



— BUREAU OF —
RECLAMATION

Environmental Assessment

Hayden Lake Irrigation District Title Transfer

**Rathdrum Prairie Project, Kootenai County, Washington
Columbia-Pacific Northwest Region**

CPN EA-22-09



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, 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.

Cover photo: Hayden Lake Unit elevated water tank, facing north. Reclamation digital photograph by Sharla Luxton, May 10, 2022.

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Acronyms and Abbreviations

Acronym or Abbreviation	Definition
APE	Area of potential effect
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
District	Hayden Lake Irrigation District (or HLID)
DOI	U.S. Department of the Interior
DPS	Distinct Population Segment
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
FR	Federal Register
ITA	Indian Trust Asset
GHG	Greenhouse gas
HLID	Hayden Lake Irrigation District (or the District)
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OM&R	Operation, maintenance, and repair
Project	Rathdrum Prairie Project
Reclamation	Bureau of Reclamation
SHPO	State Historic Preservation Office

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Chapter 1 Purpose and Need

1.1 Introduction

The Hayden Lake Irrigation District (HLID or District), located within the city of Hayden in Kootenai County, Idaho, has requested that the U.S. Department of the Interior, Bureau of Reclamation (Reclamation) transfer title of the transferred works¹ of the District, operating as part of the Rathdrum Prairie Project, to HLID under the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (Public Law 116-9, Title VIII, Subtitle A; 133 Stat. 804; 43 U.S.C. 2901, et seq.) (hereinafter referred to as “Dingell Act”).² The District has requested title to:

- All constructed facilities in the HLID, including:
 - 14.5 miles of pipelines
 - Four pumping plant sites
 - One water tank
- Land required for the operation of the facilities identified above and including:
 - Rights-of-way and easements whether directly acquired under the Federal Reclamation Laws, granted and reserved under Idaho Code 58-604, or reserved under the 1890 Canal Act (original construction)
 - Acquired land (one parcel totaling approximately 0.26 acres)

Reclamation prepared this Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality’s (CEQ) final rule (Federal Register 2020) to document and disclose any potential effects to the quality of the human environment which would result from the proposed change in ownership of these assets.³ Should a determination be made that title transfer will not result in significant environmental impacts, a Finding of No Significant Impact (FONSI) will be prepared to

¹ Transferred works are those facilities owned by Reclamation, but with contractual responsibility of the operation and maintenance transferred to local irrigation districts.

² The Dingell Act defines the entities who may receive facilities from Reclamation under this authority and sets minimum eligibility and procedural requirements to govern title transfer. Reclamation has further defined these eligibility requirements and procedures in Reclamation Manual Directives and Standards CMP 11-01.

³ Reclamation has developed a Categorical Exclusion that may be used under certain circumstances for Dingell Act transfers. However, this title transfer does not meet the criteria for processing NEPA compliance using the CE.

document that determination and provide a rationale for approving the selected alternative. If not, then a decision will be made to either select the no action alternative or issue a notice of intent to prepare an Environmental Impact Statement (EIS).

1.2 Background

1.2.1 Reclamation and the Rathdrum Prairie Project

Reclamation first began to consider the Rathdrum Prairie Project in 1932, when Reclamation's H. W. Bashore released a report providing four alternative plans to irrigate approximately 40,000 acres. As eventually constructed, the Rathdrum Prairie Project consisted of three units: Post Falls, Hayden Lake, and East Greenacres.

Initial work centered around the Post Falls Unit, which first received authorization on August 11, 1939. The plans were found feasible by the Secretary of the Interior in 1943 and received presidential approval in 1944. Work on the Post Falls Unit centered around installing a pumping plant close to the lands to be irrigated to pump water from the Spokane River. Construction occurred from 1945 to 1946 (Bell 1998). The unit continued to operate as planned until 1991, when landowners within the unit petitioned to have the Post Falls Irrigation District, which operated the system, dissolved. It was dissolved in 1995 with Reclamation approval (Reclamation 2022).

The next unit to be developed was the Hayden Lake Unit, authorized in 1947 following a finding of feasibility by the Secretary of the Interior (Bell 1998). From the *Project History, Rathdrum Prairie Project, Hayden Lake Unit, Idaho* (Reclamation 1957):

The Hayden Lake Unit of the Rathdrum Prairie Project consists of approximately 1500 acres, comprised mainly of small tracts used primarily as suburban homesites. Authorized work includes construction of a new concrete and steel pump house, installation of two new horizontal, centrifugal pumps with motors, furnishing and erecting a new 75,000 gallon elevated steel tank, installation of 1370 feet of 27-1/2 inch diameter steel pipe to replace deteriorated portion of the old line and replacement of old distribution system with approximately 16 miles of steel pipe.

Work was conducted on the Hayden Lake Unit under Reclamation's auspices from 1948 to 1963; specific work is detailed in Section 1.2.2.

Work on the East Greenacres Unit was authorized in 1970 and construction began in 1972. "The plan which Reclamation authorized consisted of construction of a new irrigation system including three deep well pumping plant complexes which had a combined total of fourteen pumps able to produce 87 cubic feet per second of water from an underground aquifer" in addition to construction of a concrete regulating reservoir, a buried pressure pipe and irrigation turnouts, and the construction of operational buildings (Bell 1998). Construction was accepted as complete on December 18, 1976 (Bell 1998). The Rathdrum Prairie Project currently provides irrigation water to approximately 7,000 acres.

1.2.2 Hayden Lake Unit and the Hayden Lake Irrigation District⁴

The Interstate Irrigation District formed in 1906, reorganized in 1922, and became the HLID. The portion of Rathdrum Prairie Project lands served by HLID are located west of Hayden Lake and approximately 5 miles north of Coeur d'Alene, Idaho. HLID's original system included an offshore pumping plant on Hayden Lake that used an 8,600-foot wood-stave pipeline and a distribution system. Shortly after its reorganization, HLID rebuilt the system and the water supply; however, it proved inadequate for HLID's 2,000 acres. As a result, in 1933, HLID refinanced to make repairs and reduced their area to approximately 1,000 acres. Nonetheless, the irrigation system continued to cause problems. By 1946, the 8,600-foot wood discharge line had deteriorated to a point that it threatened further operation of the irrigation system. Reclamation was asked to look into HLID's problem and, after investigation, recommended that the main supply line, serving 1,050 acres, be rehabilitated.

In response to appeals by HLID's board of directors, Reclamation conducted investigations of the project in 1944 and 1945. These investigations resulted in Reclamation agreeing with the board of directors that continued operation of HLID's distribution system required replacement of all the wood-stave pipe and minor repairs to the pumping plant. Following authorization of the Hayden Lake Unit in 1947, the first work to be conducted was emergency rehabilitation work authorized in 1948. This work consisted of the replacement of a deteriorated wood-stave pipe that served as the primary supply line for the unit from a pumping plant located on Hayden Lake, as well as minor repairs to the pumping plant itself (Bell 1998). The supply line, beginning at the pumping plant located offshore on Hayden Lake, consisted of 8,600 feet of 26-inch wood-stave pipe and 1,400 feet of 27-inch concrete pipe.

Further rehabilitation was approved in 1956 and authorized in 1957. This work was routine, rather than emergency, and "consisted of construction of an onshore pumping plant on Hayden Lake to replace the offshore facility; replacement of the balance of the two mile long main discharge line; as well as construction of a 75,000 gallon steel reservoir" (Bell 1998). Once rehabilitation was complete, the Hayden Lake Pumping Plant pumped water from Hayden Lake into the elevated water tank. Water from the elevated water tank then flowed into the steel pipe distribution system for use by irrigators.

Additional emergency pipe rehabilitation was authorized in 1961 (Bell 1998). During an inspection in 1959, severe corrosion and perforations were found in piping and corrective measures were determined to be necessary. Repairs were authorized by Congress on September 22, 1961 (Reclamation 1963). Work included the mortar lining of discharge pipelines, replacement of approximately 13.9 miles of steel pipe with corrosion-resistant piping, and modifying additional facilities (such as the installation of additional valves) as needed.

HLID continues to complete operations, maintenance, and repair (OM&R) activities for the irrigation system associated with the Hayden Lake Unit. The system has undergone modification

⁴ Portions of the text in this section are adapted from Reclamation's *Idaho Reclamation Irrigation Projects 1902-1976* (Reclamation 2019).

since the 1960s, including a shift from using water from Hayden Lake that occurred in the 1970s and 1980s. In 1978, the District drilled its first well, from which water began to be drawn for use in the system. This was supplemented in 1989 by two additional wells. By the early 1990s, the wells served as the primary source of water for the District. The District currently relies on four wells for its water. The replacement of water mains and other distribution system components has been ongoing since approximately 2000 (HLID 2022).

1.3 Authority

The Rathdrum Prairie Project was authorized under the Reclamation Project Act of 1939; the Interior Department Appropriation Act 1948 (61 Stat. 473); First Deficiency Appropriation Act of May 10, 1948 (62 Stat. 221); and Public Works Appropriation Act of July 2, 1956 (Public Law 641; 70 Stat. 474) and, for Hayden Lake Unit, the finding of feasibility and authorization was made by the Secretary of the Interior on June 9, 1947, under the provisions of the Reclamation Project Act of August 4 1939.

The Dingell Act authorizes Reclamation to transfer title of certain project facilities without additional Congressional action if they meet eligibility criteria, under procedures established by Reclamation.

1.4 Proposed Federal Action

The proposed federal action (Proposed Action) is to transfer title to all portions of Reclamation-owned irrigation facilities of the water distribution system currently operated and maintained by the District. The proposed transfer also includes easements and rights-of-way associated with the water distribution system and about 0.26 acres of fee land necessary for the District to continue to provide irrigation water to their patrons on a permanent basis. The transfer would include all improvements and appurtenances to the federally-owned facilities and lands such as the distribution system, pumps, and other fixtures and improvements.

1.5 Purpose and Need

The purpose of the Proposed Action is to respond to HLID's request to consolidate management responsibility of the transferred works and land interests with the District under the Dingell Act. The transfer of title would divest Reclamation of responsibility for the operation, maintenance, replacement, management, regulation of, and liability for federal interests in lands and project facilities. The proposed transfer would also achieve the purposes of the Dingell Act by transferring title to eligible facilities to the District upon determination of the District's qualification to accept such responsibilities under the criteria of the Dingell Act.

Chapter 2 Description of Alternatives

Two different alternatives are evaluated in the EA: the Proposed Action, which is also Reclamation's Preferred Alternative, involving the transfer title of the transferred works associated with the Hayden Lake Unit of the Rathdrum Prairie Project; and the No Action Alternative, which serves as a basis for evaluating and comparing the environmental consequences of the Proposed Action.

2.1 Proposed Action: Title Transfer of Facilities to HLID

Under this alternative, Reclamation would transfer the ownership of HLID's water conveyance and distribution system to the District in accordance with the provisions of the Dingell Act (43 USC 2901, et. seq.). Following transfer, the District would continue to manage the transferred lands and facilities for the same purposes for which the property has been managed under reclamation law in the past. This would include OM&R activities for the transferred facilities in a manner consistent with their past OM&R of the transferred works. In addition to these responsibilities, the District would become responsible for all aspects of ownership of the transferred lands and facilities, including management of crossings of canals and ditches and managing encroachments within easements and rights-of-way associated with the transferred facilities. The transferred lands and facilities would no longer be part of a Reclamation's Rathdrum Prairie Project and the United States would not retain any ownership interest in, or liability associated with, the transferred property.

Reclamation does not hold any water rights or interests in water for HLID. Therefore, Reclamation is not proposing to transfer any water rights or interests in water as part of this Proposed Action.

2.2 No Action Alternative

Under the No Action Alternative, the United States would retain ownership of project facilities within HLID's water conveyance and distribution system. The District would continue to conduct OM&R activities for these assets under the terms and conditions of their existing contract with Reclamation.

Chapter 3 Affected Environment and Environmental Consequences

3.1 Introduction

The following sections discuss the existing conditions by resource and the potential effects of the Proposed Action on the resources. For each topic or resource category, the impact analysis follows the same general approach. First, the existing conditions are established for the affected areas, and then impacts of the Proposed Action and the No Action Alternative are disclosed. The degree of impact intensity is based on quantifiable impacts, review of relevant scientific literature, previously prepared environmental documents, and the best professional judgment of the EA team resource specialists.

Resources evaluated in this document and analyzed in Chapter 3 were selected based on Reclamation requirements, compliance with laws, statutes, executive orders, public and internal scoping, and their potential to be affected by the proposed action. The Proposed Action, consistent with the Dingell Act, requires the District to continue to perform OM&R for substantially the same purpose. Thus, impacts from the Proposed Action are closely similar to those of the No Action Alternative. Generally, the District’s existing OM&R responsibilities would be foreseeable under both the Proposed Action and the No Action Alternative. To the extent these future activities would involve a federal nexus following title transfer, Reclamation (or other federal agencies taking action) would be responsible to perform the required environmental analysis prior to taking these actions. Several resources that were determined to be unaffected by the Proposed Action are presented in Table 1. Section 3.2 discusses the following resources in more detail: Cultural Resources, Indian Trust Assts, Indian Sacred Sites, and Environmental Justice and Socioeconomics. A cumulative impacts discussion is included in Section 3.7.

Table 1. Resources eliminated from analysis

Resource	Rationale for Elimination from Further Analysis
Water Resources	The Proposed Action would not affect water rights. Reclamation does not hold any water rights or interests in water for HLID. HLID’s water is provided by District-owned wells. Further, Reclamation does not anticipate changes in water use or demand that may adversely affect public and private interests in water resources.
Water Quality	The Proposed Action would not impact water quality in Hayden Lake, the Spokane River, or the irrigation deliveries.
Farmlands (Prime or Unique)	The Proposed Action would not modify prime and unique farmlands.
Floodplains	The Proposed Action would not modify or impact any floodplains.

Resource	Rationale for Elimination from Further Analysis
Threatened and Endangered Species	The Proposed Action would have "No Effect" on five vertebrate species (bull trout, Canada lynx, Grizzly bear, North American wolverine, and Yellow-billed Cuckoo) and two plant species (Spalding's silene and Whitebark pine) that are currently listed as ESA threatened or proposed for listing in the project area. These species do not have access to title transfer area of potential effect and habitat conditions are not present for their potential use within the area of title transfer properties. In addition, no water diversion changes or water distribution or storage system O&MR activities would change as a result of the title transfer action that would result in impacts that are in addition to affects that have already been analyzed in the past by Reclamation. Because no additional water diversions or irrigation system construction activities would occur by HLID as a result of the title transfer action, this action would also have no effect to designated critical habitat for any ESA listed species.
Wildlife	The Proposed Action would have no impacts to wildlife. The easements and in-fee land are not ecologically sensitive and are insignificant to the regional ecosystem biodiversity.
Visual Resources	The Proposed Action would not modify or impact visual resources, such as any modification in landforms, water bodies, vegetation, or any introduction of structures or other human-made visual elements that could provide visual contrasts in the basic elements of form, line, color, or texture.
Paleontology	No known paleontological resources exist within the Hayden Lake Unit of the Rathdrum Prairie Project.
Public Health and Safety	The Proposed Action would not modify or impact public safety, access, and transportation.
Hazardous Materials	Reclamation completed a Real Property Disposal Questionnaire Checklist Limited Environmental Due Diligence: Transaction Screen Process ⁵ for Reclamation-owned land and easements in August 2022. The Checklist also included a search of Reclamation and District files. The screenings and completion of the report and Checklist were performed in conformance with the scope and limitations of ASTM Practice E1528-14E01 and Reclamation Manual Directives and Standards LND 08-02 and other applicable Reclamation standards. Reclamation did not identify the presence of any recognized environmental conditions present on the property or offsite impacts that are likely to impact the subject sites that will be transferred. The Checklist was signed by the Approving Official on August 31, 2022.

⁵ The Comprehensive Environmental Response, Compensation, and Liability Act, otherwise known as CERCLA or Superfund, provides a federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the Environmental Protection Agency was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. In accordance with the "Notice" requirements or Section 120(h) of CERCLA [42 United States Code (U.S.C.) 9601 et seq], when land is transferred out of federal ownership the government should consider whether the property has contamination present.

Resource	Rationale for Elimination from Further Analysis
	An Environmental Compliance Audit was not needed as part of the environmental transaction screening because the District has never stored hazardous materials on Reclamation land.
Recreation	Recreational use is not an authorized use of the lands proposed for transfer.
Land Use	The Proposed Action would not change the existing land use. The lands proposed for transfer would still be encumbered by irrigation conveyance facilities.
Topography, Geology, and Soils	The Proposed Action would not modify or impact the topography, geology, or soils.
Noise	The Proposed Action would not modify the current noise levels.
Vegetation	The Proposed Action would not modify existing vegetation. The Proposed Action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or involve actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order (EO) 13112).
Wetlands	EO 11990 requires each agency to “avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands” and to “take action to minimize the destruction, loss or degradation of wetlands.” The Proposed Action would not be constructing, modifying, or adversely affecting wetlands within any lands proposed for transfer.
Air Quality	The Proposed Action would not result in an alteration of air movement, moisture, or temperature patterns, or creation of objectionable odors on a local or regional level.
Climate Change	The Proposed Action would not result in new weather patterns that would remain in place for an extended period of time.
Greenhouse Gas (GHG) Emissions	The Proposed Action would not result in new or increased GHG emissions by HLID. The primary GHGs emitted through human activities are carbon dioxide (CO ₂), methane, and nitrous oxide. These three are the GHGs produced through fuel combustion in on-road and off-road vehicles and equipment. The OM&R of the facilities will not change as a result of title transfer.
Migratory Birds	The Migratory Bird Treaty Act of 1918 in conjunction with EO 13186 requires agencies to ensure that NEPA analyses include an evaluation of potential effects on migratory birds. Many bird species migrate through central Washington. Some nest in the area using trees or other habitat from March 1 through August 31. The specific locations where title transfer would occur consists primarily of easements for the transferred work facilities that provide low quality habitat, if any, and are insignificant to the ecological processes of migratory birds. Therefore, Reclamation has determined that the Proposed Action would have no effect on migratory birds.

3.2 Cultural Resources

The National Historic Preservation Act of 1996, as amended (NHPA; 54 U.S.C. 300101 et seq.) was passed to direct the actions of federal agencies in regard to their responsibilities towards the Nation's heritage. Section 106 (§306108) requires that, before authorizing any undertaking, a federal agency must take into account the effects of the undertaking on historic properties, i.e., cultural resources listed or eligible for listing in the National Register of Historic Places (National Register).

3.2.1 Affected Environment

All facilities/areas proposed for transfer were surveyed to determine the effects of the Proposed Action on historic properties.

3.2.2 Environmental Consequences

Proposed Action

In accordance with the NHPA, Reclamation worked with the District and the Idaho State Historic Preservation Officer (SHPO) to complete consultation under Section 106 for the proposed title transfer. This effort included recording all above-ground buildings and structures and completing an archaeological survey of all Reclamation fee title lands proposed for transfer from federal jurisdiction. An associated report (EPH-2022-035) documents this process and was transmitted to SHPO on July 15, 2022; the report was also transmitted to the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, and the Nez Perce Tribe on July 14, 2022. The Spokane Indian Tribe and the Kalispel Tribe of Indians declined to consult further following initial notice of the proposed project. No comments were received from any Tribe.

The report found that the HLID and all cultural resources documented during the inventory are not eligible for listing in the National Register of Historic Places. No archaeological sites were identified within the project area of potential effects (APE). A single resource of historic age was identified within the APE, the Hayden Lake Unit elevated tank, and was determined ineligible for the National Register. As a result, Reclamation has determined that the undertaking will have No Historic Properties Affected per 36 CFR §800.4(d)(1). SHPO concurred with Reclamation's determinations of eligibility and finding of effect on August 3, 2022.

No Action

Under the No Action Alternative, Reclamation would continue to conduct activity-specific cultural resources compliance as required by law.

3.3 Indian Trust Assets

Indian Trust Assets (ITAs) under Secretarial Order 3175 are legal interests in property held in trust by the United States for federally recognized Tribes or individual Indians. An Indian trust has three components: (1) the trustee, (2) the beneficiary, and (3) the trust asset. ITAs include land, minerals, federally reserved hunting and fishing rights, federally reserved water rights, and instream flows associated with trust land. Beneficiaries of the Indian trust relationship are federally recognized Tribes with trust lands, with the United States acting as the trustee. ITAs cannot be sold, leased, or otherwise encumbered without approval of the United States. The characterization and application of the United States trust relationship have been defined by case law that interprets Congressional acts, EOs, and historic treaty provisions.

The federal government, through treaty, statute, or regulation, may take on specific, enforceable fiduciary obligations that give rise to a trust responsibility to federally recognized Tribes and individual Indians possessing trust assets. Courts have recognized an enforceable federal fiduciary duty with respect to federal supervision of Indian money or natural resources held in trust by the federal government, where specific treaties, statutes or regulations create such a fiduciary duty.

Reclamation assesses the effect of its programs on Tribal trust resources and federally recognized Tribes, which is consistent with President William J. Clinton's 1994 memorandum, Government-to-Government Relations with Native American Tribal Governments (Federal Register 1994). Reclamation is tasked to actively engage federally recognized Tribes and consult with them on a Government-to-Government level when its actions affect ITAs. The Department of the Interior (DOI) Department Manual, Part 512.2 (DOI, 1995) ascribes the responsibility for ensuring protection of ITAs to the heads of bureaus and offices. The DOI is required to "protect and preserve ITAs from loss, damage, unlawful alienation, waste, and depletion" (DOI 2000).

The general policy of the DOI is to perform its activities and programs in a way that protects ITAs and avoids adverse effects whenever possible. Reclamation complies with procedures contained in the DOI Departmental Manual, Part 512.2 guidelines that protects ITAs. Reclamation carries out its activities in a manner that protects trust assets and avoids adverse impacts when possible. When Reclamation cannot avoid adverse impacts, it would provide appropriate mitigation or compensation. Reclamation is responsible for assessing whether the Proposed Action has the potential to affect ITAs.

3.3.1 Affected Environment

The project area lies on or near traditional territories of the Confederated Tribes of the Colville Reservation; the Spokane Tribe of Indians; the Coeur d'Alene Tribe; the Kalispel Tribe of Indians; and is also on or near traditional territories and ceded lands of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Nez Perce Tribe. The Tribes have treaty, cultural, and historical rights or interest in the area. These may include, but are not limited to, hunting, fishing, gathering, and other traditional activities.

3.3.2 Environmental Consequences

Proposed Action

No ITAs were identified within a 25-mile radius of the transferred works proposed for title transfer; therefore, there would be no impacts on ITAs because of the realty actions. Reclamation used its Tessel mapping database to determine the presence of ITAs in the project area. This database includes known instances of trust land, reservation land, and village and community sites. The database is updated frequently by the Bureau of Indian Affairs. Some Tribes may include other aspects of the environment in their definition of trust assets. These may include water rights, water quality, fishing, hunting, and gathering activities. The Proposed Action would not have impacts to wildlife, water quality, or threatened and endangered species (Table 1).

No Action

There would be no effect to ITAs under the No Action Alternative since title transfer would not occur.

3.4 Indian Sacred Sites

EO 13007, dated May 24, 1996, instructs federal agencies to accommodate access to Indian sacred sites and to protect the physical integrity of such sites. A sacred site is a specific, discrete, and narrowly delineated location on federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, provided that the Tribe or authoritative representative has informed the agency of the existence of such a site. The Tribes have not identified any religious or ceremonial sites in the Hayden Lake Unit; therefore, under both alternatives, there would be no impacts to Indian sacred sites.

3.5 Environmental Justice and Socioeconomics

In August 1994, the Secretary of the Interior established an environmental justice policy based on EO 12898. This policy requires departmental agencies to identify and address any disproportionate environmental impacts of their proposed actions on minority and low-income populations and communities, as well as the equity of the distribution of benefits and risks of those decisions. Environmental justice addresses the fair treatment of people of all races and incomes with respect to actions affecting the environment. Fair treatment implies that no group should bear a disproportionate share of negative impacts. In February 2021, EO 14008 emphasized the United States' commitment to deliver environmental justice in communities all across America.

Socioeconomics evaluates how population, employment, housing, and public services might be affected by the Proposed Action and the No Action Alternative.

3.5.1 Affected Environment

The Hayden Lake Unit is in Kootenai County and includes developed and semirural areas of the City of Hayden. The county was selected as the local study area. Table 2 provides the number and percentage of population for seven racial categories: White, Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, Two or More Races, and Hispanic or Latino (U.S. Census Bureau 2021).

Table 2. Race and Hispanic origin for Kootenai County and Idaho

Race and Hispanic Origin	Percent in Kootenai County	Percent in Idaho
White alone, percent ^a	94.2	92.8
Black or African American alone, percent ^a	0.5	0.9
American Indian and Alaska Native alone, percent ^a	1.3	1.7
Asian alone, percent ^a	1.0	1.6
Native Hawaiian and Other Pacific Islander alone, percent ^a	0.2	0.2
Two or More Races, percent	2.8	2.7
Hispanic or Latino, percent ^b	5.4	13.3
White alone, not Hispanic or Latino, percent	89.7	81.1

Data from <https://www.census.gov/quickfacts/fact/table/kootenaicountyidaho,ID/PST045221>

^aIncludes persons reporting only one race

^bHispanics may be of any race, so also are included in applicable race categories

Low-income populations are identified by several socioeconomic characteristics. Specific characteristics include income (median family and per capita), percentage population below poverty (families and individuals), unemployment rates, and substandard housing. Table 3 provides median household income, per capita income, and persons below poverty level for Benton County and the state (U.S. Census Bureau 2021).

Table 3. Socioeconomic characteristics for Kootenai County and Idaho (2016-2020)

Income	Kootenai County	Idaho
Median household income (in 2020 dollars)	\$60,903	\$58,915
Per capita income in past 12 months (in 2020 dollars)	\$30,912	\$29,494
Persons in poverty ^a	8.6%	11.0%

Data from <https://www.census.gov/quickfacts/fact/table/kootenaicountyidaho,ID/PST045221>

^aEstimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources

Median household income for Kootenai County is \$60,903, more than the state average of \$58,915. Compared to the state, the study area has a lower percentage of persons below the poverty level. The unemployment rate also characterizes demographic data in relation to environmental justice. Per Kootenai County data (KCGOV 2021a), the County's labor force has expanded every year since 2012, until 2020 when 5,051 jobs were lost. The annual average unemployment rate for 2020 was 5.4 percent, which was 2.5 percent higher than in 2019 (KCGOV 2021b). The unemployment rate had been steadily trending downward from 2010 until 2019. The last spike in the unemployment rate was from 2008 to 2009.

3.5.2 Environmental Consequences

Proposed Action

Implementation of the Proposed Action would not disproportionately (unequally) affect any low-income or minority communities at the county level, and the Hayden Lake Unit comprises a small portion of the larger county. Further, there would be no change to water deliveries with the proposed title transfer. HLID would continue to deliver water as they have historically and per their existing contracts. There would be no adverse human health or environmental effects on minority or low-income populations as a result of title transfer.

No Action

No impacts would occur since there would be no transfer of title to HLID.

3.6 Cumulative Impacts

Within the affected environment, the District has plans to replace and maintain existing facilities within the District. The District plans to move the 27-inch irrigation line into public utility corridors and abandon in-place the 27-inch irrigation line from Government Way to Strahorn and to remove the 75,000-gallon water tank that is owned by Reclamation and located on the federally-owned 0.26 acres of land. Generally, these activities are consistent with the District's existing OM&R responsibilities and would be foreseeable under both the Proposed Action and the No Action Alternative. To the extent these future activities, following title transfer, would involve a federal nexus under Reclamation's authority, Reclamation would perform the required environmental analysis prior to taking these actions. Given the limited or no impacts to resources described above in Sections 3.1 to 3.5 and the minor nature of reasonably foreseeable future actions, Reclamation does not anticipate modifications or additional impacts to resources. The reasonably foreseeable future impacts would be the same for the Proposed Action as for the No Action Alternative.

Chapter 4 Consultation and Coordination

4.1 Public Involvement

As defined in the Dingell Act, the title transfer process would be carried out in an open and public manner. To fulfill this requirement and ensure the title transfer process was conducted in an open and public manner, HLID issued press releases on March 5, 12, and 19 of 2022, notifying the public of the proposed title transfer. A voluntary 30-day public comment period was open from March 5, 2022, through April 5, 2022. Reclamation created the Hayden Lake Title Transfer webpage, located on Reclamation's Columbia-Pacific Northwest Region's website at <https://www.usbr.gov/pn/programs/title/hayden/index.html>. No comments were received during the public comment period.

As part of early communication and coordination efforts, HLID communicated with their rate payers and local, city, and state governments about requesting title transfer of the transferred works facilities and appurtenances from Reclamation. Reclamation, in consultation with HLID, developed a communication plan. As part of the title transfer process, the following entities were engaged:

- HLID rate payers and community
- Confederated Tribes of the Colville Reservation
- Spokane Tribe of Indians
- Coeur d'Alene Tribe
- Kalispel Tribe of Indians
- Confederated Salish and Kootenai Tribes of the Flathead Reservation
- Nez Perce Tribe
- City of Hayden

To continue the open and public manner in which title transfer must be conducted, the following actions are planned:

- Reclamation will provide public notice of the opportunity to review the negotiated draft of the final title transfer agreement for a minimum of 30 days before it is executed. The public review period will take place concurrent with the 90 days in which the report is available to Congress.
- Reclamation will post the Final EA, and anticipated FONSI, on its public website at <https://www.usbr.gov/pn/programs/title/hayden/index.html>.

4.2 Agency Consultation and Coordination

4.2.1 National Historic Preservation Act

In accordance with the NHPA, Reclamation worked with the District and the Idaho SHPO to complete consultation under Section 106 for the proposed title transfer. This effort included recording all above-ground buildings and structures and completing an archaeological survey of all Reclamation fee title lands proposed for transfer from federal jurisdiction. An associated report (EPH-2022-035) documents this process and was transmitted to SHPO on July 15, 2022; the report was also transmitted to the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, and the Nez Perce Tribe on July 14, 2022. The Spokane Indian Tribe and the Kalispel Tribe of Indians declined to consult further following initial notice of the proposed project. No comments were received from any Tribe.

4.2.2 Endangered Species Act

No dam or diversion works are included in the project facilities to be transferred through this action. Reclamation concluded that a Biological Assessment, under Section 7 of the ESA, is not required for the Proposed Action and has prepared an internal “No Effect” memo to the file. Reclamation determined that the Proposed Action would have no effect on Threatened or Endangered species or to designated critical habitat for any ESA species.

4.3 Tribal Consultation and Coordination

The project area lies on or near traditional territories of the Confederated Tribes of the Colville Reservation, the Spokane Tribe of Indians, the Coeur d'Alene Tribe, and the Kalispel Tribe of Indians, and on or near traditional territories and ceded lands of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Nez Perce Tribe. Information letters were sent to the Tribes on March 29, 2022. The 30-day period for comments by the Tribes on the HLID Title Transfer cultural survey report closed August 15, 2022. No comments were received from consulting parties. The SHPO provided concurrence with Reclamation's finding of No Historic Properties Affected on August 3, 2022.

4.4 Required Permits

No permits are required to implement the Proposed Action.

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Chapter 5 References

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Reclamation 2022	Bureau of Reclamation. 2022. <i>Rathdrum Prairie Project</i> . Website accessed June 1, 2022. https://www.usbr.gov/projects/index.php?id=387

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Appendix A

Environmental Commitments

The following environmental commitment would be implemented as an integral part of the Proposed Action/Preferred Alternative:

- While Reclamation would be divesting of interest in the transferred works, if HLID seeks federal funding from Reclamation for future projects, including capital improvements, this would create a federal nexus that would require Reclamation to evaluate potential impacts to cultural resources and ESA-listed species and to complete an evaluation of the potential effects to the quality of the human environment under NEPA. At that point, Reclamation “shall prepare an EA for a proposed action that is not likely to have significant effects or when the significance of the effects is unknown unless the agency finds that a categorical exclusion (§1501.4) is applicable or has decided to prepare an EIS.” [40 CFR 1501.5]

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