Finding of No Significant Impact
for the
P-16 Furey Lane Water Conservation and Reconnect Project
Environmental Assessment
DOI- BLM-ID-I030-2014-0002-EA
IDI-37646 and IDI-37700

Introduction and Background

The Bureau of Land Management (BLM) - Challis Field Office (CFO) received a request from the Custer Soil and Water Conservation District (CSWCD) to coordinate implementation of the proposed project involving restoration of fish habitat, fish habitat connectivity, and stream flow conservation in the Pahsimeroi River through stream channel restoration, fish passage barrier removal, irrigation diversion system upgrades, and increases in irrigation efficiency. In partnership with the project sponsor CSWCD, the private land agricultural irrigators have applied for a Federal Land Management Policy Act Right of Way (FLPMA ROW) as the Furey Lane/P-16 Irrigation Company for access and approval to reconstruct the P-16 irrigation point of diversion (P-16 POD), ditch, and underground pipeline to convey decreed Pahsimeroi River water rights across BLM administered land to private lands in the vicinity of Furey Lane. The project area is located in the Pahsimeroi River Valley, approximately 5.6 miles west-southwest of Patterson, ID. In conjunction with the irrigation infrastructure improvements, the Idaho Department of Fish and Game (IDFG) Screen Program has also applied for a ROW for installation and maintenance of the associated fish screen, access road, and fish bypass pipe. Reaches of the Pahsimeroi River that are occupied by migratory anadromous salmonids listed as threatened under the Endangered Species Act (ESA) occur downstream of the project area. The Pahsimeroi River in the project area is ESA designated critical habitat for Chinook salmon and bull trout, and designated critical habitat for steelhead is located downstream. However, due to instream structures that impede passage and annual dewatering caused by natural infiltration coupled with irrigation withdrawals, migratory anadromous salmonids have had limited to no access to the project area. The proposed action, detailed under "Description of Alternative 1 - Proposed Action" in the Environmental Assessment (EA; pages 12-29), is intended to restore stream flow and improve aquatic habitat quality and connectivity between the lower Pahsimeroi River and the project area, and contribute to future restoration of flow and fisheries connectivity within the Pahsimeroi River drainage.

The proposed action was reviewed and ranked by the Upper Salmon Basin Watershed Program Technical Team on September 4, 2013. The Technical Team consists of representatives from the Idaho Office of Species Conservation, IDFG, Shoshone-Bannock Tribes, Natural Resources Conservation Service, Lemhi Soil and Water Conservation District, BLM, Salmon-Challis National Forest, National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), The Nature Conservancy, Trout Unlimited, Idaho Department of Water Resources, Idaho Department of Environmental Quality, CSWCD, and the U.S. Bureau of Reclamation (BOR). The project priority ranking was high (e.g. ≥ 61) with a score of 105 out of a possible 130. This ranking was based on significant beneficial impacts to habitat limiting factors for instream flow and physical fish barriers at the project area scale and the larger reach scale of the middle Pahsimeroi River between Hooper and McCoy Lanes.

Additionally, BLM coordinated with IDFG as described in Washington Office Instruction Memorandum 2012-043 Greater Sage-Grouse Interim Management Policies and Procedures. The IDFG concurred that "given the overall benefits of the proposed Project the Idaho Department of Fish and Game concludes the project is likely to maintain sage-grouse habitat". The BLM would be in compliance with guidance provided in Washington Office (WO) IM 2012-043.

The proposed actions described in Alternatives 1 and 2 were designed to improve land health, and were fully analyzed in the EA. All alternatives in the EA were developed by the BLM in coordination or consultation with the project proponent, local landowners, conservation groups, state agencies, and other federal agencies. Alternative 2 was developed to improve land health and includes actions developed by the BLM-CFO to address issues and resource concerns anticipated to result from implementation of irrigation system improvements and associated habitat restoration actions proposed under Alternative 1. All actions proposed under Alternative 1 are included in Alternative 2.

Additional information is available in the EA, which is available at the CFO or on the BLM ePlanning webpage at: https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=37612&dctmId=0b0003e880627424

Based upon a review of the P-16 Furey Lane Water Conservation and Reconnect Project Environmental Assessment DOI-BLM-ID-I030-2014-0002-EA, I have determined both Alternative 1 and Alternative 2 would not constitute a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined under Council of Environmental Quality (CEQ) regulations at 40 CFR 1508.27, therefore an Environmental Impact Statement is not required. This finding is based on the context and intensity of impacts as identified in the EA and referenced below.

Finding of No Significant Impact (FONSI)

I have reviewed the EA including the explanation and resolution of any potentially significant environmental impacts, and reviewed and thoroughly considered public comments regarding the EA. I have also reviewed the ten Intensity Factors for significance listed in 40 CFR 1508.27 and have determined that Alternatives 1 and 2, along with the design features, best management practices and stipulations described, does not constitute a major federal action affecting the quality of the human environment or causing unnecessary or undue degradation of the natural environment. Therefore, an Environmental Impact Statement has not been prepared.

Implementing regulations for the National Environmental Policy Act (NEPA) (40CFR 1508.27) provide criteria for determining the significance of effects. 'Significant', as used in NEPA, requires consideration of both context and intensity. The bold and italicized text are repeated from 40CFR 1508.27 for completeness and an explanation follows for relevance to the decision.

(a) Context. ***"This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the***

effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant" (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in scale and context. Alternatives 1 and 2 would not have international, national, region-wide, or statewide importance. The analysis determined the effects are local in nature and reconstruction of the P-16 diversion and associated infrastructure, including stream channel rehabilitation and enhancement, fence construction, grading of existing designated open roads across BLM administered lands to access the construction site, wildlife/stockwater system construction and/or reconstruction, granting of a ROW to the Furey Lane/P 16 Irrigation Company for the diversion structure, ditch and adjacent maintenance road, and pipeline, and granting of a ROW to IDFG Screen Program for a fish screen, bypass pipe, and access across BLM administered lands to maintain the screen and associated infrastructure will have no significant impact on existing resource values.

(b) Intensity. ***"This requirement refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity" (40 CFR 1508.27).***

(1) *Impacts that may be both beneficial and/or adverse.*
The analysis documented in DOI-BLM-ID-I030-2014-0002-EA did not identify any individually significant short- or long-term impacts. *The Affected Environment And Environmental Consequences* section (EA, pages 38-93) describes the direct and indirect impacts (both beneficial and adverse) of the alternatives. Identified short term effects include, but are not limited to, ground and vegetation disturbance within the project area, increases in sediment in the Pahsimeroi River, increased traffic, and potential disturbance of wildlife in the immediate area surrounding project activities. The potential for impacts, both short and long term, are further limited by BMPs and stipulations included as part of Alternatives 1 and 2. Long term beneficial impacts include, but are not limited to, improved riparian vegetation, instream flow conservation, improved water quality, and installation of a fish screen to prevent entrainment of fish (including ESA listed salmonids). Vitally, Alternatives 1 and 2 would represent an important contribution to improved fish passage among designated critical habitat in reaches currently occupied by Chinook salmon and steelhead downstream of the project area and currently unoccupied reaches within the project area.

(2) *The degree to which the proposed action affects public health or safety.*
The environmental analysis documented no effects on public health and safety from any of the actions described in Alternatives 1 and 2. Implementation of the Proposed Action or alternatives would not result in production of vehicle or equipment emission or particulate matter above baseline levels as required by the Clean Air Act. Any water quality impacts would be limited to short-term introduction of sediment/turbidity. However, BMPs are included to ensure any sediment inputs are minor and/or localized in nature and no other pollutants from vehicles or human waste impact water quality.

(3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*
The environmental analysis documented no effects on unique geographic features of the area. The status of these unique resources is documented in Table 4: *Resources Considered in the Impact Analysis* (EA pages 38-41). There are no prime and unique farmlands, park lands, Wild

and Scenic Rivers, designated Wilderness, Wilderness Study Areas, lands with Wilderness characteristics, Areas of Critical Environmental Concern, paleontological resources, historic properties, known cultural resources, or Wild Horse and Burro Management Areas in the project area. Wetland resources were identified as an affected resource and were assessed in the EA, including potential for short-term insignificant negative effects and beneficial effects (EA, pages 89-93).

(4) *The degree to which the effects on the quality or the human environment are likely to be highly controversial.*
The BLM CFO conducted internal scoping and external public scoping via letters sent to a list of interested publics. Consultation and coordination with other governments and agencies was also conducted. Through the scoping process, issues and/or requests for clarification were identified for analysis (EA- Scoping and Issues, pages 10-11; Consultation and Coordination, page 107). The issues identified were addressed in the EA (EA, pages 38-93). Based upon past projects and an understanding of the limitations of the system, the effects of the project on the environment are well understood, and therefore there are no controversial effects on the human environment identified during the environmental analysis.

(5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
The environmental analysis did not identify any effects on the human environment which are highly uncertain or involve unique or unknown risks. The diversion of stream flow for agricultural irrigation has been occurring in the Pahsimeroi River subbasin since the late 1800's. Alternatives 1 and 2 include a proposal to upgrade irrigation infrastructure as a part of ongoing ESA stream channel and flow restoration activities, which have been occurring in the Pahsimeroi River subbasin since the mid 1990's. Establishing or maintaining developed alternative livestock water is also a common livestock management practice.

(6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*
Alternatives 1 and 2 do not set precedent or represent a decision in principle about any future management consideration. The alternatives include include a multitude of actions including reconstruction of the P-16 diversion and associated infrastructure, including stream channel rehabilitation or enhancement, fence construction, grading of existing designated open roads across BLM administered lands to access the construction site, wildlife/stockwater system construction and/or reconstruction, granting of a ROW to the Furey Lane/P 16 Irrigation Company for the diversion structure, ditch and adjacent maintenance road, and pipeline, and granting of a ROW to Idaho Department of Fish and Game Screen Program for a fish screen, bypass pipe, and access across BLM administered lands to maintain the screen and associated infrastructure. Implementation of this decision would not trigger other actions, nor will it represent a decision in principle about future consideration. The activities are not connected to any other future actions.

(7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The EA documents the cumulative impacts within the scope of the analysis area. The analysis did not identify any known significant cumulative or secondary effects (EA, 94-106). Within the cumulative impact analysis area, other past, present, and reasonably foreseeable actions were analyzed. Those actions in combination with this decision are not anticipated to result in

cumulatively significant impacts within the Pahsimeroi River subbasin, which formed the cumulative impacts analysis area.

(8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*
The analysis showed that the alternatives would not adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. The alternatives would not cause loss or destruction of significant scientific, cultural or historical resources.

(9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*
The potential for adverse effects to ESA listed species were considered for those species which occur within the CFO. There were no terrestrial species or designated critical habitat identified as present within the project area, thus precluding the potential for any adverse effects. Relative to ESA listed aquatic species (e.g. chinook salmon, steelhead, bull trout) and designated critical habitat (e.g. chinook salmon designated critical habitat and bull trout designated critical habitat) the BLM conducted ESA Section 7 consultation on the proposed action included in Alternative 1 and actions which may affect listed fish or habitat included in Alternative 2. In combination with limited to no potential for ESA listed aquatic species occurrence in the project area and BMPs associated with Alternatives 1 and 2, no adverse effects were identified for any aquatic species or habitat. The potential for effects and a description of applicable ESA Section 7 Consultation is described in the EA under "Threatened, Endangered, and Sensitive Fish; Fisheries" (pages 59-74) and "Consultation and Coordination" (page 107).

(10) *Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.*
The EA documents that the proposed action and alternatives are consistent with Federal, State, and local laws or requirements imposed for the protection of the environment (EA, pages 8-9).

I find that implementing Alternatives 1 or 2 would not constitute a major federal action that would significantly affect the quality of the human environment in either context or intensity. I have made this determination after considering both positive and negative effects, as well as the direct, indirect, and cumulative effects of this action and reasonably foreseeable future actions. I have found that the context of the environmental impacts of this decision is limited to the local area and I have also determined that the severity of these impacts is not significant. This document is adequate and in conformance with the 1999 Challis Resource Management Plan.

/s/ Bart G. Zwetzig, Acting Field Manager
June 2, 2015