

PN-102

- Dam
EIS
A

Memorandum

To: Commissioner
Attention: W-1540 (7644-MIB)

From: Regional Director, Boise ID

Subject: PN Region Weekly Highlights - December 19, 1990
(Regional Highlights)

Trout Unlimited et.al. Suit on the Bureau of Reclamation's Control Over the Flow of Water From Palisades Dam and Reservoir

The suit was heard in U.S. District Court for the District of Idaho in November of 1988. It involved whether Reclamation's change in flow from Palisades Dam (near Idaho Falls, Idaho) constituted a "major Federal action" that would in turn require an Environmental Impact Statement (EIS) because of the National Environmental Policy Act (NEPA). The plaintiffs argued that Reclamation should prepare an EIS before periodically adjusting the flow from Palisades. The District Court (Judge Collister) concluded that this operation did not constitute a "major Federal action."

This decision was appealed to the Ninth U.S. Circuit Court of Appeals on the question "Did the District Court err in its conclusion?". The case was argued and submitted on March 5, 1990. On December 17, 1990, the Circuit Court filed its finding that the District Court did not err in its conclusion.

The plaintiffs had argued that Reclamation was, and is, required to complete an EIS before reducing the flow to 2000 cfs. This quantity was later reduced to 1000 cfs by the plaintiffs. Construction on Palisades Dam was completed in 1956. It was in operation over ten years before the enactment of NEPA.

Because of a succession of dry years, Reclamation had reduced the flow from Palisades Dam to 750 cfs in November 1987 for the winter of 1987-88 and again to 750 cfs in November 1988 for the winter of 1988-89. Reclamation had agreed to consult, and did, with the Idaho Fish and Game Department before reducing the flows below 1000 cfs. Flows below Palisades have been reduced below 1000 cfs in other years as well. During the winter of 1989-90 the flows below Palisades Dam were 1,200 cfs. They were also reduced to that rate in November of this year and will be held at that level throughout the winter. The succession of dry years caused both American Falls

Reservoir, downstream of Palisades Reservoir, and Palisades to be emptied during the irrigation season of 1990.

Contact: John Dooley, 208-678-0461.

Volunteerism

PN Regional Office and Central Snake Projects Office employees made a significant and noteworthy contribution to this year's Combined Federal Campaign. Boise Reclamation employees contributed \$18,834, second highest of any Federal agency in Ada County. This was 21.9 percent higher than the contribution of the previous year's campaign. This is particularly noteworthy in view of the difficult economic times throughout the nation, and the threat of furloughs which faced all Federal employees.

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cc: Project Superintendent, Boise ID
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