

memorandum

DATE: April 4, 2006

REPLY TO: KEC-4
ATTN OF:

SUBJECT: Supplement Analysis for the Watershed Management Program Final EIS (DOE/EIS-0265/SA-257)

TO: Jan Brady - KEWR-4
Fish and Wildlife Project Manager

Project Title: Idaho Fish Screening Improvement - Squaw Creek SSC-01 Diversion Project

Project No: 1994-015-00-SSC-01

Watershed Management Techniques or Actions Addressed Under This Supplement Analysis
(See Appendix A of the Watershed Management Program EIS): 4.25 Consolidate/Replace Irrigation Diversion Dams

Location: Private lands; about 7.5miles west of Clayton, Idaho, T11N,R17E, Sec. 28

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

Description of the Proposed Action: This memorandum provides environmental clearance for the installation and construction of one instream fish-passable diversion on Squaw Creek (SSC-01). The project objective is to improve upstream and downstream fish passage for all species and provide unhindered passage to spawning and rearing habitat within the Squaw Creek Watershed. This project is one component to the overall Squaw Creek screen and fish passage plan. Installation of this diversion will allow the minimal stream flows in Squaw Creek to be passable by fish and will replace the need for construction of annual push up dams that encourage water entry into irrigation canals. During the heat of the summer when water temperatures become excessive for fisheries health, this action will enable fish to have thermal refugia in the upper reaches of Squaw Creek.

The work involves installation of a semi-permanent diversion to compliment the new rotary drum fish screen on the first diversion at Squaw Creek. This location is at the first diversion on Squaw Creek upstream from the confluence with the Salmon River. The rock structure will be Type H riprap to be keyed 3 feet into the channel bottom. Rock placement will be supervised by an engineer and a biologist to ensure fish passage. A fish screen was installed in October of 2004 and the riprap will be placed along the bottom and banks alongside the fish screen for scour protection. The diversion will be improved for fish passage. The entire land is on private property. The work is planned for spring of 2006, during the in-stream work window.

Analysis: The BPA NEPA compliance checklist for the SSC-01 Diversion Project was prepared by Mr. Patrick D Murphy, IDFG Fishery Biologist in Salmon, Idaho on August 18, 2005. Information from these checklists meets the standards and guidelines for the Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD).

The species listed under the Endangered Species Act (ESA) that could be in the project area are the Snake River sockeye salmon (t), Snake River spring/summer run Chinook salmon (t), Snake River steelhead (t), bull trout (t), and designated Critical Habitat for steelhead.

The IDFG has engaged in a Section 6 Cooperative Agreement (dated January 17, 1995) with the U.S. Fish and Wildlife Service (FWS) that establishes a programmatic program for IDFG to carry out conservation and recovery activities for bull trout (and other threatened and endangered species). This agreement includes the take of species consistent with this agreement, emergency provisions as necessary, recordkeeping for the conservation of listed species, notification to the FWS of any change in circumstances, and other administrative and procedural provisions. The actions currently proposed comply with the provisions and limitations of this Cooperative Agreement. There are no threatened or endangered plants or animal species that would be affected by the proposed actions identified above.

The IDFG has also secured an ESA Section 7 programmatic Biological Assessment from NOAA Fisheries, dated July 2003, that addressed activities associated with fish screens. A NOAA Fisheries concurrence letter, dated September 22, 2003, concludes that fish screen activities are not likely to adversely affect listed Snake River salmon and steelhead, designated critical habitat, or Essential Fish Habitat. The concurrence extends into the future without an end date.

Because of the proposed in-water nature of work with this diversion, IDFG assisted BPA in initiating ESA compliance in accordance with the Habitat Improvement Program (HIP) Biological Opinion for anadromous fish. Accordingly, IDFG submitted a HIP Form 1 (dated February 2, 2006) that addresses realistic project effects, fish presence in the project area, and applicable terms and conditions relevant to the proposed diversion improvements. It is noted that project construction would be planned after steelhead have emerged from the gravels and before spring spawning. Impacts to remaining steelhead (and other fish) would be from localized sediment releases which would be mitigated by the use of Best Management Practices, coffer dams to isolate instream work from fish, silt barriers to minimize the rate and volume of silt discharges, and other means. Chinook are not known to have recently spawned in Squaw Creek but the lower reaches are used as rearing and thermal refugia for Chinook parr. For bull trout, construction will begin well after fry have emerged from the gravels and away from known spawning areas. The practices mentioned earlier will help minimize silt loads into Squaw Creek and thereby minimize effects to bull trout. Sockeye salmon outmigrate from Redfish Lake in May past the confluence with Squaw Creek. It is highly unlikely that this species would be in the project area (and affected) during construction.

Based on presence of listed fish in the project area and in accordance with the HIP BO, the project offers:

1. provisions for fish passage in accordance with: a. NOAA Fisheries fish criteria, b. "Anadromous Salmon Passage Facility Guidelines and Criteria", and c. an interactive design process with NOAA Fisheries' engineering staff;
2. an Operation and Maintenance Plan to be implemented;
3. installation of a totalizing flow meter device on diversion structure;
4. a project design to enable irrigators to comply with state water right rules and regulations;
5. use of the Catalogue of Stormwater Best Management Practices for Idaho Cities and Counties;
6. isolation of fish during construction of the diversion ;
7. deposition of clean rip-rap rock materials to be deposited instream;
8. planting of sedges, willows, and other herbaceous plants to accelerate the revegetation process along stream banks;
- and 9. the work to occur when fish are least likely to occur in the project area and be affected. We believe the effects to the aquatic system and listed fish from project implementation are consistent and commensurate with the HIP BO, and that stated measures will be employed.

A cultural resources survey for Squaw Creek was conducted in May 2004 by Ms. Claudia Taylor Walsworth and her survey and report met the Secretary of the Interior's Standards. The report was entitled, "Cultural Resource Survey of the Upper Salmom River Anadromous Fish Passage Project, Squaw Creek Area Sites, Custer County, Idaho". Two cultural sites were found within the project area that were both found to be eligible for the National Register of Historic Places. However in her June 2, 2004 letter, the Deputy Idaho State Historic Preservation Officer and Compliance Coordinator agreed that the proposed work would have no effect on historic properties provided that cultural site near 10CR757 is monitored by a professional archaeologist during construction.

Idaho Code requires irrigators to install fish screens, control structures, and fish passage at diversions. These actions are geographically isolated and do not affect a large number of people as the Salmon Basin Exposure of the project has been by word-of-mouth, resident involvement in similar projects, state code, local political interest, and agency cooperative efforts. Local newspaper articles and Upper Salmon Basin Watershed Project circulars have notified the public of the project intentions. The following are partners for this project: landowners, the Salmon River Coalition, Natural Resources Conservation Service, NOAA Fisheries, FWS, Bureau of Reclamation, Upper Salmon Basin Watershed, Idaho Department of Water Resources, Bannock Tribe, and IDFG.

This water diversion improvement is exempt from a 404 permit in accordance with CRF33 323.4(a)(3). Likewise, because of the 404 exemption, no IDEQ permit/authorization is required.

Findings: The fisheries improvements are generally consistent with: the Northwest Power and Conservation Council's Fish and Wildlife Program; BPA's Watershed Management Program Final EIS (DOE/EIS-0265) and ROD. The project conforms to the IDFG fish screen standards; NOAA Fisheries Salmonid Fish Passage Facility Guidelines and Criteria; the State's Fishery Management Plan, Idaho Bull Trout Recovery Plan; NOAA Fisheries Salmon Recovery Plan; and U.S. Fish and Wildlife Service Bull Trout Recovery Strategy. 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. Therefore, no further NEPA documentation is required. The proponent shall comply with the terms, provisions, and conditions of the appropriate permits and authorizations. Environmental provisions are on the attachment. Support documentation to this environmental clearance may be located in the KEC project file.

/s/ Carl J. Keller

Carl J. Keller

Fish and Wildlife Biologist - KEC-4

CONCUR:

/s/ James M. Kehoe for

Katherine S. Pierce

NEPA Compliance Officer - KEC-4

DATE: April 4, 2006

Attachment

Environmental Provisions

cc: (w/ attachment)

Mr. Patrick Murphy, Staff Fishery Biologist, Idaho Department of Fish and Game, P.O. Box 1336, Salmon, ID 83467

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

ENVIRONMENTAL PROVISIONS

Squaw Creek (SSC-01) Clayton, Idaho

The following provisions apply:

- The contractor shall construct the stated diversion improvements in accordance with the following ESA provisions, accordingly:
 - a) A Section 6 Cooperative Agreement for bull trout and other listed species with the U.S. Fish and Wildlife Service dated January 17, 1995.
 - b) A Section 7 ESA programmatic Informal Consultation for anadromous fish (fish screens) with NOAA Fisheries dated July 2003.
 - c) A Habitat Improvement Plan Biological Opinion for anadromous fish (water diversion) with the following provisions for fish passage:
 1. Construction shall be in accordance with:
 - NOAA Fisheries fish criteria;
 - “Anadromous Salmon Passage Facility Guidelines and Criteria”;
 - An interactive design process with NOAA Fisheries’ engineering staff;
 2. An Operation and Maintenance Plan to be implemented;
 3. Installation of a totalizing flow meter device on diversion structure;
 4. A project design to enable irrigators to comply with state water right rules and regulations;
 5. Use of the Catalogue of Stormwater Best Management Practices for Idaho Cities and Counties;
 6. Isolation of fish during construction of the diversion;
 7. Deposition of clean rip-rap rock materials to be deposited instream;
 8. Planting of sedges, willows, and other herbaceous plants to accelerate the revegetation process along stream banks; and
 9. The work to occur when fish are least likely to occur in the project area and be affected.
- The work will be supervised by an engineer and biologist to ensure mutual interests are being incorporated into the final design, and to minimize/avoid possible adverse resource effects.
- Monitor the project site by a professional archaeologist during construction to ensure no adverse effects will occur at cultural resource site 10CR757. If historic/cultural resources are identified at the project site or that could be adversely affected, the BPA archaeologist and Idaho State Historic Preservation Officer and Compliance Coordinator will be immediately contacted with identification of the finds.
- Newly disturbed soil and vegetation resources will be replanted according to the IDFG recommended seeds and procedures in accordance with soil type, availability of native seeds, and soil moisture.
- The project will be consistent and compliant with the: Northwest Power and Conservation Council’s Fish and Wildlife Program; BPA’s Watershed Management Program Final EIS (DOE/EIS-0265); NOAA Fisheries Anadromous Salmonid Passage Facility Guidelines and Criteria; State’s Fishery Management Plan, NOAA Fisheries Salmon Recovery Plan, FWS Bull Trout Recovery Plan, Best Management Practices, and Idaho Code specific to installing fish screens, control structures, and fish passage provisions.
- If there are any changes in construction activities that require relocation or change of work parameters, or for actions that have not been previously evaluated as work sites, construction shall not proceed until the KEC Environmental Lead for this project can evaluate those changes.

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