

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: July 14, 2006

REPLY TO: KEC-4
ATTN OF:

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-268)

TO: John Baugher - KEWL-4
Fish and Wildlife Project Manager

Proposed Action: John Day Watershed Restoration Program

Project No: 1998-018-00

Wildlife Management Techniques or Actions Addressed Under This Supplement Analysis

(See App. A of the Wildlife Mitigation Program EIS): 1.13 Culvert Removal/Replacement to Improve Fish Passage; 2.1.1 Maintain Healthy Riparian Plant communities; 2.6 native Seed Inventories; 2.7 Avoid Exotic Species; 4.2 Water Measuring Devices 4.10 Water Conveyance Pipeline, 4.25 Consolidate/Replace Irrigation Diversion Dams, 6.5 Water Supply: Pipeline, 6.10 Access: Fencing; 8.13 Stand Thinning

Location: Sites within the John Day River Watershed, in Wheeler County and Grant County, Oregon

Proposed by: Bonneville Power Administration (BPA) and the Confederated Tribes of the Warm Springs, John Day Basin Office, Prairie City, OR

Description of the Proposed Action: The Bonneville Power Administration (BPA) is proposing to continue to provide funding for the ongoing John Day Watershed Restoration Program, which includes projects to improve watershed conditions, resulting in improved fish and wildlife habitat. The project is planned and coordinated by the Confederated Tribes of the Warm Springs through the John Day Basin Office in Prairie City, Oregon. A variety of activities will be implemented, described below. The individual implementation projects are intended to improve water quality and quantity, aquatic habitat, and fish production and to reduce bank instability, sedimentation, bedload movement, and summer water temperatures. The purpose of instream projects will be to reduce or eliminate delays in fish migration caused by passage impediments. The project also includes an annual monitoring program to evaluate the outcomes of each of the projects that is implemented.

The project will involve the installation of lay flat diversions (structures) to replace temporary push-up dam water diversions. Each year, some permanent structures will be constructed in tributaries of the John Day River or within the John Day River. The structures will replace temporary push-up dams, which were constructed annually of various materials. Installation of the permanent diversion structures eliminates the need for the annual stream-disturbing activities associated with annual installation of temporary structures. Diversions will enable fish passage in all flow conditions, an improvement over the temporary structures, which can obstruct fish passage under some conditions.

Other activities will be implemented in various areas within the watershed. Off-site water systems will be installed in areas where fencing and revegetation projects are implemented, in order to restrict livestock access to waterways. Various types of facilities will be constructed to return irrigation flows to the Johns Day River, including the installation of pipe to replace failing drains or return ditches and the installation of pumps to replace temporary diversions. Return flow cooling systems will be used to intercept irrigation tail water with drain tiles so that it returns to the river more efficiently, cleaner and at a lower temperature than

if it simply flows overland to the river. To increase the amount of water available to the river system, junipers will be removed from approximately 500 acres per year by hand felling.

Fish passage will be improved in Wheeler County by replacing 3 deteriorating culverts that impede fish passage with bottomless pipe arch culverts that will provide passage of all fish life stages, during all flow conditions. One structurally sound culvert that impedes fish passage will be modified to allow fish passage by installing rock weir step pools below the culvert to allow for fish passage of all life stages of fish.

Analysis: The compliance checklist for this project was completed by Linda Brown, Watershed Restoration Program Manager for the John Day Basin Office (Attached and signed on March 17, 2006, with updates on compliance activities and dates added by Kimberly St.Hilaire of BPA on July 12, 2006). The project meets the standards and guidelines for the Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD).

Species listed under the federal Endangered Species Act (ESA) that may occur in the general vicinity of the project area are bull trout, Middle Columbia River steelhead, Canada lynx, and bald eagle (all listed threatened species, see attached USFWS species lists). There are no species proposed for listing known within the project area. Each year, BPA determines if project activities could affect listed species, and if so, Section 7 consultation is initiated with the US Fish and Wildlife Service (USFWS) and NOAA National Marine Fisheries Service (NOAA Fisheries).

As part of the Section 7 process for 2006 activities, BPA consulted with the USFWS. BPA determined that the proposed actions would have no effect on bald eagle and Canada lynx, based on communications between the John Day Basin Field Office and the Oregon Department of Fish and Wildlife. There are no known bald eagle nest sites within 1 mile of project sites, based on a check of the Oregon Natural Heritage database. There is no potential habitat for Canada lynx in the project area and their prey species (snowshoe hare) does not live in project areas.

BPA submitted a Biological Assessment for bull trout to the USFWS on March 6, 2006, that stated that the proposed actions may affect, but are not likely to adversely affect bull trout. The USFWS concurred with this determination in a Biological Opinion dated April 14, 2006 (attached). Although the project locations are within the migratory habitat for bull trout, there is only one project site where it may be at all highly that bull trout could be present in the project area during the short work period. Non-discretionary terms and conditions found within the BO will be followed during project implementation. Bull trout will benefit from the long-term effects of the project because it will result in improvements to migratory habitat and fish passage because there will be fewer physical barriers.

Middle Columbia Steelhead, a listed threatened species under the jurisdiction of NOAA Fisheries, occurs in most of the Project area waterways. Project activities that could affect this species undergo Endangered Species Act Section 7 Consultation using the BPA Fish and Habitat Improvement Program (HIP) Biological Opinion (BO), when it is applicable. This programmatic consultation also encompasses consultation with NOAA for Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act. In order to conduct Section 7 and EFH consultation using the HIP BO, all proposed activities must fall within the activities covered, all effects must have been considered, the activity must be conducted in accordance with the applicable terms and conditions identified in the HIP BO. Activities which affect fish passage, diversion structures and culvert replacement or modification, went through NOAA design review to ensure they meet NOAA fish passage criteria. The 2006 HIP BO Approval letter is attached.

A cultural resource review was completed for the portions of the proposed project sites where there will be ground disturbance. This review includes a literature search and a field survey by a qualified cultural resource specialist. Based on the results of the field survey of sites where there will be ground disturbance, a determination was made if the project will have an effect on cultural or historic resources. For the 2006 activities, no cultural resources were found in project areas. The technical

reports (one for Grant County activities and one for Wheeler County activities) were submitted to the Oregon SHPO for concurrence (see attached SHPO concurrence letters). If cultural deposits are found during any phase of the proposed project or if the nature of the undertaking changes, ground-disturbing work will cease, and an archaeologist will immediately be notified and work halted in the vicinity of the finds until they can be inspected and assessed.

Standard water quality protection procedures and Best Management Practices will be followed during the implementation of this project. No construction is authorized to begin until the proponent has obtained all applicable local, state, and federal permits and approvals. Permits are required for the instream work, which generally includes a federal Section 404 Permit and an Oregon Division of State Lands Removal/Fill permit.

Public involvement has taken place as part of the project. The public was informed of the project through press releases, informational brochures and materials, field tours, public meetings, agency coordination meetings, and mailings. Discussions have also been held with local landowners, and various State and Federal agencies. Projects are detailed and discussed in monthly meetings, which are advertised and open to the public.

Findings: The project is generally consistent with Section 7.6A.2, 7.6B.3, & 7.8E.1, of the Northwest Power Planning Council's Fish and Wildlife Program. This Supplement Analysis finds, 1) That the proposed actions are substantially consistent with the Watershed Management Program EIS (DOE/EIS-0265) and ROD, and, 2) That there are no new circumstances or information relevant to environmental concerns and bearing on the proposed actions or their impacts. Therefore, no further NEPA documentation is required.

/s/ Kimberly R. St. Hilaire
Kimberly R. St.Hilaire
Environmental Specialist

CONCUR:

/s/ James M. Kehoe for
Katherine S. Pierce
NEPA Compliance Officer

DATE: July 14, 2006

Attachments:
NEPA Compliance Checklist
USFWS species list dated May 2006 for Grant County
USFWS species list dated May 2006 for Wheeler County
USFWS Biological Opinion dated April 14, 2006
HIP BO Approval Letter dated July 14, 2006
SHPO Concurrence Letter for Grant County projects dated June 15, 2006
SHPO Concurrence for Wheeler County projects, dated March 7, 2006

cc: (w/ attachments)
Ms. Linda Brown, Confederated Tribes of the Warm Springs Reservation of Oregon, John Day Basin Office, 68073 Highway 26, Prairie City, Oregon 97869