

# **Finding of No Significant Impact**

## **Hayden Lake Irrigation District Title Transfer Rathdrum Prairie Project, Kootenai County, Idaho**

**U.S. Department of the Interior  
Bureau of Reclamation  
Columbia-Pacific Northwest Region  
Columbia-Cascades Area Office**

**CPN FONSI-22-09**

### **Introduction**

The Bureau of Reclamation (Reclamation) has prepared the Hayden Lake Irrigation District (HLID or District) Title Transfer Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. The EA evaluated a request from HLID to transfer title of the transferred works<sup>1</sup> of the Hayden Lake Unit 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”).<sup>2</sup>

The federal action is to transfer title to all portions of Reclamation-owned irrigation facilities of the water distribution system currently operated by the District. The 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 will include all improvements and appurtenances to the federally owned facilities and lands such as diversion and control structures, the distribution system, pumps, and other fixtures and improvements.

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

<sup>2</sup> 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.

## **Background**

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.

Rehabilitation of the pipelines has occurred numerous times. The most significant rehabilitation was authorized in 1957 and included construction of an onshore pumping plant on Hayden Lake to replace the offshore facility; replacement of the balance of the 2-mile-long main discharge line, and construction of a 75,000-gallon steel reservoir. 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.

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 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. HLID indicates that replacement of water mains and other distribution system components has also been ongoing since approximately 2000.

## **Alternatives**

The EA analyzed the No Action Alternative and the Proposed Action. These alternatives are described below.

## **Proposed Action/Selected Alternative**

Under the Proposed Action, Reclamation will transfer the ownership of irrigation facilities of the water distribution system currently operated and maintained by HLID in accordance with the provisions of the Dingell Act (43 USC 2901, et. seq.). Following transfer, the District will 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 will 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 will 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 will no longer be part of a Reclamation's Rathdrum Prairie Project and the United States will not retain any ownership interest in, or liability associated with, the transferred property.

Reclamation will not transfer any water rights or interests in water as part of this the Proposed Action, as Reclamation does not hold these rights or interests.

## **No Action Alternative**

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

## **Decision and Finding of No Significant Impact**

Reclamation, based upon a review and evaluation of the information contained in the EA, as well as other documents and action for record affiliated with this proposal, has determined that the Proposed Action – to implement the title transfer of Hayden Lake Unit transferred works – does not constitute a major federal action significantly affecting the quality of the human environment under CEQ’s revised NEPA regulations (40 CFR Parts 1500–1508, 2020).

## **Potentially Affected Environment**

In considering the potentially affected environment (Per 1501.3(b)(1)), Reclamation considered, as appropriate to the Proposed Action, the affected area and its resources (See also Table 1 below). The Proposed Action is a Hayden Lake Unit site-specific transfer of 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.

## **Degree of Effect of the Action**

In considering the degree of the effects (Per 1501.3(b)(2)), Reclamation considered the following factors as appropriate to the Proposed Action.

## **Short- and Long-Term Effects**

Table 1 presents a summary of impacts to resources. The selection of the Proposed Action as the Selected Alternative shows no short- and long-term effects. Following transfer, the District will 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.

## **Beneficial and Adverse Effects**

Selection of the Proposed Action will have no significant beneficial or adverse effects to resources.

## **Effects on Public Health and Safety**

Selection of the Proposed Action will not modify or impact public safety, access, or transportation, or affect minority or low-income populations as a result of title transfer. Additionally, Reclamation found no evidence of recognized environmental conditions in connection with the project facilities proposed for transfer.

## **Effects that would Violate Federal, State, Tribal, or Local Law**

### **Protecting the Environment**

Selection of the Proposed Action will not violate any federal, state, local, or Tribal law, regulation, or policy imposed for the protection of the 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. All these Tribes were consulted and they did not identify any historic properties, Indian Trust Assets, or Indian sacred sites that will be affected by selection of the Proposed Action.

### **Cumulative Effects**

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 located on the 0.26 acres of land that is currently federally-owned. 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 in Sections 3.1 to 3.5 of the EA and the minor nature of reasonably foreseeable future actions described above, Reclamation does not anticipate modifications or additional impacts to resources. The reasonably foreseeable future impacts would be the same for the Proposed Action/Selected Alternative as for the No Action Alternative.

Table 1. Summary of impacts to resources

Resource	Rationale for Elimination from Further Analysis
Cultural Resources	The Proposed Action will not have adverse impacts to properties on the National Register of Historic Properties.
Water Resources	The Proposed Action will 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 will not impact water quality in Hayden Lake, the Spokane River, or the irrigation deliveries.
Indian Trust Assets (ITAs)	The Proposed Action will have no impacts on ITAs. No ITAs were identified within a 25-mile radius of the transferred works.
Indian Sacred Sites	The Proposed Action will have no impacts to Indian sacred sites. The Tribes have not identified any religious or ceremonial sites in the Hayden Lake Unit.
Environmental Justice and Socioeconomics	The Proposed Alternative will not disproportionately (unequally) affect any low-income or minority communities at the Kootenai County level, and the Hayden Lake Unit comprises a small portion of the larger county. Further, there will be no change to water deliveries with the proposed title transfer. HLID will continue to deliver water, as they have historically and per their existing contracts. There will be no adverse human health or environmental effects on minority or low-income populations as a result of title transfer.
Farmlands (Prime or Unique)	The Proposed Action will not modify prime and/or unique farmlands.
Floodplains	The Proposed Action will not modify or impact any floodplains.
Threatened and Endangered Species	The Proposed Action will 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 will change as a result of the title transfer action that will 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 will occur by HLID as a result of the title transfer action, this action will also have no effect to designated critical habitat for any ESA listed species.
Wildlife	The Proposed Action will have no impacts to wildlife. The easements and in-fee land are not ecologically sensitive and are insignificant to the regional ecosystem biodiversity.


Resource	Rationale for Elimination from Further Analysis
Visual Resources	The Proposed Action will 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 will 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 <sup>3</sup> 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.
Recreation	Recreational use is not an authorized use of the lands proposed for transfer.
Land Use	The Proposed Action will not change the existing land use. The lands proposed for transfer will still be encumbered by irrigation conveyance facilities.
Topography, Geology, and Soils	The Proposed Action will not modify or impact the topography, geology, or soils.
Noise	The Proposed Action will not modify the current noise levels.
Vegetation	The Proposed Action will not modify existing vegetation. The Proposed Action will 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 13112).
Wetlands	The Proposed Action will not involve constructing, modifying, or adversely affecting wetlands within any lands proposed for transfer.

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<sup>3</sup> 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 ensure their cooperation in the cleanup. In accordance with the "Notice" requirements of 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
Air Quality	The Proposed Action will not result in an alteration of air movement, moisture, temperature patterns, or creation of objectionable odors on a local or regional level.
Climate Change	The Proposed Action will 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 <sub>2</sub> ), 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 Proposed Action will have no effect on migratory birds.

**Approved:**  
**TALMADGE**  
**OXFORD**

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Date