

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: July 13, 2004

REPLY TO
ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program Final EIS (DOE EIS /SA-156)

TO:

Mickey Carter
Fish and Wildlife Project Manager - KEWU-4

Proposed Action: Upper Salmon River Anadromous Fish Passage Improvement Projects

Project No: 1994-015-00

Watershed Management Techniques or Actions Addressed Under This Supplement Analysis (See App. A of the Watershed Management Program EIS): 1.15 Fish Passage Enhancement; 1.10 Structural Bank Protection Using Engineered Structures; 4.23 Intake and Return Diversion Screens; 4.25 Consolidate/Replace Irrigation Diversion Dams

Location: Lemhi County, Idaho

Proposed by: Bonneville Power Administration (BPA) and Idaho Department of Fish and Game (IDFG)

Description of the Proposed Action: BPA proposes to fund IDFG to plan and complete construction of fish passage improvements and water conservation activities that are contained within IDFG's Statement of Work (SOW) for the period 7/1/04 to 6/30/05. The funding request contained in their SOW is part of an ongoing IDFG effort to fund anadromous fish passage projects that fall outside the scope of the Mitchell Act.

The proposed SOW activities fall within the following four categories: Phase I-Planning and Design (gather data, perform investigations, and exchange information; perform surveys and assessments to be compliant; survey project sites and perform engineering designs; perform contract and project management); Phase II-Construction and Implementation (procure materials and supplies, prepare contracts and solicit bids, plant native seedlings, complete capital improvements); Phase III-Operation and Maintenance (maintain office operations); and Phase IV- Monitoring and Evaluation (monitor and evaluate post-project effects, reporting). The SOW culminates with proposed construction of 18 capital improvement projects (Table 1 attached). The types of capital improvements include: screening gravity water diversions; consolidating and/or eliminating ditches; evaluating and screening pump diversions; evaluating and implementing water conservation activities; constructing screens along migration routes and rearing areas for hatchery and wild salmon; improving upstream and downstream passage for anadromous fish; and maximize benefits to aquatic habitat. Because each of the proposed projects in the SOW is still in the planning stages, the specifics of each still need to be completed.

Analysis: Lynn Stratton, Screen Program Coordinator with the IDFG Screen Shop, in Salmon, Idaho provided information on the 2004 SOW. The work proposed meets BPA's standards and guidelines for BPA's Watershed Management Program EIS and Record of Decision, and conforms to the IDFG's goals, the State's Fishery Management Plan, NOAA Fisheries' Salmon Recovery Plan, and the 2000 Federal Columbia River Power System Biological Opinion (BO) (dated December 21, 2000). The work will apply to the BO's Reasonable and Prudent Action 149 that focuses on improving stream flow, fish passage and fish screening.

Much of the work planned to be accomplished are investigative and administrative activities that include evaluations to provide validity and support to the 18 individual capital projects (Table 1). Once the appropriate surveys, investigations, and information are secured and consultation is completed with the agencies, copies of all relevant reports, agency clearances, and permits will be gathered (for each project) and forwarded to BPA for final check off prior to start of any ground disturbing construction activities.

Section 7 of the Endangered Species Act (ESA) requires Federal agencies to ensure that their actions do not jeopardize the continued existence of any threatened or endangered species. The following ESA species have been identified as possibly occurring in the Salmon River vicinity, each of which are listed as threatened: gray wolf, Canada lynx, grizzly bear, bald eagle, Snake River spring Chinook salmon, Snake River steelhead, Snake River sockeye salmon, bull trout, and designated critical habitat for steelhead. IDFG plans to gather and provide relevant information for appropriate consultation with the agencies (NOAA Fisheries and U.S. Fish and Wildlife Service). Because the IDFG is a state fish and wildlife agency, it will independently consult on applicable ESA issues as BPA's designated agency, pursuant to Section 7. This consultation is intended to avoid any "take" of ESA listed species. To streamline BPA's consultation requirements under Section 7 of the ESA, IDFG will be the designated Federal representative who will independently consult with the agencies and secure appropriate clearances/approvals from them. The supporting information and clearance letters will be provided to BPA prior to implementing any on-the-ground work. If new information about the projects becomes available or if circumstances occur that could affect listed species, designated critical habitat, or EFH in a manner not previously considered, re-consultation by BPA and IDFG should be reinitiated with these agencies.

As the representative Federal agency, BPA will also comply with section 106 of the National Historic Preservation Act and seek concurrence/clearance from the State Historic Preservation Office before any on the ground disturbance may occur. If individual projects are on Tribal property, and there is a potential for the project to affect cultural or historic resources, then the Tribal Historic Preservation Office needs to be contacted. Although some of the cultural surveys and consultations with the SHPO for projects in the SOW have already been completed, IDFG plans to continue the consultations for the remaining capital improvement projects (Table 1), communicate their findings with the SHPO, and request their concurrence. Where there is potential to affect cultural and/or historic resources, no ground-disturbing activities associated with these projects will start until the SHPO issues its written clearance. In the event that archaeological material is encountered during construction of any projects in this SOW, an archaeologist will be notified and work will immediately be halted in the vicinity of the finds until they can be inspected and assessed. Any cultural resource advice or recommendations that might be needed during the survey or construction phases can be made by contacting Steve Tromly, BPA archaeologist at (503) 230-4454.

Idaho Code requires irrigators to install fish screens, control structures, and fish passage at diversions. Although the projects are individually isolated and do not affect a large number of people in the upper Salmon River, nevertheless salmon recovery is important. Exposure of the project has been by word-of-mouth, resident involvement in other similar projects, local political interest, and agency cooperative efforts. Coordination, consultation, and public information about the activities in this SOW has been with the following: Bureau of Land Management, Bureau of Reclamation, Columbia Basin Fish and Wildlife Authority, Idaho Department of Water Resources, Idaho Governors Office of Species Conservation, Model Watershed Technical Advisory Committee, Natural Resources Conservation Service, NOAA Fisheries, Northwest Power and Conservation Council, Salmon River Coalition, Shoshone-Bannock Tribe, Upper Salmon Basin Watershed Project, U.S. Fish and Wildlife Service, U.S. Forest Service, Water District Boards, and all water users and landowners within the affected drainages.

The activities proposed in the SOW are exempt from a U.S. Army Corps of Engineers' 404 permit under the Clean Water Act regulation CFR33 323.4 (a)(3). Other applicable permits and authorizations for the planned activities include: Endangered Species Act Section 7 Informal Consultation, Idaho

Transportation Department Highway Right of Way Alteration Permit, US Forest Service Special Use Permit, Custer County Flood Plain Construction Permit, and Idaho State Historical Preservation Office consultation.

Findings: The actions proposed in the SOW apply to the intent of Reasonable and Prudent Action 149 of the FCRPS Biological Opinion. At this time, we find that the proposed activities are generally consistent with Section 7.6A.2, 7.6B.3, & 7.8E.1, of the Northwest Power Planning Council's Fish and Wildlife Program, as well as BPA's Watershed Management Program Final EIS (DOE/EIS-0265) and ROD. Providing that the aforementioned provisions are met, we find that the capital improvement projects will comply with the Federal and state regulations including, but not limited to: IDAPA Title 42 and Title 36, National Environmental Policy Act, Clean Water Act, Endangered Species Act, Federal Land Management Policy Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. This Supplement Analysis finds that: 1) implementing the proposed action will not result in any substantial changes to the Watershed Management Program that are relevant to environmental concerns; and, 2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the Watershed Management Program or its impacts. The record for the individual project files (Table 1) will be maintained in BPA's Environmental Policy and Strategic Planning group (KEC-4). Therefore, except for the expected provisions described above, no further NEPA documentation is required.

/s/ Carl Keller 7-14-04

Carl J. Keller

Fish and Wildlife Biologist – KEC-4

CONCUR:

/s/ Thomas McKinney

DATE: 7-14-04

Thomas C. McKinney

NEPA Compliance Officer – KEC-4

Attachment:

Table 1 Capital Improvement Projects from the 2004 Statement of Work and Budget (7/1/04 to 6/30/05);
BPA Project No. 1994-015-00

cc: (w/ attachments)

Mr. Lynn D. Stratton, Screen Program Coordinator, Idaho Department of Fish and Game, P.O. Box 1336,
Salmon, ID 83467