

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: September 20, 2004

REPLY TO
ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-183)

TO: Dorrie Welch
Fish and Wildlife Project Manager - KEWU-4

Proposed Actions: Bear Creek Road Work

Project Nos: 1992-026-01 – Bear Creek Road Work

Watershed Management Categories, Techniques, or Actions Addressed Under This Supplement Analysis (See App. A of the Watershed Management Program EIS): 1.10 Structural Bank Protection Using Engineered Structures, 2.1. Maintain Healthy Riparian Plant Communities, 2.2. Plant/Protect Conifers in Riparian Areas for Thermal Cover, 2.5. Native Seed Inventories, 2.7 Avoid Exotic Species, 3.1 Plant/Protect Vegetative/Conservation Cover, 3.16 Grassed Waterway, 7.13 Grade Road, 7.18 Road Closure, 7.21 Relocate Roads

Locations: Upper Grande Ronde River Subbasin (Meadow Creek Watershed); within Starkey Experimental Forest and Range station; T.4S, R34E, Sec. 21 NW, NE, and SE ¼ and Sec 22 SW1/4; Wallowa County, OR

Proposed by: Bonneville Power Administration (BPA) and the U.S. Forest Service's Wallowa-Whitman National Forest (WWNF)

Description of Proposed Actions: BPA is proposing to fund the WWNF to accomplish the following tasks: 1. obliterate 1.6 miles of draw bottom road (includes removing rock surfacing, ripping, and re-contouring the road to the hillslope and planting riparian grasses and conifers); 2. construct 1.1 miles of ridge top road to replace draw bottom road (new road will follow about ½ mile of old roadbed); 3. plant 200 trees at 70 different sites (trees to be taken from upslope areas and placed in stream channel and floodplain to increase sediment storage, pool frequencies, habitat diversity and complexity, and improve effective hiding cover; trees to have a dbh of 12-20 inches and will not be anchored); 4. relocate a spring development (move an existing water trough from the stream bottom to an upland site 200 yards away to attract livestock away from the susceptible riparian zone); 5. stabilize disturbed soils by seeding with native grasses (use certified weed-free mulch and seeds; native grass to be applied in the fall and conifer planting in the spring); 6. plant riparian conifers and riparian grasses (species include Douglas fir, spruce, larch, California oatgrass, mountain brome, blue wildrye at a rate of 10 to 15 pounds per acre); and 7. survey for noxious weeds.

Positive benefits expected from this project: about 0.6 miles of perennial fish bearing stream and 1.0 mile of non-fish bearing stream will be enhanced, sediment delivery should be eliminated to the draw bottom and riparian area; and riparian function and quality and water quality should improve. All instream work will follow the Oregon Department of Fish and Wildlife recommended work window of July 1 to October 15. The work is planned to be done between July 1, 2004 and September 30, 2005.

Analysis: As a cooperator and partner, the WWNF assisted in conducting various environmental analyses for this project and produced their own Decision Notice-II and Finding of No Significant Impact

McIntyre/Bear Creek Road Work Project that was signed by their District Ranger on February 4, 2003. That FONSI authorizes the District Ranger to proceed with the project. We believe the work that is planned is consistent and meets the standards and guidelines for BPA's Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD). We have identified the specific categories, techniques, and actions that qualify above.

The Endangered Species Act (ESA)-listed species that may occur in the general vicinity of the project area are the threatened Mid-Columbia River steelhead, bull trout, shortnose sucker, northern spotted owl, and Canada lynx, marbled murrelet. In response to the 1999 Upper Grande Ronde Assessment Area Biological Assessment (BA), the National Marine Fisheries Service (NMFS) concurred with the WWNF findings of "not likely to adversely affect" the Snake River spring/summer/fall Chinook salmon and Snake River steelhead because: 1. low, none, or positive risk ratings are given to all habitat indicators except sediment/turbidity/embeddedness, and these indicators have a high short term risk; and 2. the protection measures offered by the FS would minimize potential soil disturbance and sedimentation. In this August 14, 2001 letter and BO, the NMFS BO offered no discretionary or non-discretionary measures.

On June 28, 2001, the U.S. Fish and Wildlife Service (FWS) prepared their Biological Opinion in response to a WWNF May 16, 2001 Biological Assessment. The BA concluded that the project was "not likely to adversely affect" bull trout because: 1. there is no known potential habitat in the project area subwatershed; 2. low risk ratings are given to all habitat indicators except sediment/turbidity and these have a high short-term risk (from proposed road obliteration); and 3. protection measures offered in the BA would minimize potential soil disturbance and sedimentation. The FWS agreed with the FS findings, and offered three discretionary activities to further the purposes of the ESA: 1. update the instream work window, 2. obliterate all roads, not just close the roads, and 3. collect and update pertinent information before proposing a project. Copies of ESA compliance are maintained in KEC's project files.

Requirements associated with Section 106 of the National Historic Preservation Act were addressed in accordance with a 1995 Programmatic Agreement (PA) that was established among the Advisory Council on Historic Preservation, Oregon State Historic Preservation Office, and U.S. Forest Service Region 6 on March 1995. The actions would be on WWNF lands. Under this PA, a standard case-by-case review category was followed that included the following: 1. an inventory revealed no historic properties were eligible for the National Register and the undertaking may proceed (Stipulation III.B.1. of the PA) - signed by Guy Marden, Forest Archaeologist, on March 27, 2002, and 2. another inventory revealed that properties that may be eligible for the National Register were located but avoidance measure will be taken and that the undertaking may proceed (Stipulation III.B.2 of the PA) - signed by Guy Marden, Forest Archaeologist, on May 3, 2002. Copies of the Project Review for Heritage Resources are maintained in KEC's project files. Copies of documentation were forwarded to the SHPO for both 1 and 2 above.

Public scoping was initiated in the July 15, 2000 LaGrande District Schedule of Proposed Actions (SOPA) and has appeared in each quarterly district and Forest wide SOPA since then. The mailing distribution was over 150 individuals, and only three letters of interest were filed on this project. A letter was subsequently mailed on March 16, 2001 to about 80 individuals that described the proposed action and requested that comments and concerns be filed. No responses were received.

A 30-day comment period ended on March 11, 2002 on the draft environmental assessment that was prepared by the WWNF. Notification of this draft was also published in the LaGrande Observer and only one comment letter was received. The response included comments on the new road construction, range of alternatives, water quality and fish habitat, noxious weeds, and ATV and livestock use. The WWNF sent a response back to the commenter. Various additional meetings were held with the agencies and Confederated Tribe of the Umatilla Indians to inform affected parties of the intent by the WWNF.

The FS proposes to comply with the appropriate seven requirements of 36 CFR 219.27(b) regarding vegetation manipulation and meet the conditions of the WWNF's Vegetation Management Final EIS, and associated support documentation. No construction is authorized to begin until the proponent has obtained all applicable local, state, and federal permits and approvals including water rights. Land disturbing activities will comply with appropriate instream work windows, as applicable, and project construction will be consistent with the WWNF Land and Resource Management Plan.

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 that: 1) the proposed actions are substantially consistent with the Watershed Management Program EIS (DOE/EIS-0265) and ROD, and, 2) 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/ Carl Keller 9-20-04

Carl J. Keller

Fish and Wildlife Biologist – KEC-4

CONCUR:

/s/ Thomas McKinney

Thomas C. McKinney

NEPA Compliance Officer – KEC-4

DATE: 9-20-04

cc:

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