RECLAMATION

Managing Water in the West

Draft Environmental Assessment

Pioneer Irrigation District and City of Caldwell Proposed Title Transfer

Boise Project, Boise, Idaho

U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
Boise, Idaho

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U.S. Department of the Interior

Protecting America's Great Outdoors and Powering our Future

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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.

Acronyms and Abbreviations

Acronym or Abbreviation	Description
ACHP	Advisory Council on Historic Preservation
AOI	Area of impact
Application	Transportation and Utility Systems and Facilities on Federal Lands Application
BMPs	Best Management Practices
BOD	Biological Oxygen Demand
Caldwell	City of Caldwell
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CEQ	Council for Environmental Quality
CFS	Cubic Feet per Second
COMPASS	Community Planning Association of Southwest Idaho
CWA	Clean Water Act
DEQ	Department of Environmental Quality
DPS	Distinct Population Segment
DTA	Drain Transfer Agreement
EA	Environmental Assessment
ECHO	Enforcement and Compliance History Online
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FSMA	Food Safety Modernization Act
FONSI	Finding of No Significant Impact
IDEQ	Idaho Department of Environmental Quality
IDFG	Idaho Department of Fish and Game
IDL	Idaho Department of Labor
INHP	Idaho Natural Heritage Program
IPaC	Information for Planning and Conservation
ITA	Indian Trust Asset
MOA	Memorandum of Agreement
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act of 1966
National Register	National Register of Historic Places
NMID	Nampa & Meridian Irrigation District
NOAA Fisheries	National Oceanic and Atmospheric Administration Fisheries
NOI	Notice of Intent
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resources Conservation Service
O&M	Operation and maintenance
PID	Pioneer Irrigation District
Reclamation	Bureau of Reclamation

Acronym or Abbreviation	Description
ROD	Record of Decision
SHPO	State Historic Preservation Office
Sorrento	Sorrento Lactalis, Inc.
T&E	Threatened and Endangered
TMDL	Total Maximum Daily Load
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

1.1 Background and Context

The Pioneer Irrigation District (PID) and the City of Caldwell (Caldwell) have requested a transfer of all rights and title to, interest in, and responsibility for the drainage facilities within PID's service area. These drainage facilities were authorized under the Boise Project under the Reclamation Act of 1902 (as amended and supplemented), and are constructed and owned by the United States. The request specifies which facilities, with associated rights and responsibilities, would transfer to PID and which would transfer to Caldwell. Located in southwest Idaho and mostly in Canyon County, the facilities (see Figure 1 and Table 1) represent approximately 35 percent of the total drainage system currently operated and maintained by PID. On May 10, 2016, Reclamation, PID, and Caldwell entered into a Memorandum of Agreement (MOA) to confirm the areas of responsibility and cooperative efforts necessary for pursuing the title transfer process.

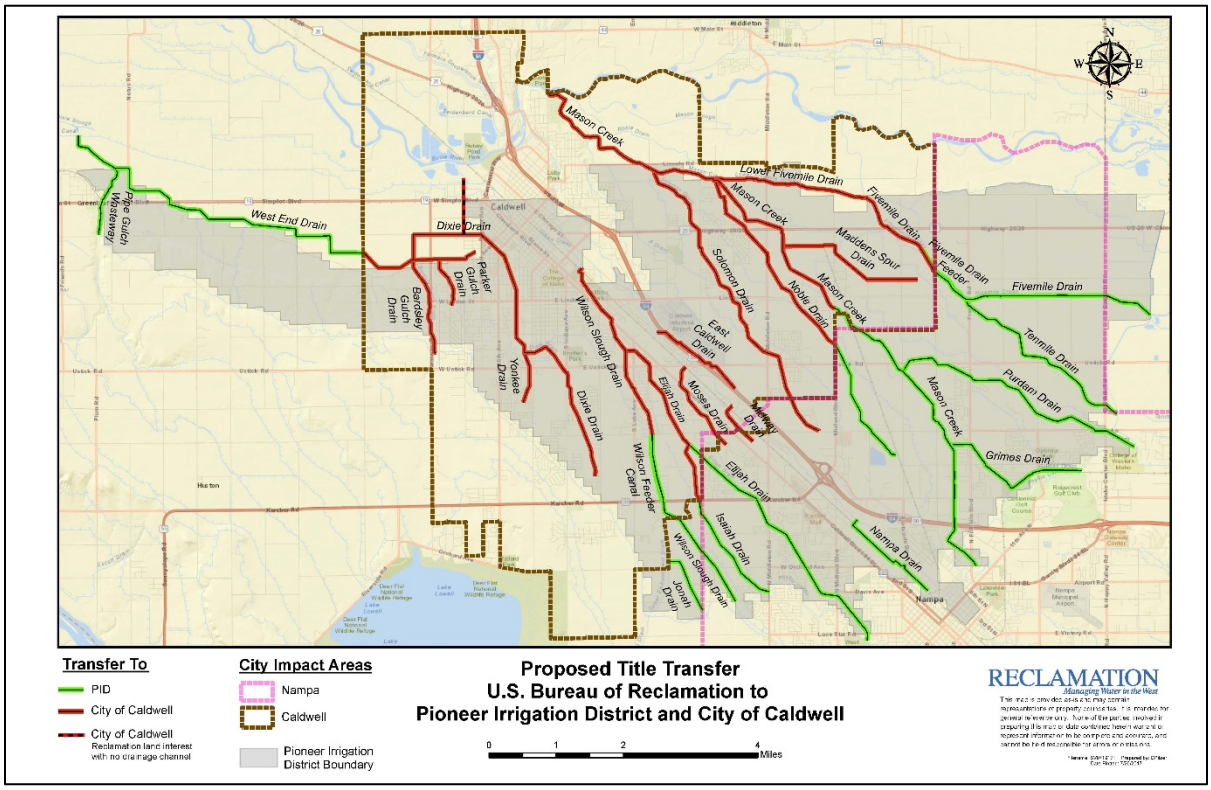

Figure 1. Proposed Pioneer Irrigation District and City of Caldwell title transfer overview map

A previous environmental assessment (EA) was conducted in 2007 which responded to a similar request from PID for title transfer of the facilities (see Figure 1) to PID as the only receiving entity. That EA analyzed all the resources included in this document (Sections 3.1 to 3.11), with the exception of environmental justice, socioeconomics, and recreation. The document included two alternatives, a no-action alternative and a proposed action to approve the request for title transfer. A Finding of No Significant Impact (FONSI) was issued later that year finding that the proposed action

would have no significant effect on the human environment, allowing the title transfer process to proceed.

However, there were disagreements between Caldwell and PID related to the form and content of the title transfer proposal to Reclamation. While the original title transfer proposal to Reclamation was made by PID alone, Caldwell intervened. Caldwell's interest in the proposed title transfer stems from the Drain Transfer Agreement (DTA) signed by PID and Caldwell in October 2014, which alters the title transfer request to Reclamation. The DTA resolves those disagreements between Caldwell and PID. Instead of the ownership and responsibility for all of Reclamation's drainage facilities within PID being transferred to PID, the DTA specifies (with some exceptions) that Federal drainage facilities within PID that are inside the Caldwell Area of Impact (AOI) would transfer to the ownership and responsibility of Caldwell. The remainder of Reclamation's facilities within PID would transfer to the ownership, full control, and responsibility of PID. Based on this change in request, Reclamation withdrew the 2007 EA and FONSI and developed a new draft EA.

1.1.1 Proposed Action

Reclamation's interest in the conveyances and associated lands would be transferred to PID and Caldwell. PID would continue to operate and maintain the facilities as part of its integrated system in a manner consistent with past and current practices. Caldwell would manage, operate, and maintain the title transfer segments within Caldwell's AOI as agreed to in the DTA. The title transfer would not alter the purpose or use of the facilities. Reclamation would no longer be involved in potential planning efforts in considering or deciding upon proposals to discharge urban stormwater runoff into the subject facilities.

1.1.2 Requirement for Congressional Legislation

Reclamation does not have the authority to transfer the title of these facilities and lands. Specific legislation would need to be passed by Congress to transfer title. If the decision is made to proceed with the title transfer, Reclamation would support PID and Caldwell in working with their Congressional delegation to draft legislation with provisions that are consistent with Reclamation's 1995 Framework for Title Transfer (Reclamation 1995, as amended in 2004 and 2006) and, where appropriate, environmental commitments made by Reclamation through the National Environmental Policy Act (NEPA) process.

1.2 Purpose and Need for Action and Decision to Be Made

1.2.1 Purpose and Need

Reclamation's need is to consider a proposal to transfer the title for certain Federal drains and associated real property interests to PID and Caldwell. The facilities and land interests included in this proposal are limited to those Federally owned facilities that are currently operated and maintained by PID.

Reclamation's purpose for the proposed title transfer is to reduce or eliminate costs associated with administering the project facilities which are not of national importance (EO 13771). The proposed PID and Caldwell title transfer would reduce or eliminate Reclamation's administrative costs associated with the operation and maintenance (O&M) of the facilities. In 1995, Reclamation

established a national program to transfer the titles of facilities that do not have national importance. This program was updated in 2014 and 2016 as part of the Federal Government's National Performance Review with the goal of increasing efficiency and cost-effectiveness. Reclamation's *Framework for the Transfer of Title* (Appendix A) outlines the criteria that must be met prior to implementing any transfer-of-title action. These criteria are the following:

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

Subsequent to the title transfer, if authorized, PID and Caldwell would bear all costs of continuing O&M of the facilities.

1.2.2 Federal Decision to Be Made

Reclamation will decide whether or not to approve the request to transfer title for certain Federal drains and associated real property interests from the United States to PID and Caldwell. Reclamation's decision to be made includes the following options:

1. Approval of the request with no modifications
2. Approval of the request with modifications
3. Denial of the request

If approved, this proposed title transfer could go through the legislative process in Congress.

1.3 Regulatory Compliance

Various laws and Executive Orders (EOs) apply to the proposed action. The legal and regulatory environment within which the Federal activity would be conducted depends on which alternative is implemented. A summary of major laws and EOs follows.

1.3.1 National Environmental Policy Act

NEPA requires an agency to fully disclose potential effects/impacts of its proposed action on the environment and possible mitigation measures. This evaluation is documented and presented to the public. This is being done as an EA for this project. If, following public scoping and alternative evaluation, no significant impacts to the human environment are identified, then a Finding of No Significant Impact will be prepared and signed. However, if significant impacts that cannot be mitigated or eliminated are identified through the EA process, Reclamation will prepare a notice of intent (NOI) to prepare an environmental impact statement (EIS) for the project. A record of decision (ROD) would be issued following completion of a final EIS.

1.3.2 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, destroy, or adversely modify their critical habitat. As part of the ESA's Section 7 process, an agency must request a list of species from the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NOAA Fisheries) that identifies threatened and endangered (T&E) species within or near the action area. The agency then must evaluate effects to those species. If the action may affect any listed species, the agency must consult with USFWS or NOAA Fisheries.

1.3.3 National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) requires that prior to authorizing an undertaking, Federal agencies must take into account the effect of the undertaking on any properties eligible for or listed on the National Register of Historic Places (National Register). Federal regulations entitled Protection of Historic Properties (36 CFR 800) define the process for implementing requirements of the NHPA, including consultation with the appropriate State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP).

1.3.4 Paleontological Resources Preservation Act (2009)

The Paleontological Resources Preservation Act became law when the Omnibus Public Land Management Act was signed in 2009. The Act states that the Secretary of the Interior and the Secretary of Agriculture shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts with non-Federal partners, the scientific community, and the public, where possible.

1.3.5 Executive Order 13007: Indian Sacred Sites

Executive Order 13007, dated May 24, 1996, instructs Federal agencies to promote accommodation of, access to, and protection of the physical integrity of American Indian sacred sites. A sacred site is a specific, discrete, narrowly delineated location on Federal land. An Indian Tribe or an Indian individual determined to be an appropriately authoritative representative of an Indian religion must identify a site as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion.

1.3.6 Secretarial Order 3175: Department Responsibilities for Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property held in trust by the United States (with the Secretary of the Interior acting as trustee) for Indian Tribes or Indian individuals. Examples of ITAs are lands, minerals, hunting and fishing rights, and water rights. In many cases, ITAs are on-reservation; however, they may also be found 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 rights are sometimes further interpreted through court decisions and regulations. This trust responsibility requires that officials from Federal agencies, including Reclamation, take all actions reasonably necessary to protect ITAs when administering programs under their control.

1.3.7 Executive Order 13175: Consultation and Coordination with Tribal Governments

Executive Order 13175 instructs Federal agencies to consult, to the greatest extent practicable and to the extent permitted by law, with Tribal governments prior to taking actions that affect Federally recognized Tribes. Each agency shall assess the impact of Federal government plans, projects, programs, and activities on Tribal trust resources and assure that government rights and concerns are considered during the development of such plans, projects, programs, and activities.

1.3.8 Executive Order 12898: Environmental Justice

Executive Order 12898, dated February 11, 1994, instructs Federal agencies, to the greatest extent practicable and permitted by law, to make achieving environmental justice part of its mission by addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. Environmental justice means the fair treatment of people of all races, income, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of negative environmental effects resulting from the execution of environmental programs. No environmental justice issues are associated with the proposed title transfer.

1.4 Similar and Related Actions

1.4.1 Related Actions

Reclamation is considering an application for Transportation and Utility Systems and Facilities on Federal Lands (Application) filed by Sorrento Lactalis, Inc. (Sorrento). Sorrento operates an existing cheese processing plant in Canyon County, Idaho, that discharges treated wastewater effluent into a drain system that connects to the Boise River. This drain system will be included in the transfer of title. The application requests Reclamation's approval to increase wastewater discharge rates associated with Sorrento's pending renewal of its National Pollutant Discharge Elimination System (NPDES) permit.

Reclamation considers its review of, and decision on, Sorrento's application to constitute a Federal action subject to NEPA review and is conducting an EA of the Sorrento proposal. Completion of the EA is planned to occur upon EPA approval of Sorrento's NPDES permit renewal.

1.5 Scoping of Issues and Concerns

Scoping is an early and open process used to obtain information that helps identify issues and concerns related to a proposed action, the affected public and geographical area, and alternatives in the NEPA process.

On February 7, 2017, Reclamation mailed a scoping document, including a letter, project information package, and map, to more than 100 agencies, Indian Tribes, members of Congress, organizations, and individuals, soliciting their help in identifying any issues and concerns related to the proposed action. Reclamation received comments from three entities: Idaho Power, Caldwell Irrigation Lateral District, and a private citizen. Idaho Power had general questions about the title transfer process and permitting process. Caldwell Irrigation Lateral District wanted to ensure their facilities were considered in the analysis. The private citizen had interest in the nature of Dixie Drain and considerations post-title transfer. The scoping letters and comments received are presented in Appendix B.

On February 15, 2017, Reclamation conducted an open house meeting for the public. A variety of mechanisms were used to inform the public about the project and to encourage local residents, Tribal members, and agencies to engage in activities during the scoping period and attend the scoping public meetings. These included an information package being mailed, a notice in the local newspaper, and a public website with current information available for access.

Chapter 2. Description of the Alternatives

2.1 Introduction

This chapter describes the alternatives analyzed in this EA, the No Action alternative, and the Proposed Action.

2.2 Development of the Alternatives

The alternatives presented in this chapter were based on the purpose and need for the project, as described in Chapter 1, and the issues developed during internal and Tribal scoping. The range of developed alternatives include Alternative A – No Action and Alternative B – Proposed Action, Title Transfer to PID and Caldwell. A no-action alternative is evaluated because it provides an appropriate basis by which the other alternative can be compared.

An alternative considered but eliminated from detailed analysis was the proposed transfer of the subject facilities to one or more local jurisdictions other than PID and/or Caldwell. Discussion of the reasons why this alternative was not considered is provided in Section 2.4.

2.3 Description of Alternatives

2.3.1 Alternative A – No Action

Under the No Action alternative, the United States (Reclamation) would retain its interests in the conveyance channels and associated lands, and PID would continue to operate and maintain these channels as part of its irrigation and drainage systems. Reclamation would continue to involve PID for review of and concurrence with any requests by individuals, organizations, or other government entities to modify, encroach, or use Reclamation's conveyances.

2.3.2 Alternative B – Title Transfer to PID and Caldwell (Proposed Action)

Reclamation facilities and associated land interests proposed for title transfer to PID and Caldwell are illustrated in Figure 1 and listed in Table 1. Facilities comprise 25 water-conveyance channel segments totaling approximately 78.1 miles in length. All are drainage channels designed, sized, and constructed to manage high groundwater levels, irrigation return flows, and stormwater runoff from agricultural fields. The facilities also serve municipal stormwater drainage purposes as agricultural lands urbanize.

Also part of the proposed title transfer illustrated in Figure 1 and listed in Table 1 is one reach of Reclamation land interest approximately 0.8 miles in length that contains no Reclamation drainage facilities or associated access. This reach is also included in the proposed title transfer, bringing the total length of land interest to 80.4 miles.

Table 1. Proposed PID and Caldwell title transfer facilities and land interests

Conveyance	Transfer to City of Caldwell	Transfer to Pioneer Irrigation District	Approximate Length (Miles)
Bardsley Gulch Drain	1.5	0	1.5
Dixie Drain	5.8	0	5.8
East Caldwell Drain	1.5	0	1.5
Elijah Drain	1.8	4.1	5.9
Five Mile Drain	1.5	3.5	5.0
Five Mile Drain Feeder	0	1.0	1.0
Grimes Drain	0	2.3	2.3
Isaiah Drain	0.9	1.8	2.7
Jonah Drain	0	1.0	1.0
Lower Five Mile Drain	2.3	0	2.3
Maddens Spur Drain	2.3	0	2.3
Mason Creek Drain	6.1	4.9	11.0
Midway Drain	0.7	0	0.7
Moses Drain	1.4	0	1.4
Nampa Drain	0	1.7	1.7
Noble Drain	3.2	2.0	5.2
Parker Drain	0.8	0	0.8
Pipe Gulch Wasteway	0	1.9	1.9
Purdam Gulch Drain	0	4.0	4.0
Solomon Drain	4.9	0	4.9
Ten Mile Drain	0	3.0	3.0
Unnamed Land Interest (No Facilities)	0.8	0	0.8
West End Drain	1.8	4.5	6.3
Wilson Slough Drain	2.8	2.9	5.7
Wilson Feeder Canal	0	1.0	1.0
Yankee Drain	0.7	0	0.7
Total	**40.8**	**39.6**	**80.4**

Land interests associated with the title transfer drains are primarily easements or rights-of-way reserved in the initial patents or acquired by the United States from underlying landowners prior to construction. A small percentage of the land in which the subject channels are located is in Federal fee title ownership. Given the varying volume of drainage that must be accommodated in different parts of the current PID service area, the width of the easements, rights-of-way, and fee title segments range from 80 to 110 feet.

With one exception, all facilities and land interests proposed for title transfer are within Canyon County, Idaho. The exception is a stretch of the Five Mile Drain less than 1 mile in length located in Ada County in the northeastern portion of PID.

No land parcels or facilities outside of the drainage channel corridors listed in Table 1 are involved in the proposed PID title transfer. No water rights, storage rights, water distribution/management agreements, or facilities of other entities would be affected.

Ownership of the facilities would be transferred to PID or Caldwell, including associated land interests (e.g., easements, rights-of-way, and fee title, depending on the facility). Related to easements and rights-of-way, the purposes of and rights granted under the original agreements would remain unchanged. Any other third-party legal rights or agreements related to the facilities involving individuals or entities other than Reclamation and PID and/or Caldwell and established prior to the formal title transfer would also be transferred and remain unchanged, including, but not limited to, authorized stormwater discharges, utility line crossings, and road crossings.

PID would manage, operate, and maintain the title transfer segments for their intended irrigation drainage and conveyance purposes for the facilities or portions of the facilities transferred to PID as shown in Table 1. PID would have ultimate approval authority related to requests for facility modification or third-party use, and the criteria by which PID determines whether to approve or deny such requests would remain unchanged.

Caldwell would manage, operate, and maintain the title transfer segments within Caldwell's AOI as agreed to in the Drain Transfer Agreement signed by PID and Caldwell for their intended irrigation drainage and conveyance purposes for the facilities or portions of the facilities transferred to Caldwell, as shown in Table 1. Caldwell would have ultimate approval authority related to requests for facility modification or third-party use, and criteria by which Caldwell determines whether to approve or deny such requests.

It is Reclamation's intent that effective upon the transfer of title to PID and Caldwell, the United States would no longer be held liable for damages of any kind arising out of any act, omission, or occurrence relating to the title transfer segments. Nothing in this alternative would increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

2.4 Alternatives Considered but Eliminated from Further Study

NEPA requires Reclamation to consider alternatives developed through public scoping. However, only those alternatives that are reasonable and meet the purpose and need of the proposed action must be analyzed.

Some comments received during scoping (Appendix B), suggested that Reclamation's interests in the Federally owned drainage system segments should be transferred to an entity or entities other than PID (specifically, local municipalities). The intent of this suggestion was that one or more of those entities might utilize the segments for recreational pathways or for urban stormwater runoff.

Reclamation's framework for title transfer indicates that non-Federal governmental entities may be considered as beneficiaries for the purposes of title transfer. In this case, the majority of the drainage system is currently owned, operated, and maintained by PID. The proposed transfer of the remaining

portion of the drainage system to PID would consolidate ownership with one entity that has demonstrated its ability to effectively operate and maintain the relevant facilities since the early 1900s. In addition, PID has fully met its repayment obligation to the U.S. Treasury for costs associated with construction of the facilities proposed for transfer.

Title transfer to an entity other than PID would result in PID owning a majority of the drainage system and a second entity owning a minority of the system. This situation could:

- Increase rather than decrease the degree of coordination required for system operations since the two separate entities involved would need to operate outside of the established relationships between Reclamation and PID;
- Shift, rather than eliminate, the need for duplicative administrative actions for events such as crossing permit review and approval; and
- Add uncertainty about procedures, effectiveness, and legal relationships for O&M of the drainage system compared to PID's established O&M since the early 1900s.

For these reasons, Reclamation believes that the proposed transfer of title to PID makes more sense than a possible transfer to another entity. However, Reclamation recognizes that other entities are interested in, and have expressed concerns about, management of stormwater runoff in a potential post-transfer scenario. These concerns are relevant to Reclamation's Framework for the Transfer of Title, rather than to the NEPA analysis, and it is premature in the title transfer process to determine that such concerns cannot be resolved.

2.5 Actions Considered for Cumulative Impacts

Cumulative effect of impact is defined as the "impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions" (40 CFR 1508.7). The Council for Environmental Quality (CEQ) interprets this regulation as referring only to the cumulative impact of the direct and indirect effects of the proposed action and its alternatives when added to the aggregate effects of past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Past, present, and reasonably foreseeable actions identified in the area (public or private) that would adversely impact the same resource area evaluated in this EA would be additive effects to the proposed project. Results of the past and present actions form the affected environments of the various resources described in Chapter 3. Reasonably foreseeable actions considered for cumulative impacts are identified by location below.

Sorrento has filed an application with Reclamation for authorization to allow an increase in permitted wastewater discharge from approximately 1.2 cubic feet per second (cfs) to approximately 4.5 cfs to the Purdam Drain in Canyon County, Idaho. Upon title transfer, this portion of the Purdam Drain would be managed by PID. Sorrento's scheduled capital expenditures will increase the plant's capacity from 4.5 million pounds of milk daily to approximately 6.5 million pounds of milk daily within the next 10 years. Sorrento's planned cheese manufacturing plant expansion will result in increased wastewater output, which will be treated at its onsite industrial wastewater treatment plant. This treatment facility currently discharges treated wastewater at an instantaneous rate of up to

approximately 1.2 cfs to the Purdam Drain, pursuant to a NPDES permit issued by the Environmental Protection Agency (EPA) and a license agreement with the NMID.

2.6 Summary Comparison of the Environmental Effects of the Alternatives

The environmental effects of Alternative A – No Action and Alternative B – Proposed Action are compared in Table 2. Potential short- and long-term direct and indirect effects of the alternatives are summarized. The environmental consequences of the alternatives arranged by resource are described in detail in Chapter 3. The terms *environmental consequences* and *environmental effects* are synonymous in this document.

Table 2. Summary of environmental effects of actions

Resource	Alternative A – No Action	Alternative B – Proposed Action
Biological Resources	The no action alternative would have no effect on vegetation and wildlife, including special status species.	Effects on vegetation, fish, and wildlife under the proposed action would be the same as those described for the no action alternative.
T&E Species	The no action alternative would have no effect on threatened or endangered species.	Effects to threatened and endangered species under the proposed action would be the same as those described for the no action alternative.
Water Quality	Water Quality would likely continue to be affected by agriculture and urban activities. In the long term, urbanization would continue to occur and affect water quality in the project area.	Short- and long-term effects to water quality would not be affected by the proposed title transfer. Water quality effects would be the same as those effects described in Alternative A. Water quality would continue to be affected by agriculture and urban activities; urbanization would continue to occur and affect water quality.
Land Use	There would be no title transfer, and the criteria for approval would remain centered on preventing interference with PID's O&M activities; increases in maintenance and repair costs; or unacceptable safety or liability risks.	Under the proposed action, Reclamation's interest in the conveyances would be transferred to PID and the City of Caldwell. Reclamation would no longer be involved in reviewing or deciding upon requests for modification or third-party use of the subject facilities.
Cultural Resources	Under Alternative A, the conveyances, which have been determined eligible for listing in the National Register of Historic	Under Alternative B, the conveyances would still be eligible historic properties but would no longer be Federally protected under the NHPA.

Resource	Alternative A – No Action	Alternative B – Proposed Action
	Places, would retain Federal preservation.	
Indian Sacred Sites	No Indian Sacred Sites will be affected by Alternative A.	No Indian Sacred Sites will be affected by Alternative B.
Indian Trust Assets	Under Alternative A, there would be no effects to ITAs.	Alternative B would not affect any known ITAs of land, minerals, water right, monetary holdings, or gathering rights in the direct vicinity.
Socioeconomics	There would be no impacts to socioeconomic resources under this alternative.	There would be no impacts to socioeconomic resources under this alternative.
Environmental Justice	The no action alternative would not alter the current regional environmental justice status parameters in Canyon County, and thus would have no effect.	The proposed action would have no effect on environmental justice conditions within Canyon County.
Hazardous Materials & Waste	No issues of concern were identified on Reclamation fee lands, and no environmental consequences related to hazardous materials are anticipated under the title transfer scenario.	No issues of concern were identified on Reclamation fee lands, and no environmental consequences related to hazardous materials are anticipated under the title transfer scenario.

Chapter 3. Affected Environment and Environmental Consequences

The analysis in this EA identifies and evaluates potential environmental effects resulting specifically from the proposed action detailed in Chapter 2. The affected environment (proposed action area) addressed in this EA includes 64.3 acres of land within Canyon County and the stretch of Five Mile Drain that is less than 1 mile in length and located in Ada County in the northeastern portion of PID.

NEPA requires analysis only of resource categories or issues in which there is or could be potential for effect from the proposed action. Consideration of some of these items ensures compliance with laws, statutes, or executive orders that affect Federal actions. Other items are relevant to the management of public lands in general. Cumulative effects are assessed for each resource. Many times, a project would have some degree of effect upon a resource or concern, but the effect does not approach any threshold of significance, nor does it increase cumulative effects by a measurable increment. Such effects are described in the rationale for dismissal from analysis.

The resources analyzed for this EA include the following:

- Biological Resources
- Threatened and Endangered Species
- Water Quality
- Land Use
- Cultural Resources
- Indian Sacred Sites
- Indian Trust Assets
- Socioeconomics
- Environmental Justice
- Hazardous Materials & Waste
- Recreation

3.1 Biological Resources

3.1.1 Affected Environment

PID's boundaries encompass approximately 35,200 acres, including diverse land uses and numerous plant and animal species. However, the proposed title transfer segments (drainage channels and associated easements and rights-of-way) represent a minor fraction of the total area and provide fairly uniform and limited habitat for plant and animal species.

The title transfer facilities are single channels with identified access-ways. They are generally found near areas of agricultural, residential, or commercial use, or open range. All of the drains have perennial flows, with the exception of the Bardsley Gulch Drain, Parker Gulch Drain, Solomon

Drain, and the Yankee Drain. PID uses the access-ways to inspect, operate, maintain, and repair these drainage ditches. Irrigation levels vary annually based on local and regional precipitation and snowpack levels, and vary seasonally based on availability of natural flow water and Reclamation reservoir water storage. The irrigation season is typically between April 1 and October 15.

PID conducts periodic vegetation management within the channel corridors and mechanical removal of plants, sediments, and debris to maintain sufficient flow within the drains. Debris from drain maintenance is piled along the easements and leveled by heavy equipment. In rare instances when debris cannot be stored onsite, PID hauls it to another location (Zirschky 2017).

Many portions of the title transfer segments are surrounded by urban development. Where this occurs, segments and associated easements have generally been altered (e.g., channel lining, fencing, landscaping) to satisfy the requirements of cities, counties, utilities, or other landowners. Mason Creek Drain has also been modified but to a smaller degree than other highly maintained drains.

Information was collected on plant and animal species that occur within or adjacent to PID's boundaries in order to identify species that might be impacted by the proposed action. Due to the spatial extent of area and the total number of species present, the discussion in this section is limited to only those dominant plant and wildlife species that occur frequently within the affected area. Federally listed threatened and endangered species and state species of concern are addressed in Section 3.2. Relevant information has been obtained through literature reviews, interviews with PID staff, consultation with local, State, and Federal agencies, and prior experience with the habitat characteristics of the affected area. Additionally, a general assessment of the specific affected environment in the context of the surrounding habitats was conducted by Reclamation natural resource specialists on May 5, 2017. The photographs in Photographs 1 through 4 are representative of the general range of habitat conditions represented throughout the affected area, and were taken as part of that assessment.

This information was used to assess both the known occurrence and the probability of potential occurrence of key species within the affected area, taking into consideration historic, current, and proposed management practices and adjacent land use and development.

Photograph 1. Upper Embankment Drain at Ustick Road, facing north. The location is adjacent to altered rangeland, as well as agricultural development, with banks and access-ways heavily vegetated with a mix of largely non-native grasses, forbs, and woody plants.

Photograph 2. Solomon Drain at Ustick Road, facing south. The location is amid residential development, with banks and access-ways moderately vegetated with a mix of largely non-native grasses, and forbs, with occasional woody plants.

Photograph 3. Upper Embankment Drain at Orchard Road, facing north. The location is amid highly modified and heavily used agricultural development, with banks and access-ways sparsely vegetated with a mix of largely non-native grasses and forbs.

Photograph 4. Noble Drain at Linden Road, facing southeast. The location is amid highly modified and heavily used agricultural development, with banks and access-ways sparsely vegetated to bare.

Vegetation

Vegetation communities within the affected area include both native and non-native/introduced species. Vegetation along the title transfer segments is largely classified in the latter category due to historic habitat alteration through construction, operation, maintenance, and management activities. Introduced plant species within the affected area are generally either non-native invasive species or Idaho-listed noxious weeds. These species have been both historically introduced to the area and incidentally spread through contaminated crop seed; domestic livestock; landscaping and horticulture; recreation activities; and other human uses. While invasive species pose a significant threat to local ecosystems, there are no regulatory actions associated with them.

Table 3 lists the species likely to be found within or immediately adjacent to the proposed title transfer facilities. This is a general list of the dominant species and not a complete inventory of the area.

Table 3. Common vegetation communities found within the proposed action area

Communities	Species Likely to be Present (Common Name)
Agricultural	Sugar beets, wheat, barley, potatoes, corn, dry beans, alfalfa hay, pasture grasses, and others.
Residential	Locust, oak, pine, maple, elm, Kentucky bluegrass, rye, fescue (lawn mix), as well as other species, generally non-native, associated with residential lawns and landscaping.
Riparian Species	Willow species, cottonwoods, Russian olive, various sedge, rush, and grass species, cattails, and other native, invasive, and noxious weed species associated with riparian areas in southwest Idaho.
Open Range Species	Big sagebrush (Great Basin, Wyoming), gray and green rabbitbrush, bluebunch wheatgrass, Great Basin wild rye, squirreltail, Sandberg bluegrass, six-week fescue, and other native range species associated with southwest Idaho.
Invasive Species	Cheatgrass, medusahead wild rye, Reed canary grass, foxtail barley, witchgrass, verbena, kochia, Russian thistle, bur buttercup, halogeton, various mustard species, and others.
Noxious Weeds	Purple loosestrife, Eurasian watermilfoil, Rush skeletonweed, white top, Canada thistle, field bindweed, puncturevine, Russian and spotted knapweed, and others.

PID's vegetation management requirements and methods along PID's conveyance system vary depending on the purpose and destination of the waterway. Only mechanical and biological control measures are used for the drains (including the title transfer facilities); chemical controls are avoided and, in some cases, restricted (Zirschky 2017). Mechanical controls are generally restricted to mowing, but hand-thinning and other mechanical measures can be implemented, as well. Biological control measures are currently limited to the management of purple loosestrife (*Lythrum salicaria*). The two agents currently used to control the purple loosestrife are varieties of the *Galerucella*

calmariensis and *Galerucella pusilla*, or more commonly known as the golden and black-margined loosestrife beetles.

Invasive and Noxious Weeds

Noxious weeds are non-native plants that have been designated noxious by State law because of their potential harm to the Idaho economy. While there has not been a comprehensive noxious weeds inventory conducted for the specific affected area, a complete list of Idaho-designated noxious weed species provided by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) (USDA 2017a) was referenced for this EA. Additional information specific to noxious weeds/pests found in Canyon County, and current forms of control in use, was provided by the Pacific Northwest Pest Alert Network (PNPAN 2017).

Invasive and noxious weed control is the primary vegetation-related management concern. All landowners and managers are required by the State of Idaho to control noxious weeds on their property, per Idaho statutes, specifically Title 22 (Agriculture and Horticulture) Chapter 24 (Noxious Weeds). The primary terrestrial invasive and noxious weed species of concern within the affected area include, but are not limited to: puncturevine or goathead (*Tribulus terrestris*); whitetop (*Lepidium draba*, previously known as *Cardaria draba*); and Canada thistle (*Cirsium arvense*) (Zirschky 2017). Aquatic vegetation species of concern include, but are not limited to: Eurasian watermilfoil (*Myriophyllum spicatum*), algae, and other emergent, submerged, and floating aquatic plants.

Wildlife

The available habitat in the project area is characterized by highly altered, fairly uniform drainage channel features with perennial or periodic flows, and adjacent developed vehicle access-ways. They are generally found near agricultural, residential, commercial, or undeveloped open-range lots. Due to the nature of the semi- to fully urbanized characteristics of the habitat for plant and animal species available in these maintained channel corridors, wildlife populations that may be expected to occur in or immediately adjacent to the project areas are neither abundant nor endemic.

Fish

Species incidentally present from time to time in some of the larger canal segments could include rainbow trout, minnows such as the red-sided shiner and long-nosed dace, sculpins, and other general fish species found in local seasonal tributaries. A United States Geological Survey (USGS) report documented fish species in Mason Creek during 2011 sampling. Three age classes were present upon sampling. The presence of small rainbow trout (90 millimeters) could suggest salmonid spawning in Mason Creek (USGS 2014). However, overall, the seasonal nature of irrigation generally prevents establishment of a permanent fishery in water delivery and drainage systems.

Birds

Several species of waterfowl, shore birds, upland game birds, raptors, and passerines have been observed within the area surrounding the title transfer facilities. Typical species are listed in Table 4.

Table 4. Common bird species found in the proposed action area

Classification	General Species Likely to be Present (Common Name)
Waterfowl	Canada goose, mallard, chukar, grey partridge, blue-winged teal, western grebe, and others
Shore Birds	Blue heron, curlew, killdeer, California gull, and avocet
Upland Game Birds	Ring-necked pheasant, mourning dove, and California quail (habitat generally limited in urban areas)
Raptors	Northern harrier, Swainson's hawk, red-tailed hawk, ferruginous hawk, prairie falcon, bald eagle, and American kestrel
Passerines	Red-winged blackbird, western meadowlark, American robin, horned lark, starlings, European and barn swallows, crows, ravens, magpies, and others

Mammals

Mammals potentially occurring in the affected area are limited, due to the amount of development on surrounding lands (urban and agricultural habitat fragmentation precludes the establishment of most large mammals). Small mammals that might be present include the western harvest mouse, pocket gopher, deer mouse, kangaroo rat, voles, Piute ground squirrel, and other rodents. Larger species potentially found in the area include striped skunk, coyote, red fox, badger, raccoon, and occasionally mule deer.

Reptiles and Amphibians

Reptile and amphibian species potentially occurring in the affected area include the Pacific tree frog, boreal toad, spadefoot toad, western toad, racer, gopher snake, garter snake, rattlesnakes, whiptail and leopard lizards, fence lizards, horned lizards, side-botched lizards, tiger salamanders, and others. The diversity and abundance of reptiles and amphibians is expected to be moderate due to the developed nature of the majority of surrounding habitat and the seasonal nature of the irrigation system use.

Special Status Species

Idaho ranks rare and sensitive species using both Global Conservation Rankings and State Conservation Rankings designated by the Idaho Natural Heritage Program (INHP). Forty species ranked statewide within Idaho as S2 – Imperiled or S1 – Critically Imperiled are believed or known to occur in Canyon County[1] (IDFG 2017). After site visits, evaluation of available habitat

[1] Ranks represent a prioritization scheme used by the INHP to determine the conservation status of a species. State ranks refer to species status within Idaho. They are based primarily on the number of known occurrences, but other factors such as habitat quality, estimated population size and trend, range of distribution, and threats to species or habitat are also considered. The ranking scale ranges from S5 (secure – demonstrably common, widespread, and abundant) to S1 (critically imperiled – at very high risk of extinction due to very restricted range, very few populations, steep declines, or other factors). Global conservation ranks are assigned by NatureServe and denote rank based on range-wide status. The ranking scale ranges from G5 (secure – common, widespread, and abundant) to G1 (critically imperiled – at very high risk of extinction due to extreme rarity, very steep declines, or other factors). A full key to sensitive species rankings is available from Idaho Fish and Game at: https://fishandgame.idaho.gov/ifwis/portal/sites/ifwis/files/user/idfg-jstrickland/KEY%20to%20Rare%20and%20Sensitive%20Species%20Table%20by%20County.pdf

characteristics in the affected area, and review of the specific habitat requirements of each species by natural resource specialists, Reclamation determined that seven of those special status species are reasonably likely to occur within the affected area. These are presented in Table 5 below, and are discussed below.

Table 5. State-listed species of concern determined to potentially occur in the affected area

Common Name	Scientific Name	Classification	State Conservation Rank	Global Conservation Rank
Woodhouse's Toad	*Bufo woodhousii*	Amphibian	S2	G5
Northern Leopard Frog	*Rana pipians*	Amphibian	S2	G5
Western Ground Snake	*Sonora semiannulata*	Reptile	S2	G5
Piute (Great Basin) Ground Squirrel	*Spermophilus mollis*	Mammal	S2	G5
Townsend's Pocket Gopher	*Thomomys townsendii*	Mammal	S2	G4/G5
Cusick's False Yarrow	*Chaenactis cusickii*	Vascular Plant	S2	G3
American Wood Sage	*Teucrium canadense var. occidentale*	Vascular Plant	S2	G5

Woodhouse's Toad

The Woodhouse's toad is a riparian-dependent species. Toads aestivate (i.e., are dormant) during the summer months, becoming active only during wet weather (Leonard et al. 1993). During the breeding season, the toads are highly visible in and around ephemeral breeding ponds and streams, but outside of the breeding season, they are difficult to observe (Nussbaum et al. 1983). A terrestrial lifestyle and limited dependency on water compared to other amphibian species makes it possible for Woodhouse's toads to exist around seasonal sources of water, and irrigation waterways can provide seasonal water supplies for reproduction activities.

Although the title transfer area and facilities contain no pristine habitat, it is possible that isolated populations of this species could be present.

Northern Leopard Frog

Although widespread throughout North America, Idaho populations have been declining for years but have been reported in the Snake River and its tributaries (IDFG 2005). The frog is restricted to habitats with permanent water sources needed in every life stage and prefers still bodies of water such as ponds, marshes, or slow-moving sections of streams and rivers. Given this requirement, Mason Creek is the only title transfer segment that could potentially support small, isolated populations (i.e., all others carry water only seasonally). However, based on water quality associated with local agriculture and development, it is unlikely that Northern leopard frogs are present.

Western Ground Snake

The western ground snake is small, with varying patterns ranging from orange and black stripes to a pale gray color, and has little or no dorsal striping. In Idaho, its range is restricted to the southwestern corner of the state along the Snake River and its surrounding drainages, requiring arid conditions and loose or sandy soils. It is found in rocky areas to low desert shrub areas (Diller and Wallace 1981). Given the historic and continuing level of disturbance in the title transfer area (i.e., development, agriculture, and grazing activities), there remains little, if any, habitat in the affected area suitable for western ground snakes. However, small numbers of the species may occur associated with isolated pockets of rocky outcrops near the affected area.

Piute (Great Basin) Ground Squirrel

The Piute ground squirrel occurs in Idaho north of the Snake River, from Bliss to Dubois (Yensen and Sherman 2003). The Piute ground squirrel occupies habitat predominantly vegetated by native shrubs, primarily sagebrush and winterfat. Much of the species' former range has been lost due to agricultural conversion and habitat degradation associated with recreation, livestock, and wildfire (Yensen and Sherman 2003). Due to alteration and the prevalence of nonnative vegetation, little, if any, suitable habitat remains in the title transfer area, and it is unlikely that Piute ground squirrels are present in or near the title transfer segments.

Townsend's Pocket Gopher

The Townsend's pocket gopher occurs in scattered locations in California, Oregon, Nevada, and Idaho, occupying shrub steppe sagebrush- or shadscale-dominated habitat with deep Pliestocene lake-bottom soils. The species consumes non-woody forbs and grasses (Verts and Carraway 1998). Although data on the species' current occupied range and population trends are lacking, it is known that much of this species' former range has been converted to urban or agricultural uses. Given the intensity of alteration and disturbance to the former-steppe habitat within the affected area, little, if any, suitable habitat remains in the title transfer area, and it is unlikely that Townsend's pocket gophers are present in or near the title transfer segments.

Cusick's False Yarrow

Cusick's false yarrow has been a species of concern in Idaho and Oregon for many years. It is restricted in distribution to outcrops of sparsely vegetated volcanic ash-clay soils between 2,460 and 4,265 feet in elevation, in Malheur County, Oregon, and adjacent Owyhee and Canyon Counties in Idaho (Moseley 1994). Only nine occurrences have been documented in Idaho. Two locations in Owyhee County, the lowlands and higher elevation sites in the Succor Creek and Squaw Creek drainages, and one historic location in Canyon County are the only areas in Idaho where this species has been observed. The Canyon County occurrence is believed to be extirpated (Moseley 1994), and it is highly unlikely that additional occurrences are present within the affected area.

American Wood Sage

The American wood sage is widespread throughout the United States and Canada, but is limited in its Idaho distribution to only four counties: Ada, Canyon, Owyhee, and Washington. It is found growing along streambanks and moist bottomlands. Based on the type of habitat and overall condition generally associated with the title transfer segments, and the historic and current use/treatment of these corridors, it is unlikely that American wood sage would be present. However, isolated populations could persist in protected areas with limited human use.

3.1.2 Environmental Consequences

Alternative A – No Action

Under the No Action alternative, there would be no change in habitat conditions along the subject drainage facilities. Current vegetation management activities and treatment methods would continue as part of PID's normal O&M. The No Action alternative would have no direct or indirect effect on vegetation and wildlife including special status species.

Alternative B – Proposed Action

Direct and indirect effects on vegetation, fish, and wildlife under the proposed action would be the same as those described above for the No Action alternative. The management, operation, and maintenance of the title transfer facilities would remain unchanged after transfer of title, and therefore would not entail any new impacts to the affected area. Reclamation concludes that the proposed action would have no effect on vegetation and wildlife, including special status species.

3.1.3 Cumulative Effects

NEPA requires cumulative effects analysis of a proposed action to assess its incremental effects (impacts) when viewed in conjunction with the effects of past, current, and reasonably foreseeable future projects.

Urban growth is expected to continue in the area, regardless of the proposed action. Accordingly, land use conversion from agricultural to urban/suburban uses would be expected to continue, and additional needs for development-specific stormwater management facilities would be expected. Regardless of the proposed action, the potential value of the subject drainage facilities for a variety of resources and uses is likely to increase over time, particularly because of continued urban development in the area.

Despite the level of disturbance and active management, conditions along these conveyance channels do provide some measure of cover, nesting, forage, migration, and other habitat values/uses for vegetation and wildlife. As urban development continues to displace and fragment habitat and reduce open space in the greater surrounding area, the importance of these title transfer areas as corridors for mobility of wildlife would likely increase substantially. Thus, the continued O&M of these facilities would likely result in slight but persistent benefits for plant and wildlife species still present in the area. Cumulative effects to the biological resources are expected to be minor to insignificant.

The proposed action does not involve issues affecting, or affected by, large-scale environmental variation such as climate change. Accordingly, large-scale environmental variation has not been further addressed.

3.2 Threatened and Endangered Species

This section discusses the potential occurrence of and impact to Federally designated threatened and endangered species associated with the affected environment. Information regarding species protected under the ESA that have the potential to occur in the project area and vicinity was obtained through the USFWS Information for Planning and Conservation (IPaC) online database application (May 2017). The IPaC Trust Resources Report generated for this project is included in Appendix C.

3.2.1 Affected Environment

Slickspot Peppergrass

Slickspot peppergrass (*Lepidium papilliferum*) is a small, tap-rooted, flowering plant in the mustard (Brassicaceae) family that is endemic to the sagebrush steppe environment of southwestern Idaho. Slickspot peppergrass occurrence is restricted to microhabitats known as slickspots, which are small-scale sites of water accumulation in the gently undulating landscape of the sagebrush steppe vegetation of the Snake River Plains of southwestern Idaho. Slickspots are visually distinct, small-scale (mostly between 10 to 20 square feet) depressions in the soil that collect water. It is believed that slickspots take several thousand years to form; therefore, once degraded, they cannot be recreated. Due to the species' dependence upon these spatially scattered microsites, individual populations of slickspot peppergrass tend to be spatially isolated. Slickspot peppergrass is adapted to an environment characterized by high year-to-year variability in precipitation, existing as a short-lived, ephemeral species with both annual and biennial, but not perennial, life-history strategies. As such, slickspot peppergrass is likely dependent on a long-lived dormant seed bank for population persistence (Brown and Venable 1986). Seed bank and germination studies of slickspot peppergrass have indicated rapidly declining rates of seed viability beyond 12 years (Meyer et al. 2006). It is currently listed as Threatened (USFWS 2017b).

Occurrence within affected area

Because of the restriction of this species to the specific microhabitat conditions of slickspots, which do not form spontaneously and would not be present on developed or mechanically altered surfaces, the likelihood of this species currently occurring within the affected area is extremely low to none. Due to the known temporal limitation of this plant's capacity for seed dormancy, it is also highly unlikely that any viable seed bank might still exist from before the establishment of the infrastructure currently present in the affected area.

Snake River Physa

The Snake River physa snail (*Haitia [Physa] natricina*) is a freshwater mollusk found in the middle Snake River of southern Idaho and as far downstream as Ontario, Oregon. While much information exists on the family Physidae, very little is known about the biology or ecology of this species. It is believed to be confined to the Snake River, inhabiting areas of swift current on sand to boulder-sized substrate. While the species' current range is estimated to be more than 300 river miles, the snail has been recorded in only 5 percent of more than 1,000 samples collected within this area, and it has never been found in high densities. The recovery area for the species extends from Snake River mile 553 to Snake River mile 675. It is currently listed as Endangered (USFWS 2017a).

Occurrence within affected area

Although refinement of the overall range of this species is still needed, it is currently known that habitat suitable for this species is limited by specific temperature, water velocity, and substrate requirements that do not exist in the type of regulated, seasonally aquatic water conveyance environment present in the affected area. Therefore, the likelihood of this species occurring within the affected area is extremely low to none.

Gray Wolf

Gray wolves (*Canis lupus*) are the largest wild members of the Canidae family, and their range in the United States extends through the northern Rocky Mountains in the West, and parts of northern Minnesota, Wisconsin, and Michigan in the Midwest. This species is currently broken out into Distinct Population Segments (DPS) that are separately Federally listed at differing levels of protection. The range of the Northern Rocky Mountain DPS of this species includes Canyon County, Idaho. This DPS is delisted due to successful restoration efforts and steady populations and is considered to be in Recovery status (USFWS Environmental Conservation Online System species profile, accessed June 2017 https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=A00D).

Gray wolves are adaptable habitat generalists that may occur in most western types of habitats, including tundra, woodland, and grasslands, although they do not occur in extremely arid or mountaintop environments. This species preys on medium to large mammals, from rodents to ungulates, and lives in social packs that average 10 individuals in protected areas, which typically occupy large and distinct territories (from 200 to 500 square miles) (Mech 1974).

Occurrence within affected area

Wolf behavior is generally avoidant of human contact, and wolves are not known to regularly occupy urbanized areas. Due to this aversion to human contact, this species is unlikely to regularly occur within the affected area, although it is possible individuals may transiently move through the less-populated agricultural and rangeland areas surrounding the title transfer areas from time to time. However, denning, rearing, and hunting activities are unlikely to occur within the affected area.

3.2.2 Environmental Consequences

Alternative A – No Action

Under the No Action alternative, there would be no change in habitat conditions along the subject drainage facilities. Current vegetation management activities and treatment methods would continue as part of PID's normal O&M. The No Action alternative would have no direct or indirect effect on threatened or endangered species.

Alternative B – Proposed Action

Direct and indirect effects to threatened and endangered species under the proposed action would be the same as those described above for the No Action alternative. The management, operation, and maintenance of the title transfer facilities would remain unchanged after transfer of title and therefore would not entail any new impacts to the affected area. Reclamation concludes that the proposed action would have no effect on threatened and endangered species.

Cumulative Effects

NEPA requires cumulative effects analysis of a proposed action to assess its incremental effects (impacts) when viewed in conjunction with the effects of past, current, and reasonably foreseeable future projects.

Within the region, other similar title-transfer actions have occurred in the past. When considered as a whole with these other title transfers, the principal incremental effect from the proposed action to the threatened and endangered species potentially present in the affected area would be defined by

changes in the application of protective measures for Federally-protected species. Therefore, the cumulative effects to threatened and endangered species are expected to be minor to insignificant.

Applications by Sorrento Lactalis, Inc. for a new NPDES permit from EPA and to obtain a use authorization from Reclamation for an increase in wastewater discharge into Purdam Drain, as described in greater detail in Section 2.5 of this document, are currently pending. If approved, this action would have the potential to negatively affect water quality in the Mason Creek drainage, although the NPDES permitting process entails subsequent EPA oversight in the form of ongoing monitoring and periodic inspection intended to detect and prevent water quality degradation. Because no aquatic threatened or endangered species occur in the greater affected area and the terrestrial quality (slickspot peppergrass), nor are transient individuals likely to regularly occupy the affected area (gray wolf), the cumulative effects of this and possible similar future permitting actions to threatened and endangered species are expected to be minor to insignificant.

3.3 Water Quality

3.3.1 Affected Environment

The lower Boise watershed (17050114) drains a total of 1,290 square miles of range (48 percent), agricultural (33 percent), urban land (16 percent), and forest (1 percent) in Ada and Canyon Counties (Fry et al. 2011). Population in Ada and Canyon Counties increased by 91 and 110 percent, respectively, between 1990 and 2010 (U.S. Census Bureau 2013). The changes in demographics have led to the conversion of agricultural land to urban land in the watershed.

Approximately 80 miles of irrigation drains, canals, and creeks in the subbasin are proposed for the title transfer. The vast majority are simple trapezoidal-shaped canals (see Photograph 5) that are used to convey water during the irrigation season. Irrigation water is typically exempt of the Section 404 permitting of the Clean Water Act (CWA), and water-quality monitoring rarely takes place on these systems. However, Mason Creek, Five Mile Drain, and Ten Mile Drain are monitored for water quality and have been designated as water quality-limited by the Idaho Department of Environmental Quality (IDEQ).

Photograph 5. Photographs of Isaiah, Solomon, and Ten Mile Drains (clockwise from upper left) taken on May 11, 2017.

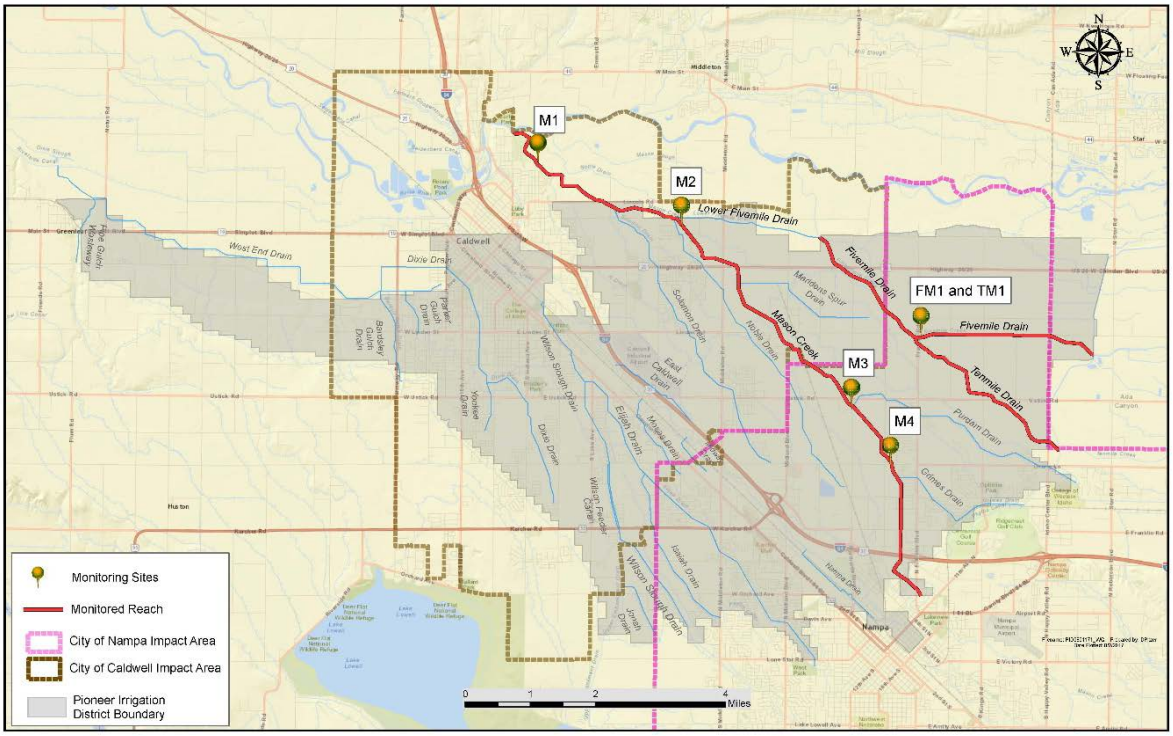

Figure 2. Map of Mason Creek, Five Mile Drain, and Ten Mile Drain within the Pioneer Irrigation District/City of Caldwell project area. M1-M4, FM1, and TM1 identify USGS water monitoring locations from 2009 to 2012.

Beneficial Uses and Impairments

Mason Creek is perennial stream approximately 30 miles in length that originates from a New York Canal feeder canal and flows northwest through Nampa and through rural Canyon County before discharging into the Boise River (USGS 2014). The project area contains the lower third of Mason Creek (11-mile section), which flows through Nampa and rural Canyon County. Mason Creek is not meeting state water quality standards for cold-water aquatic life or secondary contact recreation. Exceedances in chlorpyrifos and Malathion (insecticides), water temperature, sediment/siltation, *Escherichia coli* (E. coli), and cause-unknown nutrients have been determined as causal factors for the water quality impairment (IDEQ 2017). In addition, E. coli and sediment/siltation are on the IDEQ's Total Maximum Daily Load (TMDL) list for water impairment and have specific concentration allocations for an overall pollutant reduction for the waterbody.

Five Mile Drain and Ten Mile Drain, also known as Five Mile Creek and Ten Mile Creek, are approximately 29 and 27-miles in length, respectively. Both flow in a northwesterly direction through Ada and Canyon Counties before they join to form Fifteen Mile Creek, which then discharges to the lower Boise River (IDEQ 2001). Reclamation identifies this 2.1-mile reach of Fifteen Mile Creek within the project area as a continuation of Five Mile Drain, but in this section, it is referred to Fifteen Mile Creek. Within the project area, Five Mile and Ten Mile Creeks account for approximately 3 stream miles each. All three creeks are failing to meet state water quality standards for cold-water aquatic life or secondary contact recreation. Exceedances in chlorpyrifos, sediment/siltation, and E. coli have been determined as causal factors for the water quality impairments for all three creeks (IDEQ 2017). Five Mile and Ten Mile Creeks also have cause-

unknown nutrients suspected as a causal factor for the water quality impairments. All three creeks have E. coli and sediment/siltation on the TMDL list for water impairment and have specific concentration allocations for overall pollutant reductions.

Water Quality Data

A water quality study by USGS on the lower Boise watershed collected data from Mason, Five Mile, Ten Mile Creeks and other streams during water years 2009 to 2012 to assess and establish a baseline for water-quality and biological conditions in major tributaries (USGS 2014). The sample locations are shown on Figure 2. An excerpt on nutrients, sediment, and E. coli monitoring results is presented below.

> *Large increases in nutrient and sediment concentrations and loads occurred over relatively short stream reaches and affected nutrient and sediment concentrations downstream of those reaches. E. coli values increased in study reaches adjacent to pastured lands or wastewater treatment plants, but increased E. coli values at upstream locations did not necessarily affect E. coli values at downstream locations. Effluent from wastewater treatment plants increased nutrient loads in specific reaches in Five Mile and Indian Creeks. Increased suspended-sediment loads were associated with increased discharge from irrigation returns in each of the studied tributaries. Samples collected during or shortly after storms showed that surface runoff, particularly during the winter, may be an important source of nutrients in tributary watersheds with substantial agricultural land use. Concentrations of total phosphorus, suspended sediment, and E. coli exceeded regulatory water-quality targets or trigger levels at one or more monitoring sites in each tributary studied, and exceedances occurred during irrigation season more often than during non-irrigation season (USGS 2014).*

Water quality results from Five Mile, Ten Mile, and Mason Creek sites during the 2009–2011 period from before, during, and after irrigation season indicate a general increase of total phosphorus load, total nitrogen load, and suspended sediment from early irrigation season (end of April through May) to irrigation season (July). Then, there is a general decrease in the three contaminant concentrations from the irrigation season to non-irrigation season (November) (see Table 6). Exceptions to this trend are Five Mile Creek for both total phosphorus and nitrogen loads, and total nitrogen load in Mason Creek (M2) and (M4); all contaminants increase from the irrigation to non-irrigation season.

Table 6. Summary of instantaneous total phosphorous, total nitrogen, and suspended sediment loads measured in the Five Mile and Ten Mile Creeks for water years 2008 to 2009

Site Name	Sampling Time	Total Phosphorus Load (lbs/day)	Total Nitrogen Load (lbs/day)	Suspended Sediment (ton/day)
Five Mile Creek (FM1)	Early Irrigation 4/28/2009	85	410	10.4
	Irrigation 7/29/2009	117	740	14.3

Site Name	Sampling Time	Total Phosphorus Load (lbs/day)	Total Nitrogen Load (lbs/day)	Suspended Sediment (ton/day)
	Non-Irrigation 11/17/2008	153	824	5.52
Ten Mile Creek (TM1)	Early Irrigation 4/28/2009	64.6	415	12.5
	Irrigation 7/29/2009	71.2	736	13.2
	Non-Irrigation 11/17/2008	11.4	241	2.11

*Table adapted from USGS 2014

Table 7. Summary of instantaneous total phosphorous, total nitrogen, and suspended sediment loads measured in Mason Creek at four locations for the 2011 water year.

Site Name	Sampling Time	Total Phosphorus Load (lbs/day)	Total Nitrogen Load (lbs/day)	Suspended Sediment (ton/day)
Mason Creek (M1)	Early Irrigation 5/3/2011	123	1,420	28.3
	Irrigation 7/7/2011	313	2,570	114
	Non-Irrigation 11/9/2011	63.1	1,720	1.75
Mason Creek (M2)	Early Irrigation 5/3/2011	75.5	997	21.1
	Irrigation 7/7/2011	117	1,160	41.4
	Non-Irrigation 11/9/2011	54.1	1,430	1.91
Mason Creek (M3)	Early Irrigation 5/3/2011	66	1,060	12.8
	Irrigation 7/7/2011	170	2,000	43.8

Site Name	Sampling Time	Total Phosphorus Load (lbs/day)	Total Nitrogen Load (lbs/day)	Suspended Sediment (ton/day)
	Non-Irrigation 11/9/2011	50.1	1,360	1.25
Mason Creek (M4)	Early Irrigation 5/3/2011	19	413	2.68
	Irrigation 7/7/2011	30.2	507	2.16
	Non-Irrigation 11/9/2011	16.6	550	1.74

*Table adapted from USGS 2014

USGS stated in the 2014 study, "Watershed-wide water-quality sample results from each tributary showed that most constituent loading can occur over relatively short reaches in the watershed and that irrigation practices influence load distribution and discharge in specific reaches. The addition of point-source wastewater treatment effluent substantially increased nutrient concentrations and loads in Indian and Five Mile Creeks, whereas nonpoint-source return flows increased nutrient and suspended-sediment loads in Mason Creek."

Bottom Sediment Data

Bottom sediments from various sites in the lower Boise watershed were collected and analyzed for 61 organic wastewater indicator compounds or contaminants of emerging concern in water years 2009 through 2011(USGS 2014). USGS used these results to evaluate whether adjacent land uses can influence instream water quality and biological conditions (USGS 2014). Of the 61 compounds, 27 were detected in the 11 sites and were grouped into four categories: (1) urban, (2) industrial, (3) fecal steroids, and (4) personal care products. Four sites are in the project area: Ten Mile (TM1) and Five Mile (FM1) Creeks and two locations on Mason Creek (M1 and M3) (Figure 2); 19 compounds were detected (Table 8). In the project area, there are 50 samples with detectable levels of wastewater compounds. Of the 50 samples, 13 are measured and 37 are estimated. There are 26 samples that contained undetectable levels of the tested wastewater compounds.

Table 8. Summary of wastewater indicator compounds detected in bottom-sediment samples collected in Ten Mile Creek (TM1) and Five Mile Creek (FM1), and two sites on Mason Creek (M1 and M3) during water years 2009 through 2011

Classification	Compound Name	Reporting Level (µg/kg)	Detection Frequency (percent)	TM1 2009	FM1 2009	M1 2011	M3 2011	Toxicity Information (µg/L)
Urban	2,6-dimethylnaphthalene	50	91	28.8*	28.4*	27.9	14.3*	---
	fluoranthene	50	27	14.2*	7.03*	---	---	74,000[1]
	benzo[a]pyrene	50	55	5.94*	4.62*	3	5.8	1,500[2]
	phenanthrene	50	27	9.81*	---	---	---	590,000[2]
	pyrene	50	45	13.2*	9.49*	---	---	90,900[2]
Industrial	bisphenol *a*	50	27	9.09*	---	---	---	3,600,000[1]; 50,000[3]
	carbazole	50	45	---	---	4.3	7.9	930-1,500[1]
	isophorone	50	45	---	---	2.6*	---	145,000-319,000[1]
	para-cresol	250	82	76.2*	343	41	120	1,400,000[2]
	phenol	50	45	311*	123*	---	---	4,000,000[4]
Fecal Steroids	beta-sitosterol	500	82	3,160*	2,000*	2,220*	2,970*	
	beta-stigmastanol	500	91	567*	379*	438*	732*	
	3-beta-coprostanol	500	73	282*	101*	160*	167*	

Classification	Compound Name	Reporting Level (µg/kg)	Detection Frequency (percent)	TM1 2009	FM1 2009	M1 2011	M3 2011	Toxicity Information (µg/L)
	cholesterol	250	100	2,470*	854*	2,850*	3,940*	
Personal Care Products	3-methyl-1h-indole (skatol)	50	100	18.7*	32.1*	4.8	11.8	8840[1]
	4-nonylpheno monoethoxylate- (total, np1eo)	500	18	264*	---	---	---	---
	4-octylphenol monoethoxylate-(opeo1)	250	18	48.5*	---	---	---	---
	indole	100	100	273*	266	97.4	197	1,000[2]
	nonylphenol, diethoxy- (total,npeo2)	1,000	27	1,200*	---	---	---	---

Table adapted from USGS 2014.

[Compound name: Analytical methods for many compounds are under development. In other cases, concentrations are estimated because the result is less than the laboratory reporting level. Toxicity information: Reported lethal aqueous concentration with 50 percent mortality. Source is U.S. EPA (2007). Abbreviations: µg/kg, microgram per kilogram; –, not detected; µg/L, microgram per liter. Locations are identified in Figure 2]

*****Concentration estimated due to analytical uncertainty

1*pimephales promelas* (fathead minnow) with 96 hour exposure.

2*daphnia magna* (water flea) with 48 hour exposure.

3U.S. Environmental Protection Agency maximum concentration limit in µg/kg.

4*oncorhynchu mykiss* (rainbow trout) with 96 hour exposure.

From Table 8, the wastewater indicator Fecal Steroids has the highest concentrations, and the four compounds that comprise that indicator were found in samples from all four sites in the project area. Sample concentrations range between an estimated 101µg/kg measured in Five Mile Creek, up to an estimated 8,210 µg/kg measured in Mason Creek (M3). The detection of fecal steroids indicate presence of animal fecal matter (USGS 2014). Two compounds in Urban (2,6-dimethylnaphthalene and benzo[a]pyrene) and two in Personal Care Products (3-methyl-1h-indole and indole) were identified from all four sites. Urban compounds are associated with fuel and fuel additives from motor vehicle traffic; personal care products may indicate domestic/recreational effects (USGS 2014). Para-cresol from the Industrial wastewater indicator was also found at all four sites. Detected industrial compounds, including placticizers, industrial poly-aromatic hydrocarbons, solvents, disinfectants, and detergent metabolites, are typically used in industrial processes (USGS 2014). Agricultural pesticides were not detected (USGS 2014), and the compound concentrations are low. Toxicity information from Table 8 shows known lethal aqueous concentration values with 50 percent mortality. When compared to the USGS (2014) estimated and measured sample concentrations from Ten Mile and Five Mile Creeks, and the two sites at Mason Creek, the concentrations are orders of magnitude less than the toxicity values. The 2014 USGS report states, "Relatively high concentrations of compounds in one or more of the four categories were detected at upstream sites in sampled tributaries and the lower Boise River, indicating that adjacent land use may be an important factor determining concentrations of wastewater indicator compounds in bottom sediment. Regulatory thresholds have not been established for any of the organic wastewater indicator compounds detected in the sediment samples collected during this study."

Stormwater

To prevent harmful pollutants from being washed or dumped into specific types of municipal stormwater systems (MS4s), NPDES permits and development of stormwater management programs are typically required (IDEQ 2017). Stormwater Best Management Practices (BMPs) are used to help prevent urban stormwater runoff from polluting streams and rivers. Reclamation has identified five authorized stormwater discharges to the Federally owned portion of PID's drainage system. Records from EPA's Enforcement and Compliance History Online (ECHO) identifies City of Caldwell's MS4 has been in compliance with Caldwell's NPDES permit for the past 3 years (April 1, 2014 through April 1, 2017) (Appendix D ECHO Report).

Effluent Discharge

Sorrento discharges approximately 1.2 cfs of wastewater into the Purdam Gulch Drain (also known as Purdam Drain), which flows into Mason Creek. The wastewater output is treated at its onsite industrial wastewater treatment plant before disposal into the Purdam Drain. An EPA ECHO report 12-Quarter Violation History identifies 10 out of 12 quarters of non-compliance with Sorrento's NPDES permit and 1 quarter of significant violation (EPA 2017a). Contaminant violations, including exceedances in phosphorus, Biological Oxygen Demand (BOD), and E. coli have been reported. E.coli concentrations were exceeded the most often (five times) and at the highest percent exceedance (1 percent up to more than 491 percent) than the other contaminants (EPA 2017a). In the past 5 years, EPA has penalized Sorrento $85,896 for CWA violations (EPA 2017a).

3.3.2 Environmental Consequences

Alternative A – No Action

Reclamation would retain its interests in the facilities, and PID would continue to manage, operate, and maintain these facilities for its intended conveyance purposes as part of the integrated PID's conveyance system and according to its legal and contractual responsibilities.

Reclamation would continue to require PID's approval of any proposal to discharge urban runoff into these facilities and work with PID to identify and address instances of existing, unauthorized discharges.

Direct and Indirect Effects

Water quality would likely continue to be affected by agriculture and urban activities, as identified in the Affected Environment section and the USGS 2014 publication. In the long term, urbanization would continue to occur and affect water quality in the project area. TMDLs on Five Mile, Ten Mile, and Mason Creeks, adherence to BMPs for the current MS4s, and adherence to NPDES permits would incrementally improve water quality. TMDLs are in place to assist PID in working toward reducing overall pollutant loads in the system by setting contaminant limits on contributing sources. Implementation of BMPs minimize or eliminate the source of the pollution and/or remove pollutants after they have entered the drainage system (IDEQ 2017). The NPDES process is regulated by the EPA and requires compliance with onsite inspections and data review. If provisions are not fulfilled, EPA can file civil and criminal action against the violator. Scrutiny of data, periodic inspections, and potential for civil/criminal action incentivize compliance with the permits.

The Food Safety Modernization Act (FSMA) establishes minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption (FDA 2017). FSMA has established two sets of criteria for microbial concentrations in agricultural water. The compliance date for these rules has been extended as of June 6, 2017, with no set extension deadline. Although the E. coli level was found to exceed water quality standards during irrigation season in the USGS study (2014), there are established TMDLs for E. coli in Five Mile, Ten Mile, and Mason Creeks that would reduce the load in the system and incrementally improve water quality in the mid- to long term, decreasing the likelihood of exceeding the FSMA criteria.

Alternative B – Proposed Action

Reclamation's interest in the conveyances would be transferred to PID and the City of Caldwell. Reclamation would no longer be involved in potential planning efforts in considering or deciding upon proposals to discharge urban stormwater runoff into the subject facilities.

Direct and Indirect Effects

Water quality would not be affected by the proposed title transfer. Water quality effects would be the same as those effects described in Alternative A. Water quality would continue to be affected by agriculture and urban activities, urbanization would continue to occur and affect water quality, and TMDLs and adherence to BMPs and NPDES permits would incrementally improve water quality. Water quality direct and indirect effects as they relate to the FSMA would be the same as those described in Alternative A.

Cumulative Effects

Sorrento is in the final steps of obtaining a new NPDES permit from EPA and obtaining a use authorization from Reclamation to increase its wastewater discharge from approximately 1.2 cfs to approximately 4.5 cfs to the Purdam Drain. History of past violations indicate the potential increases in E. coli and, to a lesser extent, phosphorus discharges could occur. These contaminants would put pressure on Mason Creek's water quality via Purdam Drain, in which there are TMDLs for both contaminants. The incremental effects of potentially increasing any E. coli and/or phosphorus concentrations could cause failure to meet the TMDLs and continue the non-attainment of state water quality standards for Mason Creek. However, attainment and adherence to the new NPDES permit would limit that risk through the EPA continually monitoring and periodically inspecting the operation to ensure Sorrento's adherence to the NPDES permit.

3.4 Land Use

3.4.1 Affected Environment

Jurisdiction over land use and development within PID is held predominantly by Canyon County and the cities of Caldwell and Nampa.

As shown in Figure 1, PID's boundary and proposed title transfer facilities lie within Canyon County, and also within the designated City of Caldwell's AOI of Caldwell and Nampa. The only exceptions to this are the West End Drain, which lies mostly in Canyon County, west of the City of Caldwell's AOI, with less than 1 mile in the City of Greenleaf's AOI; the Jonah Drain and a portion of the Wilson Slough Drain, which are in Canyon County south of Caldwell, and west of Nampa, AOI; and a less-than-1-mile section of the Five Mile Drain that lies in Ada County (but is not included within any city AOI).

The overall area in which PID lies has been experiencing intense development pressure, with large portions of PID (particularly those within Caldwell and Nampa jurisdiction) being converted from agricultural to urban/suburban uses. With this development have come increasing requests by local jurisdictions and/or developers to use or modify some of the conveyance facilities. The following requests are of particular concern:

- Realign or reconstruct conveyance channels and/or encroach upon associated land interests.
- Use channel corridors for recreation trails.
- Conduct urban stormwater runoff from developments and roadways to drainage facilities.

The first two of these concerns are addressed below, and urban stormwater issues are discussed in Section 3.3. In all cases involving the drainage facilities proposed for title transfer, Reclamation reviews requests for modification or third-party use of its facilities jointly with PID, and prior to granting a request, requires review by and concurrence from PID. As noted in Chapter 1, this is because PID is responsible and liable for O&M of the irrigation delivery and drainage systems, including those portions owned by Reclamation. Discussions below are therefore focused on PID's policy, procedure, and decision criteria related to facility modification and use requests.

Facility Realignment, Reconstruction, or Encroachment

PID considers all requests to physically modify conveyance systems and/or encroach within the fee title, easement, or right-of-way strips of land used by PID for access, operation, and maintenance. Examples of facility modification include temporary or permanent realignment or reconstruction as part of project development; encroachments include such uses as utility line placements and fencing.

PID determines if the proposed modifications or uses would interfere with PID's O&M activities, increase maintenance or repair requirements, or create unacceptable safety or liability risks: Where an easement or right-of-way granted to Reclamation is involved, the licensee/permittee must also obtain the permission of the underlying fee title owner.

Recreation Trail Uses

PID considers all requests for construction of pathways along its drains. Recreational pathways raise unique concerns about the risks inherent in public activity, particularly by children, close to irrigation or drainage ditches.

PID determines whether pathways would unreasonably interfere with PID's O&M activities, increase maintenance or repair requirements, or create unacceptable safety or liability risks. As noted above, where an easement or right-of-way granted to Reclamation is involved, the licensee/permittee must also obtain the permission of the underlying fee title owner.

3.4.2 Environmental Consequences

Alternative A – No Action

Under the No Action alternative, the United States (Reclamation) would retain its property interests in the conveyance channels, and PID would continue to operate and maintain these channels as part of its irrigation and drainage systems. Reclamation would continue to involve PID for review of and concurrence with any requests by individuals, organizations, or other government entities for approval of construction, encroachment, modification, or third-party use affecting Reclamation's conveyances. There would be no title transfer, and the criteria for approval would remain centered on preventing interference with PID's O&M activities, increases in maintenance and repair costs, or unacceptable safety or liability risks.

Alternative B – Proposed Action

Under the proposed action, Reclamation's interest in the conveyances would be transferred to PID and the City of Caldwell. Reclamation would no longer be involved in reviewing or deciding upon requests for modification or third-party use of the subject facilities.

Cumulative Effects

The effect of this change would be elimination of the joint review and approval of modification or use requests by both Reclamation and PID. PID and the City of Caldwell indicate that current policies and processes would continue such that the proposed action would have no effect upon the use and development of land within PID's boundaries. The incremental effects of potentially increasing E. coli concentrations from future Sorrento discharge that could cause failure to meet the FSMA to downstream irrigators are minor. There is an established TMDL for E. coli in Mason Creek and with adherence to Sorrento's NPDES permit; these would limit the E. coli load in the creek, decreasing the likelihood of exceeding the FSMA criteria.

3.5 Cultural Resources

Cultural resources consist of prehistoric and historic districts, sites, structures, artifacts, or any other physical evidence of human activity considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. Cultural resources can be divided into three major categories: archaeological resources (prehistoric and historic), architectural resources, and traditional cultural resources.

Archaeological resources are locations where human activity measurably altered the earth or left deposits of physical remains (e.g., stone flakes, arrowheads, or bottles). Archaeological resources may be either prehistoric or historic and can include campsites, roads, fences, trails, dumps, battlegrounds, mines, and a variety of other features.

Architectural resources include standing buildings, dams, canals, bridges, and other structures of historic or aesthetic significance.

Traditional cultural resources can include archaeological resources, buildings, neighborhoods, prominent topographic features, habitats, plants, animals, and minerals that Native Americans and other groups consider essential for the continuance of traditional cultures.

Only significant cultural resources, whether known or unknown, warrant consideration with regard to adverse impacts from a proposed action. To be considered significant, these resources must meet one or more criteria as defined in 36 CFR 60.4 for inclusion in the National Register. These criteria include association with an important event, association with a famous person, embodiment of the characteristics of an important period in history, or the ability to contribute to scientific research. Resources must also possess integrity (i.e., its important historic features must be present and recognizable). Resources eligible to the National Register are known as historic properties.

Resources generally must be more than 50 years old to be considered for protection under existing cultural resource laws. However, more recent structures, such as Cold War-era military buildings or designs by influential architects, may warrant protection if they are considered to have exceptional significance.

Several Federal laws and regulations have been established to manage cultural resources, including the National Historic Preservation Act (1966) as amended, the Archaeological and Historic Resources Preservation Act (1974), the American Indian Religious Freedom Act (1978), the Archaeological Resources Protection Act (1979), and the Native American Graves Protection and Repatriation Act (1990). In addition, coordination with Federally recognized Native American Tribes must occur in accordance with Executive Order 13084, Consultation and Coordination with Indian Tribal Governments.

Because the proposed transfer of title is considered a Federal undertaking, Reclamation must consider the potential effects of the proposed transfer on cultural resources that are included in or eligible for inclusion in the National Register. Pursuant to Section 106 of the NHPA and 36 CFR 800, Reclamation is conducting consultation with the Idaho State Historic Preservation Officer. As required under the NHPA, Section 106, Reclamation identified historic properties within the area of potential effects (or the affected environment under NEPA), applied the National Register criteria (36 CFR 63) to properties that have not been previously evaluated for National Register eligibility, and determined whether the proposed transfer would adversely affect such properties.

3.5.1 Affected Environment

The affected environment includes the geographic area or areas within which the proposed transfer may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. The drainage system and lands within 100 feet of the drains are considered to be the affected environment for the project. As part of the identification process, a records search and intensive archaeological survey of 20 percent (20 miles) of the affected environment conducted in 2007. Prior to conducting the survey, aerial photographs of the affected environment were examined to identify any structures in the area that would be examined as part of the survey.

PID's drainage system was constructed in several phases from 1913 to the first half of 1915 by the U.S. Reclamation Service to alleviate waterlogged lands and rising water tables. Additional drains were constructed and added to the system in the second half of 1915 as needs throughout the area became better understood. Another series of drains and wells were constructed in the 1930s by PID (Stevenson 2009). The water conveyances included in this proposed project are drains constructed by Reclamation.

The records search identified six previously recorded historic cultural resources within the affected environment. These resources include canals, bridges, railroad spurs, and a segment of the Oregon Trail. The Notus Canal, the A-Drain, and the segment of the Oregon Trail are considered to be eligible for listing on the National Register, while two bridges are not eligible, and the railroad spur is unevaluated.

The results of the 20-linear-mile survey of drainage ditches in the PID indicated that all of the lands were highly disturbed. Many of the drains were located in residential subdivisions or along urban streets. Most were paralleled on at least one side by a dirt access/maintenance road. The drains were typically U-shaped to V-shaped in cross-section and varied from 5 to 20 feet deep and 10 to 25 feet wide. Most of the drains had corrugated metal or PVC pipe running into them to drain the adjacent fields or developments. Where the drains passed under paved streets or field access roads, they typically flowed through corrugated metal or concrete pipes. Concrete riprap was common around the culverts. Some concrete box culverts were present at the larger road crossings.

The intensive survey yielded three possible historic cultural resources: a small bridge, a basalt riprap feature, and an isolated find (a glass bottle). None of these newly identified resources are considered eligible for listing on the National Register. Based on the results of the records search and the intensive survey of 20 miles of ditches, it is likely that the remaining 57 miles of ditches are similarly disturbed and also would not contain significant prehistoric or historic resources. For detailed information concerning the records search, survey methodology, and results, refer to TEC 2007.

As part of the survey, the drainage system was recorded and evaluated. The drainage system is considered eligible for listing on the National Register as a part of PID's larger irrigation system under Criterion C for its association with the development of agriculture in the Treasure Valley. Although some features associated with the drains have been replaced over the years, the system is in essentially the same location as it was when it was built in the early 1910s and retains historic integrity. Reclamation's enhancement of the drainage systems through construction of the drain segments proposed for transfer contributed to the agricultural development of the Treasure Valley as part of the Boise Project. Reclamation's construction of these segments for PID is also indicative of Reclamation's historic role in assisting in the further development of existing non-Federal irrigation systems (as opposed to the construction of dams or entire irrigation systems).

No traditional cultural properties are known to exist within the project area.

3.5.2 Environmental Consequences

A proposed action or alternative affects a significant cultural resource when it alters the property's characteristics, including relevant features of the environment or use that qualify it as significant under National Register criteria. Impacts may be the result of transferring it out of Federal ownership, physically altering, damaging, or destroying all or part of a resource, or altering characteristics of the surrounding environment that contribute to the importance of the resource. In addition to affecting National Register-listed or eligible resources, a proposed action or alternative could affect traditional cultural properties that are protected under a number of other Federal laws.

Alternative A – No Action

Under the No Action alternative, Reclamation would retain its interests in its conveyance channels, and PID would continue to operate and maintain these channels as part of its irrigation and drainage system responsibilities. There would be no title transfer, and therefore no direct or indirect effects to any National Register-eligible resources.

Alternative B – Proposed Action

Under the proposed action, Reclamation would transfer to PID and the City of Caldwell all conveyance facilities (drainage channels) that are currently owned by Reclamation. The title transfer has the potential to adversely affect one National Register-eligible property (i.e., the drainage system). Under 36 CFR 800.5, transfer of property out of Federal ownership without adequate conditions to ensure its long-term preservation, is considered to be an adverse effect to a National Register-eligible property. As the Federal agency performing the undertaking, Reclamation would oversee the creation and execution of a Memorandum of Agreement between the consulting and interested parties outlining how the adverse effects would be resolved, as per 36 CFR 800.6(c).

The six previously recorded sites that intersect or are located in the affected environment are not included in the title transfer, and their uses would not change; therefore, the proposed transfer would have no adverse effect on these six sites.

Cumulative Effects

The cumulative impacts on the cultural resources and eligible historic properties involved in this action over the short term that may result from both direct and indirect effects of past, present, and reasonably foreseeable future actions are generally mild. This is because the drainage system will continue to be utilized for the same purpose that it currently serves. PID and Caldwell will continue to operate and maintain the drains to the same standard that they are maintained at the time of the title transfer.

3.6 Indian Sacred Sites

Federal responsibility for Indian sacred sites is defined in Executive Order 13007 and identifies Indian sacred sites as specific, discrete, narrowly delineated locations on Federal land identified by Indian Tribes or knowledgeable practitioners as sacred by virtue of their religious significance to, or ceremonial use by, an Indian religion. Executive Order 13007 grants tribal access to sacred sites on Federal land.

3.6.1 Affected Environment

Involved Indian Tribes, including the Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho and the Shoshone-Paiute Tribes of the Duck Valley Reservation, were informed of the proposed title transfer through the NEPA scoping process. No information indicating issues related to Indian sacred sites was offered by the Tribes.

Reclamation is not aware of any Indian sacred sites on these lands or within the easements or rights-of-way on which the majority of the facilities are located. Due to the extent of disturbance and present usage of the facility corridors and character of surrounding land uses, Reclamation believes it is highly unlikely that Indian sacred sites would be present. The facility corridors are narrow, physically altered over time, and surrounded by farm fields and either urban or suburban development. The existing landscape bears no resemblance to the one present before the Boise Valley was settled. The conditions of privacy and natural landscape integrity normally required for Indian religious purposes are no longer present.

3.6.2 Environmental Consequences

Alternative A – No Action and Alternative B – Proposed Action

No Indian sacred sites have been identified on title transfer lands. Therefore, neither the No Action alternative nor the proposed action would have a direct or indirect effect.

Cumulative Effects

Because no Indian sacred sites exist within the project area, no direct or indirect cumulative effects would be realized.

3.7 Indian Trust Assets

ITAs are legal interests in property held in trust by the United States for Indian Tribes or individuals. The Secretary of the Interior, acting as trustee, holds many assets in trust for Indian Tribes and individuals. Examples of trust assets are lands, minerals, grazing, hunting, fishing, and water rights. Most ITAs are on-reservation; however, they may also be found off-reservation.

The United States has a responsibility to protect and maintain rights reserved by or granted to Indian Tribes and Indian individuals by treaties, statutes, and executive orders. These are sometimes further interpreted through court decisions and regulations. Any anticipated effects to ITAs from a proposed project or action must be explicitly addressed in a NEPA document.

3.7.1 Affected Environment

The Shoshone-Bannock Tribes, which are Federally recognized Tribes and are located at the Fort Hall Indian Reservation in southeastern Idaho, have trust assets both on and off reservation lands. The Fort Bridger Treaty was signed and agreed to by the Bannock and Shoshone headman on July 3, 1868. The treaty states in Article 4 that members of the Shoshone-Bannock Tribes "…shall have the right to hunt on unoccupied Federal lands of the United States…" This has been interpreted to mean unoccupied Federal lands and to include fishing as a form of hunting.

The Tribes included fishing after the case of State of Idaho vs. Tinno[2], an off-reservation fishing case in Idaho. The Idaho Supreme court determined that the Shoshone word for *hunt* also included *fish*. Under Tinno, the court affirmed the Tribal Members' right to take fish off-reservation pursuant to the Fort Bridger Treaty.

Other Federally recognized Tribes are the Shoshone-Paiute Tribes of the Duck Valley Reservation located on the Idaho/Nevada border. These Tribes have cultural and religious interests in the project area. These interests are protected under historic preservation laws, Native American Graves Protection and Repatriation Act (NAGPRA), and EO 13007 Indian Sacred Sites.

3.7.2 Environmental Consequences

Alternative A – No Action

Under Alternative A, there would be no direct or indirect effects to ITAs. No ground disturbance or extraction would occur. Existing conditions would remain intact and would not be affected.

Alternative B – Proposed Action

Alternative B would not affect any known ITAs of land, minerals, water rights, monetary holdings, or gathering rights in the direct vicinity of the project area. As part of the scoping process, Reclamation requested information from Tribes that traditionally and currently use the area; however, no responses were received. The lack of specific information about the area is not indicative of a lack of importance to the Tribes. With no specific response, Reclamation assumes that there would be no effects to ITAs such as lands, minerals, water rights, monetary holdings and gathering rights in the project area. Implementation of Alternative B would remove the project area from being available for tribal hunting and fishing with the transfer of title. Overall, the amount of land involved in the proposed title transfer that is held by the United States is extremely small and comprises discontinuous, narrow corridors. This land base does not support a significant habitat for fisheries or wildlife and therefore does not represent ITA values.

Cumulative Effects

There are no direct or indirect effects and therefore would be no anticipated cumulative effects to ITAs as a result of Alternative B.

3.8 Socioeconomics

The socioeconomic character of an area includes its population and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. This sections discusses socioeconomic resources within the human environment, particularly population and economic activity that may be impacted. *Population* is described as the magnitude, characteristics, and distribution of people. *Economic activity* is described in terms of employment distribution, personal income, and business growth.

[2] *State v. Tinno*, 497 P.2d 1386, filed in Idaho Supreme Court on June 8, 1972, Docket No. 10737

3.8.1 Affected Environment

Canyon County is Idaho's second most populous county, with an estimated 215,430 residents in the first quarter of 2017. It is also the sixth smallest in geographic area. Caldwell and Nampa are Canyon County's largest cities, and both rank in the top 10 in population for the state; Nampa ranks second and Caldwell is sixth. Combined with Ada County and the city of Boise to the east, the combined population is more than 669,000, the largest urban area in Idaho (April 2017 estimate derived from the Community Planning Association of Southwest Idaho (COMPASS 2017a).

As shown in Table 9 below, the population of Canyon County has more than tripled in the last 46+ years. The annual percent population increase from 1970 to early 2017 was 5.4 percent, and the annual percent population increase from 2000 to early 2017 was 3.9 percent.

Table 9. Canyon County population change, 1970 to 2017

Total Population						Annual Percent Change		Percent Change	
1970	1980	1990	2000	2010	2017 Estimate	2000-2017	1970-2017	2000-2017	1970-2017
61,288	83,756	90,076	131,441	188,923	215,430	3.9%	5.4%	63.9%	251.5%

Source: COMPASS 2017a

COMPASS is the metropolitan planning organization for Ada and Canyon Counties. One of the roles of COMPASS is to forecast future demographics for population, jobs, and housing for Ada and Canyon Counties for 25 to 30 years into the future. Current demographic forecasts look to the year 2040 and are provided in Table 10. The table shows that between 2010 and 2040, the population in Canyon County is projected to increase by 158,881, an 84 percent increase. The average annual percent change over this 30-year period is anticipated to be 2.8 percent (COMPASS 2017b)

Table 10. Canyon County population projections, 2010 to 2040

Actual Population		Population Projections							
2010	2017 Est.	2020	2025	2030	2035	2040	2010-2040 Proj. Population Change	2010-2040 Proj. Total % Change	2010-2040 Proj.% Per Year Change
188,923	215,430	226,703	252,065	281,193	318,589	347,804	158,881	84%	2.8

Source: COMPASS 2017b

Table 11 shows the U.S. Census Bureau racial composition data for Canyon County for 2010 and 2015. Racial composition as compared to the rest of the state of Idaho is included in Chapter 3.9, Environmental Justice. Table 11 shows an increase in all races except for the classification White, which shows a 1.3 percent decrease.

Table 11. Canyon County racial composition, 2010 to 2015

Race	2010	2015	Change 2010 to 2015
White	72.3%	71.0%	-1.3%
Hispanic or Latino	23.9%	24.8%	0.9%
American Indian and Alaska Native	1.1%	1.7%	0.6%
Asian or Pacific Islander	1.0%	1.3%	0.3%
Black or African American	0.6%	0.8%	0.2%
Other Race	1.1%	1.2%	0.1%

Source: (U.S. Census Bureau 2017)

Industry, Employment, and Wages

According to the Idaho Department of Labor (IDL), Canyon County ranked second to last of 44 counties in Idaho in per capita income. The Canyon County per capita income of $28,258 in 2015 was well below the state average of $38,392 and the national average of $48,112 (Table 12). Canyon County average wages range from $13,481 in the Leisure and Hospitality sector to $44,549 in the Financial Activities sector (Table 13). The annual income range for trade, utility and other service jobs, similar to those with PID and Caldwell, range from $29,955 to $35,362.

Table 12. Canyon County Per Capita Income, 2006 to 2015

Per Capita Income	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Canyon County	$24,267	$25,470	$25,388	$24,421	$24,584	$25,532	$26,728	$26,953	$27,658	$28,258
State of Idaho	$31,357	$32,580	$33,031	$31,436	$31,727	$33,296	$34,691	$35,703	$37,153	$38,392
United States	$38,144	$39,821	$41,082	$39,376	$40,277	$42,453	$44,267	$44,462	$46,414	$48,112

Source: (Idaho Department of Labor 2017)

Table 13. Canyon County Average Employment and Wages, 2005, 2014, and 2015

Covered Employment & Average Annual Wages	2005		2014		2015	
	Average Employment	Average Wages	Average Employment	Average Wages	Average Employment	Average Wages
Total Covered Wages	51,260	$27,687	56,234	$32,947	58,579	$33,876
Agriculture	2,956	$23,413	2,981	$29,900	3,381	$29,993
Mining	55	$38,001	26	$35,018	28	$36,271
Construction	5,402	$28,455	4,162	$34,428	4,562	$35,965
Manufacturing	8,889	$32,659	8,098	$41,787	8,494	$42,882
Trade, Utilities, & Transportation	10,218	$28,228	12,072	$34,481	12,504	$35,362

Covered Employment & Average Annual Wages	2005		2014		2015	
	Average Employment	Average Wages	Average Employment	Average Wages	Average Employment	Average Wages
Information	579	$33,558	704	$38,497	749	$38,944
Financial Activities	1,740	$32,027	1,623	$46,860	1,645	$44,549
Professional & Business Services	3,461	$27,952	4,386	$30,777	4,298	$32,503
Educational & Health Services	6,269	$27,950	7,355	$30,458	7,699	$31,305
Leisure & Hospitality	3,478	$10,232	4,402	$12,776	4,685	$13,481
Other Services	1,044	$20,981	1,601	$28,706	1,654	$29,955
Government	7,168	$29,415	8,825	$34,043	8,881	$35,544

Source: (Idaho Department of Labor 2017)

In terms of unemployment in Canyon County, the 2016 rate was 4.4 percent and an extension of a downward trend starting in 2009, with an increasing civilian labor force and reduction of unemployment following the Great Recession, when the unemployment rate for Canyon County in 2009 and 2010 rose to 11.3 percent from 3.7 percent in 2007 (Table 14).

Table 14. Canyon County unemployment rates 2006 to 2016

Labor Force	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Civillian Labor Force	82,571	83,264	84,096	85,237	84,728	85,469	86,914	87,803	89,166	91,206	93,760
Unemployment	3,220	3,084	5,459	9,595	9,540	9,023	7,918	6,645	5,298	4,593	4,107
Percent of Labor Force	3.9	3.7	6.5	11.3	11.3	10.6	9.1	7.6	5.9	5.0	4.4

Source: (Idaho Department of Labor 2017)

3.8.2 Environmental Consequences

Alternative A – No Action

No change in ownership, management, operation, maintenance, or liability related to the Reclamation drains in PID would occur under the No Action alternative; therefore, no direct or indirect effects or benefits to socioeconomic resources would exist under this alternative.

Alternative B – Proposed Action

The proposed action would shift ownership and liability for the subject drainage facilities from the Bureau of Reclamation to PID and Caldwell. Responsibility for management, operation and maintenance for those facilities transferred to the ownership and jurisdiction of Caldwell would shift from PID to Caldwell.

These changes in ownership, responsibility, and liability would not have any substantial effect (directly or indirectly) on either the county-level population or workforce in general, or the workforce (number of employees or incomes) of either PID or Caldwell. Thus, the proposed action would have no substantial effect on socioeconomic conditions in Canyon County.

Cumulative Effects

Potential for cumulative effects on socioeconomic conditions would not be a concern with the proposed action, either at the county-wide scale or related to the employment base of either PID or Caldwell. This is due to the fact that no substantial direct or indirect impacts on socioeconomic conditions would accompany the proposed action.

3.9 Environmental Justice

Environmental justice relates to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The identification of special protections for specific groups (e.g., low-income and minority populations) was initiated in 1994 by EO 12898.

3.9.1 Affected Environment

In most cases, analyzing census data related to community makeup and economic status can provide information to determine potential effects to protected groups, specifically information on race and/or ethnic breakdowns and on median household incomes. If potentially disadvantaged communities exist within the project footprint or sphere of influence of the project actions, they should be identified and addressed. The affected environment or assessment area for the proposed action is Canyon County, Idaho, consistent with the assessment area used for assessing socioeconomic conditions.

Table 15 displays detailed information on racial mix in Canyon County and compares this information to the state of Idaho as a whole. Based on this review, Hispanics and other Latinos represent the largest minority population in Canyon County, with double the population percentage of Idaho as a whole.

Table 15. Racial populations in Canyon County and the state of Idaho in 2015

Racial Populations	Canyon County	Idaho
White, percent	93.5%	93.4%
White alone, not Hispanic or Latino	71.0%	82.5%
Hispanic or Latino	24.8%	12.2%
American Indian and Alaska Native	1.7%	1.7%
Asian	1.0%	1.5%
Black or African American	0.8%	0.8%
Native Hawaiian and Other Pacific Islander	0.3%	0.2%
Two or More Races	2.5%	2.3%

Source: (U.S. Census Bureau 2017)

Table 16 shows data related to income and poverty rates within Canyon County compared to the rest of the state. These data indicate that for the county as a whole, income is lower than state averages. This could be for a variety of reasons, but the resulting number is likely related to several pockets of minority and low-income populations, as described below.

Table 16. Income and poverty data for Canyon County and the state of Idaho in 2015

Geographic Area	Per Capita Income	Median Household Income	People Below Poverty Level
Canyon County	$17,915	$42,888	15.9%
Idaho	$23,399	$47,583	15.1%

Source: (U.S. Census Bureau 2017)

The EPA has developed a tool called EJSCREEN to analyze environmental justice consistent across the nation. The latest version of this online tool (version 2016) uses census information to indicate a community's general susceptibility to issues of environmental justice. EJSCREEN tools combine environmental and demographic indicators in maps and reports, helping to highlight geographic areas where attention to environmental justice may be most warranted. Table 17 provides EJSCREEN demographic indicators of concern related to environmental justice for Canyon County and the state of Idaho as a whole. Also shown on Table 17 is a composite Demographic Index, derived as a composite index of two of the key demographic indicators: Percent Low-Income and Percent Minority. This index provides further insight consistent with EO 12898. Distribution of this index population within Canyon County is illustrated in Figure 3.

Table 17. EPA EJSCREEN demographic environmental justice indicators

Population Characteristics	Canyon County	State of Idaho
Minority	29%	18%
Low Income	32%	30%
Linguistically Isolated	3%	2%
Less Than High School Education	17%	11%
Under Age 5	8%	7%
Over Age 64	13%	15%
Combined Indicator		
Demographic Index (Combination of minority and low income populations)	38%	28%

Source: (U.S. Census Bureau 2017) and (EPA 2017d)

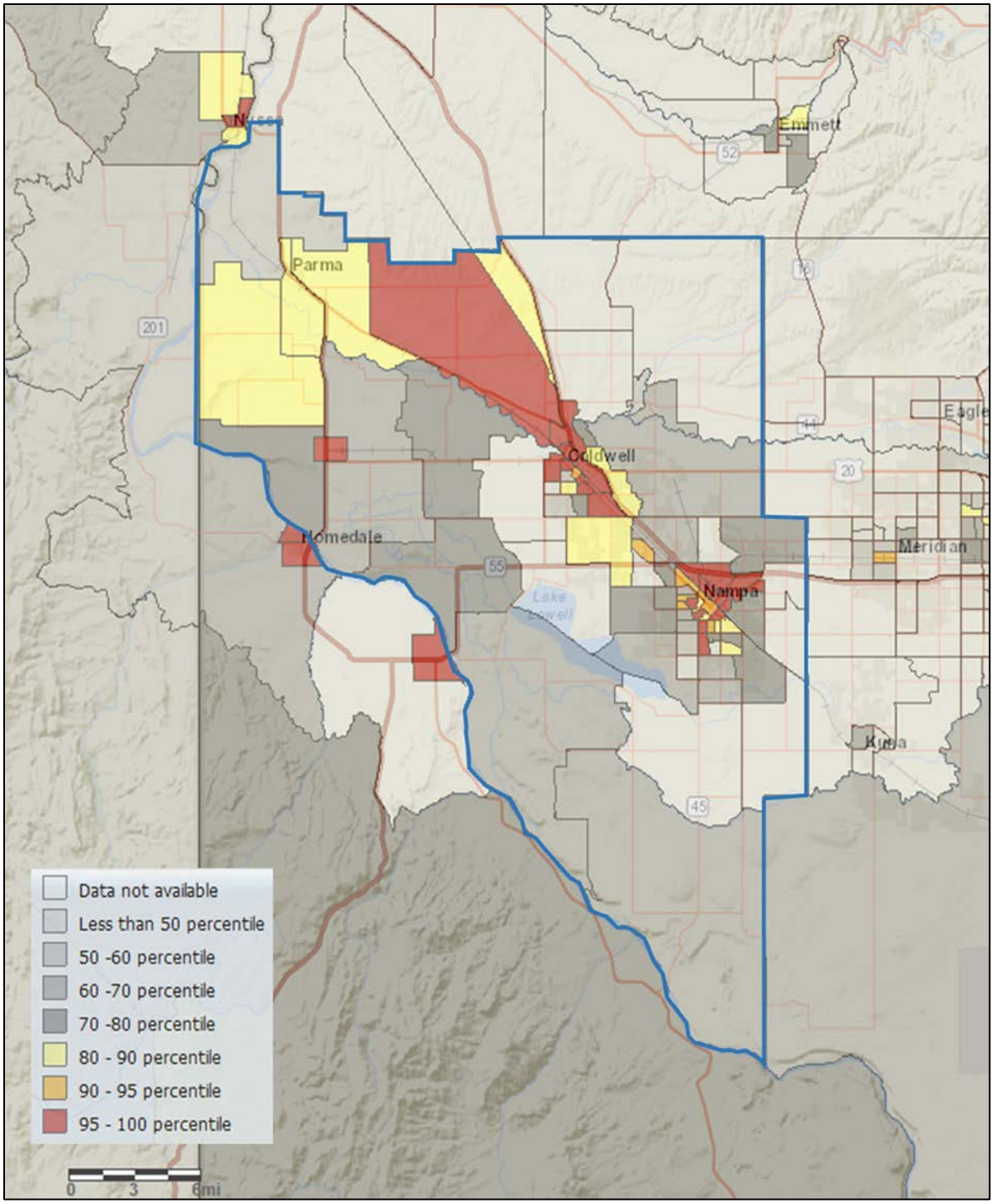

Figure 3. Percentile[3] distribution of demographic index population in Canyon County

[3] Percent of population that falls within the Demographic Index

3.9.2 Environmental Consequences

Alternative A – No Action

The No Action alternative would not alter the current regional environmental justice status parameters in Canyon County, and thus would have no direct or indirect effect.

Alternative B – Proposed Action

As noted in Section 3.8 Socioeconomics, the proposed action would not result in any substantial change in population or employment within Canyon County. Nor would the proposed action induce substantial changes in population location or concentration. Given these facts, the proposed action would have no direct or indirect effect on environmental justice conditions within the county.

Cumulative Effects

Potential for cumulative effects on environmental justice conditions in Canyon County would not be a concern with the proposed action. This is due to the fact that no substantial direct or indirect effects on environmental justice conditions would accompany the proposed action.

3.10 Hazardous Materials and Waste

This section describes hazardous materials and waste surveys conducted for the affected environment and the potential for environmental and health impacts associated with the proposed action.

Hazardous materials are generally defined as usable products or substances that may cause harm to humans, natural resources, or the environment when spilled, released, or contacted. Hazardous materials are used in everyday activities and may be in the form of solid, liquid, or gas. Regardless of their physical state, hazardous materials may be toxic, flammable, combustible, reactive and/or corrosive. When used and stored properly, associated risks are minimized or eliminated.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) provides EPA with a tool to prevent and/or seek out parties responsible for cleanup of uncontrolled or abandoned hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment (EPA 2017b).

Section 120(h)(3)(A) of CERCLA requires that a Federal agency transferring real property (hereafter, transferring Federal agency) to a non-Federal entity include a covenant in the deed of transfer warranting that all remedial action necessary to protect human health and the environment has been taken prior to the date of transfer. With respect to any hazardous substances present on the property, EPA is the Federal agency responsible for cleanup. In addition, CERCLA section 120(h)(3)(B) requires, under certain circumstances, that a transferring Federal agency confirm to the EPA Administrator that a remedy is "operating properly and successfully" before the transferring Federal agency can provide the "all remedial action has been taken" covenant. Under CERCLA section 120(h)(3)(C), the covenant can be deferred so that property may be transferred before all necessary remedial actions have been taken if regulators agree that the property is suitable for the intended use, and the intended use is consistent with protection of human health and the environment (EPA 2017c).

3.10.1 Affected Environment

In June 2017, an Environmental Site Assessment for Disposal of Real Property (Appendix E) was performed on the relevant lands to be transferred, in accordance with Reclamation policy (adapted from the guidelines outlined in the Bureau of Land Management Handbook H-2000-02 Site Assessments for Disposal of Real Property).

This on-site assessment of the respective irrigation canals was performed over 3 non-consecutive days by a Reclamation Civil Engineer on June 2, 5, and 7, 2017. Due to the size of the property, the assessment was conducted mainly via motor vehicle, with occasional travel by foot where a closer inspection was deemed necessary. An additional section of interest was added to the original inspection and performed on July 31, 2017. This approximately 1-mile section of interest consisted of a length of flexible-paved local road (Kit Rd.) with very low volumes of traffic. It would be highly unlikely that contaminants could transport to the substrate of the mentioned section of interest because of the non-penetrable nature of such terrain and identified stormwater drainage systems.

Although most of the irrigation canals were accessible, less than 10 percent of canal was not accessible due to lack of access road, restricted access, and/or unsafe terrain or physical barriers. The inspector is confident that the areas that were not accessible pose a similar degree of evidence of Recognized Environmental Conditions as the areas that were accessible.

Recognized Environmental Conditions is defined as "the presence or likely presence of any hazardous substances or petroleum products in, on or at a property: 1) due to release to the environment, 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment" (BLM 2012).

3.10.2 Environmental Consequences

Alternative A – No Action and Alternative B – Proposed Action

This preliminary analysis did not reveal any evidence of hazardous substances, petroleum products, or recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. No issues of concern were identified on Reclamation fee lands and no direct or indirect effects related to hazardous materials are anticipated under the title transfer scenario.

Cumulative Effects

No cumulative effects in terms of hazardous materials and waste are anticipated given the finding that no direct or indirect effects related to these materials and waste are expected to occur as a result of the proposed action.

3.11 Recreation

3.11.1 Affected Environment

The subject drains have effectively become unplanned recreational resources. Even if there is no legal public access, the public often uses enticing areas for recreation because there are no effective deterrents present. Although there is no visitation data available, recreational activities in many parts of the system likely include fishing, crayfishing, wading, walking, bicycling, and exploring (such as

children often enjoy). Portions of some of the canals and laterals feasibly could be floated using tubes, kayaks, or rafts.

IDEQ's Water Quality Standards rate Mason, Five Mile, and Ten Mile Creeks as suitable for secondary-contact recreation (activities where ingestion of water is unlikely), such as fishing, boating, and wading (DEQ Water Quality Standards). Since not all of the project canals and laterals were included in the water quality studies, it is assumed that the quality of other waters included in this document are suitable for no more than secondary-contact recreation.

Some of the drainage facilities are large enough to provide fishing opportunities with reasonably stable footing through vegetation or low-gradient soils. Others have banks that would make it difficult to get out of the drainage, although fishing would be possible from the shoulders of roads that cross them. Some of these areas have not only usable access but also trees nearby that are large enough to provide shade. None of the sites are developed for fishing access, so there are no fishing opportunities for people with physical disabilities.

The Mason Creek Drain is the longest and one of the most popular of the drainages fished by the public. Portions of it have reasonably safe physical access. The primary public access point is the Canyon Hill Cemetery near the north end of the drain. Unimproved parking in this city-owned area suggests that it may be a destination for visiting the drain as well as the cemetery.

Although water quality in Mason Creek generally provides for only intermediate biotic integrity, rainbow trout larger than 10 inches long were present in the lower reaches of the drain at Wells Road (Etheridge 2014). The apparent presence of three age classes of trout, including one at only 3 ½ inches, indicates that Mason Creek may be a salmonid spawning area. As long as the water quality does not further deteriorate, it is probable that fish will remain a recreational attraction.

Five Mile Creek also has evidence of salmonid spawning activity, so it is reasonable to assume some of the other canals and laterals are also likely to have trout populations.

The drains and laterals are exposed at a limited number of public access points besides road crossings and along adjacent maintenance routes. In the City of Caldwell, these sites include Griffiths Park, Fairview Golf Course and the Canyon Hill Cemetery. Griffiths Park (ball fields) has an improved trail along the Wilson Slough Drain.

In PID's area outside Caldwell, there is an improved trail near the confluence of Mason Creek and the Grimes Drain. The Elijah Drain is exposed at West Park, but the improved trail follows the canal running perpendicular to the drain.

The public can easily use any of the canal and lateral maintenance routes for trails despite the lack of surfacing. Those routes that are near residential areas are the most likely to be used for recreational purposes. Even without legal public access, the chance of prosecution for trespass is low so the use continues.

These drainages create attractive nuisances, particularly for children playing in or near them. In areas where the banks are steep or unstable, anyone could easily fall into a drainage and be unable to get out. In the smaller drainages, people could walk to a road crossing or other point where egress would be possible. Along the larger drainages, where currents can be significantly stronger, especially in the more rural settings, cries for assistance could go unheard, and drownings could occur.

3.11.2 Environmental Consequences

Alternative A – No Action and Alternative B – Proposed Action

Management of PID and Caldwell's drainages would continue as it has in the past, and recreation opportunities, experiences, and hazards along the drainages would remain unchanged. No direct or indirect effects are expected.

Cumulative Effects

There were no direct or indirect effects and therefore would be no anticipated cumulative effects as a result of Alternative B.

Chapter 4. Consultation and Coordination

4.1 Public Involvement

On February 7, 2017, Reclamation mailed a scoping document, including a letter, project information and map, to more than 100 agencies, Indian Tribes, members of Congress, organizations, and individuals, soliciting their help in identifying any issues and concerns related to the proposed action. Reclamation received comments from three entities. The scoping letters and comments received are presented in Appendix B.

On February 15, 2017, Reclamation conducted an open house meeting for the public. A variety of mechanisms were used to inform the public about the project and to encourage local residents, tribal members, and agencies to engage in activities during the scoping period and attend the scoping public meetings. These included an information package being mailed, a notice in the local newspaper, and a public website with current information available for access.

4.2 Agency Consultation and Coordination

On February 7, 2017, Reclamation mailed scoping letters to:

- Bureau of Land Management
- Bureau of Reclamation
- Environmental Protection Agency
- United States Fish and Wildlife Service
- National Marine Fisheries Service
- Governor CL 'Butch' Otter
- Idaho Department of Agriculture
- Idaho Department of Fish and Game
- Idaho Department of Environmental Quality
- Idaho Department of Health and Welfare
- Idaho Department of Lands
- Idaho Department of Water Resources
- Idaho Park and Recreation Department
- Idaho State Historic Preservation Office
- Idaho Transportation Department
- Idaho Water Resource Board
- Water District 63
- Idaho Senate
- Idaho House of Representatives
- Mayor of Boise
- Mayor of Eagle
- Mayor of Garden City
- Mayor of Meridian
- Mayor of Nampa
- Mayor of Caldwell
- Boise Public Works Department
- Boise Parks and Recreation
- Nampa Public Works Department
- Caldwell Public Works Department
- City of Caldwell
- Caldwell Parks and Recreation
- Ada County Commissioners
- Ada County Highway District
- Ada County Parks and Waterways
- Canyon County Parks and Waterways

Canton County Planning and Zoning

Canyon County Soil and Conservation District

Nampa Parks and Recreation

Black Canyon Irrigation District

Boise Project Board of Control

Caldwell Irrigation Lateral District

Nampa & Meridian Irrigation District

Riverside Irrigation District LTD

Boise-Kuna Irrigation District

Flood Control District 10

Flood Control District 11

Settlers Irrigation District

Pioneer Irrigation District

New York Irrigation District

Wilder Irrigation District

Big Bend Irrigation District

Canyon Hill Irrigation District

Franklin Ditch Company

Golden Gate Irrigation District

Mason Creek Ditch Company

Barker Rosholt & Simpson

Cable one

CH2M Hill Group

Foundation for Ada Canyon Trains System

Food Producers of Idaho

Hamilton, Michaelson & Hilty LLP

Idaho Association of Commerce and Industry

Idaho Conservation League

Idaho Council of Industry and the Environment

Idaho Dairymen's Association

Idaho Farm Bureau Federation

Idaho Outdoor Association

Idaho Outfitters and Guides Association Inc.

Idaho Power Company

Idaho Rivers United

Idaho Sugar Beet Growers Association

Idaho Water Users Association

Idaho Wildlife Federation

Intermountain Gas Company

Land and Water Fund of the Rockies

Moffatt Thomas Barrett Rock and Fields

Potato Growers of Idaho

Qwest Corporation

Ridge to Rivers Trails

Stopello and Kiser

The Nature Conservancy Idaho Chapter

United Water Idaho

Ted Trueblood Chapter Trout Unlimited

Golden Eagle Audubon Society

Ada Community Library

Boise Public Library

Caldwell Public Library

Eagle Public Library

Meridian Library District

Nampa Public Library

Parma Library

Idaho Statesman

Idaho Press Tribune

Reclamation initiated consultation with Idaho SHPO on June 21, 2017. SHPO concurrence with Reclamation's finding on Historic Properties for the project area will be completed during the 90 day public comment period.

4.3 Tribal Consultation and Coordination

Reclamation mailed scoping letters to the: Shoshone-Bannock Tribes and Shoshone-Paiute Tribes on January 25, 2017 (Appendix B). No responses or concerns from the Tribes were brought forward during the scoping period.

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Appendix A – Framework of Title Transfer

FRAMEWORK
FOR THE
TRANSFER OF TITLE
BUREAU OF RECLAMATION PROJECTS
AUGUST 7, 1995
(Updated September, 2004)

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The criteria and guidance outlined in this document applies to "uncomplicated" projects. "Uncomplicated" projects are generally defined in the Scope of Application section following. This guidance is intended to initiate the Bureau of Reclamation's title transfer process.

This guidance does not apply to the more complicated projects, e.g., large multi-purpose projects where there is no consensus among the project beneficiaries concerning the transfer, where more than one competent beneficiary has expressed an interest in acquiring title, or where the institutional and legal concerns cannot be readily resolved.

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BACKGROUND: The Reclamation program was founded in 1902. Its original mission was one of civil works construction to develop the water resources of the arid Western United States to promote the settlement and economic development of that region. The results of that work are well known in the hundreds of projects that were developed to store and deliver water. That substantial infrastructure made Reclamation the largest wholesale supplier of water in the United States, the sixth largest electric power generator, and the manager of 45 percent of the surface water in the Western United States. Many of these projects were constructed at a time when there were no local communities and utilities. Today much of the West is settled and is, in some respects, the most urbanized region of the country. Reclamation owns and operates public utility facilities which, if located in other parts of the country, would likely be owned, operated, and funded by publicly regulated private corporations or local government agencies. While it has been Reclamation's policy for decades to transfer operation and maintenance of projects to local entities where and when appropriate, interest in the actual transfer of title (with its attendant responsibilities) is now growing.

PURPOSE

As part of the second phase of the National Performance Review (REGO II), Reclamation initiated an effort to transfer title of facilities that could be efficiently and effectively managed by non-Federal entities and that are not identified as having national importance. This effort is recognition of Reclamation's commitment to a Federal Government that works better and costs less. The transfer of title will divest Reclamation of the responsibility for the operation, maintenance, management, regulation of, and liability for the project and will provide the non-Federal entity with greater autonomy and flexibility to manage the facilities to meet their current needs in compliance with other Federal, state and local laws and in conformance with contractual obligation. The transfer of title to a project or set of facilities will, in effect, sever Reclamation's ties with that project.[1]

SCOPE OF APPLICATION OF FRAMEWORK

It is Reclamation's intent to transfer title and responsibility for certain projects or facilities, when and where appropriate, to qualifying non-Federal interests. Uncomplicated projects are projects or facilities where there are no competing interests, the facilities are not hydrologically integrated with other projects, the financial arrangements are relatively simple and easily defined, and the legal and institutional concerns[2] associated with a transfer can be readily addressed. In other words, after meeting the requirements set forth in the Criteria section below, projects will be selected for title transfer on the basis of the transfer being achievable and able to move forward quickly.

For purposes of this document and the transfer of title to the projects, the terms "beneficiary" and "stakeholder" are defined as follows: (a) **beneficiary** refers to (i) contractors and others who receive direct benefits under the authorized purposes for that project and (ii) non-Federal governmental entities in the project area; (b) **stakeholder** is a broader term and includes the beneficiaries, as well as those individuals, organizations, or other entities which receive indirect benefits from the project or may be particularly affected by any change from the status quo.

CRITERIA FOR TITLE TRANSFER

Following are the six major criteria that must be met before any project is transferred:

---

[1] Note: Reclamation recognizes that the complete severance of the relationship between Reclamation and the transferee may not be possible in all instances.

[2] Such concerns include, but are not limited to, unresolved Native American claims, endangered species considerations, international or interstate issues, absence of consensus among beneficiaries, significant disagreements raised by the stakeholders, a need to prepare an Environmental Impact Statement, and substantive objections from other governmental entities.

1) The Federal Treasury, and thereby the taxpayer's financial interest, must be protected
2) There must be compliance with all applicable State and Federal laws
3) Interstate compacts and agreements must be protected
4) The Secretary's Native American trust responsibilities must be met
5) Treaty obligations and international agreements must be fulfilled
6) The public aspects of the project must be protected

GENERAL GUIDANCE FOR DETERMINING PROJECTS ELIGIBLE FOR TRANSFER

Reclamation Area offices will review projects nominated by an interested transferee and will pursue negotiations regarding those projects where the issues associated with transfer are relatively easy to resolve. This could include projects with multiple purposes and numerous stakeholders, but only if it is clear that outstanding issues are resolved and that there is consensus among the stakeholders.

Reclamation will not initiate negotiations on those projects where title transfer will involve a protracted process to ensure that the six criteria listed above are met.

Generally, Reclamation will not pursue transfer of powerhouses and generating facilities where power is marketed by the Power Marketing Administrations or where such power is used for purposes not directly associated with project purposes.

GENERAL GUIDELINES APPLYING TO TRANSFERS

All transfers will be voluntary.

Reclamation's intent is to transfer projects to current project beneficiaries, including non-Federal governmental entities, or to entities approved by the current beneficiaries.

All transfers must have the consent of other project beneficiaries. If another beneficiary raises substantive objections which cannot be resolved, the project will remain in Federal ownership.

Reclamation will comply with National Environmental Policy Act and other applicable laws in all transfers.

All transfers must ensure the United States' Native American trust responsibilities are satisfied. In addition, outstanding Native American claims that are directly pending before the Department and that would be directly affected by the proposed transfer will be resolved prior to transfer.

Reclamation officials will meet with representatives from all interested Federal and State agencies to consider their concerns early in the transfer process.

Potential transferees must be competent to manage the project and be willing and able to fulfill all legal obligations associated with taking ownership of that project, including compliance with Federal, State, and tribal laws that apply to facilities in private ownership and assumption of full liability for all matters associated with ownership and operation of the transferred facilities. Potential transferees must be able to demonstrate the technical capability to maintain project safety on a permanent basis and an ability to meet financial obligations associated with the project.

In general, it is Reclamation's expectation that, upon the transfer of title to a project, its jurisdiction over that project will be divested. Reclamation further recognizes that in some cases the complete divestiture of jurisdiction may not be attainable because the transferee still receives water supplied from a Reclamation facility, or only a portion of the project was transferred and the rest of the project remains in Federal ownership, or there are other extenuating circumstances. The degree to which the Reclamation Reform Act of 1982 will apply following transfer will be negotiated on a case-by-case basis.

The financial interests of the Government and general taxpayers will be protected. Transferees must agree to fair and equitable terms based upon the factual circumstances associated with each project. (See attachment which describes the valuation of projects.) Transferees will be expected to pay upfront the estimated transaction costs, such as costs associated with compliance with the National Environmental Policy Act, real estate boundary surveys, and so forth. The Federal share of any transaction costs will either be deducted from the "price" paid by the non-Federal entities pursuant to the valuation methodology or paid as an in-kind service for work done by Reclamation staff. Reclamation will not provide new loans to finance transfers.

No transferred Federal asset will be considered for federal assistance for project operation, maintenance, and replacement or capital construction purposes following completion of the transfer.

Prior to the initiation of detailed discussions on title transfer, Reclamation and the potential transferees will execute an agreement covering the responsibilities of all parties during the negotiations.

A base value will be determined for each project as it becomes the subject of serious negotiations for transfer. (See attached guidance on valuation.) The negotiated price for the project may deviate up or down from the base value. It will be necessary for Reclamation and the interested non-Federal entity to document how the factual circumstances and equitable treatment considerations justify such adjustments. In addition, Reclamation may consider future uses on the transferred lands and waters in establishing a price.

Potentially affected State, local, and tribal governments, appropriate Federal agencies, and the public will be notified of the initiation of discussions to transfer title and will have (1) the opportunity to voice their views and suggest options for remedying any problems and (2) full

access to relevant information, including proposals, analyses, and reports related to the proposed transfer. The title transfer process will be carried out in an open and public manner.

Once Reclamation has negotiated an agreement with a transferee, Reclamation will seek legislation specifically authorizing the negotiated terms of the transfer of each project or feature.

Appendix B – Scoping Package

Scoping Information Package

Proposed Title Transfer of all interest in and right/title to Reclamation's drainage facilities and associated land interests within Pioneer Irrigation District's service area

This information package summarizes the proposal for title transfer for certain Federal drains and associated property interest from the Bureau of Reclamation (Reclamation) to Pioneer Irrigation District (PID) and City of Caldwell. These facilities are comprised of 25 water conveyance channels segments totaling approximately 77 miles in length.

Federal actions must be analyzed in accordance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations to determine potential environmental consequences. Reclamation is asking for comment to better identify issues and concerns associated with this proposal.

Purpose and Need for Action

Reclamation's purpose for this action of title transfer is to reduce or eliminate costs associated with administering the project facilities that could be efficiently or effectively managed by non-Federal entities and which are not of national importance. This action would allow Reclamation to use its resources more effectively in other areas of water resource management and allow PID to be more efficient in its O&M of the transferred facilities.

Where appropriate, Reclamation works with project beneficiaries and other stakeholders to transfer ownership of certain Federal irrigation facilities to non-Federal entities that request a transfer and are capable of managing the facilities, and where the Federal investment in the facilities has been repaid.

The facilities and land interests included in this proposal are limited to those federally-owned facilities which are operated and maintained by PID and lie within the District's boundary. At present, even though PID has paid its repayment obligations in full for the federally-owned portion of the drainage system, title remains with the United States.

Proposed Action

Under the Proposed Action, the Secretary of Interior would convey to PID all interest in and right/title to Reclamation's drainage facilities and associated land interests within the District's service area. These facilities are all operated and maintained by PID and represent approximately 35 percent of the total drainage system currently operated and maintained by PID. City of Caldwell and Pioneer Irrigation District will receive approximately 40.45 miles and 42.18 miles of drainage facilities and land interests, respectively. These facilities consist of drainage conveyance channels and associated rights-of-way, easements, and fee title lands. No other land areas are involved. No water rights, storage rights, water distribution/management agreements, or facilities of other entities would be affected.

Existing Condition

The Reclamation facilities proposed for title transfer to PID are illustrated in exhibit A. These facilities are comprised of 25 water conveyance channels segments totaling approximately 77 miles in length. All drainage channels included are designed, sized, and constructed to manage high groundwater levels, irrigation return flows, and stormwater runoff from agricultural fields. With one exception, all facilities proposed for title transfer are within Canyon County, Idaho. The exception is a stretch of the Fivemile Drain, less than one mile in length located in Ada County in the northeastern portion of PID.

Reclamation does not currently have the authority to transfer title of these facilities and lands. Specific legislation would need to be passed by Congress if the decision is made to proceed with the title transfer. Reclamation has determined that the title transfer would not interfere with PID's capability to continue to operate and maintain the relevant facilities, and that PID has fully met its repayment obligation to the United States Treasury for the costs associated with construction of these facilities, including acquisition of associated land interests. The proposed transfer also would not interfere with O&M for the remaining Federal portions of the Boise Project.

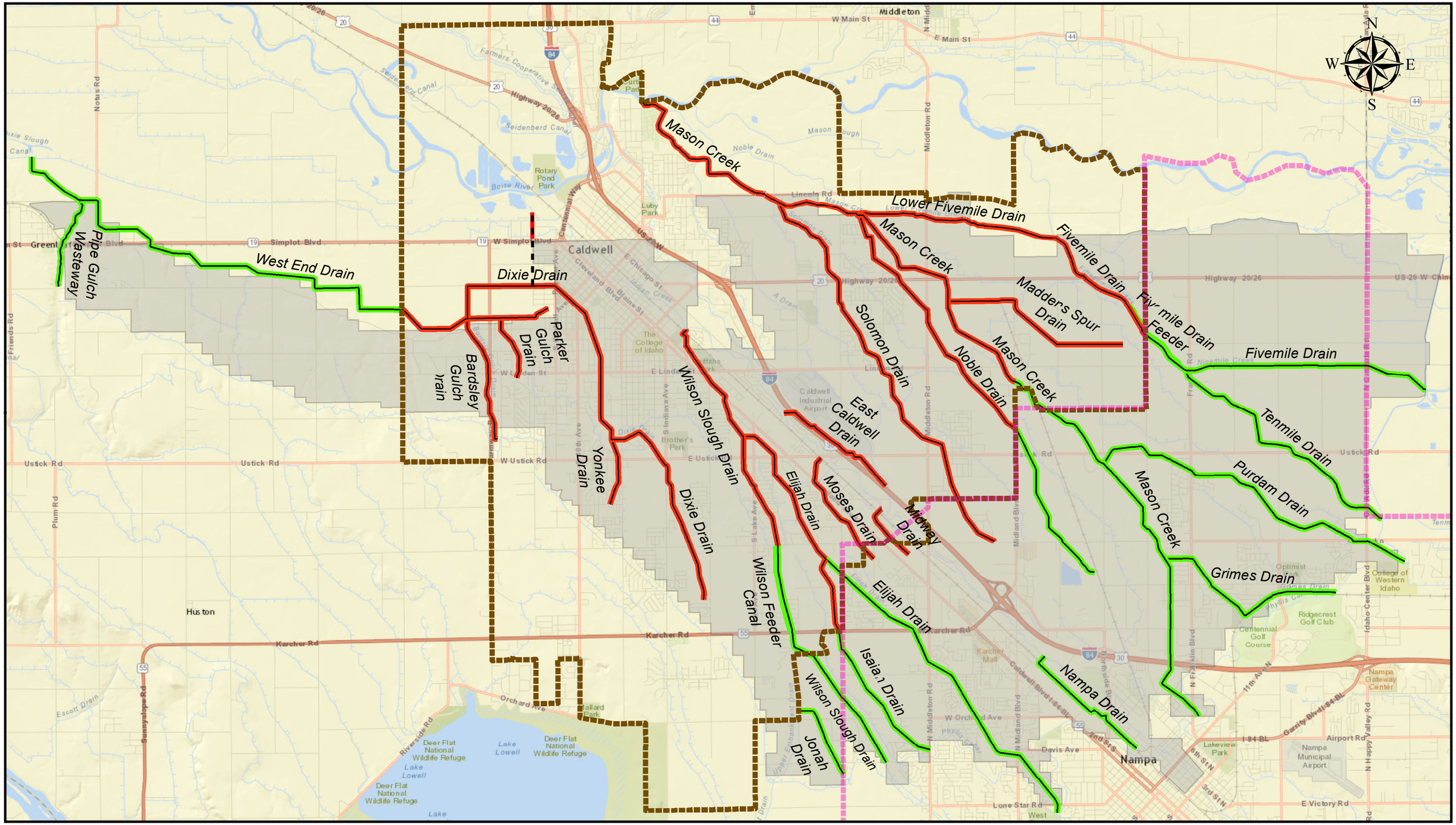
No land parcels or facilities outside of the drainage channel corridors listed on Table 1 are involved in the proposed PID title transfer. No water rights or water storage facilities/capacities would be transferred or affected by the Proposed Action. Reclamation issued a Draft EA for the proposed title transfer on August 13, 2007, for public review. This document and resulting actions will find the previous 2007 Pioneer Irrigation District Proposed Title Transfer Environmental Assessment null and void.

Preliminary Alternative Development

The environmental assessment would include consideration of the Proposed Action Alternative and the No Action Alternative, which include denial of Title Transfer. Additionally, alternatives would be developed with the identified issues throughout the NEPA process.

Exhibits

A. Pioneer Irrigation District Proposed Title Transfer Map



Transfer To

- PID
- City of Caldwell
- City of Caldwell
  Reclamation land interest with no drainage channel

City Impact Areas

- Nampa
- Caldwell

Pioneer Irrigation District Boundary

Proposed Title Transfer
U.S. Bureau of Reclamation to
Pioneer Irrigation District and City of Caldwell

0 1 2 4 Miles

RECLAMATION
Managing Water in the West

Filename: BV0719171 Prepared by: DPitzer
Date Plotted: 7/20/2017

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Snake River Area Office
230 Collins Road
Boise, ID 83702-4520

IN REPLY REFER TO:

FEB 0 7 2017

SRA-1214
ENV-1.10

Subject: Request for Public Comments Regarding a Proposed Title Transfer for Certain Federal Drains and Associated Property Interest within the Pioneer Irrigation District to the Pioneer Irrigation District and the City of Caldwell

Dear Interested Party:

The Bureau of Reclamation has received a request from the Pioneer Irrigation District (PID) and the City of Caldwell proposing a title transfer of all interest in and right/title to Reclamation's drainage facilities and associated land interests within Pioneer Irrigation District's service area. The facilities and land interests included in this proposal are limited to those Federally-owned facilities which are operated and maintained by PID and lie within the District's boundary (see enclosed Scoping Information Package). At present, PID has fulfilled its repayment obligations for the Federally-owned portion of the drainage system, title remains with the United States. The purpose of this letter is to inform interested and affected parties of the proposal and to solicit comments pursuant to the National Environmental Policy Act of 1969. Enclosed is a Scoping Information Package describing the project proposal.

Scoping is a public involvement process used to determine the scope of issues to be addressed and identify issues related to a proposed action. Analysis of the proposal is ongoing and will be documented in an environmental assessment with an estimated publication date for the public review draft of fall 2017. Comments received in response to this solicitation will be used to identify potential environmental issues related to the proposed action and to identify alternatives to the proposed action that meet the purpose of and need for the project. There will be a public open house held during the scoping period to provide information and to answer questions about the proposed action. The meeting will be held on February 15, 2017, from 6:00–8:00 p.m. at the following location:

Canyon County Administration Building
Public Meeting Room-Room 130
111 N. 11th Avenue
Caldwell, Idaho 83605

Access for the handicapped is provided from the parking lot in the rear of the building.

Please send your written comments by March 3, 2017, to: Ms. Rochelle Ochoa, Natural Resources Specialist, Bureau of Reclamation, Snake River Area Office, 230 Collins Road, Boise, Idaho, 83702, or via email at rochoa@usbr.gov.

Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The primary contact for questions or comments for this analysis and accessibility needs or information is Ms. Rochelle Ochoa, Natural Resources Specialist, at 208-383-2277.

Sincerely,

ACTING FOR Roland K. Springer
Area Manager

Enclosures

Proposed Title Transfer U.S. Bureau of Reclamation to Pioneer Irrigation District and City of Caldwell

Idaho Power Company – Environmental Assessment Scoping Comment Form Responses:

- Environmental Questions:
  - What actions would be taken for the NEPA assessment?
  - Would the NEPA assessment address utility facilities such as Idaho Power's power lines?
- Title Transfer/Permit Transfer Questions:
  - How will Idaho Power's existing rights under our BOR permits be preserved as part of the BOR transfer (Transfer) to the City of Caldwell (City) and Pioneer Irrigation District (PID)? Would this be addressed in the Drain Transfer Agreement?
    - Would our existing BOR permits be assigned by BOR to the City/PID?
    - Would we enter into new permits with the City/PID?
  - If for some reason existing Idaho Power facilities do not have a BOR permit, can Idaho Power obtain new permits for those facilities from the BOR/City/PID?
  - Has the BOR had other title transfers in Idaho that could provide guidance for the Transfer to the City/PID?
  - How long does the BOR think it would take for the title transfer to be completed if it is successful and approved by Congress? What type of notice and transition period would there be for the Transfer?
- Post-Transfer Questions:
  - What permitting process does the City plan to use to permit new encroachments (such as power lines) within drain rights-of-way?
  - Does PID plan to use its existing process to permit new encroachments (such as power lines) within drain rights-of-way?
  - Will PID continue to restrict construction based on the annual irrigation schedule?
  - What would happen to applications that had been submitted but not completed prior to the transfer? Will they be completed by the BOR or transferred over to City or PID for completion?

RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

ENVIRONMENTAL ASSESSMENT SCOPING COMMENT FORM

Proposed Title Transfer
U.S. Bureau of Reclamation to
Pioneer Irrigation District and City of Caldwell

Name (please print legibly): Amanda Loman	
Organization: Caldwell Irrigation Lateral District	
Mailing Address: 1616 E. Chicago	
City, State, and Zip Code: Caldwell, ID 83605	
Telephone (optional): 454-3477	**E-mail (optional):** amandacild@qwestoffice.net

✓ Please add or keep my name on the mailing list.

___ I want my name removed from this mailing list.

Please note: Before including your name, address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment (including your personal identifying information) may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

My comments on the Proposed Title Transfer—U.S. Bureau of Reclamation to Pioneer Irrigation District and City of Caldwell are:

Caldwell Irrigation Lateral District would like to remind everyone that we have a water delivery point off of the Dixie Drain. The location is at Logan and Ray Ave.

(Use back of sheet or additional sheets as necessary)
Please mail or email your comments before March 3, 2017, to: Rochelle Ochoa, Natural Resources Specialist, Bureau of Reclamation, 230 Collins Road, Boise, ID 83702-4520; email: rochoa@usbr.gov.

Petrovsky, John <jpetrovsky@usbr.gov> Mar 3

to hhamanishi, me

Mr. Hamanishi:

First, I apologize for the length of time it has taken me to respond to your request.

Attached is the scoping package for the proposed PID and Caldwell Title Transfer environmental compliance process. Hopefully, from this you will be able to express your concerns by return email. Since the official scoping period ends today, we will accept your comments if we receive them by the end of next week.

Of the information you requested, most should be shown in the scoping package. Regarding the width of the Reclamation ownership, easement, or right-of-way (the Reclamation channels are largely located in easements or rights-of-way as opposed to land held in fee title by our agency), I do not have that information at the moment but you are certainly welcome to evaluate this condition in the field, especially in Caldwell where the conveyances are constrained in many places by surrounding development.

Thank you for your interest in the evaluation process for this proposal. We look forward to your input. Be aware as well that you will have another opportunity to comment when the draft Environmental Assessment is published near the end of the third quarter this year. Please let us know by return email if you wish to be on the distribution list for that draft Environmental Assessment.

Best regards,

JP

John Petrovsky
Activity Coordinator/Project Manager

Bureau of Reclamation – Pacific Northwest Region
Snake River Area Office – SRA-1303
230 Collins Road
Boise, ID 83702-4520
(208-383-2224)
Attachments area

Petrovsky, John <jpetrovsky@usbr.gov> Mar 9

to HENRY, me

Mr. Hamanishi:

Thank you for your comments. They will most assuredly be considered in our preparation of the Environmental Assessment.

If you wish to receive a copy of the draft Environmental Assessment, please send us your mailing address. We can also note if your preference would be to receive the document via email or download from our project website.

Best regards,

JP

On Mon, Mar 6, 2017 at 5:47 PM, HENRY HAMANISHI [redacted] wrote:

Thank you for responding. The information is quite interesting, this is a huge expansion from the original PID request of 2007.

My initial interest had to do with my position within the JR Simplot Company, one of my major responsibilities as the Corporate Environmental Engineer and Manager was the Caldwell potato plant site and the environmental land application site that the Dixie Drain went through right after Farmway Road. Simplot has the first water rights at Farmway Road from Dixie Drain for the land application site with this water the main fresh water source and is vitally needed to supplement the land application of treated process wastewater through permit with Idaho DEQ for growing crops. I had an office next to the Simplot Corporate Land and Development Director and we worked together to assure an irrigation water source for the site.

I have since retired from Simplot (after 32 years), but I still live in Caldwell and I am still quite interested in not only the Dixie Drain, but all other drains within the city limits. I have talked, over the years, extensively with the city of Caldwell engineering staff on the vital nature of Dixie Drain for stormwater runoff as well as balancing the canal supplied summer flood irrigation for many properties with the capacity of Dixie Drain.

I currently have two major interests, one is maintaining the stormwater capacity of the Dixie Drain since it is the mainly storm drain outlet for my neighborhood, the other is the recreational possibilities of the Dixie Drain path from the southern portion of the city to the Caldwell downtown as both a pedestrian and bicycle path. My major concern in any environmental study is that the nature of Dixie Drain has changed quite drastically in the last 50 years, there is very little agricultural runoff with most of the drainage area for the drain. Now either residential or commercial properties are dominant and that both stormwater drainage is kept as a primary use from residential and commercial properties, and that canal water used for residential flood irrigation and the runoff from these waters is still allowed in the drain. Since the use of the drain has changed from agricultural to suburban, any environmental impact needs to consider this change and allow uses that are compatible with a suburban population and not consider this an agricultural drain.

From: Petrovsky, John <jpetrovsky@usbr.gov>
Sent: Friday, March 3, 2017 3:28:15 PM
To: [redacted]

Cc: Rochelle Ochoa
Subject: PID and Caldwell Title Transfer

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HENRY HAMANISHI [redacted] Mar 9
to John, me

Thanks. My mailing address is:

Henry Hamanishi
[redacted]

I would like to receive a copy of the draft Environmental Assessment, I would like to receive it via email if the file is not too large, if it is large, if you can direct me to the project website, I can download it there.

From: Petrovsky, John <jpetrovsky@usbr.gov>
Sent: Thursday, March 9, 2017 10:07 AM
To: HENRY HAMANISHI
Cc: Rochelle Ochoa
Subject: Re: PID and Caldwell Title Transfer

Appendix C – U.S. Fish and Wildlife Service IPaC

IPaC **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Canyon County, Idaho

Local office

Idaho Fish And Wildlife Office

(208) 378-5243
(208) 378-5262

1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] are managed by the Endangered Species Program of the U.S. Fish and Wildlife Service.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

The following species are potentially affected by activities in this location:

Flowering Plants

NAME	STATUS
Slickspot Peppergrass Lepidium papilliferum There is a **proposed** critical habitat for this species. Your location is outside the proposed critical habitat. https://ecos.fws.gov/ecp/species/4027	Threatened

Snails

NAME	STATUS
Snake River Physa Snail Physa natricina No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/305	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service[3]. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Conservation measures for birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Year-round bird occurrence data http://www.birdscanada.org/birdmon/default/datasummaries.jsp

The migratory birds species listed below are species of particular conservation concern (e.g. Birds of Conservation Concern) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the AKN Histogram Tools and Other Bird Data Resources. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

NAME	SEASON(S)
Bald Eagle Haliaeetus leucocephalus https://ecos.fws.gov/ecp/species/1626	Wintering
Black Rosy-finch Leucosticte atrata https://ecos.fws.gov/ecp/species/9460	Year-round

Brewer's Sparrow Spizella breweri https://ecos.fws.gov/ecp/species/9291	Breeding
Burrowing Owl Athene cunicularia https://ecos.fws.gov/ecp/species/9737	Breeding
Calliope Hummingbird Stellula calliope https://ecos.fws.gov/ecp/species/9526	Breeding, Migrating
Cassin's Finch Carpodacus cassinii https://ecos.fws.gov/ecp/species/9462	Year-round
Eared Grebe Podiceps nigricollis	Breeding
Ferruginous Hawk Buteo regalis https://ecos.fws.gov/ecp/species/6038	Year-round
Fox Sparrow Passerella iliaca	Breeding
Green-tailed Towhee Pipilo chlorurus https://ecos.fws.gov/ecp/species/9444	Breeding
Lewis's Woodpecker Melanerpes lewis https://ecos.fws.gov/ecp/species/9408	Breeding
Loggerhead Shrike Lanius ludovicianus https://ecos.fws.gov/ecp/species/8833	Breeding
Long-billed Curlew Numenius americanus https://ecos.fws.gov/ecp/species/5511	Breeding
Olive-sided Flycatcher Contopus cooperi https://ecos.fws.gov/ecp/species/3914	Breeding
Peregrine Falcon Falco peregrinus https://ecos.fws.gov/ecp/species/8831	Breeding
Rufous Hummingbird selasphorus rufus https://ecos.fws.gov/ecp/species/8002	Migrating
Sage Thrasher Oreoscoptes montanus https://ecos.fws.gov/ecp/species/9433	Breeding
Short-eared Owl Asio flammeus https://ecos.fws.gov/ecp/species/9295	Year-round
Swainson's Hawk Buteo swainsoni https://ecos.fws.gov/ecp/species/1098	Breeding
Western Grebe aechmophorus occidentalis https://ecos.fws.gov/ecp/species/6743	Breeding
White Headed Woodpecker Picoides albolarvatus https://ecos.fws.gov/ecp/species/9411	Year-round
Willow Flycatcher Empidonax traillii https://ecos.fws.gov/ecp/species/3482	Breeding

What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?

Landbirds:

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 list of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

Atlantic Seabirds:

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAANCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details about the abundance and richness of bird species within your project area off the Atlantic Coast, see the Northeast Ocean Data Portal. The Portal also offers data and information about other types of taxa that may be helpful in your project review.

About the NOAANCCOS models: the models were developed as part of the NOAANCCOS project: Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf. The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the Northeast Ocean Data Portal, which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?

Landbirds:

The Avian Knowledge Network (AKN) provides a tool currently called the "Histogram Tool", which draws from the data within the AKN (latest,survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the Migratory Bird Programs AKN Histogram Tools webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North, Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

Atlantic Seabirds:

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAANCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Facilities

Wildlife refuges

Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

This location overlaps the following National Wildlife Refuges:

REFUGE	ACRES
Deer Flat National Wildlife Refuge	22,798.58 acres

(208) 467-9278
(208) 467-1019

13751 Upper Embankment Road
Nampa, ID 83686-8046

https://www.fws.gov/refuges/profiles/index.cfm?id=14560

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the NWI map to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

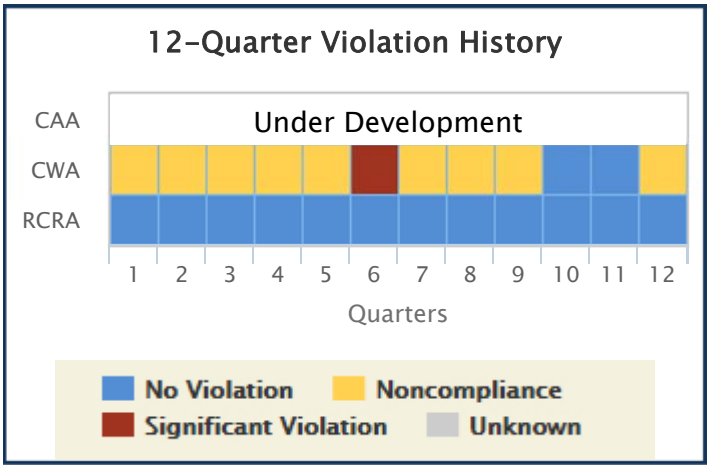
Appendix D – ECHO Report

Detailed Facility Report

Facility Summary

SORRENTO LACTALIS INC - SWISS VILLAGE PLANT
4912 E FRANKLIN RD, NAMPA, ID 83687

FRS (Facility Registry Service) ID: 110001807037
EPA Region: 10
Latitude: 43.606826
Longitude: -116.491937
Locational Data Source: FRS
Industry: Food Manufacturing
Indian Country: N



Enforcement and Compliance Summary

Statute	Insp (5 Years)	Date of Last Inspection	Compliance Status	Qtrs in NC (Non-Compliance) (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CAA	--	--		0	0	1	1	$0	1	$91,352
CWA	1	07/23/2015	**Noncompliance**	10	1	--	--	--	1	$85,896
RCRA	1	03/03/2015	**No Violation**	0	0	--	--	--	--	--

Related Reports **Regulatory Information** **Other Regulatory Reports**

Enforcement Case Report
Air Pollutant Report
CWA Pollutant Loading Report
CWA Effluent Charts
CWA Effluent Limit Exceedances Report
View Envirofacts Reports

Clean Air Act (CAA): Operating Minor (ID0000001602700071)
Clean Water Act (CWA): Minor, Permit Admin Continued (ID0028037)
Resource Conservation and Recovery Act (RCRA): Active (H) CESQG (IDR000202903)
Safe Drinking Water Act (SDWA): No Information

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): 1011640
Toxic Releases (TRI): 83653SMPLT4912E

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110001807037					N	43.606826	-116.491937
AIR	CAA	ID0000001602700071	Minor Emissions	Operating	CAAGACTM, CAANSPS, CAASIP		N		
GHG	CAA	1011640	Direct Emitter	Subject	General Stationary Fuel Combustion		N		
RMP	CAA	100000172706		ACTIVE			N		
ICP	CWA	ID0028037	Minor: NPDES Individual Permit	Admin Continued		10/31/2010	N	43.605056	-116.491861
TRI	EP313	83653SMPLT4912E	Toxics Release Inventory	Last Reported for 2015			N	43.606826	-116.491937
RCR	RCRA	IDR000202903	CESQG	Active (H)			N		

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110001807037	SORRENTO LACTALIS INC - SWISS VILLAGE PLANT	4912 E FRANKLIN RD, NAMPA, ID 83687
AIR	CAA	ID0000001602700071	SORRENTO LACTALIS INC	4912 E FRANKLIN AVE, NAMPA, ID 836531230
GHG	CAA	1011640	Sorrento Lactalis	4912 E. Franklin Road, Nampa, ID 83687
RMP	CAA	100000172706	SORRENTO LACTALIS, INC.	4912 E. FRANKLIN ROAD, NAMPA, ID 83653
ICP	CWA	ID0028037	SORRENTO LACTALIS INC	4912 EAST FRANKLIN ROAD, NAMPA, ID 83653
TRI	EP313	83653SMPLT4912E	SORRENTO LACTALIS INC	4912 E. FRANKLIN RD, NAMPA, ID 83687
RCR	RCRA	IDR000202903	SORRENTO LACTALIS	4912 E FRANKLIN RD, NAMPA, ID 83687

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Desc
TRI	83653SMPLT4912E	2022	Cheese, Natural And Processed
AIR	ID0000001602700071	2023	Dry, Condensed, Evaporated Products
ICP	ID0028037	2022	Cheese, Natural And Processed
ICP	ID0028037	2023	Dry, Condensed, Evaporated Products

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
RMP	100000172706	311513	Cheese Manufacturing
GHG	1011640	311513	Cheese Manufacturing
TRI	83653SMPLT4912E	311513	Cheese Manufacturing
TRI	83653SMPLT4912E	311514	Dry, Condensed, And Evaporated Dairy Product Manufacturing

System	Identifier	SIC Code	SIC Desc
ICP	ID0028037	2026	Fluid Milk

System	Identifier	NAICS Code	NAICS Description
AIR	ID0000001602700071	311514	Dry, Condensed, And Evaporated Dairy Product Manufacturing
ICP	ID0028037	311511	Fluid Milk Manufacturing
ICP	ID0028037	311513	Cheese Manufacturing
ICP	ID0028037	311514	Dry, Condensed, And Evaporated Dairy Product Manufacturing
RCR	IDR000202903	311513	Cheese Manufacturing
RCR	IDR000202903	311514	Dry, Condensed, And Evaporated Dairy Product Manufacturing

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned			

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CWA	ID0028037	ICP	Evaluation	EPA	07/23/2015	

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Non-compliance)/HPV (High Priority Violation)	Description	Current As Of	Qtrs in NC (Non-Compliance) (of 12)
CWA	ID0028037	No		03/31/2017	10

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type			QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11
CWA (Source ID: ID0028037)				04/01-06/30/14	07/01-09/30/14	10/01-12/31/14	01/01-03/31/15	04/01-06/30/15	07/01-09/30/15	10/01-12/31/15	01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31
	Facility-Level Status			**In Viol**	**In Viol**	**In Viol**	**In Viol**	**In Viol**	**SNC/Cat 1**	**In Viol**	**In Viol**	**In Viol**	**No Viol**	**No Viol**
	SNC (Significant Non-compliance)/RNC (Reportable Non-Compliance) History			V (NonRNCV)	N (RptViol)	N (RptViol)	N (RptViol)	N (RptViol)	E(EffViol)	N (RptViol)	N (RptViol)	N (RptViol)	R (Resolvd)	R (Resolvd
	Pollutant	**Disch Point**	**Freq**											
CWA	BOD, 5-day, 20 deg. C	001	Mthly					**90%**	**90%**					
CWA	BOD, 5-day, 20 deg. C	001	NMth					85%	230%					
CWA	E. coli	001	Mthly					39%						
CWA	E. coli	001	NMth			1%		90%	99999%	319%	491%	491%		
CWA	Phosphorus, total [as P]	001	Mthly					29%						

Statute	Program/Pollutant/Violation Type			QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11
CWA	Solids, total suspended	001	Mthly		4%			46%						
CWA	Solids, total suspended	001	NMth					4%		20%				

Informal Enforcement Actions (5 Years)

Statute	System	Source ID	Type of Action	Lead Agency	Date

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description

ICIS (Integrated Compliance Information System) Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP (Supplemental Environmental Project) Cost	Comp Action Cost
CWA / §301/402	10-2016-0131	Administrative - Formal	EPA	SORRENTO LACTALIS INC	09/08/2016	09/08/2016	$85,896	$0	$0	$6,000

Environmental Conditions

Water Quality

Permit ID	Combined Sewer System?	Number of CSO (Combined Sewer Overflow) Outfalls	12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Waterbody Name (ICIS (Integrated Compliance Information System))	Impaired Waters	Impaired Class	Causes of Impairment(s) by Group(s)	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
ID0028037			170501140407	Mason Creek	RACHEL DRAIN, PURDAM DRAIN	No			Yes

Waterbody Designated Uses

Reach Code	Waterbody Name	Exceptional Use	Recreational Use	Aquatic Life Use	Shellfish Use	Beach Closure Within Last Year	Beach Closure Within Last Two Years
17050114001761		No	No	No	No	No	No

Air Quality

Non-Attainment Area?	Pollutant(s)
No	Ozone
No	Lead
Yes	Particulate Matter
No	Sulfur Dioxide

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

Air Pollutant Report TRI Pollution Prevention Report

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
83653SMPLT4912E	2015	0	250	0		1,100	1,350	42,588
83653SMPLT4912E	2014	0	1,907	0		19,087	20,994	37,574
83653SMPLT4912E	2013		1,835	0		2,610	4,445	21,299
83653SMPLT4912E	2012		6,985	0		1,616	8,601	25,788
83653SMPLT4912E	2011		750	255		12,462	13,212	53,096
83653SMPLT4912E	2010		7,108	0		67,800	74,908	1,000
83653SMPLT4912E	2009		385	0		1,161	1,546	250
83653SMPLT4912E	2008		1,884	0		510	2,394	113
83653SMPLT4912E	2007		1,568	0		3,226	4,794	97

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name	2015	2014	2013	2012	2011	2010	2009	2008	2007
AMMONIA									
HYDROCHLORIC ACID (1995 AND AFTER ACID AEROSOLS ONLY)									
NITRATE COMPOUNDS	43,938	58,568	25,744	34,389	66,308	75,908	1,796	2,507	4,891
NITRIC ACID	0	0	0	0	0	0	0	0	0
PHOSPHORIC ACID									

Demographic Profile

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	100%	Households in Area:	6,856
Center Latitude:	43.606826	Water Area:	0%	Housing Units in Area:	7,371
Center Longitude:	-116.491937	Population Density:	746/sq.mi.	Households on Public Assistance:	80
Total Persons:	20,953	Percent Minority:	16%	Persons Below Poverty Level:	6,438

Race Breakdown	Persons (%)	Age Breakdown	Persons (%)
White:	18,784 (90%)	Child 5 years and younger:	1,758 (8%)
African-American:	162 (1%)	Minors 17 years and younger:	6,653 (32%)
Hispanic-Origin:	2,471 (12%)	Adults 18 years and older:	14,300 (68%)
Asian/Pacific Islander:	278 (1%)	Seniors 65 years and older:	2,120 (10%)
American Indian:	166 (1%)		
Other/Multiracial:	1,564 (7%)		

Education Level (Persons 25 & older)	Persons (%)	Income Breakdown	Households (%)
Less than 9th Grade:	506 (4.18%)	Less than $15,000:	405 (6.2%)

Education Level (Persons 25 & older)	Persons (%)	Income Breakdown	Households (%)
9th through 12th Grade:	652 (5.38%)	$15,000 - $25,000:	617 (9.44%)
High School Diploma:	3,699 (30.53%)	$25,000 - $50,000:	1,698 (25.98%)
Some College/2-yr:	4,659 (38.45%)	$50,000 - $75,000:	1,840 (28.15%)
B.S./B.A. or More:	2,601 (21.47%)	Greater than $75,000:	1,977 (30.24%)

Appendix E – Environmental Site Assessment for Disposal of Real Property

RECLAMATION

Managing Water in the West

Preliminary Environmental Site Assessment for the transfer of title of Pioneer Irrigation District

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

June 2017

Mission Statements

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 Tribes and our commitments to island communities.

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.

Summary Report

Guiding Documents

It was agreed that the assessment would be adapted from the guidelines outlined in the Bureau of Land Management (BLM) Handbook *H-2000-02 Site Assessments for Disposal of Real Property*.

Method

An on-site assessment of the respective irrigation drains was performed over three non-consecutive days by Derrick Eisenbeis, Civil Engineer, Bureau of Reclamation on June 2nd, 5th, and 7th. Because of the scope of size of the property, the assessment was conducted mainly via motor vehicle with occasional travel by foot where a closer inspection deemed necessary. It is noted that while most of the irrigation drains were accessible, due to lack of access road, restricted access, and/or unsafe terrain or physical barriers, less than 10% of the drains were not accessible. The inspector is confident that the areas which were not accessible pose a similar degree of evidence of Recognized Environmental Conditions as the areas that were accessible.

An additional section of interest was added to the original inspection and performed on July 31, 2017. This approximately 1-mile section of interest consisted of a length of flexible-paved local road (Kit Rd.) with very low volumes of traffic. Because of the non-penetrable nature of such terrain and identified storm-water drain systems it would be highly unlikely that contaminants could transport to the substrate of the mentioned section of interest.

Deviations

It was determined that because of the size and complexity of the project, ordering an Environmental Data Resources (EDR) Report would be too costly and not feasible for the scope of work. The assessor decided that they would order an EDR on any section of irrigation drain which gave suspect of a possible Recognized Environmental Condition. This decision was made with consultation from the PN-Regional HazMat Coordinator, Stevan Raye, who concurred.

Conclusion

Although a separate Preliminary Analysis was performed on each section of irrigation drain, the following conclusion can be made of the entire assessment:

This Preliminary Analysis has not revealed any evidence of hazardous substances, petroleum products, or recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. No further inquiry is needed; therefore, this real property is suitable for disposal.

Recognized Environmental Condition Categories

REC: ASTM E1527-13 defines a "recognized environmental condition (REC)" as "the presence or likely presence of any hazardous substances or petroleum products in, on or at a property: 1) due to release to the environment, 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment."

CREC: ASTM E1527-13 defines a "controlled recognized environmental condition (CREC)" as a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable

regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example property use restrictions, activity and use limitations, institutional controls, or engineering controls).

HREC: ASTM E1527-13 defines a "historic recognized environmental condition (HREC)" as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (for example property use restrictions, activity and use limitations, institutional controls, or engineering controls).