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United States Government **Department of Energy**

Bonneville Power Administration

memorandum

DATE: December 8, 2006

REPLY TO ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program Final EIS (DOE/EIS-0265/SA-287)

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

Project Title: Idaho Fish Screening Improvement – LWC – Wimpey Creek Projects

Project No: 1994-015-00 – LWC Projects

Watershed Management Techniques or Actions Addressed Under This Supplement Analysis (See Appendix A of the Watershed Management Program EIS): 4.23 Intake and Return Diversions Screens; 4.25 Consolidate/Replace Irrigation Diversion Dams

Location: Wimpey Creek; T219N, R23E, Sec. 34 and 35

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

Description of the Proposed Action: This provides environmental clearance for the installation and construction of fish screens and water control structures at several instream fish passable diversions on Wimpey Creek, upstream from the Lemhi River. These are identified as LWC-01, LWC-02, LWC-03, LWC-04, and LWC-05. The project objectives are to improve safe upstream and downstream fish passage for all fish species and provide unhindered passage to spawning and rearing habitat within the Wimpey Creek Watershed. These projects are part of the Wimpey Creek Fish Screening and Passage Plans and all irrigators have agreed to these proposed improvements.

Installation will allow minimal stream flows in the creek to be passable by fish throughout the year. Fish will be able to seek thermal refugia during the heat of late summer when temperatures become excessive to fisheries health. The project will eliminate juvenile fish entrainment problems. These new screens will be designed to meet current NOAA Fisheries' Anadromous Salmonid Passage Facility Guidelines and Criteria for anadromous fish passage.

The work is planned to occur during the low water period. Prior to any construction, the immediate construction area and downstream impact area will be intensively observed by an IDFG biologist for the presence of adult steelhead or redds. If the fish are found, all work will be suspended for a more acceptable construction time. A cofferdam will may be utilized to divert stream channel flow around the area of construction. A fish salvage operation will be conducted by an IDFG biologist for any fish that might become stranded within the dewatered area of the coffer dam. An excavator working in the stream channel will be necessary for the construction and removal of the diversion structures and associated work activities. Installation of the new structure is anticipated to last approximately three weeks.

Access to the site for construction will be via existing roads currently used by IDFG screen maintenance personnel. The entire land is on private property. Further descriptions of the proposed actions at each site are discussed in the NEPA compliance checklists and in the Form 1 of the Habitat Improvement Program (HIP) Biological Opinion consistency form (see below). Final engineering designs for these projects are expected by early January 2007.

Analysis: The BPA NEPA compliance checklist for each of the five Wimpey Creek projects was prepared by Mr. Patrick D. Murphy, IDFG Fishery Staff Biologist in Salmon, Idaho on July 20, 2006. 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 Snake River spring Chinook salmon (t), Snake River steelhead (t), bull trout (t), and designated Critical Habitat for steelhead. It is uncertain when the optimal instream work window is at the project site because various salmonid species known to occupy in this creek have different life cycles and therefore use the river at different stages and timeframes.

The IDFG Screen Program has programmatic ESA coverage for this project. The project is covered under an ESA Section 6 Cooperative Agreement with the U.S. Fish and Wildlife Service (FWS) and a corresponding ESA Section 7 Biological Opinion on the validity of the Section 6 Agreement. The Section 6 Agreement (dated January 17, 1995) covers all species under the authority of the FWS. Additionally, the Idaho Screen Program has an ESA Section 7 Biological Opinion from the NOAA Fisheries for installation of fish screen and head gate control structures affecting all species under the authority of NOAA Fisheries.

To address proposed instream work, the IDFG submitted to BPA a Form 1 under the HIP Biological Opinion (dated August 1, 2003) for each of the diversition sites. This form addresses anadromous fish. The HIP Form 1 addresses realistic project effects, fish presence in the project area, anticipated project effects, and offers conservation measures relevant to the proposed diversion improvements. In accordance with the HIP BO, the following measures are being offered by the IDGF to comply with conservation of the Federally-listed salmonids:

1. The work will occur when fish are least likely to occur in the project area and be affected.
2. The screens would be periodically maintained, such as cleaning debris or replacing parts, to ensure their proper functioning and meet project objectives.
3. Localized sediment discharges would be mitigated by the use of Best Management Practices with use of coffer dams and other devices to minimize silt discharges into the river during construction.
4. Use of the Catalogue of Stormwater Best Management Practices for Idaho Cities and Counties will be used as the construction standard/direction.
5. The project is designed for safe fish passage that will prevent entrainment and entrapment in compliance 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.
6. Fish screens will be sized to match the historic water use.

7. Operations and maintenance will be conducted in accordance with an Operation and Maintenance Plan.
8. A project design to enable irrigators to comply with state water right rules and regulations.
9. Contractors will be required to have on the construction site a spill containment kit; Construction spill prevention and control will be in accordance with BMP 8: spill prevention and control. All possible steps will be taken to minimize machine lubricants from entering the creek; Construction staging will occur well away from the stream course,
10. Clean rip-rap rock materials will be deposited instream.
11. Sedges, willows, and other herbaceous plants will be used to accelerate the revegetation process along stream banks; disturbance of existing vegetation on ditch banks and river banks will be minimized.

There are no other ESA-listed threatened or endangered plants or animal species that would be affected by the proposed actions at Wimpey Creek. All ESA documentation for these projects are filed with BPA. Additionally, the projects conform to a variety of IDFG goals, including the State's Fishery Management Plan and Bull Trout Recovery Plan, as well as NOAA Fisheries' Salmon Recovery Plan and the U.S. FWS's Bull Trout Recovery Strategy.

We believe the effects to the aquatic system and listed ESA fish from implementation of these projects are consistent and commensurate with the HIP BO and other ESA coverage.

A cultural resource survey was conducted at the project sites by Jeanne Pepalis, M.A., in November 2004 and her report is entitled, A Cultural Resources Survey of the Wimpey Creek Anadromous Fish Screening LWC-01, 02, 03, 04, 05, and 06, Wimpey Creek Area Sites, Lemhi County, Idaho. The survey revealed that no cultural resources were identified at the project sites. The section 106 process was concluded on June 9, 2006 with concurrence by the Idaho SHPO that no historic properties were identified with each of the project areas, and that no historic properties will be affected.

The project is small and does not affect large numbers of people. The Upper Salmon Basin Model Watershed program circulars and local newspaper articles written about typical projects are appropriate for the Wimpey Creek watershed basin. The Salmon River Basin is sparsely populated and the Salmon Recovery effort is very large. Exposure of the project has been by word-of-mouth, residents have been involved in similar projects, including state code, local political interest, and agency cooperative efforts. The following are stakeholders and partners for this project: Wimpey Creek irrigators, the Salmon River Coalition, Idaho Department of Water Resources, Natural Resources Conservation Service, NOAA Fisheries, FWS, Bureau of Reclamation, Upper Salmon Model Watershed, Shoshone-Bannock Tribe, and IDFG.

These water diversion improvements are 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 for the Wimpey Creek projects 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 is 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 provided 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/ Katherine S. Pierce DATE: *December 8, 2006*
Katherine S. Pierce
NEPA Compliance Officer -KEC-4

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

Wimpey Creek Project (LMC-01, 02, 03, 04, 05, 06)

The following provisions apply:

The contractor shall comply with the appropriate ESA documentation designed to protect and conserve listed species from the possibility of human-caused adverse effects during project construction, including Section 6 Cooperative Agreement, Section 7 consultation, and the Habitat Improvement Plan Biological Opinion; accordingly. This includes the following proposed conservation measures:

- The work will occur when fish are least likely to occur in the project area and be affected.
- The screens would be periodically maintained, such as cleaning debris or replacing parts, to ensure their proper functioning and meet project objectives.
- Localized sediment discharges would be mitigated by the use of Best Management Practices with use of coffer dams and other devices to minimize silt discharges into the river during construction.
- Use of the Catalogue of Stormwater Best Management Practices for Idaho Cities and Counties will be used as the construction standard/direction.
- The project is designed for safe fish passage that will prevent entrainment and entrapment in compliance 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.
- Fish screens will be sized to match the historic water use.
- Operations and maintenance will be conducted in accordance with an Operation and Maintenance Plan,
- A project design to enable irrigators to comply with state water right rules and regulations.
- Prior to any construction, the immediate construction area and downstream impact area will be intensively observed by an IDFG biologist for the presence of adult steelhead or redds. If they are found, all work will be suspended for a more acceptable construction time. A cofferdam will may be utilized to divert stream channel flow around the area of construction. A fish salvage operation will be conducted by an IDFG biologist for any fish that might become stranded within the dewatered area of the coffer dam.
- Contractors will be required to have on the construction site a spill containment kit; Construction spill prevention and control will be in accordance with BMP 8: spill prevention and control. All possible steps will be taken to minimize machine lubricants from entering the creek; Construction staging will occur well away from the stream course,
- Clean rip-rap rock materials will be deposited instream.
- Sedges, willows, and other herbaceous plants will be used to accelerate the revegetation process along stream banks; disturbance of existing vegetation on ditch banks and river banks will be minimized.

In the event historic/cultural resources are uncovered at the project sites during project construction, then all ground disturbing activities will cease until a qualified archaeologist is consulted. 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 & 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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