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United States Government **Department of Energy**

Bonneville Power Administration

memorandum

DATE: November 28, 2005

REPLY TO ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program Final EIS (DOE/EIS-0265/SA-244)

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

Proposed Action: Idaho Fish Screening Improvement - Kenny Creek; LKC-03

Project No: 1994-015-00

Watershed Management Techniques or Actions Addressed Under This Supplement Analysis (See App.): 1.15 Fish Passage Enhancement-Fishway; 4.23 Intake and return Diversion Screens; 4.25 Consolidate/Replace Irrigation Diversion Dams

Location: ~ 19 miles SE of Salmon, in Lemhi County, Idaho (T20N, R24E, Sec. 21 NWSE)

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

Description of the Proposed Action: The goal of this project is to: effectively preclude all life stages of fish from entering an irrigation ditch; improve the fishery resources above a measured baseline for fish density in Kenny Creek; and control ditch flows by installing a control structure. BPA proposes to fund IDFG for the construction of a water control structure that will allow improved water management and reduce erosion of the ditch bank. The eight-foot-long, eight-inch high vertical flat plate screen with traveling brushes will be successful if all life stages of fish are precluded from entering the ditch. The screen is designed to NOAA Fisheries Fish Screen Criteria, IDFG fish screen goals, the State's Fishery management Plan, NOAA Fisheries' Salmon Recovery Plan, Bull Trout Recovery Plan, and FWS's Bull Trout Recovery Strategy. The project will conform to Idaho Code that requires irrigators to install fish screens, control structures, and fish passage devices at diversions.

Analysis: The NEPA compliance checklist for the project was completed on September 3, 2005, by Lynn Stratton, Fish Screen Program Coordinator with the IDFG Screen Shop in Salmon, Idaho.
The information 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 that could be in the project area are the Snake River spring Chinook salmon (t), Snake River steelhead (t), bull trout (t), and designated Critical Habitat for Chinook salmon and steelhead. However, because of a fish barrier downstream of LKC-03 on Kenny Creek (~ 1 mile), there are no anadromous fish currently at LKC-03. It is anticipated that restoration at LKC-03 and at LKC-02 will reestablish several miles of habitat for anadromous fish.

To comply with ESA, the IDFG has engaged in a Section 6 Cooperative Agreement (dated January 17, 1995) with the U.S. Fish and Wildlife Service that establishes a cooperative program for the IDFG to carry out conservation activities to benefit applicable threatened and endangered species. This agreement includes the take of species that must be 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. This agreement remains in effect in

perpetuity for bull trout and any species under the FWS's jurisdiction. There are no other threatened or endangered plant or animal species that would be affected by this proposed action.

A corresponding Section 7 ESA programmatic Biological Assessment was secured from NOAA Fisheries, dated July 2003, that addresses activities associated only with fish screens A NOAA Fisheries concurrence letter, dated September 22, 2003, concludes that these activities are not likely to adversely affect listed Snake River salmon and steelhead, designated critical habitat, or EFH. The concurrence extends into the future without an end date.

Because of the in-water nature of this proposed activity, the Contractor assisted BPA in initiating compliance with the HIP Biological Opinion for anadromous fish. This BO was initiated specifically for the diversion work with expectations that anadromous fish will have access to this site when the fish barrier at LKC-02 is corrected. Accordingly, IDFG submitted a detailed Form 1, dated
September 9, 2005, that addresses applicable terms and conditions relevant to this proposed activity. This includes the following which has been provided by IDFG: 1. the screen is consistent with NOAA Fisheries Juvenile Fish Screen Criteria and with NOAA Fisheries Pump Intake Screen Guidelines; 2. fish passage is designed in accordance with Anadromous Salmon Passage Facility Guidelines and Criteria including an interactive design process with NOAA Fisheries engineering staff; 3. a prepared Operation and Maintenance Plan will be implemented; 4. a totalizing flow meter device will be installed; 5. the design of the diversion will enable irrigators to comply with state water right rules and regulations; 6. the general construction conservation measures in section 2.2.1.1. of the HIP BO will be implemented; 7. the Catalogue of Stormwater Best Management Practices for Idaho Cities and Counties will be used; 8. fish will be isolated during construction of the diversion and screen and will continue to have free-flowing water - construction of the diversion will occur in one-half of the stream at a time; 9. clean rock and other materials are planned to be deposited instream; 10. sedges, willows, and other herbaceous plants will be planted to accelerate the revegetation process along stream banks; 11.spill prevention and control practices will be employed during construction; and 12. work will occur during season low flows and turbidity will be controlled. We believe the net effect to the aquatic system (listed fish) in the vicinity of the project will be negligible compared with long term resource benefits.

An intensive cultural resources inventory of the project area was conducted on January 6, 2005 by Steven E. Wright of the BLM's Salmon Field Office (Report Number IDS-05-001). No cultural resources were identified and a "no effect" determination was made for the LKC-03 site. The following conditions were recommended: In the event cultural materials are encountered during project activities, all work must cease and a qualified archaeologist must be notified to identify, record, and evaluate those remains. On September 13, 2005, the State Historic Preservation Office concurred with the inventory findings and recommendation. BPA agrees with these findings.

Idaho Code requires irrigators to install fish screens, control structures, and fish passage at diversions. The project is isolated and does not affect a large number of people as the Salmon basin is sparsely populated. Nevertheless, the salmon recovery effort is large. 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 group of partners have been kept informed of the development of this project: the Salmon River Coalition, Natural Resources Conservation Service, NOAA Fisheries, FWS, Bureau of Reclamation, Upper Salmon Basin Watershed, Governor's Office of Species Conservation, U.S. Forest Service, and Idaho Department of Fish and Game. Further consultation has been with the Shoshone-Bannock Tribe, IDFG, and Lemhi Irrigation District, and Idaho Department of Water Resources.

Findings: The project is 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 Fish Screen Criteria; BLM's Lemhi Resource Management Plan, 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. Because this project is on BLM-administered land, the BLM prepared an environmental assessment (EA ID-340-2005-EA-837) in June 2005 under a multidisciplinary review. The FONSI was signed by the BLM Field Manager on July 1, 2005. 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 all terms, provisions, and conditions of the aforementioned permits and authorizations. 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: *November 30, 2005*
Katherine S. Pierce
NEPA Compliance Officer – KEC-4

Attachment
Environmental Provisions

cc: (w/ attachment)
Mr. Lynn D. Stratton, Screen Program Coordinator, Idaho Department of Fish and Game, P.O. Box 1336, Salmon, ID 83467
Mr. Patrick Murphy, Department of Fish and Game, P.O. Box 1336, Salmon, ID 83467

Attachment

ENVIRONMENTAL PROVISIONS
Kenny Creek; LKC-03

The following provisions apply:

- If archaeological remains are discovered during construction, a BPA archaeologist, IDFG representative, and Idaho SHPO representative should be notified immediately so that the find can be evaluated before any further work is conducted.

- The contractor shall operate under the following ESA provisions:

a. A Section 6 Cooperative Agreement for bull trout (dated January 17, 1995) with the U.S. Fish and Wildlife Service.

b. A Section 7 ESA programmatic Informal Consultation on anadromous fish, (dated July 2003) with NOAA Fisheries.

c. A Habitat Improvement Plan Biological Opinion, (dated August 1, 2003) with NOAA Fisheries.

- Project must 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 Fish Screen Criteria; State's Fishery Management Plan, NOAA Fisheries Salmon Recovery Plan, FWS Bull Trout Recovery Plan, Idaho Department of Water Resources' Section 404 Permit dated January 25, 2005 (expiration December 15, 2011), Best Management Practices, and Idaho Code specific to installing fish screens, control structures, and fish passage provisions.

- An on-site inspector will monitor construction activities to ensure no releases of sediment into open water.

- Measures shall be taken to avoid unnecessary effects to fish and other aquatic life at the project site during construction.

- 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 fish screen will be consistent with NOAA Fisheries Juvenile Fish Screen Criteria, NOAA Fisheries Pump Intake Screen Guidelines, and Anadromous Salmonid Passage Facility Guidelines and Criteria.

- The fish screen and associated parts will be painted to visually blend in with the natural ambient background.

- If there are any changes in construction activities that require relocation or change of work, or for sites that have not been previously identified as work sites, construction shall not proceed until the KEC Environmental Lead for this project can evaluate those changes.

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