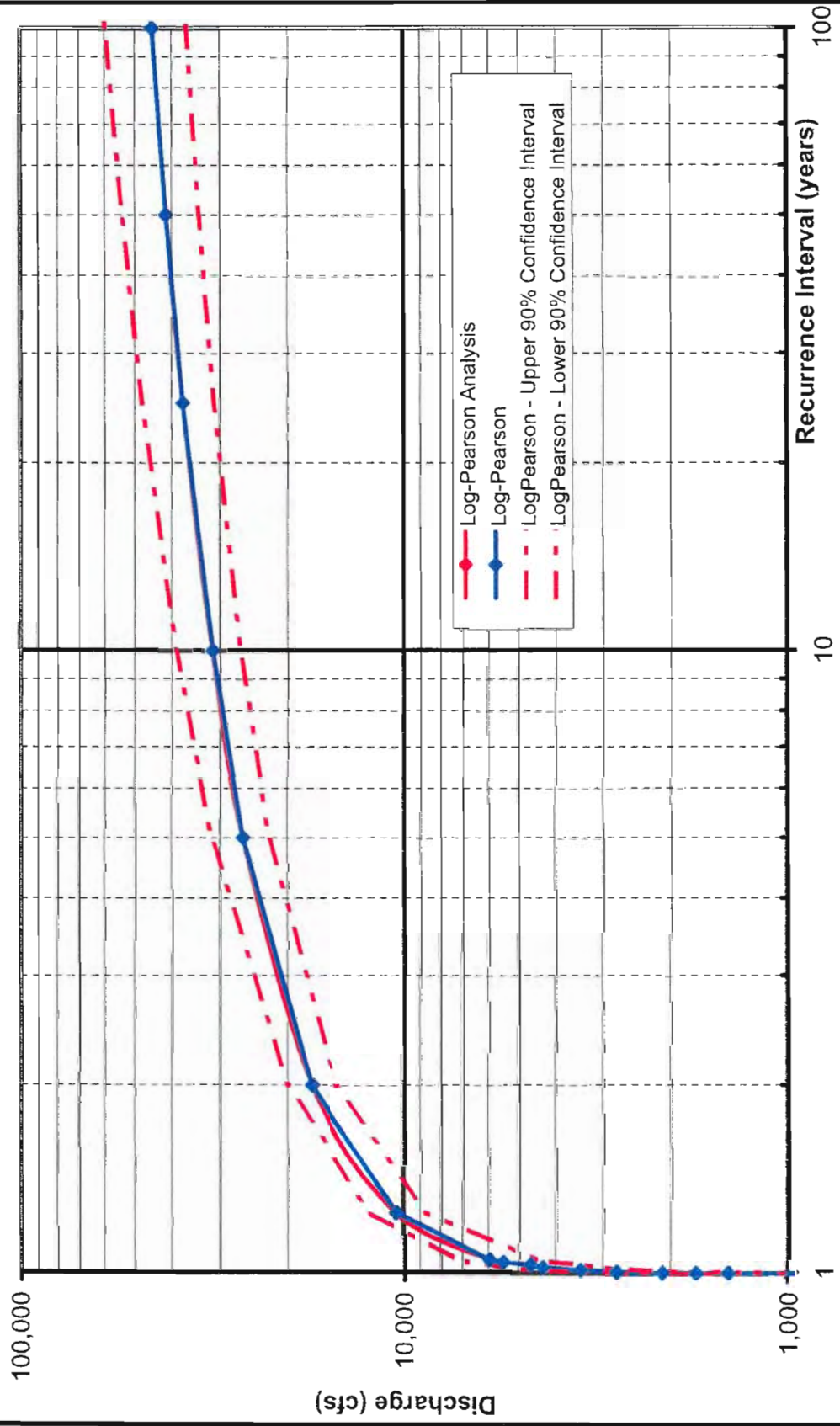
Provisional Data - Subject to Change

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04/07/2006	4251.73
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04/19/2006	15498.82
04/20/2006	17267.12
04/21/2006	17423.68
04/22/2006	16923.04
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05/04/2006	20217.97
05/05/2006	19473.68
05/06/2006	18261.21
05/07/2006	16692.30
05/08/2006	15397.18
05/09/2006	14822.48
05/10/2006	13207.36
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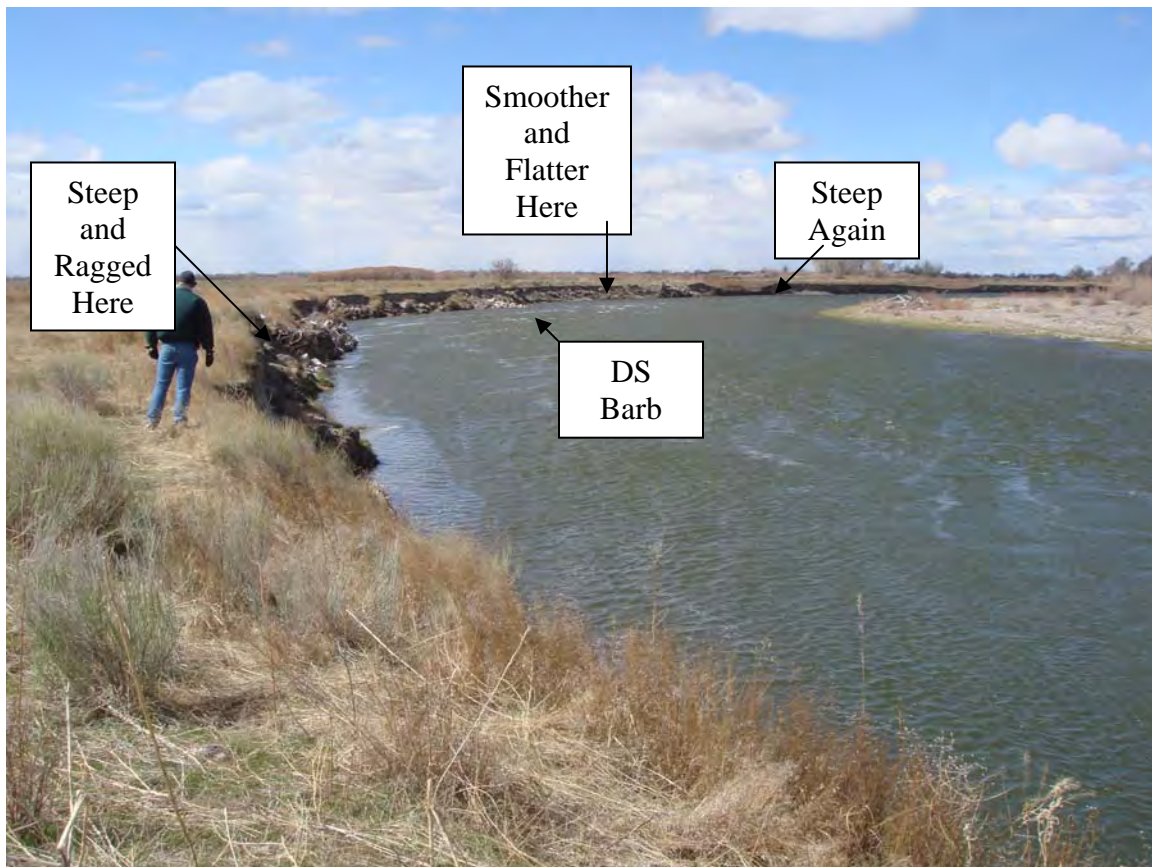
Snake Near Blackfoot
Sampson, 4/07 1959 to 2005



The following summarized information provides Reclamation's TSC analysis of future conditions immediately upstream of the 2001 site in response to NRCS observations on bank building and the elongation of the gravel bar at the north end of the site.

Reclamation's responses are intended to address the comments in the letter from Kurt Cates, District Conservationist, Fort Hall NRCS Office to Mr. Robert Boyer, Bureau of Reclamation, Burley ID received May 11, 2007.

The NRCS photographs, presented as attachments, appear to show slab-type block soil failures as indicated by tension cracks and detached intact blocks as opposed to a smooth transition. The vegetation appears to consist of grasses and forbes, non-woody species that provide little erosion protection. The angle of the vegetation growth and ragged edges suggest the failures occurred recently, likely within a season. Block failures typically occur through undercutting of vegetated banks under conditions of toe scour with impinging or parallel flow (Biedenharn et. al 1997). Failed blocks resting at the toe of the bank will likely wash away during the next high flow event or two. The area immediately adjacent to the downstream barb shows a sloping bank, but the remaining areas appear steep with ragged edges 6 years after installation of the demonstration site. Evidence to support the hypothesis of approaching a natural angle of repose was not identified. The following photograph, taken April 10, 2007, shows the different areas.



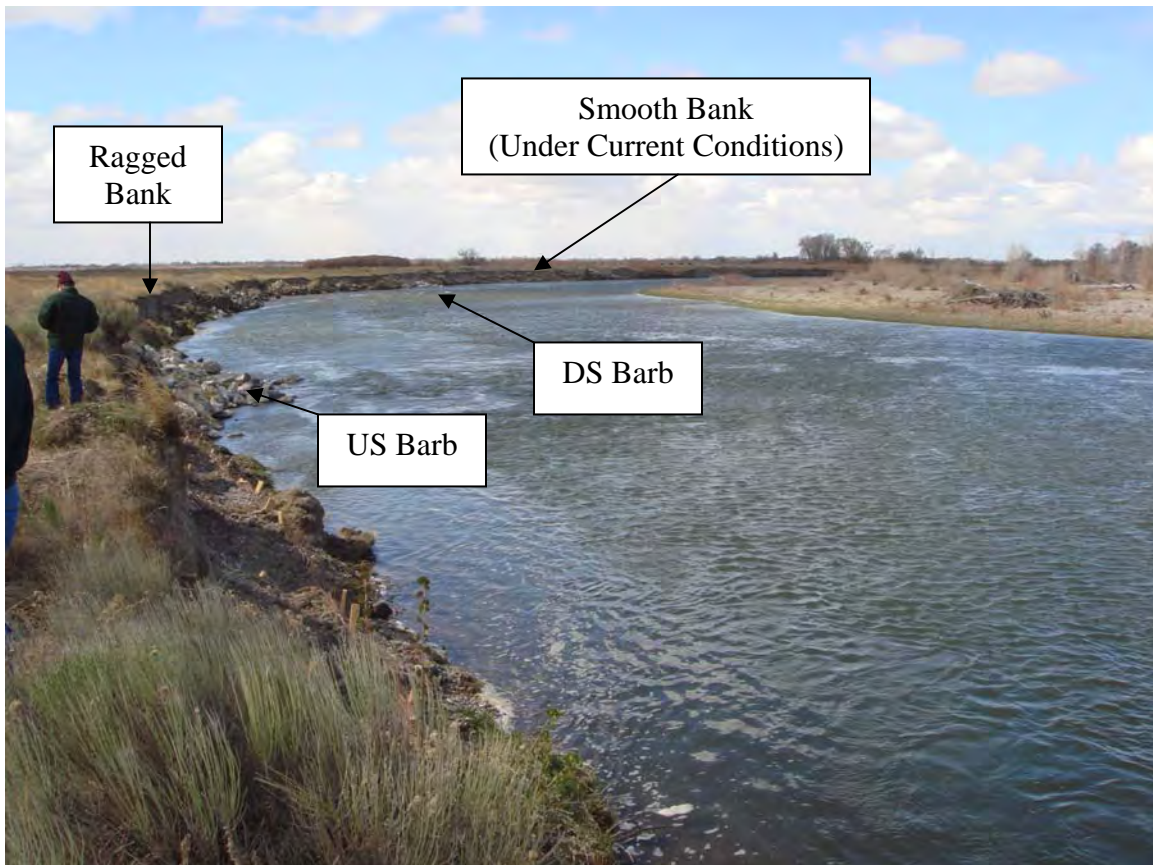
A distinction between the processes of bank building (deposition of material at the toe of a bank and narrowing of the channel) versus point bar growth (meander migration) carries important implications for the future channel conditions. Analysis of upstream planform, meander scars, and banklines from 1936 to 2001 in the 14-miles reach of the Snake River on Fort Hall Reservation Lands shows processes of meander amplification (lateral growth) followed by a cutoff. Longitudinal translation appears minor. Reclamation views the growth of the gravel bar as increasing the threat of erosion as the approach angle grows more severe over time (see photograph below). The 2001 demonstration project contains no provisions to protect against meander evolution and changes to approach angles.



Sketch illustrating potential point bar growth and meander development.

The next field photo illustrates differing performance by the two Fort Hall barbs even though located on the same bend. The extent of the photo includes both of the barbs and the adjacent bank conditions. Banks remain steep and ragged adjacent to the uppermost barb. Barbs function by changing the direction of flow and are not effective when the

river approaches at an angle different than designed for. Growth of the point bar may have changed conditions for the upstream barb. The bank condition of the downstream barb appears smooth and stable, but it is unreasonable to expect static conditions and continued performance over time in this system. Reclamation analysis shows an active planform with approach angles changing at time scales shorter than one decade. The irreplaceable culture resources of this site do not allow for adaptive management and require a design which can accommodate potential changes in conditions. Barbs were considered and rejected in the alternative analysis under the alternate name of “spurs”.



Field photos and aerial photography from 1936 until 2004 and digitized bank lines from 1936 to 2001 on approximately a decadal time scale can be made available to the NRCS for review.

The other technical issues from the NRCS May 11th letter have been in addressed in a previous memo transmitted by email to Mr. Rober “Hap” Boyer on May 15, 2007.

References

Biedenharn, D.S., Elliot, C.M., and Watson, C.C. (1997). *The WES Stream Investigation and Streambank Stabilization Handbook*. U.S. Army Engineer Waterways Experiment Station (WES), Vicksburg, MS. October.

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION

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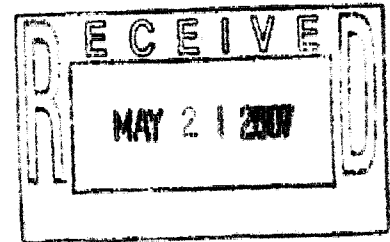
FORT HALL BUSINESS COUNCIL

P.O. BOX 306

FORT HALL, IDAHO 83203

May 14, 2007

Bureau of Reclamation
Snake River Area Office
Attn: Mr. Chris Ketchum
1359 Hansen Avenue
Burley, ID 83318-1821



Re: (SRA-6300; ENV-6.00) Shoshone-Bannock Tribes' Comments on the Draft
Environmental Assessment Fort Hall National Historic Landmark Bank
Stabilization Project Fort Hall Reservation of the Shoshone-Bannock Tribes
Upper Snake River Basin, Idaho.

Dear Mr. Ketchum

The Shoshone-Bannock Tribes (Tribes) has received and reviewed the Draft Environmental Assessment (DEA) for the Fort Hall National Historic Landmark Bank Stabilization Project. As stated in our January 29, 2007, letter to the Bureau of Reclamation (BOR), the Tribes remain supportive of the BOR's interest in providing bank stabilization that protects the Landmark and meets the needs of the Tribes.

We would like to reiterate the fact that the Tribes are fully aware that all action alternatives would occur on Tribal lands and that we are supportive of the BOR continuing efforts to address bank stabilization to protect the Landmark. It is recognized that Alternative 1 - No Action, would inevitably lead to the permanent loss of cultural and natural resources at the Landmark site; and, therefore the Tribes would like to initiate protection measures that will provide for long-term management goals and objectives.

The Tribes prefer Alternative 2 - because it provides for the greatest protection of cultural and natural resources and the lowest cost to operate and maintain. It also provides for the least amount of soil evacuation, which is protective of buried cultural resources and native plants. Given the high intensity of historic and pre-contact land use in the Landmark area, the Tribes request limited auger probes for subsurface investigation of buried artifacts and cultural materials.

It is the understanding of the Tribes that operations and maintenance costs will be discussed by the BOR in a separate letter. We await this letter and expect to meet with the BOR regarding its contents. It is also our understanding that the BOR will require a

Resolution from the Fort Hall Business Council prior to any work being to start on Tribal lands. We will have Tribal Natural Resource staff facilitate its development.

In addition to the cost of operations and maintenance, the Tribes request that the BOR provide funding for monitoring and evaluation of the project. In the DEA, Tribal staff could find no mention of monitoring and evaluation for post-construction either in the Standard Practices or Mitigation Measures sections. The Cumulative Impacts section (3.12) of the DEA, describes the project area as "...*complex, dynamic systems in a continual state of change.*" and, "*Alteration in one portion of the system are going to inevitably result in changes upstream and downstream from that point...*", the Tribes also hold this concern as we identified in our January 29, 2007, comments.

We request that BOR provide for the development and implementation of a long-term monitoring and evaluation plan and it be included in the Final EA's sections on Standard Practices and Mitigation Measures.

Furthermore, Section 3.4.3 of the DEA, discusses Options for Maintaining Oxbow Wetlands. The Tribes are supportive of the option that provides for the least amount of risk. As discuss, Option 2 – Porous Riprap Wall appears to provide for a continuous line of bank protection with a reduced risk of erosion to surrounding banks. Although there is uncertainty as to the quantity of water that it will allow to pass through, it is preferred to the high risk and high maintenance options that the DEA identified.

The Tribes appreciate the opportunity to assist the BOR with the development of the Landmark Bank Stabilization Project and look forward to its implementation. For technical and policy assistance regarding this project please contact Yvette Tuell, Environmental Program, 208-239-4552, ytuell@shoshonebannocktribes.com, or Carolyn Smith, Cultural Resources, 478-3707, csmith@shoshonebannocktribes.com, or Claude Broncho, Fish & Wildlife Policy Representative, 239-4563, cbroncho@shoshonebannocktribes.com.

Professionally,



Alonzo A. Coby

Chair – Fort Hall Business Council

Cc: Fort Hall Business Council (7)
Land Use Commission (3)
Claude Broncho, SBT Fish and Wildlife
Chad Colter, SBT Fish and Wildlife
Hunter Osborne, SBT Fish and Wildlife
Dan Christopherson, SBT Fish and Wildlife
Leander Watson, SBT Fish and Wildlife
Arnold Appeney, Land Use
Yvette Tuell, Environmental
Carolyn Smith, Cultural Resources
Elese Teton, Water Resources
Bill Bacon, SBT Attorney

Reclamation's responses to the May 14 2007 comments from the Shoshone-Bannock Tribes		
Issue	Reclamation's response	For further information, refer to the Fort Hall National Historic Landmark Bank Stabilization Project Final EA
The Tribes request that BOR provide for the development and funding for long-term monitoring and evaluation of the project.	<p>The proposed project has the potential to perform for many years with little maintenance. However, to ensure that the project components perform as planned, it is of extreme importance that regular monitoring occurs. During the 3 years following project completion, Reclamation recommends joint monitoring and evaluation of the project's performance. This would be accomplished semi-annually, first in the spring and second after irrigation season ends. In the years following this initial 3-year period, monitoring will take place annually.</p> <p>Annual monitoring and evaluation of performance may identify an occasional need to add small amounts of rock or reposition rock that may have moved. In the event that the integrity of the work is compromised or a potential failure of the project would occur, then Reclamation would evaluate and repair the damaged area. Reclamation fully understands that any activity to protect the Landmark by implementation of a stabilization project on tribal lands requires concurrence and permission from the Fort Hall Business Council.</p>	Chapter 3, Section 3.13.