



— BUREAU OF —
RECLAMATION

Finding of No Significant Impact and Decision Record

Raft River Flood Protection and Groundwater Recharge Project

Interior Region 9 – Columbia-Pacific Northwest

CPN FONSI #: 2026-01

Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, Native Hawaiians, and affiliated Island Communities.

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.

Introduction

The Bureau of Reclamation (Reclamation) has prepared this Finding of No Significant Impact (FONSI) in accordance with section 102(2) of the National Environmental Policy Act (NEPA) of 1969. This FONSI follows implementation regulations for an EA described in 43 CFR Part 46 and the Department of the Interior Handbook of NEPA Implementation Procedures (516 DM 1). This document briefly describes the location and background of the Proposed Action, the purpose and need for Reclamation, a summary of environmental effects, consultation, coordination and public involvement and Reclamation's decision. The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) has fully documented the analyses of the potential environmental effects of implementing the changes proposed within a Final Environmental Assessment (EA). Reclamation, as a cooperating agency, has an independent FONSI and decision document regarding the Proposed Action.

Location and Background

The USDA NRCS is considering providing flood prevention and flood damage reduction to address ongoing flooding and flood damage to agricultural crops, roads, houses and other structures. Additionally, improving agricultural water management by providing groundwater recharge and providing sustainable agricultural water supply for agricultural producers in the Raft River region of Cassia County, Idaho. An authorization is required from Reclamation because it manages lands and facilities at Minidoka Dam and Lake Walcott that may be impacted by this proposal.

Agriculture is a significant portion of Cassia County's economy. The underlying aquifer is a groundwater source used to irrigate approximately 80,000 acres of highly productive agricultural land in the Raft River Basin. Having access to a reliable and stable water source is directly related to the quality and quantity of the crop yield. Additionally, ongoing flooding is an issue that damages agricultural crops, roads, houses and other structures within Cassia County during spring run-off and high flow events.

The EA consists of a watershed plan and a proposed action described below. Given there is currently no watershed plan in place for the project area, the proposed project would address flood prevention and flood damage reductions, it was determined that a Watershed Plan and EA for the Raft River Flood Protection and Groundwater Recharge Project would be necessary for the proposed project. Reclamation would not have any part in the watershed plan incorporated into this EA. Approximately 300 feet of pipeline would extend into the reservoir and cross land and facilities managed by Reclamation and of that, approximately 20 feet of suction line would disturb shoreline. The intake suction lines will be twin 48-inch pipes with four mechanically cleaned fish screens on each pipe. They will be installed by floating the pipes then sinking them with divers who will anchor the pipes into the bed of the Snake River.

Purpose and Need

Reclamation's purpose is to respond to an application submitted by the Raft River Recharge Group for authorization to install, operate, and maintain suction lines across Reclamation-managed Federal land, including below the Ordinary High Water Mark of Lake Walcott.

Alternatives Considered

The range of alternatives developed for any Proposed Action is based on NRCS' purpose and need for the project, and the issues raised during internal, external, and tribal scoping. The alternatives analyzed in the Final EA include a no-action alternative and the Proposed Action. The no-action alternative does not meet the defined purpose and need for action but was evaluated because it provides an appropriate basis by which the recommended action is compared.

Proposed Action

Reclamation's action is responding to the use authorization application requesting to install, operate, and maintain suction lines across Reclamation-managed Federal land, including below the Ordinary High Water Mark of Lake Walcott. Reclamation would issue a use authorization for a term of 20 years with the option to apply for renewal.

The NRCS proposed action is to provide flood protection for the Raft River Basin and provide a sustainable source of irrigation water for agricultural producers. This action would be completed by:

- Construct intake suction lines in the Snake River (within Lake Walcott and the Minidoka National Wildlife Refuge), a pump station located on private property and a 13-mile-long north to south buried agricultural water management pipeline to deliver water for groundwater recharge and agricultural water supply
- Construct three groundwater recharge basins with a combined volume of 493 ac-ft along the Raft River to provide groundwater recharge
- Construct a 25 Megawatt substation to supply power to proposed pump station
- Improve existing diversions to flood channels of Cassia Creek and Middle Fork of Cassia Creek for flood control
- Construct an 85-ac-ft flood detention basin along Heglar Creek to improve water quality and reduce flooding and downstream sedimentation
- Provide bank restoration and stabilization to protect against erosion and degradation and to decrease sediment load during flood events on Heglar Creek.

Additional benefits of the Preferred Alternative include recharge to a designated CGWA aquifer and an improvement in water quality.

The project funding schedule is to be 2026 through summer 2027 for design and fall 2027 through winter 2028 for construction.

Environmental Effects

The Proposed Action would not cause any reasonably foreseeable short- or long-term or combined effects to Reclamation-managed land. For a full analysis and explanation of how each resource was evaluated, please reference Chapter 3 Affected Environment and Chapter 5 Environmental Consequences in the Final EA. Reclamation, as part of the Department of Interior, must comply with Secretarial Order 3175 Department Responsibilities for Indian Trust Assets and Treaty Rights, which is analyzed below.

Tribal Interests

Indian Trust Assets

Indian Trust Assets are legal interests in property held in trust by the United States for Indian Tribes or individual Indian trust landowners. ITAs include trust lands, natural resources, trust funds, or other assets held by the Federal government in trust. An Indian trust asset has three components: (1) the trustee, (2) the beneficiary, and (3) the trust asset. Treaty-reserved rights, for instance, fishing, hunting, and gathering rights on and off reservation, are usufructuary rights that do not meet the Department of the Interior (DOI) definition of an ITA. The United States does not own or otherwise hold these resources in trust. ITAs do not normally include usufructuary¹ rights alone (i.e., rights to access for hunting or fishing). Rather, they require first a possessory interest; that is, the asset must be held or owned by the Federal government as trustee.

The DOI requires that all impacts to trust assets, even those considered nonsignificant, must be discussed in a trust analysis in NEPA documents and appropriate compensation and/or mitigation implemented. These sections should be prepared in consultation with potentially affected tribal and other trust beneficiaries.

Affected Environment

No Indian trust land assets were identified in the proposed action area or staging areas during the scoping process, such as those held in trust by the Bureau of Indian Affairs for the benefit of Tribes or individual Indian trust landowners. As part of the scoping process, Reclamation researched Tessel, a Federal Geographic Information System (GIS) land database that includes Federal lands held in trust for Tribes and Individual Indian trust landowners. This research indicated there are no Indian trust land assets in the proposed Action area or staging areas.

¹ A usufruct is the legal right to use and derive profit or benefit from property that belongs to another person.

Environmental Consequences

No Action Alternative

Under the No Action alternative, Reclamation would not respond to the land use authorization and would not adopt NRCS' EA to provide groundwater recharge to a designated Critical Ground Water Area (CGWA). Existing short-term or long-term effects, either beneficial or adverse, or effects on public health and safety in relationship to nearby ITAs would remain unchanged.

Action Alternative

Under the Proposed Action Alternative, Reclamation would respond to the land use authorization and would adopt NRCS' EA to provide groundwater recharge to a designated CGWA and provide a sustainable agricultural water supply for agricultural producers in the region. If the Proposed Action occurs, there are no known beneficial or adverse effects to ITAs.

Reclamation requested information from the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, the Northwestern Band of Shoshone Nation, and the Eastern Shoshone Tribe of the Wind River Reservation who traditionally or currently use the area under their reserved treaty rights; however, no responses were received. The lack of specific information about the area is not indicative of a lack of importance to Tribes. With no specific responses, Reclamation assumes that there would be no adverse effects to Indian Trust Assets, such as adverse impacts to water, water rights, or land held in trust for the Tribes.

Treaty Rights

Affected Environment

The United States has a fiduciary responsibility to protect and maintain rights reserved by Indian Tribes or Indian individuals by treaties, statutes, executive orders, and allotments. These rights are sometimes further interpreted through court decisions and regulations.

The proposed action area is surrounded by areas historically used by many Tribes. Treaty Rights at issue here are access and impacts to off-reservation hunting, fishing, gathering rights, livestock grazing rights, and cultural or ceremonial use rights. Although the proposed action area may have Federally-owned property, Courts have ruled that members of Federally-recognized Tribes with reserved Treaty Rights have the right to cross private or state lands in order to gain access to treaty areas ([United States v. Winans, 1905](#)).

The Shoshone-Bannock Tribes of the Fort Hall Reservation are federally recognized Tribes in southeast Idaho, situated approximately 25 miles east of the proposed action area. On July 3, 1868, the Fort Bridger Treaty was signed and agreed to by the eastern and western bands of the Northern Shoshone and the Bannock (or Northern Paiute Bands). Article IV of the treaty states that members of the Shoshone-Bannock Tribes '...shall have the right to hunt on the unoccupied lands of the United States...' Courts interpreted this to mean "unoccupied federal lands." In the case of *State of Idaho v. Tinno*, an off-reservation fishing case in Idaho, the Idaho Supreme Court interpreted the Fort Bridger Treaty of the Shoshone-Bannock Tribes. The Court determined that the Shoshone word for 'hunt' also included to 'fish.' Under *Tinno*, the Court affirmed the Tribal Members' right to take fish off-reservation pursuant to the Fort Bridger Treaty. The Court also recognizes, "that treaty Indians

have subsistence and cultural interests in hunting and fishing...” and “The Fort Bridger Treaty ... contains a unified hunting and fishing right, which...is unequivocal.” The treaty did not grant a hunting, fishing, or gathering right, it reserved a right the Shoshone-Bannock Tribes have always exercised.

The Shoshone-Paiute Tribes of the Duck Valley Reservation are Federally-recognized Tribes in southern Idaho and northern Nevada, situated approximately 141 miles southwest of the proposed action area. The reservation was established by Executive Orders dated April 16, 1877; May 4, 1886; and July 1, 1910. The Shoshone-Paiute sometimes claim the interests of the Tribes that are reflected in the Bruneau, Boise, Fort Bridger, Box Elder, Ruby Valley, and other treaties and executive orders that the Tribes’ ancestors agreed to with the United States. The Tribes continue to observe these treaties and executive orders in good faith; however, the Federal government did not ratify treaties that reserved off-reservation hunting and fishing rights. The Tribes assert they have aboriginal title and rights to those areas. All such treaties and executive orders recognize the need for the Tribes to continue to have access to off-reservation resources because most of the reservations established were and continue to be incapable of sustaining tribal populations. This need continues and has not diminished from the time of the first treaties and executive orders that established the Duck Valley Reservation (Cherokee Nation of Oklahoma and Shoshone-Paiute Tribes of the Duck Valley Reservation v. Leavitt, 2005).

The Northwestern Band of the Shoshone Nation, a Federally-recognized Tribe located near Washakie, Utah, is situated approximately 65 miles south-southwest of the proposed action area. The Tribe maintains reserved treaty-protected hunting, fishing, and gathering rights, also pursuant to the 1868 Treaty of Fort Bridger. As noted above, these reserved rights may be exercised on unoccupied lands within the area acquired by the United States.

The Eastern Shoshone Tribe of the Wind River Reservation are a federally recognized Tribe located in central Wyoming, situated approximately 190 miles east of the proposed action area. On July 3, 1868, the Fort Bridger Treaty was signed and agreed to by the eastern and western bands of the Northern Shoshone and the Bannock (or Northern Paiute Bands). Article IV of the treaty states that members of the Shoshone-Bannock Tribes ‘...shall have the right to hunt on the unoccupied lands of the United States...’ Courts interpreted this to mean “unoccupied federal lands.”

Environmental Consequences

The United States Supreme Court has ruled that treaties with Indian Tribes are to be construed liberally in favor of Tribes, as the Tribes would have understood the language of the treaty at the time the treaty was signed. It is likely that the ratified or unratified treaties listed above include areas surrounding approximately 25 miles west from the town of Pocatello, Idaho, the proposed action area.

No Action Alternative

Under the No Action alternative, Reclamation would not respond to the land use authorization request and would not adopt NRCS’ EA to provide groundwater recharge to a designated CGWA. There would be no short-term or long-term effects, either beneficial or adverse to existing reserved

Treaty Rights for tribal hunting, fishing, or gathering in traditional or customary places or for livestock grazing in the area.

Action Alternative

Under the Action Alternative, the Proposed Action, Reclamation would respond to the land use authorization request and would adopt NRCS' EA to provide groundwater recharge to a designated CGWA and provide a sustainable agricultural water supply for agricultural producers in the region. If the Proposed Action occurs, there are no known beneficial or adverse effects to treaty rights. The proposed project construction ingress and egress routes may cause a temporary, short-term adverse effect on access to traditional or customary hunting, fishing, or gathering sites, or for livestock grazing areas during the construction periods.

Reclamation requested information the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, the Northwestern Band of Shoshone Nation, and the Eastern Shoshone Tribe of the Wind River Reservation, who traditionally and currently use the area for hunting, fishing, and gathering of plants; however, no responses were received. The lack of specific information about the area is not indicative of a lack of importance to Tribes. With no specific response, Reclamation assumes that there would be no adverse effects to reserved Treaty Rights, such as access or impacts to areas for hunting, fishing, or gathering, or for livestock grazing.

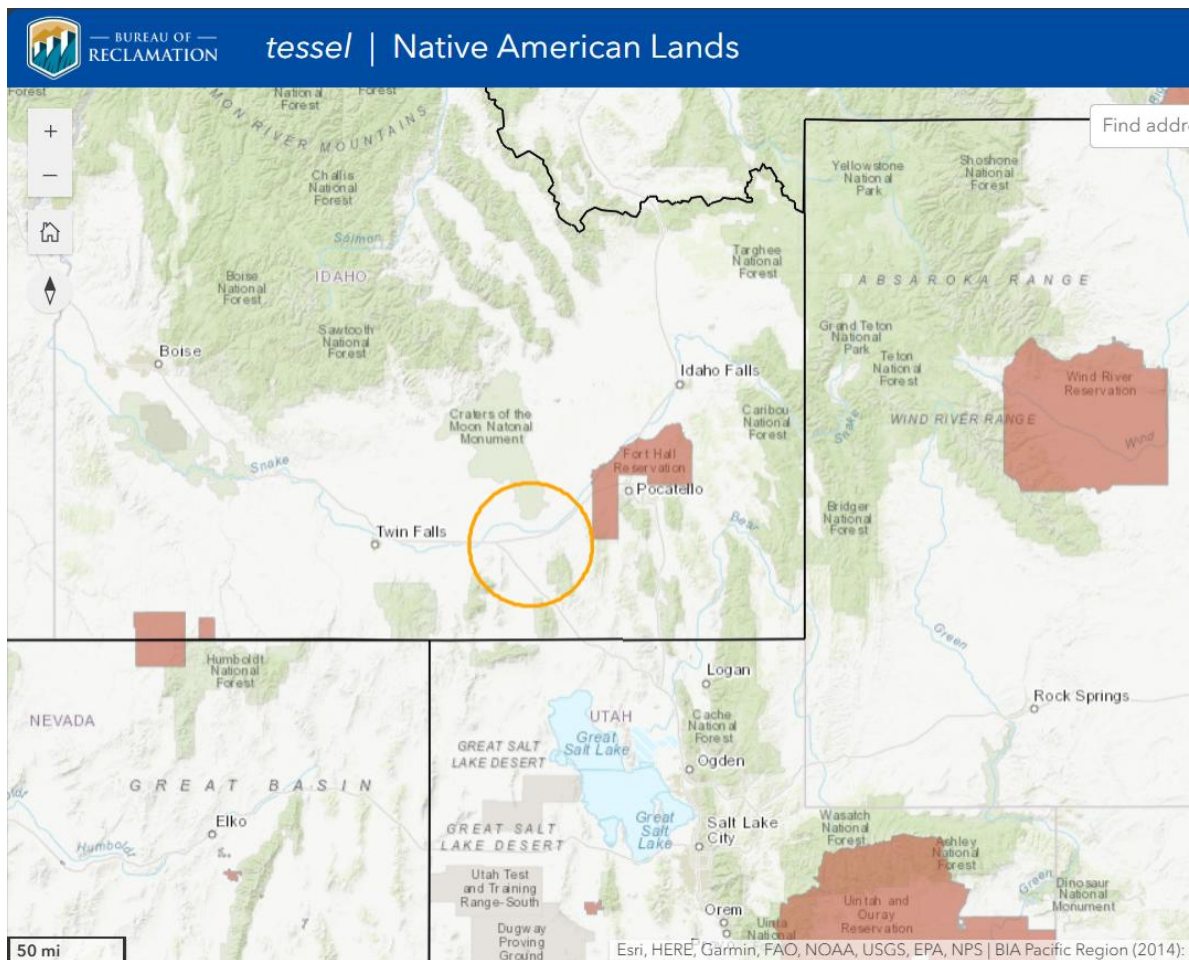


Figure 1. Map of Native American lands compared to the project location.

Environmental Commitments and Mitigation Measures

Due to the absence of any environmental effects located on Reclamation managed areas at Lake Walcott, there are no environmental commitments for Reclamation. Mitigation measures may be required to reduce the effects of construction ingress and egress on tribal access to hunting, fishing, or gathering should construction ingress and egress activity take place in the same location and at the same time of year as traditional or customary hunting, fishing, and gathering of plants, or for livestock grazing. If this were to occur, Reclamation would meet with Tribes to formulate an appropriate mitigation measure.

Consultation, Coordination and Public Involvement

NRCS issued a scoping notice to interested parties and regulator agencies on September 15, 2020. A public scoping meeting was held on September 17, 2020 through a virtual Zoom platform. The open

comment period began September 17 and ended October 16, 2020 for the project. A scoping report, dated October 2020, was prepared to summarize the scoping process, public comments received, and agency input for the proposed project. A Draft EA comment period occurred from July 10-August 7, 2025 and an open house was held on July 24, 2025.

Endangered Species Act

NRCS generated an Information for Planning and Consultation (IPaC) species list for the project area on March 10, 2025 which identified two ESA-listed animal species with the potential to occur within the project area. These included the proposed threatened monarch butterfly (*Danaus plexippus*) and the proposed endangered Suckley's cuckoo bumble bee (*Bombus suckleyi*). No designated or proposed critical habitat for either species occurs within the project area. Although there are occurrences of Milkweed (*Asclepias speciosa*), which monarch depend on as part of its lifecycle, near Cassia Creek, no monarchs were observed during the NRCS surveys and were miles from Reclamation managed areas. There are also nectarous plant species present within the project area that Suckley's cuckoo bumble bee use as habitat. However, there is a high likelihood these dense agricultural areas use pesticides, which would not be the preferred habitat for the Suckley's cuckoo bumble bee. Additionally, there are no recorded sitings of this species within 10 miles of the proposed project

Section 106 of the National Historic Preservation Act

In compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended in 1992), NRCS consulted with the Idaho State Historic Preservation Office (SHPO) to identify cultural and historic properties in the Area of Potential Effect. Consultation began May 11, 2023, and SHPO concurred with their findings of no adverse effect on June 2, 2023.

Tribal Consultation

During scoping, NRCS sent letters to the following tribes: Shoshone Bannock Tribes of the Fort Hall Reservation, Shoshone-Paiute Tribes of the Duck Valley Reservation, Northwestern Band of the Shoshone Nation, and Eastern Shoshone Tribe of the Wind River Reservation. These letters and consultation following can be found in more detail on page 35 of the Final EA. Reclamation sent consultation letters regarding Secretarial Order 3175 on September 5, 2025, and received no response.

Finding

The EA evaluated the reasonably foreseeable effects of the No Action and proposed action alternatives. Reclamation coordinated with appropriate federal, state, and local entities through permitting and consulting procedures. Reclamation reviewed the proposed action alternative for conformance with land use plans, and compliance with laws pertinent to the decision. The following are relevant findings of the proposed action alternative, with respect to the plans and laws associated with the affected environment. Reclamation analyzed the proposed action in an EA and found no significant impacts, thus an EIS is not required.

Decision

Based on the analysis of the proposed action in the NRCS Final Raft River Flood Protection and Groundwater Recharge Project Environmental Assessment , as well as Tribal Interests analysis included in this document, Reclamation has decided to proceed with the land use authorization. The proposed action alternative best meets the purpose and need identified in the Final EA. All practicable means to avoid or minimize environmental harm from the proposed action are adopted with this decision. This document certifies that Reclamation has considered all relevant information raised in the NEPA process and that the NEPA process has concluded. The Responsible Official has decided the FONSI is adequate.

Record of Decision – Checklist of Bureau-Required Contents

Requirement	Summary or Reference (document section/page(s))
Conformance with applicable land or offshore use plans	Page 7 FONSI
Selected Alternative Description	Page 2 FONSI
Mitigation measures and associated monitoring and enforcement plans	Page 6 FONSI
FONSI completed? (Reference document no.)	Environmental Assessment and FONSI completed by USDA NRCS. Reclamation FONSI as cooperating agency CPN document # 2026-01.
Public involvement summary	Page 7 FONSI
Rationale for decision	Page 8 FONSI
Protest or appeal opportunities	N/A
Responsible Official signature & Date	Page 9 FONSI
Notice of signed decision document and associated environmental document(s)	Decision document published online at: https://www.usbr.gov/pn/programs/ea/index.html Associated environmental documents at: https://www.nrcs.usda.gov/state-offices/idaho/raft-river-flood-protection-and-groundwater-recharge-project

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Certified by: _____

Ryan Alcorn

Acting Area Manager

Snake River Area Office

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