

**United States Department of the Interior
Bureau of Land Management**

**High Desert Farms, LLC
Lance Griff Irrigation Pipeline
IDI-37294**

Environmental Assessment DOI-BLM-ID-T020-2012-0013-EA

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CHAPTER 1, PURPOSE AND NEED FOR ACTION

BACKGROUND

On March 13, 2012 Lance Griff, the authorized agent for High Desert Farms, LLC (High Desert) submitted a Standard Form (SF) 299 application to the BLM Burley Field Office for a buried irrigation water pipeline right-of-way (ROW). The Legal description of the area affected by this ROW application is: Boise Meridian, T. 11 S., R. 17 E., section 20. SE¹/₄SE¹/₄. (See attachment A Map of Project Area). High Desert has acquired irrigated agricultural land north of the subject area which they intend to begin farming. This land was irrigated by the previous owner via an open ditch conveying Twin Falls Canal Co. (Canal Co.) water from an existing canal as shown on attachment A. The ditch has not been used in several years and is in disrepair. Because of expense of making the ditch usable again, the inefficiencies of using a ditch, and the ability to pressurize an irrigation system using the drop in elevation from the canal to the farm land, High Desert prefers to invest their capital in a pipeline. Part of the land transaction involved High Desert obtaining enough Canal Co. water shares to irrigate the land and the previous owner retaining part of his original shares. High Desert further agreed to install a new head gate with 2 outlets, one for the proposed pipeline and one for the previous owner's future use. High Desert's application does not address the previous owner's future use nor would this analysis or the proposed ROW address such use. The head gate and outlets would be installed within the Canal Co. ROW and would be considered maintenance.

The Burley Field Office is processing the application and has assigned serial number IDI-37294. The proposal is being analyzed in this Environmental Assessment.

PURPOSE AND NEED FOR ACTION

The purpose of the Proposed Action is to deliver water from the Canal Co. source to private lands owned by the applicant and to modernize and pressurize an open irrigation system that loses water to evaporation and absorption into the ground.

The need for action is for the BLM to respond to a ROW application in accordance with the regulations at 43 CFR 2800.

DECISION TO BE MADE

The Authorized Officer, will decide whether to grant a ROW to High Desert Farms, LLC, c/o Lance Griff for an irrigation pipeline. If granted, the Authorized Officer will determine what stipulations are needed.

RELATIONSHIP TO STATUTES, REGULATIONS AND/OR OTHER PLANS

The Proposed Action is in conformance with the Twin Falls Management Framework Plan of January 21, 1988, which states, in part: Any valid use, occupancy, and development of the public

lands, including but not limited to those requiring rights-of-way, leases and licenses will be considered, subject to applicable environmental review procedures, unless specifically excluded in the plan. The public lands are managed under the principles of multiple use and sustained yield as required by the Federal Land Policy and Management Act of October 21, 1976, as amended (FLPMA). Further, application processing is guided by the regulations at 43 CFR 2800 and the BLM policies and guidance in ROW Handbook, H2800-1.

SCOPING, PUBLIC INVOLVEMENT, AND ISSUES

This proposed project is listed on the Idaho NEPA register.

CHAPTER 2, PROPOSED ACTION AND ALTERNATIVE(S)

PROPOSED ACTION

High Desert is proposing to construct, operate, and maintain, a buried irrigation water pipeline to provide irrigation water to their private land that is adjacent to the subject public lands. The pipeline would deliver water from an existing irrigation canal that is maintained by Canal Co. The pipeline would cross roughly 250 feet of BLM land the width of the ROW would be 30 feet, affecting .17 acres of public land, more or less. The pipeline would be 80 psi PVC pipe and would have no toxicity. The operating temperature would be 60-70 degrees. The pipeline would have at least 30 inches of cover. The pipeline would be 18 inches in diameter installed and the trench itself would be 26 inches wide to fit the pipe within. There will be no pumps, no need for sand or gravel and no temporary equipment storage areas needed.

Equipment and personnel needed for construction would be a backhoe, a pickup truck, a small brush and grass trimmer and a 2 man crew. Access to the trench will be from the existing canal road. The applicant has flagged the centerline of the proposed pipeline route. The trimmer will be used to whip down the grass and sagebrush to clear the area for trenching and backfilling. After trenching and pipe installation, the trench will be backfilled contoured and seeded with a mixture approved by the Authorized Officer.

The Proposed Action is for the BLM to grant a ROW for the above described facility.

NO ACTION

Under the No Action alternative no pipeline would be constructed. High Desert would continue to use the existing open irrigation system. Loss of water through evaporation and absorption would still be an issue for the applicant and the Canal Co. In addition, High Desert would not be able to use the terrain to their advantage to pressurize the system.

CHAPTERS 3&4, AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

The No Action alternative reflects the current situation within the project area and will serve as the baseline for comparing the environmental effects of the analyzed alternatives.

During the analysis process, the interdisciplinary team considered several resources and supplemental authorities. The interdisciplinary team determined that the resources discussed below would be affected by the Proposed Action.

VEGETATION/THREATENED, ENDANGERED, OR SENSITIVE (TES) PLANTS

Proposed Action

A field inspection was completed May 5, 2012. The dominant plant species present include Wyoming big sagebrush, rubber rabbit brush, crested wheatgrass, Sandburg bluegrass, cheat grass various annual forbs, and a few Russian olive trees. The proposed project would not impact any TES plant species or their habitat.

CULTURAL AND HISTORICAL RESOURCES

The Burley Field Office conducted a cultural resource inventory on May 7, 2012. No cultural resources were encountered within the area of potential effect. As outlined in the Idaho Protocol of the National Programmatic Agreement, the action can proceed.

WILDLIFE/BLM SPECIAL STATUS SPECIES, INCLUDING THREATENED AND ENDANGERED SPECIES

Wildlife Resources

- a. Sage-grouse: The Proposed Action area is located outside preliminary priority and general sage-grouse habitat. Sage-grouse are not affected.
- b. Special Status Species: There are no element occurrence records for special status species within one mile of the project area (ICDC, 2012).

Habitat Description

The Proposed Action area is comprised of a crested wheatgrass seeding. Sagebrush has re-established within the seeding. Forbs are limited. The area is bordered by agriculture land to the East, North, and West by a paved county road to the South.

On May 24, 2012, a field evaluation was conducted in the Proposed Action area. During the field evaluation the following species were observed:

1. Magpie
2. Brewer's blackbird (multiple)
3. Violet-green swallow (multiple)
4. Meadowlark (multiple)
5. Mallard
6. Brewer's sparrow
7. Gray partridge
8. Common raven (2)

9. American Kestrel
10. Robin
11. Small burrow: ground squirrel suspected (ssp. Unknown)
12. Kill deer
13. Pheasant
14. Stick nest raven suspected (no activity)
15. Stick nest: magpie suspected (no activity)

Mitigation

The Proposed Action is not expected to result in the “take” of migratory birds. A thorough evaluation of the proposed ROW did not reveal the presence of any nesting locations. If the ROW is approved, a Field evaluation will be completed immediately preceding construction. There is a magpie nest adjacent to the proposed ROW.

There are no known nesting locations in the region for either golden eagles and/or great horned owls, nor are any nests suspected to occur at this location, particularly golden eagle nests.

Although BLM sensitive species were encountered during the field evaluation, the Proposed Action is small scale and not expected to result in adverse negative impacts to BLM sensitive species. The Proposed Action would not result in a trend toward listing any wildlife including BLM sensitive species. Some species may be temporarily displaced during times of active construction. Displaced species are expected to return once construction activities are complete.

Recommendation/Stipulations

The project applicant must avoid the identified stick nest in the Russian Olive tree. This nest is located to the west of the proposed route, adjoining the range fence. The project applicant must discontinue all construction operations should active nesting locations be identified subsequent to this evaluation. The project applicant must notify the authorized officer of any previously unknown nesting locations if encountered. All nests sites must be avoided. A field evaluation immediately preceding construction is recommended. The project should be recon toured and reseeded to pre-disturbance conditions.

CHAPTER 5, CONSULTATION AND COORDINATION

TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED

Coordination with Idaho Department of Fish and Game (IDFG) will be required if the pre-construction assessment identifies potential impacts to nesting migratory birds:

IDFG person contacted: Mike McDonald on June 6, 2012

LIST OF PREPARERS

Scott Barker, Realty Specialist
Jennifer Sonner, Land Law Examiner
Steve Lubinski, Geologist/Botanist
Jesse Rawson, Wildlife Biologist
Suzann Henrickson, Archeologist
Michael Courtney, Field Manager

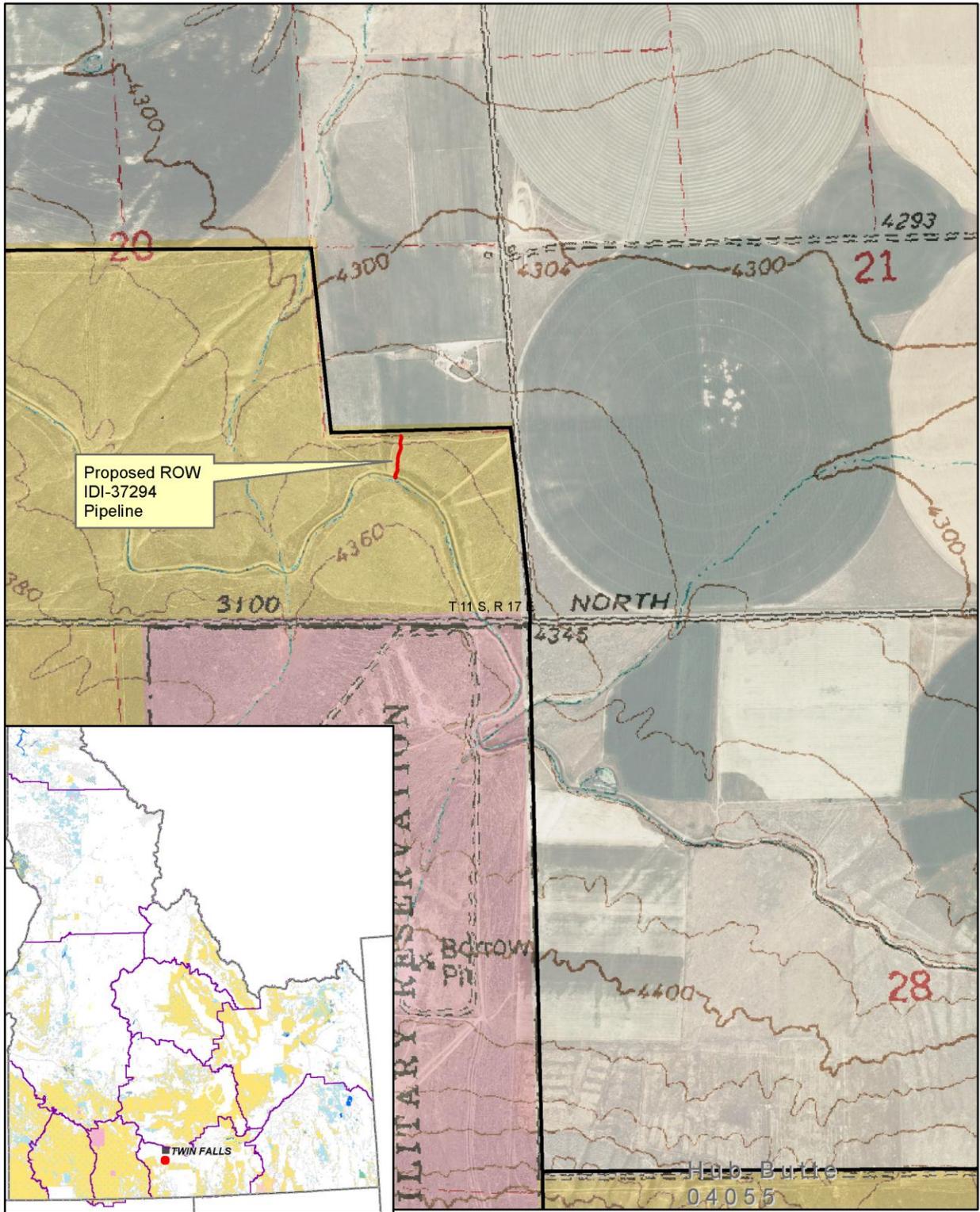
CHAPTER 6, REFERENCES

BLM H-2800-1 ROW handbook
FLPMA
43 CFR 2800
Twin Falls Management Framework Plan of January 21, 1988

ADENDUM

Attachment A	Map
Exhibit B	Terms, Conditions and Stipulations

ATTACHMENT A



Griff Irrigation Pipeline
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- Legend**
- Line, gen
 - Military, Department of Defense
 - Private, other
 - Historical Open Water
 - Bureau of Land Management
 - Blainhead-Jones Land Use
 - State
 - State Fish and Game
 - Bureau of Reclamation
 - Fish and Wildlife Service
 - State Fish and Game

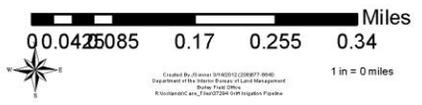


Exhibit B

TERMS, CONDITIONS, AND STIPULATIONS

**High Desert Farms, LLC
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1. The Holder, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
 - a. All Federal and State laws applicable to the authorized use and such additional Federal and State laws along with the implementing regulations that may be enacted and issued during the term of the grant.
 - b. That in operation, maintenance, and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex, age, disability, religion or national origin and all subcontracts shall include an identical provision.
 - c. When requested by the Authorized Officer, the Holder shall make his equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project. Payment for such services will be made at rates determined by the Authorized Officer.
2. The Authorized Officer may suspend or terminate in whole or in part this right-of-way grant which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
3. The Holder shall not initiate any surface disturbing activities, beyond normal maintenance activities, on the right-of-way without the prior written authorization of the Authorized Officer.
4. Any cultural and/or paleontological resource (historic or prehistoric site object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.
5. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. A chemical shall not be used if the

Secretary of Interior has prohibited its use. Only BLM approved herbicides will be used. The list of chemicals is periodically updated and can be obtained from the Twin Falls District Office. Pesticides shall be used only in accordance with their registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license.

6. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species on disturbed areas within the limits of the right-of-way that result or would result from the improvements authorized under this grant.
7. The Holder is responsible to ensure that the undercarriages of equipment and/or vehicles used for maintenance be free of all soil and plant material prior to entering and exiting the project area to reduce the establishment of new invasive, non-native species or the spread of existing species to new areas.
8. The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
9. The Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
10. All design, material, operation, and maintenance practices shall be in accordance with safe and proven engineering practices.
11. The Holder shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the permit area or on facilities authorized under this permit. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be

reported as required by the Comprehensive Environmental Response Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

12. The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substances or hazardous waste (as these terms are defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S. C. 6901 et seq.) on the permit area (unless the release or threatened release is wholly unrelated to the right-of-way Holder's activity on the right-of-way).
13. Prior to termination or assignment of the right-of-way or a portion of the right-of-way, the Holder shall contact the Authorized Officer.
14. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of the public lands under this grant associated with the authorized maintenance activities of the Holder.
15. No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support maintenance equipment. If such equipment creates ruts in excess of 4-inches deep, the soil shall be deemed too wet to adequately support maintenance equipment.
16. The Holder shall conduct all maintenance activities in a manner that will minimize disturbance to vegetation, drainage channels, and stream banks. The Holder shall take resource conservation and protection measures on the right-of-way as the Authorized Officer deems reasonably necessary. Areas disturbed during maintenance outside of the existing road and shoulder shall be reseeded with a seed mixture and rate of success to be determined by the Authorized Officer.
17. The Holder shall keep the right-of-way clean by removal of any debris or waste associated with maintenance activities.
18. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the Authorized Officer.
19. All terms, conditions, and/or stipulations of associated permits will be adhered to.
20. Construction activities are not to take place during the Migratory Bird Nesting Season from **March 1 through July 31st**, or until occupied nests are no longer active. If construction activities need to take place during the migratory bird nesting season an exception request must be submitted to the BLM Authorized Officer in writing requesting a variance to the stipulation. Upon receiving this request, an onsite evaluation must be completed by the BLM resource specialist to determine if implementation of project activities will avoid causing harm to federally protected migratory birds.