

Maline, Denise

From: Mike Henslee [mjhenslee@gmail.com]
Sent: Wednesday, September 17, 2014 3:33 PM
To: Maline, Denise
Subject: Fwd: Salmon Falls apps - additional info

71-10949

Here they are, sorry about that.

Thanks, have a great day!

Cali

Sent from my iPhone

Begin forwarded message:

From: Mike Henslee <mjhenslee@gmail.com>
Date: September 17, 2014 at 11:43:31 AM MDT
To: "Maline, Denise" <Denise.Maline@idwr.idaho.gov>
Subject: Re: Salmon Falls apps - additional info

Hi Denise,

Answers regarding Rule 040.05.c. and Idaho Code, Section 42-203A(5)(a):

ii. The two groundwater irrigation wells that we are asking for in our application are not within one 1/2 mile radius of any other domestic or irrigation well currently being pumped. We do have a couple test wells that will turn into stock water wells at the completion of our project. The stock water wells will be within a 1/2 mile of our irrigation wells.

iii. The new pivot irrigation system is intended to be more efficient and conserve water, compared to our current pivot irrigation system. The new nozzles will be galled at 6 gallons per acre for conservation. The new system is intended to put water back into Pole Creek for an improved fisheries habitat. The groundwater wells are intended to be pumped only a portion of the irrigation season. They will be used to replace the water needed for fisheries as the surface water supply depletes mid-late summer. We feel that this project will not effect other users. The Bureau of Reclamation has done numerous studies, which we will forward to you. This project is at the upper end of the Stanley basin. There is currently no other groundwater irrigation users within two miles. Our season of use shall be short and the water that we leave in Pole Creek for habitat will counterbalance and/or exceed any amount of water being pumped. Please refer to attachment ((5)(a) Site Plan).

Answers regarding Rule 040.05.c. and Idaho Code, Section 42-203A(5)(b):

i. We have provided your office (Jim Bitzenburg) with a graph showing what is projected to be our peak and/or average water demand. The Bureau of Reclamation information to be forwarded will provide you with our projected GPM or CFS needs. On our application, we asked for 7.8 CFS or 3,500 GPM's in anticipation that the next irrigation well, not currently drilled, will have a better flow rate and can meet our need in a worse case scenario (dry year).

ii. We believe that the aquifer is considered to be deep and confined. Please refer to Bureau of Reclamation information (Attachment (5)(b)).

Answers regarding Rule 040.05.c. and Idaho Code, Section 42-203A(5)(c)

i. The information requested by Jim Bitzenburg, regarding our transfer application 79491, regarding water right 71-10882, will show our collaboration with the Sawtooth National Recreation Area (SNRA) and their fishery biologist, Mark Moulton. Once the entire project is completed, there will be official permit/lease agreements for the right-of-ways and easements needed for full project implementation.

ii. There will be other government agency approvals, in order to complete this water development project. RE: Custer County Soil & Water, Idaho Water Resource Board, Bureau of Reclamation.

Answers regarding Rule 040.05.c. and Idaho Code, Section 42-203A(5)(d):

i. We are working mainly with Custer County Soil & Water, NRCS, and with funding from BPA & other entities. We will also provide some of our own financial resources for the project completion. The current estimate for construction and equipment of the proposed project is approximately \$2.15 million. Please see attachment ((5)(d) Financial).

Answers regarding Rule 040.05.c. and Idaho Code, Section 42-203A(5)(e):

i. We feel that this proposed project will only promote a great outcome concerning local public interest. We are not within an irrigation district, canal company, or tribal reservation. We have our own irrigation system to irrigate our pastures and by implementing the irrigation wells into our system, the local fisheries habitat will benefit and thrive compared to its current status. The State Fish & Game, Environmental Community, Tribal Reservations, SNRA, and many other organizations have been onboard since the project's infancy and have worked in collaboration with our ranch to make this project successful and in the local public interest.

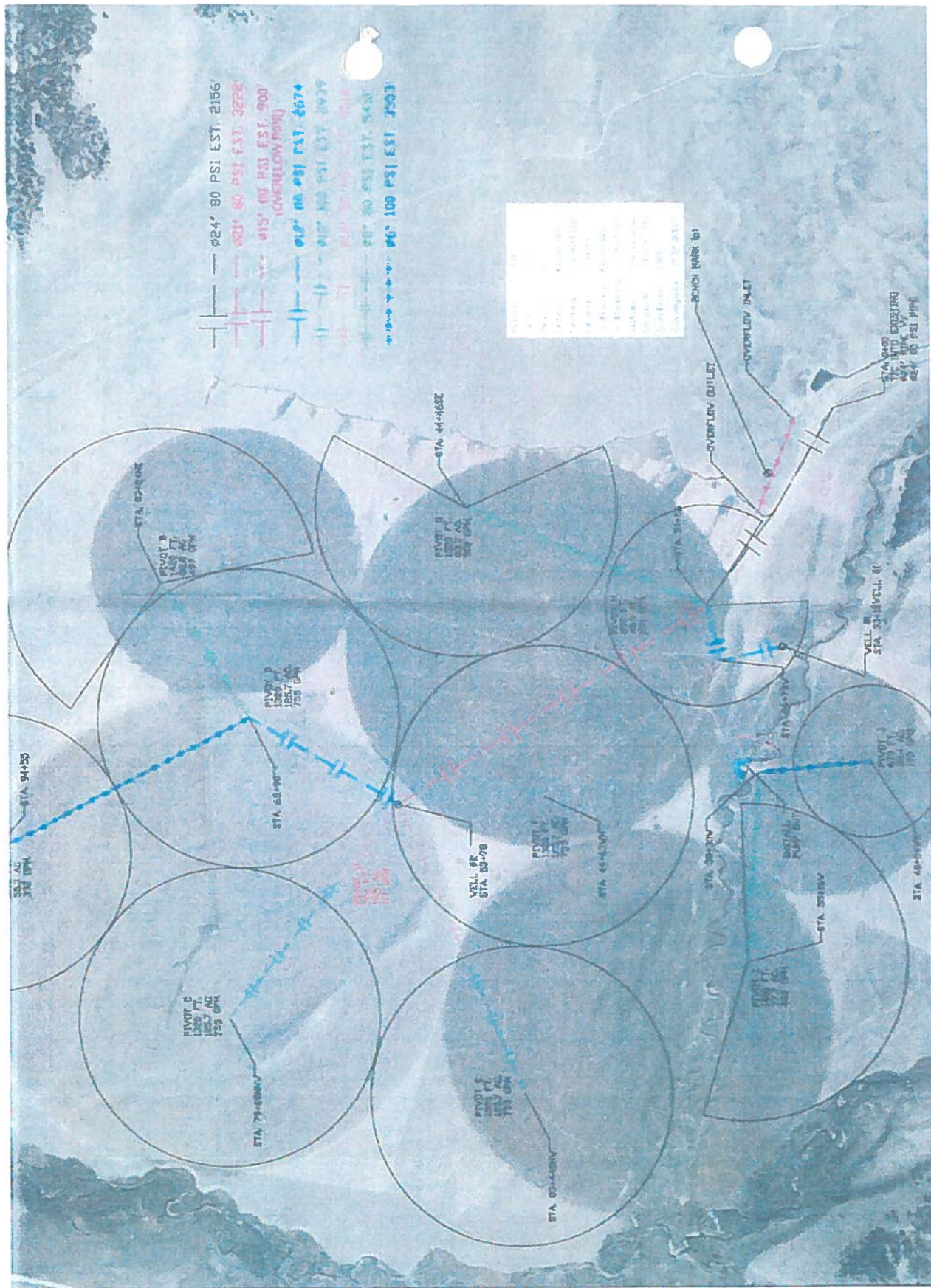
Hope this is enough additional information to meet Rule 040.05.c. Please call or e-mail if any additional information is required.

Thanks,
Mike Henslee

On Tue, Sep 16, 2014 at 9:48 AM, Maline, Denise <Denise.Maline@idwr.idaho.gov> wrote:

Hi Mike,

Here is my e-mail address. denise.maline@idwr.idaho.gov



Pole Creek Sprinkler Irrigation System
NRCs

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DEPT OF WATER RESOURCES
SOUTHERN REGION

"Site Plan" (5a)
71-10949

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DEPT OF WATER RESOURCES
SOUTHERN REGION

MEMORANDUM
Draft - December 12, 2012

To: Brian Hamilton, Subbasin Liaison Officer, Salmon Field Office

From: Ben Taylor
Civil Engineer, Design Group

Subject: Pole Creek – Test Well

Introduction

This memo documents drilling and pumping of a test well on the Salmon Falls Land and Livestock Ranch south of Stanley, Idaho. This work was completed to evaluate the feasibility of using groundwater withdrawals to supplement current surface water withdrawals from Pole Creek.

Well and piezometer installation

A 16-inch diameter test well (Well 1) was drilled to 230' by Mountain West Drilling between November 14 and December 7, 2012. Well 1 is located near the ranch hydropower station, as shown on Figure 1. The well was constructed with 16" steel casing to 230' placed inside of 20" casing which was installed to 140'. Thirty feet of 16" telescoping well screen was placed in the bottom of the 16" casing and the casing was pulled back to expose the screen. Screen slot size was number 100. Well 1 is located approximately 300' from Pole Creek. Driller's log for Well 1 is included in the Appendix.

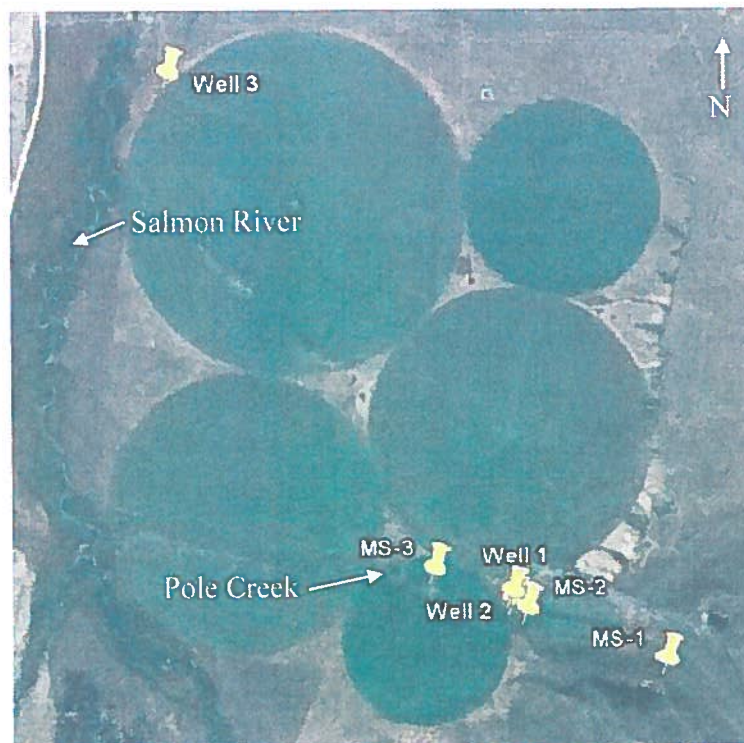


Figure 1 - Well and Piezometer Locations

(56)

71-10949

Two 6-inch observations wells were drilled by Independent Drilling between August 13-17, 2012. The two observation wells are referred to as Wells 2 and 3, and their location is shown on Figure 1. Driller's logs for Wells 2 and 3 are included in the Appendix.

Well 2 is located midway between Well 1 and Pole Creek, approximately 150' south of Well 1. Well 2 was drilled and cased to a depth of 250'. The 6-inch steel casing was perforated between 150' to 250' bg with 1/4" x 2" perforations, about 10 perforations per foot.

Well 3 is located on the northwest corner of the ranch, near the Salmon River. Well 3 was drilled and cased to a depth of 150'. The 6-inch steel casing was perforated between 50' to 150' bg with 1/4" x 2" perforations, about 10 per foot.

Piezometers were installed at 3 monitoring site locations along Pole Creek. The monitoring site (MS) locations are shown in Figure 1. The piezometers are 2" PVC installed into holes dug as deep as possible with a backhoe and average about 12' deep.

Geokon vibrating wire transducers and data loggers were mounted in Wells 2 and 3, and MS-1 about 2 months before the test. For the test, an additional transducer and data logger was mounted in Well 1. Pressure transducer calibration reports, worksheets, and field notes are provided in the Appendix. Manual reading were used to check and verify the transducer readings.

Pre-Test Monitoring

Static water level in Wells 2 and 3 was recorded at the time of drilling in August 2012 and reported as 56' bg for Well 2 and 33' bg for Well 3. Data loggers mounted in Wells 2, 3 and MS-1 recorded water level between September 27, 2012 and the aquifer test on December 11th; this data is plotted on Graph 1 in the Appendix. As shown in Table 1, water levels in both wells declined over the summer and fall.

Table 1 - Wells 2 and 3 Pre-Test Monitoring

	Static Water Level (feet bg)			Decline Sept-Dec	Overall Decline
	Aug 13-15, 2012	Sept 21-27, 2012	Dec 10, 2012		
Well 2	56	58	63.3	5.3	7.3
Well 3	33	69.9	73.2	3.3	40.2

Water level in MS-1 was 11' bg or 9' below the adjacent water surface in Pole Creek; and fluctuated by 0.5'. Water level fluctuation in MS-1 appears to be correlated with flow in Pole Creek; specifically, gage flow steadily decreased from 29 cfs to 27 cfs between 10/1 and 10/24, with one spike to 30 cfs on 10/16. The MS-1 water level also generally declined between 10/1 to 10/24 with brief rises in water level between 10/14 and 10/16. Graph 2 of the Appendix plots MS-1 water level with the Pole Creek hydrograph overlain. Per ranch foreman Del Ovesin, between Sept. 10-15 the ranch's surface water withdrawal from Pole Creek is reduced to only provide 1-2 cfs of stockwater. The irrigation system is totally shut down by October 1. The Pole Creek gage (USGS #13292380) is located above the diversion.

It was our intent to place transducers in MS-2 and MS-3 but the holes were dry.

Survey Control

A Trimble R8 survey-grade GPS system was used to establish control monuments near each site. A control point (CP-100) near the irrigation shed was occupied and static data was collected. Static data was then uploaded to the National Geodetic Survey's Online Positioning User System (OPUS) which returned a corrected position. The corrected position was then used to establish locations of the remaining monuments.

Projection and Coordinate System: NAD 83 Idaho State Plane – Central Zone – US

Survey Foot

Vertical Datum: NAVD 88

Table 2 - Survey Control

Pt. #	Northing	Easting	Elevation (NAVD 88)	Description
100	823460.70	1432169.23	7162.93	Set rebar and yellow plastic cap near shed
101	823838.13	1431148.89	7147.97	Set rebar and yellow plastic cap near culvert
102	822667.91	1433928.41	7187.26	Set pine hub near MS-1
103	829871.67	1427918.97	7052.30	Set rebar and yellow plastic cap near Well 3

Vertical elevation of the top of well casing or PVC pipe was then measured for each well or piezometer using a rotary laser level.

Table 3 - Well Elevations

Description	Elevation (NAVD 88)
Well 1 - Top 20" plate which connects to 16" casing	7163.30
Well 2 - Top 6" well casing	7160.57
Well 3 - Top 6" well casing	7054.62
MS-1 - Top pvc	7189.57
MS-2 - Top pvc	7164.34
MS-3 - Top pvc	7054.62

Step Test

On December 11, 2012, Layne Pump installed a temporary vertical turbine pump in Well 1. The pump was capable of delivering up to 2000 gpm at 190' TDH. The pump suction was located 173' bg. Flow was measured in the discharge piping using a McCrometer McPropeller flowmeter. Two PVC conduits were installed in the test well to 160' bg for use by Reclamation; one conduit was used for a transducer and data logger, the other was used for manual logging.

Beginning at 11:10 a.m., the well was pumped at 4 successively increasing flows for 1 hour each. The step test was performed in order to determine the optimum flow for the 24-hour test. Based on the step test, a design flow of 1500 gpm appeared feasible for a 24-hour test.

Table 4 - Step Test Results

	Q (gpm)	s, drawdown (ft) after 1 hr of pumping	Specific capacity, Q/s (gpm/ft)
Step 1	600	17.51	34.3
Step 2	950	31.9	29.8
Step 3	1250	44.67	28.0
Step 4	1700	68.15	24.9

24-Hour Test

A 24-hour test began after the step test and continued into December 12th. For the first 19 hours of the test, the test well was pumped at approximately 1500 gpm, and for the last 5 hours the well was pumped at 1700 gpm. At 4:30 p.m. on December 12th pumping ended. The pump remained in place and recovery was logged until 10:30 a.m. on December 13th. After 10:30 the pump and transducer was pulled from Well 1. After 19 hours at 1500 gpm, water levels had declined by 42' in the pumping well and 12' in the observation well. At the end of pumping, water levels had declined 77' in the pumping well and 18' in the observation well. Water levels in the pumping level had stabilized at the 1500 gpm flow but did not appear to stabilize while pumping at 1700 gpm.

Time vs. drawdown plots of water levels in Wells 1 and 2 during pumping and recovery are provided in the Appendix.

The test had no discernible effect on water levels in MS-1 or Well 3.

Hydrogeologic Properties

As indicated by driller's reports for Wells 1 and 2, the Well 1 site is underlain by sand and gravel with trace clay to about 65' bg followed by sand, gravel, and cobbles to the bottom of hole. The lower boundary of the aquifer was not contacted; further drilling was precluded by cost issues, not by the presence of an aquifer boundary.

Transmissivity (T) is an important aquifer property which can be determined using pump test results. Transmissivity indicates how much water will move through the formation; in general, aquifer transmissivity of at least 10,000 gpd/ft is necessary to produce well yields suitable for irrigation. (Driscoll, Reclamation) The pump test data reveal the aquifer has fair to good transmissivity as shown on the semi-log time drawdown and time-recovery graphs provided in the Appendix. Table 5 summarizes the values for T estimated from the aquifer test analyses using the nonequilibrium equation modified by Jacob. As shown in Table 5, estimated T's range between 219,000 gpd/ft and 94,500 gpd/ft. The average was 153,900 gpd/ft.

Table 5 - Calculated Aquifer Properties

Data source	Test duration (hrs)	Q (gpm)	Transmissivity (gpd/ft)
Pumping well, Well 1	19 hrs	1500	203,000
	5 hrs	1700	128,230
	Recovery	0	94,500
Observation well, Well 2	19 hrs	1500	180,000
	5 hrs	1700	219,000
	Recovery	0	98,600

Storativity (S) is another important aquifer property determined from the pump test results. Storativity represents the volume of water released from storage per unit of aquifer storage area, per unit change in head. It is an indication of how much water can be removed by pumping. Again using the non-equilibrium equation modified by Jacob along with values from the semi-log time vs drawdown for the observation well, the calculated storativity from the test is 5×10^{-6} .

Summary and Conclusion

Per the "Pole Creek Concept Package" dated October 1, 2011 the design is to utilize as much as 6.5 cfs (3000 gpm) out of two wells during periods when Pole Creek flows drop below 18 cfs. Reviewing the Pole Creek gage records, flows above the diversion near 18 cfs have occurred in late season from mid-August to mid-September. Therefore a 30-day irrigation duration was used for predicting drawdown. Predicted 30-day drawdown at the Well 1 site is 45' at the well and 17' at the Well 2 location.

The Well 1 and Well 3 sites on Salmon Falls Ranch are underlain by a sand and gravel aquifer capable of producing 1500 gpm per site in efficient production wells. Drawdown in each production well is estimated to be at least 40' and possibly as much as 60' during a late summer period when groundwater is required. Both wells will be located in areas with seasonally fluctuating water table. It is recommended that the water table fluctuation be continuously monitored for at least one year in order to determine an appropriate set depth for the pump. Drawdown in the aquifer at a distance of 150' is estimated to be between 15' to 20' during pumping. Test results indicate recharge to the aquifer occurred during the pump test. However, dry piezometers at monitoring sites 2 and 3 indicate that connection between surface water and groundwater is intermittent; and that perhaps the stream channel is perched above the aquifer at the Well 1 site.

Appendix

Figures

Figure 1 - Overview

Figure 2 – Wells 1 and 2 site map

Figure 3 – Well 3 site map

Well Logs

Well 1

Well 2

Well 3

Manual Data from pump test – field notes

Data Plots

Graph 1 – Pre-test monitoring – Wells 2 and 3

Graph 2 – MS-1 Water Levels with Pole Creek Hydrograph

Graph 3 – Semi log time vs. drawdown data for Wells 1 and 2 with Q = 1500 gpm

Graph 4 – Semi log time vs. drawdown data for Well 1 with Q = 1500 gpm

Graph 5 – Semi log time vs. drawdown data for Well 2 with Q = 1500 gpm

Graph 6 – Semi log time vs. drawdown data for Wells 1 and 2 with Q = 1700 gpm

Graph 6a – Semi log time vs. drawdown data for Well 1 with Q = 1700 gpm

Graph 6b – Semi log time vs. drawdown data for Well 2 with Q = 1700 gpm

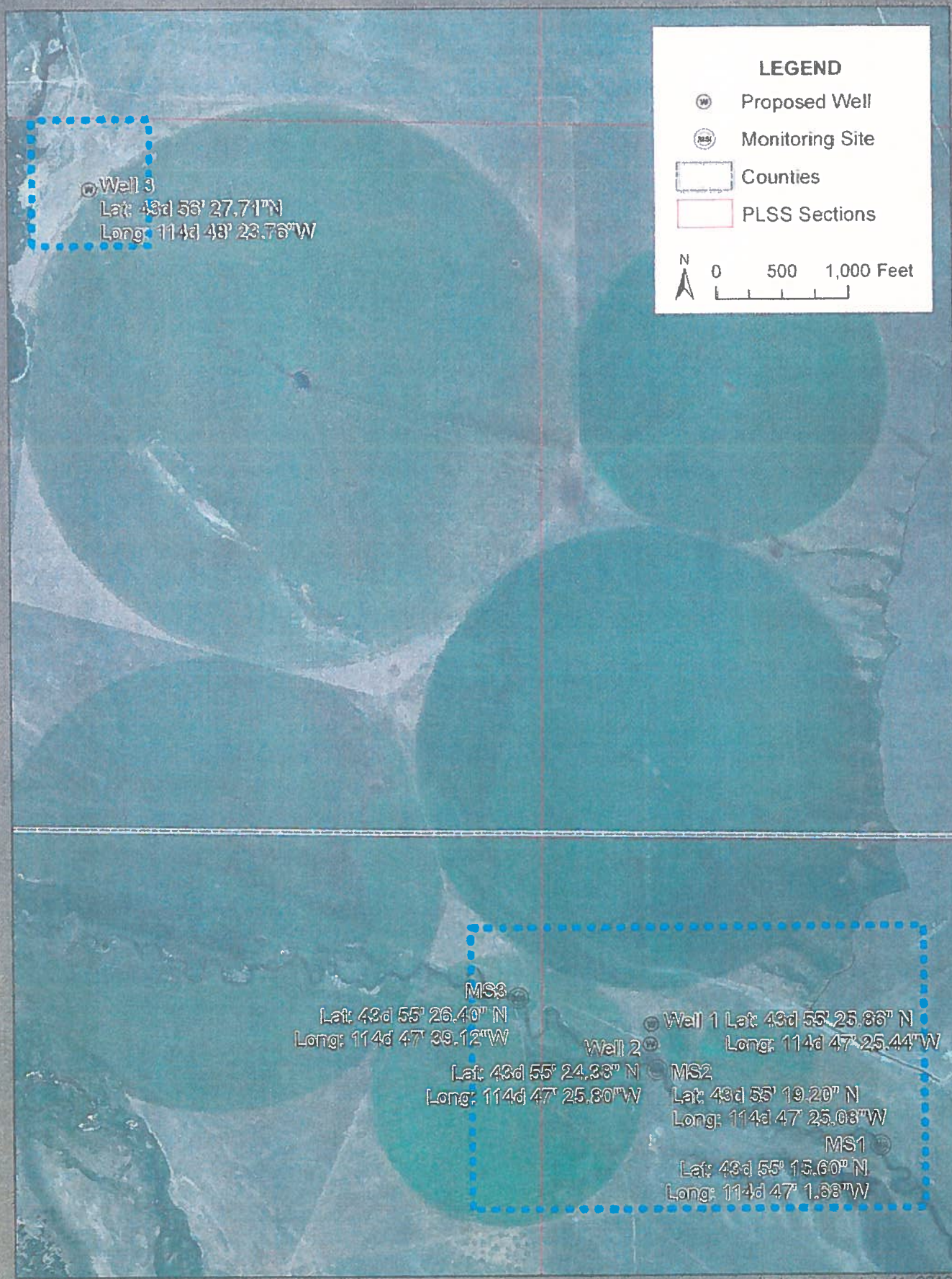
Graph 7 – Well 1 Time vs drawdown

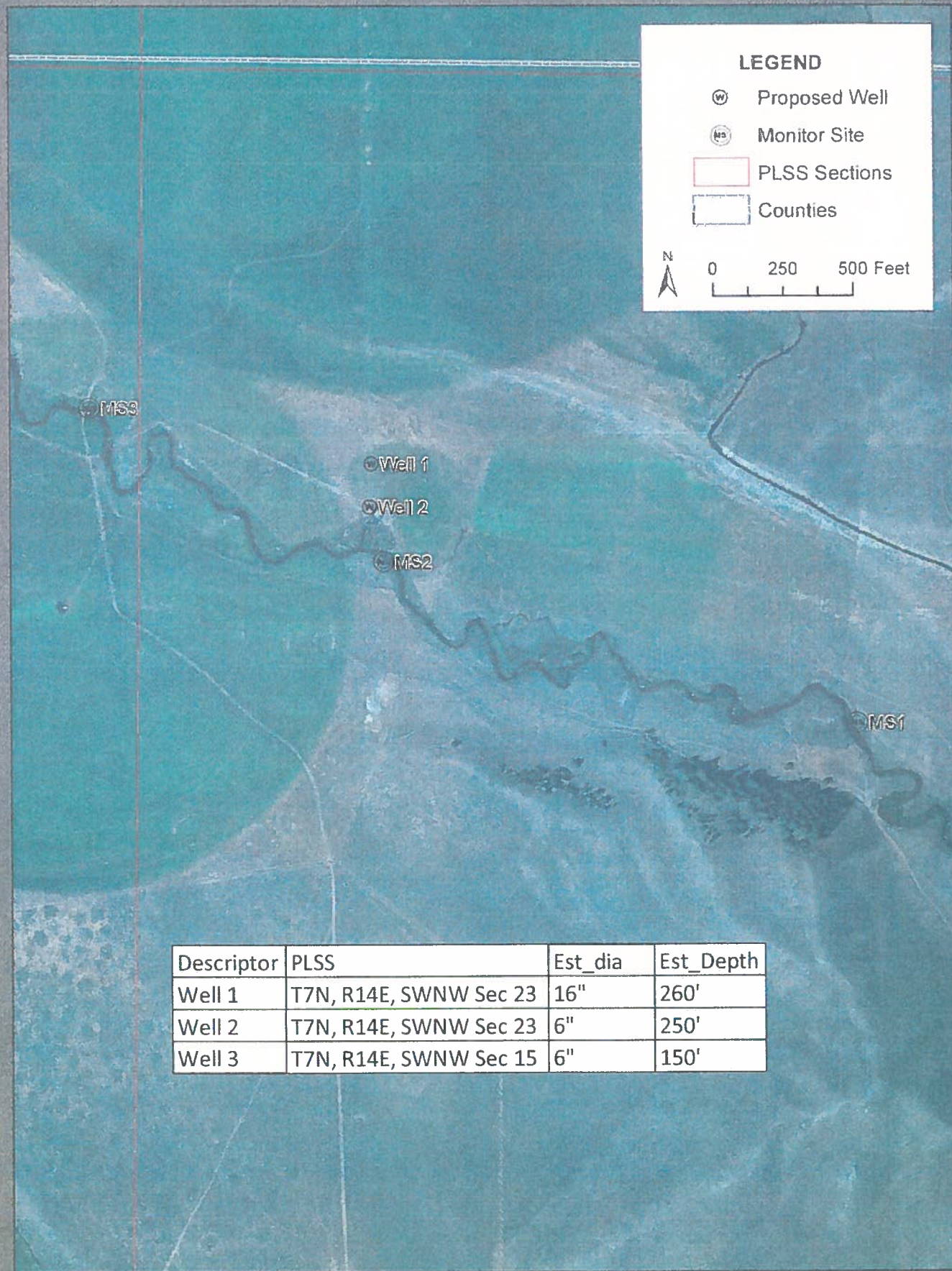
Graph 8 – Well 2 Time vs drawdown

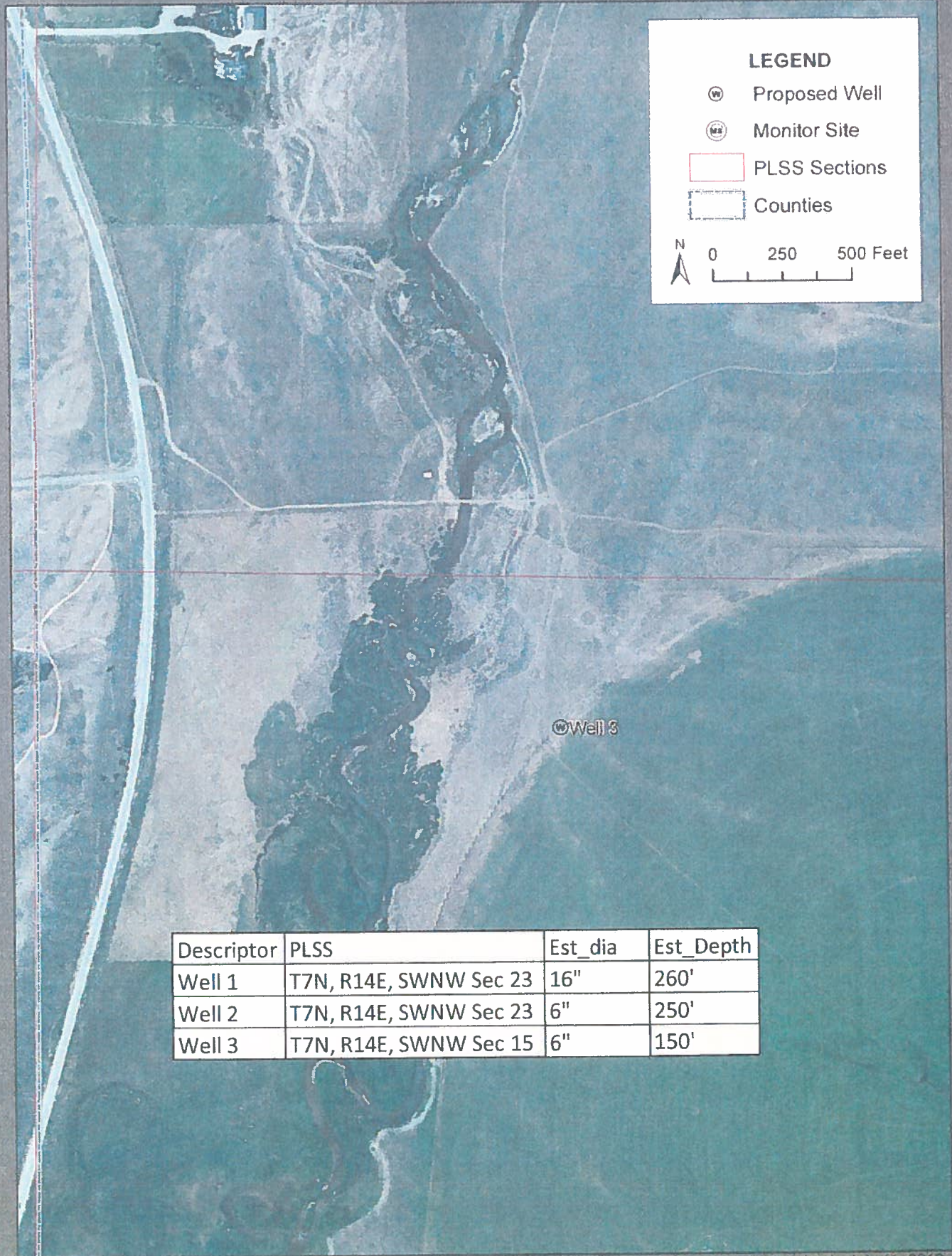
Graph 9 – Step Test

Graph 10 – Well 1 recovery vs time

Graph 11 – Well 2 recovery vs time







Form 239-7
6/07IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D

Drilling Permit No.

Water right or injection well #

2. OWNER:

Name

Address

City

State

Zip

3. WELL LOCATION:

Twp. 7E North ☒ or South ☐ Rge. 14 East ☒ or West ☐Sec. 23 1/4 SW 1/4 NW 1/4

Gov't Lot

County

Lat

Long

Address of Well Site

(Give all four points of land + distance to road or landmark)

Lot

Blk

Sub. Name

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection☒ Other Test

5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well☐ Abandonment ☐ Other

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft)	Placement method/procedure
Bentonite	0	51	8.2 bags	Over-bore

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing Liner	Threaded	Welded
16"	0	145	375	Steel	☒	☐	☒
20"	0	145	321	Steel	☒	☐	☒

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 195'

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☐ N MethodManufactured screen ☒ Y ☐ N Type

Method of installation

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
195	225	100		14"	SS	

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☐ N Type

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft)	Placement method
-----------------	-----------	---------	----------------------	------------------

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☐ N Artesian Pressure (PSIG)

Describe control device

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft)

Static water level (ft)

Water temp. (°F)

Bottom hole temp. (°F)

Describe access port

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
1.14	1500	24 hrs

Test method:

Pump	Bailer	Air	Flowing artesian
☒	☐	☐	☐

Water quality test or comments:

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
24	0	5	clay cobbles		☒
24	5	20	gravel + sand		☒
24	20	30	cobbles + gravel		☒
24	40	50	cobbles + gravel		☒
20	57	59	cobbles + gravel		☒
20	59	63	loose gravel		☒
20	63	70	hard black, burn red rock	☒	☒
20	70	80	cemented gravel clay	☒	☒
20	80	95	Brown clay + gravel	☒	☒
20	95	117	Brown sand + cobbles	☒	☒
20	117	122	sand + gravel	☒	☒
20	122	140	sand cobbles	☒	☒
20	140	145	cobbles gravel	☒	☒
20	145	145	Boulders	☒	☒
20	145	173	Large gravel	☒	☒
20	173	180	Small gravel	☒	☒
20	180	200	cobbles + gravel	☒	☒
20	200	215	gravel medium	☒	☒
20	215	220	compact gravel	☒	☒
20	220	235	compact gravel	☒	☒

Completed Depth (Measurable):

Date Started: 11-13-12Date Completed: 12-7-12

14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Mountain West Drilling Co. Co. No. 543Principal Driller Michael Beeson Date 12-17-12

Driller _____ Date _____

Operator II _____ Date _____

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 0062639

Drilling Permit No 863946
Water right or injection well # _____

2. OWNER:

Name Salmon Falls Land & Livestock Co., Inc.
Address 95-A Bell Rapids Road
City Hagerman State ID Zip 83332

3. WELL LOCATION:

Twp 7 North ☒ or South ☐ Rge. 14 East ☒ or West ☐
Sec 23 1/4 SW 1/4 NW 1/4Gov't Lot _____ County Custer
Lat 43 55:23.63 (Deg and Decimal minutes)
Long 114 47:26.89 (Deg and Decimal minutes)
Address of Well Site 1.5 Miles north of Sawtooth cityCity Stanley
(Give at least name of road + distance to Road or Landmark)

Lot _____ Blk _____ Sub Name _____

4. USE:

☒ Domestic ☐ Municipal ☒ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☐ Other _____

5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method/procedure
Bentonite	0	40	2000 lbs	Annular

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing Liner	Threaded	Welded
6"	+2'	-248'	.250	Steel	☒	☐	☒

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) -248'

9. PERFORATIONS/SCREENS:

Perforations ☒ Y ☐ N Method air perfManufactured screen ☐ Y ☒ N Type _____

Method of installation _____

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
-150'	-250'	1/4x2	10	6"	Steel	.250

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☒ N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method
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11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____

Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 56 Static water level (ft) 56

Water temp (°F) _____ Bottom hole temp (°F) _____

Describe access port Well Cap

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
	100+		☐	☐	☒	☐

Test method:

Water quality test or comments: _____

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
10	0	40			
6	40	250			
6					
	0	40	sand, gravel, trace clay		X
			some large gravel 1'-2'		
	40	67	sand, gravel, trace clay	X	
			some large gravel 1'-2'		
	67	93	Brown clay, gravel mix 2"-4" Gravel	X	
	93	115	Brown sand, pea gravel	X	
	115	122	Large sand & Gravel	X	
	122	148	Gravel Trace sand	X	
	148	164	Very compacted large boulders	X	
	164	172	Large Gravel	X	
	172	182	Small Gravel, Trace Sand	X	
	182	207	Very compact gravel, trace brown clay	X	
	207	216	Large Gravel H2O	X	
	216	228	Medium Gravel H2O	X	
	228	250	Very compacted gravel, some mix	X	
			Volcanic Rock		

Completed Depth (Measurable) 250Date Started Aug 13, 2012 Date Completed Aug 14, 2012

14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Independent Drilling/KC Co. No. 343*Principal Driller _____ Date Aug 14, 2012*Driller _____ Date Aug 14, 2012

*Operator II _____ Date _____

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.



United States
Department of
Agriculture

Forest
Service

Sawtooth National Forest
Sawtooth National Recreation
Area

5 North Fork Canyon Road
Ketchum, ID 83340
208-727-5000

File Code: 1950/2720

Date: September 15, 2014

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Final Decision

Dear Sir/Madam:

This letter is to inform you that a decision has been made on the *Pole Creek Diversion Special Use Authorization*. The enclosed Decision Notice (DN) and Finding of No Significant Impact (FONSI), describes the decision to implement the Proposed Action (Alternative 2) and the rationale. This and other planning documents are available on the Sawtooth National Forest project planning website, under the heading: '*Pole Creek Diversion Special Use Authorization*' (<http://www.fs.usda.gov/projects/sawtooth/landmanagement/projects>).

Further information about this project can be obtained from the Sawtooth National Recreation Area by telephoning (208) 727-5000. I appreciate your interest in this action.

Sincerely,

Barbara A. Timm for

JOBY P. TIMM
Area Ranger
Sawtooth National Recreation Area

71-10949

Decision Notice & Finding of No Significant Impact

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SEP 17 2014
DEPT OF WATER RESOURCES
SOUTHERN REGION

Pole Creek Diversion Authorization

**USDA Forest Service
Sawtooth National Recreation Area - Sawtooth National Forest
Blaine & Custer Counties, Idaho
T 7 N, R 14 E, Sections 14, 15, 23, 24, 25, B.M**

Decision and Rationale

Background

An application for a special use authorization (SUA) for the occupancy and use of National Forest System (NFS) lands was received by the Sawtooth National Forest. The applicant requested re-issuance of an existing permit for operation and maintenance of a water diversion structure and associated ditches on NFS lands in the Pole Creek drainage. Current operation of this diversion diminishes the quantity and quality of available stream habitats within Pole Creek by reducing downstream flows, and the condition of the diversion structure itself has deteriorated and is in need of repair or replacement. In order to minimize effects to water dependent resources, the Salmon Falls Land and Livestock Co. is collaborating with a number of interested State, Federal, and Tribal agencies on comprehensive changes to the facilities and their operation on both NFS and private lands. The Sawtooth National Forest is a party in these collaborations and supports these efforts.

Historically, water withdrawal from multiple diversions from Pole Creek resulted in lengthy segments of stream that were completely dry during the irrigation season. At their initiative, and with the support of the Forest Service, the Salmon Falls Land and Livestock Co. consolidated these diversions to a single point in 1982, and converted to a modern and efficient irrigation system that required diversion of less than half as much water. As a result, Pole Creek has since sustained some flow throughout its lower reaches in all but the most severe drought seasons. Nevertheless, these minimal summer flows have generally been insufficient in quantity or quality for resident and anadromous salmonids. Since these initial changes in 1982, Chinook salmon, steelhead, and bull trout have been listed as threatened under the Endangered Species Act. Pole Creek was likely historically important for these three species and has been designated as "critical habitat" for all three. The requirement to seek reauthorization of the existing facilities on NFS land provided the opportunity to explore means to operate the diversion in a way that reduces impacts and to meet the habitat needs of these imperiled fishes.

The resulting collaborations among the land owners; Forest Service; and several other State, Federal, and Tribal partners expanded these efforts and identified a comprehensive list of known

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limiting habitat conditions, as well as the objectives necessary to address them. Concepts for the physical and/or operational changes necessary to achieve these objectives, on both public and private lands, were then explored, including the means to increase summer stream flows downstream of the diversion facility. Planning and design for these concepts has been ongoing. The changes are intended to address the limiting stream and riparian habitat conditions within the Pole Creek drainage, building substantially on the earlier efforts.

The potential effects of the operation and maintenance of those irrigation facilities and uses that would be authorized to remain on NFS lands were specifically considered within the *Pole Creek Diversions Authorization* Environmental Assessment (EA). The analysis considered the effects of the individual elements that would occur on NFS lands, as well as in combination with the connected irrigation related objectives and changes that would occur on private lands. The cumulative effects of these changes to the irrigation systems were then also considered with those of the similar recent and anticipated changes within the area – many of which have been conceived within the same collaborations. The analysis also considered a number of other possible alternatives to that which was proposed.

Decision

Based on the analysis within the *Pole Creek Diversion Authorization* Environmental Assessment, it is my decision to implement Alternative 2, the proposed action. Alternative 2 will authorize the use of NFS land for operation and maintenance of water facilities, under such terms and conditions as will contribute towards attainment of Forest Plan goals and objectives for streams, fish, and riparian areas. As such, the authorization will be consistent with the Forest Plan Management Prescription Category 3.2, as well as with the goals and objectives, including the Aquatics Conservation Strategy and the Watershed Aquatics Restoration Strategy priority emphasis. The authorization will also be consistent with the affirmative obligations of federal agencies to promote the recovery of species listed for protection under the Endangered Species Act (ESA). Under the proposed action, a water diversion structure and ditch from Pole Creek on NFS lands (NW¼, Sec 25, T7N, R14E, B.M.) will be authorized, as will related facilities and uses occurring elsewhere on NFS lands. A detailed description of the proposed action is provided in Chapter 2 of the EA.

Other Alternatives Considered

The EA analyzed in detail Alternative 1 (No Action) where irrigation facilities and uses on the NFS lands would not be authorized, and the existing facilities removed. A comparison of these alternatives can be found in Chapter 2 of the EA. Seven other alternatives were considered but dismissed from detailed analysis, having been found not to meet Purpose & Need; or redundant with elements of the proposed action; or beyond the authorities of the National Forest. These alternatives and their rationale for dismissal can also be found in Chapter 2 of the EA.

The most significant issue driving the range of alternatives explored in detail is the concern about the effects from dewatering Pole Creek by facilities on NFS land. The alternatives examined in detail focused on reducing these effects to acceptable levels.

Rationale for the Decision

In making my decision, I relied upon an interdisciplinary team to analyze the Proposed Action and alternatives as documented in the EA. My decision is based on a review of the project record in its entirety, which includes a thorough analysis of relevant scientific information, and our past experience with similar objectives. Careful examination of applicable laws, regulations, policy, and the Sawtooth Forest Plan have all informed my decision. I have also considered the comments submitted regarding the proposal. Selection of Alternative 2 is based on responsiveness to the issues and the Purpose and Need. I believe Alternative 2 meets the purpose and need for action, is responsive to the key issues, and facilitates a responsible expenditure of public funds.

1. The Decision addresses the Purpose and Need for Action.

The purpose of the proposed Pole Creek Diversion Authorization is to authorize occupancy and use of NFS lands for an irrigation system originating from Pole Creek in a manner that complies with law, regulation, and Forest Plan direction. My decision will provide continued access to this important public resource while adequately protecting water dependent resources. My decision to implement the Proposed Action provides the key element upon which the connected objectives on private land can proceed with assurance. Together the Proposed Action on NFS lands, the connected irrigation actions on private lands, and the similar actions occurring on both, will fundamentally address the key limiting stream and streamside conditions within the Pole Creek drainage, building substantially on the earlier efforts. As such, these efforts would address both general and specific goals and objectives outlined in the Sawtooth National Forest Land and Resource Management Plan, as amended (Forest Plan, 2012), and help move the Management Area toward the desired conditions described within the Plan.

While my decision directly pertains only to those private irrigation facilities and uses that will be authorized on NFS lands, its influence will extend many miles upstream and downstream from the authorized diversion (POD). My decision will facilitate a restored hydrologic cycle within Pole Creek, with near natural peak and base flows. Most notably, during the late summer irrigation period, the current situation will be reversed from ~75% of flows being removed from Pole Creek, to ~75% remaining within. These considerable flows will extend down the length of Pole Creek (~4.5 miles) through the private lands, and add substantially to another 8 miles of the headwater of the Salmon River, building on the many previous investments and efforts towards the same objectives. These flows, when combined with the other ongoing or anticipated objectives on both public and private lands within Pole Creek, will also provide access to an additional ~7 miles of critical habitat upstream of the POD.

These combined actions will address the core limiting factors within Pole Creek of: connectivity, as influenced by physical and flow impediments; habitat quality, as reflected in riparian and stream bank conditions, and; fish spawning and incubation security. While some improvement would have been possible without approval of the Proposed Action elements (assuming the parties would have remained willing), our analysis made clear that the core dysfunctional conditions within Pole Creek would likely

have persisted or become worse if irrigation related uses and infrastructure were simply excluded from NFS lands and moved and compressed onto the private lands.

With the Decision, some temporary and localized effects to habitats are likely to occur as associated with the construction of new POD and removal of the former POD on NFS lands. However, the proven practices prescribed with the action are expected to keep any temporary effects within acceptable levels and promote quick recovery.

The needs of imperiled native salmonids protected under ESA framed the initial dialogues and the eventual comprehensive objectives. To realize the streamflow goals and benefits, the conceived and intended strategy will rely on water gained by a conversion from hydropower to commercial power, and with the integration of some new groundwater into the system when natural streamflows within Pole Creek are insufficient to supply both irrigation demands and instream objectives. The changes require new infrastructure, as do all the related objectives, such as replacing barrier culverts and constructing riparian fences. Most are also integrated with the whole, such that they must be implemented in concurrent fashion. In total, the anticipated changes are expensive.

Yet agencies, Tribes, and conservation organizations find value and incentive to see actions implemented that promote the recovery of ESA protected fish (Table 1). Many of these groups had already been engaged in projects previously at Pole Creek, and quickly expressed interest in these deliberations. These groups each operate within their own organizational cultures, policies, priorities, and funding streams. With the strategy defined that would comprehensively address the limiting factors for a key headwater drainage, each evaluated the various elements against their group's priorities, authorities, and expertise. If the principles of any particular group identified an "opportunity" consistent with their own goals, they typically stepped forward to carry an objective forward. Currently all the core elements of the comprehensive strategy have partners assigned with funding secured or anticipated for implementation. I believe this collective participation towards a comprehensive solution is key to such outcomes, and will remain so in the foreseeable future. For our part we have facilitated the partnerships, conducted this core analysis, and pursued our own independent elements of the strategy (i.e. replacing barrier culverts on NFS lands and revising road and trail systems).

Nevertheless, comments received from one conservation organization questioned the cost associated with implementation of the comprehensive strategy. Their comments suggested, in essence, that it may be more cost effective to buy the Ranch, and discontinue irrigation, than to implement the comprehensive strategy. While this option, and the associated values were considered by some organizations that make such acquisitions (e.g. The Nature Conservancy, Western Rivers Conservancy, Rocky Mountain Elk Foundation, Western Watersheds Project), none pursued such negotiations beyond initial research and conversations with the landowner. The most deliberate review concluded the costs associated with a potential acquisition were well beyond their resources (and much greater than those associated with the comprehensive strategy), even if the owners were willing to sell.

Table 1: Project implementation cost estimates (includes primary inter-related or connected objectives associated with the private lands to address Pole Creek limiting factors)

Objective	Lead	Estimated Cost
Installation of 3-phase power	Custer Soil & Water Conservation District	\$320,000
Drill and activate wells	Custer Soil & Water Conservation District	\$270,000
Relocate point of diversion and screen ¹	Idaho Department of Fish and Game – Fish Screen Program	\$120,000
Replace and reconfigure core pivots	Custer Soil & Water Conservation District / Natural Resource Conservation Service	\$980,000
Install small pivots	Salmon Falls Land and Livestock	\$160,000
Operational power costs	Idaho Water Resource Board	TBD
Ditch efficiencies ²	Salmon Falls Land and Livestock	\$63,000
Replace ranch culvert	Shoshone-Bannock Tribes	\$87,000
Construct permanent riparian fences	Shoshone-Bannock Tribes	\$40,000
Provide off-stream livestock water	Natural Resource Conservation Service	\$15,000
Replace and reconfigure pasture fencing	Salmon Falls Land and Livestock	\$80,000
Treatments with land conversions	Salmon Falls Land and Livestock	\$17,500

Similarly, a conservation organization also suggested that no collaboration between the landowner and partners was necessary because the Forest Service has the authority to simply determine and require “bypass flows” in the land use authorization. But I found no compelling reason to pursue such an adversarial approach.

The Forest Service decisions concern authorization of the use of NFS land, and the terms and conditions under which such use should be authorized. Where the use of NFS land will be restricted in a way that limits the permit holder’s operations, as in this case, it is reasonable to explore the options available to the permit applicant to offset those effects, both in order to evaluate the cumulative effects that may occur, and to provide a complete understanding of the impacts to the applicant. I have decided to authorize private irrigation facilities and uses on NFS lands for a private landowner who has offered to construct and operate the facilities (including “bypass flows”) in such a way that all water dependent resources on National Forest will be protected. To do so, the land owner is working with a number of willing partners who are assisting to build the system that will make these substantial benefits possible. The Sawtooth Forest Plan (Objective 0243) directs us to work cooperatively with landowners to resolve instream flow and habitat quality conflicts on private lands. This proposal is the very model of cooperation to achieve shared resource goals. Our analysis has strengthened my expectation and confidence in these outcomes. Failure to act would neglect the stewardship responsibilities and objectives prescribed within the Forest Plan, and maintain the chronic effects recognized in the purpose and need for the action. The Proposed Action, with the connected and similar objectives, will substantially contribute to previous restorative actions within the headwaters of the Salmon River, and fundamentally advance the core emphasis of the Forest Plan within the management area.

¹ resides on NFS lands

² as necessary

(5d)

2. Decision is Responsive to Key Issues

Through review of the feedback received regarding the proposal, key issues considered central to the analysis were identified. Below is a summary of the issues followed by a brief explanation of how I've used this information in my decision-making.

Issue 1: Fish, Water, and Aquatic Habitat

Operational flow objectives, as described in the Decision, for Pole Creek could affect aquatic habitat and fish, including the quantity and quality of downstream habitats, and the accessibility of upstream habitats.

For Chinook salmon, suitable habitat within 8 miles of the Salmon River will be further improved over existing conditions. The potential for occupancy and use by Pole Creek by native salmonids will be fundamentally improved. All of lower Pole Creek (4.5 miles) will also be made available and suitable for use by all native fish species and life stages, including by spawning adult salmon. Roughly 7 miles of designated critical habitat within upper Pole Creek will also be made accessible for use.

Water temperature in lower Pole Creek will be substantially improved from the existing marginal condition. With typically 3 times the flow passing the POD as currently occurring during the heat of summer, water temperatures will be expected to approximate natural conditions.

Issue 2: Scenery Resources

The Decision includes authorizing pressurized overhead pivot irrigation systems to cross and incorporate small areas of isolated NFS lands located within the private lands. These systems may affect the assigned Visual Quality Objectives (VQO) classification for the area. Overhead pivots can be very visible from Scenic Byway State Highway 75, depending upon their configuration.

This project, while a special use application, is focused on improvement of core limiting factors within Pole Creek including habitat connectivity; habitat quality, and; fish spawning and incubation security. The benefits of this project, no matter how important cannot substantially impair the scenery resources. We cannot trade off one key value of the Sawtooth NRA in order to improve another. Both values must be maintained. As stated in Public Law 92-400, we are required to administer the Recreation Area in such a manner as to best provide:

“...the conservation and development of scenic, natural, historic, pastoral, wildlife, and other values, contributing to and available for public recreation and enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West...”

With this project, the scenery qualities are maintained. Mitigation has been incorporated into the Decision specifically to protect the scenic qualities. The Forest Plan direction for scenery resources would continue to be met under either the No Action or the Proposed Action.

3. Decision is Superior to No Action

The premise of the No Action Alternative was straight forward – facilities and uses on National NFS lands associated with the irrigation system would no longer be authorized and removed. While NFS lands would have been free of the use, the actual outcome of this action was equally apparent – the relocation and compression of all irrigation facilities and uses onto the adjacent private lands. Therefore our analysis of the No Action Alternative also required the use of informed assumptions to frame the likely connected actions that could occur on private lands. Two core assumptions were considered: that the full existing water rights would continue to be utilized and maintained, and; that approximately 1,000 acres would continue to be irrigated.

The potential temporary effects associated with the anticipated relocation of the irrigation facilities would have been expected to be roughly similar in scope and duration to those anticipated with the Proposed Action. Beneficial outcomes associated with the similar actions of the partners (e.g. culvert replacement) may still have also resulted, assuming the parties remained willing. However, it was the stark contrast in the potential chronic effects associated with the ongoing use and operation of the irrigation facilities under the No Action Alternative that made my decision clear.

Our analysis demonstrated that the core dysfunctional conditions within Pole Creek would likely have persisted or become even worse if irrigation related uses and infrastructure were simply excluded from NFS lands and moved and compressed onto the private lands. Connectivity to upstream habitats would have remained compromised annually during much of irrigation season. Similarly, segments downstream of the diversion(s), with substantially reduced flows, would not have provided suitable spawning or rearing habitat for salmonids in terms of both water quality and quantity. Instream and streamside habitat conditions would also have generally declined as a result of the anticipated flow regimes. The continued passage of pivot towers through Pole Creek would also have chronically damaged habitats and compromised fish spawning and incubation security.

Our analysis estimated that under the No Action Alternative, less than 18 cfs would have passed the POD during roughly 75% of all irrigation days, and that dry channel conditions would have occurred during 18% of all irrigation days. For Chinook salmon, suitable habitat within 8 miles of the Salmon River would have been diminished from existing conditions; 4.5 miles of lower Pole Creek would remain unsuitable and unavailable, and; 7 miles of upper Pole Creek would remain inaccessible. As such, the No Action would not have contributed towards attainment of Forest Plan goals, objectives, or desired conditions, and would have failed to promote the recovery of species protected under the Endangered Species Act.

A conservation organization questioned the core assumptions within our analysis of the No Action Alternative, asserting that the independent responsibilities of the landowner to comply with ESA prohibitions would prevent the outcomes assumed. That is, the legal requirements of ESA alone would prevent the irrigator from harming ESA fish species or their habitat should they be required to leave NFS lands and establish their irrigation

facilities on private lands. Our analysis projected that current adverse effects would continue as a result of the applicant relocating facilities to private land exclusively, where it would be forced to operate in manner that would not realize the benefits to fish habitat projected under the selected alternative. That is, the irrigator currently annually removes the majority of Pole Creek water during the irrigation season from designated critical habitat via the legitimate use of existing state administered irrigation water rights, and that these policies, rights, and conditions would continue under the No Action Alternative.

While private parties are prohibited from unpermitted “take” of listed species by the ESA, it is not at all clear that this proscription would preclude the applicant from operating its water diversion facilities on private land in a manner that has effects similar to the current effects, or in any event greater than the effects of the proposed action. The current effects have been occurring for years, since the fish species at issue was listed, and there would be no reason to predict these effects would be curtailed if the facilities were moved to private land.

In locations within the Sawtooth NRA where ESA regulatory authorities have been exercised on water withdrawal (e.g. Champion Creek 2001), the bare minimum to prevent direct fish mortality was considered acceptable. To our knowledge, the ESA has not been used to impose flow requirements approaching those that will result from authorization under alternative 2. Thus, regardless whether it is assumed that the No Action Alternative would yield a dry channel or one very nearly so, the outcome would continue to undermine National Forest resources and ESA fish recovery as described within the EA. There is no basis to assume equal or greater resource benefits would be realized under the No Action alternative.

Public Involvement

The proposed action has been continually listed in the quarterly Sawtooth National Forest Schedule of Proposed Actions (SOPA) since April, 2013. The SOPA provides the public a list of proposals that are undergoing environmental analysis. The SOPA is posted on the world wide web at <http://www.fs.fed.us/sopa/forest-level.php?110414>.

In March, 2013, information letters were mailed to individuals, organizations, agencies, and area landowners and permittees, describing the action under consideration, and requesting comments. Feedback from staff and the public (13 individuals or organizations) was received and is included in the project record. Specific dialogs with groups or individuals occurred through the summer of 2013 as opportunities occurred. The feedback received from all these efforts was reviewed and considered by the interdisciplinary team and the deciding officer. As a result, the proposed action was further refined and clarified, alternatives to the proposed action were considered, and issues for the analysis were identified.

The feedback we received to this initial concept helped us further refine and clarify the Proposed Action, develop key Issues, and also identified several alternatives to the proposed action. In August, 2013, the *Pole Creek Special Use Permit Review Environmental Assessment* (Review

EA) was made available to the public for a 30-day comment period. The Review EA was an abbreviated version of this full EA, containing Chapters 1 and 2. The purpose of the Review EA was to provide a detailed description of the Proposed Action, alternatives to the proposed action, and identified issues for analysis to the public for the 30-day opportunity to comment. However, no additional comments were received during this comment period.

Finding of No Significant Impact (FONSI)

I have reviewed the environmental effects described in the EA and evaluated whether the Decision constitutes a significant effect on the quality of the human environment or whether the environmental impacts will be significant based on their context and intensity as defined by the National Environmental Policy Act (NEPA), using the criteria in the implementing regulations (40 CFR 1508.27).

I have determined that the implementation of the Decision will not result in any anticipated effects that exceed the level at which a significant effect on the human, biological, or physical environment, in terms of context or intensity, will occur. The effects are not highly uncertain and do not involve unique and unknown risks. The action will not, in relation with other actions, cause cumulatively significant impacts. This determination is based on the environmental assessment process completed for this project and was made considering the following factors:

Context

The setting of this project is in the Pole Creek area with implications for only that immediate area. Project implementation will affect the immediate area surrounding the permitted point of diversion on Pole Creek over a one-to-two year period. The public utilizing these areas will be affected temporarily during the brief periods of project construction. The short-or-long-term effects from this project are restricted to a local area and have no widespread importance.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. Beneficial and Adverse Impacts

The EA demonstrates the beneficial effects of the project have not overshadowed our hard look for potential significant adverse effects. Although there are short-term negative impacts from the implementation of the project, they do not cross the threshold for significance. For example, additional sediment would be expected with the reconstruction of the POD and installation of electrical and water utilities. The substantial separation and gentle topography associated with these disturbances and the design and prescribed practices intended will minimize these effects and risks, and promptly revegetate disturbed areas. Local monitoring of similar treatments has shown that vegetated resiliency typically returns within 3 to 5 years.

The intensity of effects taken in the context of the project will not have a significant impact on the quality of the human environment. I have considered the mitigation measures as part of this finding and they are found in Chapter Two – Proposed Action description as well as in Chapter 3 – Effects analysis.

2. Public Health and Safety

This action will not significantly affect public health and safety. The project activities will comply with all state and federal regulations protecting public health and safety.

3. Unique Characteristics of the Area

My decision will not create significant effects on unique characteristics of the Sawtooth National Recreation Area such as historic or cultural resources, parklands, prime farmlands, wetlands, floodplains, wild and scenic rivers, wilderness areas or ecologically critical areas. No loss of significant scientific, cultural, or historical resources is foreseen.

The action is not located within the Sawtooth Wilderness nor within Roadless Areas, thus there are no effects to those areas. The eligibility of the Salmon River for consideration as a Wild & Scenic River will also not be impacted. A single segment is defined within the Forest Plan from Headwaters to Sawtooth Forest boundary. The outstanding remarkable values to be protected include: scenic, recreation, geologic, hydrologic, fish, and heritage. These values will be fully protected with the action. Direct effects to area wetlands and floodplains from implementation of the Decision were also determined to be limited in both extent and duration.

4. Controversy

All comments were considered in refinement of the project, and are documented in the project record. The comments and environmental analysis did not identify any substantiated scientific controversy over the effects as described.

5. Uncertainty

The action described in my decision will not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1580.27). Pertinent scientific literature has been reviewed and incorporated into the analysis process. The technical analyses conducted for the determination of impacts to the resources are supportable with use of accepted techniques, reliable data and professional judgment. Issues of public concern and possible environmental effects of the selected alternative have been adequately addressed in the analysis of this decision. Therefore, I conclude that there are no highly uncertain, unique or unknown risks.

6. Precedent

I find the implementation of the selected alternative does not establish a precedent for future actions with significant effects. These actions do not represent a decision in principle about a future consideration. Any future proposals to the designated routes on the Sawtooth Forest will be evaluated through the National Environmental Policy Act process, consistent with current laws and regulations.

7. Cumulative Impacts

The Decision was evaluated in the context of other past, present, and reasonably foreseeable actions. When considering other activities within the area affected, the cumulative effects of implementing the selected alternative are anticipated to be minor. This action does not result in cumulatively significant effects.

8. Properties On or Eligible for the National Register of Historic Places

A review of the project area was conducted by the Forest Archeologist and he concluded the Decision will have no adverse effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic places.

9. Endangered or Threatened Species or Their Critical Habitat

The Endangered Species Act requires that federal activities not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. The potential effects of the Decision on species currently protected under ESA, or their designated critical habitat, have been considered separately within biological assessments within the project record. The analyses concluded the action will have *no effect* on ESA listed plant species: Ute ladies'-tresses orchid, whitebark pine, Canada lynx, wolverine, or yellow-billed cuckoo. The action will also have *no effect* to Snake River sockeye salmon, but *may affect, but is not likely to adversely affect*, their designated critical habitat. The action *may affect, and is likely to adversely affect* Snake River Chinook salmon, steelhead, and Columbia River bull trout individuals, and their designated critical habitat.

These *may affect* conclusions are primarily associated with temporary risks (short-term) to individuals and impacts to habitat associated with the relocation of the POD facilities, as well as ongoing influences from water withdrawal. Overall the analysis concludes that the federal action, with the connected and similar actions, would address nearly all the principle limiting factors for fish within Pole Creek. Based on this analysis, formal consultation with NOAA Fisheries and the USFWS was conducted for the action.

10. Legal Requirements for Environmental Protection

The action will not violate Federal, or applicable State and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Sawtooth National Forest Land and Resource Management Plan.

Findings Required by Other Laws and Regulations

2012 amended Sawtooth National Forest Land Management Plan

This decision is consistent with the 2012 amended Sawtooth National Forest Land Management Plan. The project was designed in conformance with the plan, and to implement plan objectives.

Public Law 92-400

The Sawtooth NRA is directed by law to consider the impacts of agency actions on several key values that were intrinsic to the creation of the Recreation Area. Guidelines for evaluating impacts to each key area are contained in the Forest Plan, Appendix I. I agree with the resource

specialist recommendations prepared for the project on substantial impairment. I find that the Decision will not substantially impair key Sawtooth NRA values, and is in compliance with Public Law 92-400.

Special Use Permit Terms and Conditions (36 CFR 251.56)

Regulations require that each special use authorization contain such terms and conditions as the authorized officer deems necessary to minimize damage to the environment and otherwise protect the public interest. My decision specifically intends to substantially reduce damage to the environment and protect public resources. The decision is consistent with 36 CFR 251.56.

Travel Management 36 CFR, Chapter 212 (2005)

Changes to the Motor Vehicle Use Map (MVUM) must consider general and specific criteria, and include an appropriate amount of public involvement. There are no travel management changes to the MVUM as a result of this project. Thus this decision is consistent with 36 CFR 212.

Migratory Bird Treaty Act (Executive Order 13186)

This Order requires federal agencies to avoid or minimize adverse impacts on migratory bird resources, and ensure that environmental analyses of federal actions required by the National Environmental Policy Act evaluate the effects of actions and agency plans on migratory birds. The project impacts were evaluated in a 2014 wildlife report included in the Project Record. The Decision was found to be in compliance with direction to protect migratory birds.

Clean Water Act

The purpose of this act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources as derived from the National Best Management Practices Technical Guide. Other permits (such as Section 404) may be required for some project objectives and would be obtained prior to their implementation.

Wetlands Executive Order 11990

This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that an analysis be completed to determine whether adverse impacts would results. Based on the analysis contained within the project record, implementing the Decision complies with EO 11990 by maintaining and restoring wetland conditions.

Floodplains Executive Order 11988

This order requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risks of flood loss, (2) minimize impacts of floods on human safety, health, and welfare, and (3) restore and preserve the natural and beneficial values served by floodplains. The Decision complies with EO 11998 by maintaining and improving floodplain integrity.

Environmental Justice

The selected alternative will not disproportionately impact any minority or low income population in the immediate area or surrounding counties, nor will implementation negatively impact Americans with disabilities. These effects are expected to be similar for all human populations regardless of nationality, gender, race, or income level. None of the alternatives entails any known inequitable distribution of social or environmental consequences to a particular group or segment of society.

Implementation Date

Per §218.12 the responsible official may not sign a DN subject until the reviewing officer has responded in writing to all pending objections. Once the DN has been signed, it may be implemented immediately. Implementation would begin no earlier than September 2014.

Contact

For additional information concerning this Decision, contact Mark Moulton, project leader, Sawtooth National Recreation Area, 5 North Fork Canyon Road, Ketchum, Idaho 83340 or by phone at (208) 727-5000.



Jeffrey A. Rivera
Acting Sawtooth Forest Supervisor



Date