



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

September 29, 2014

In reply refer to: BPA-2014-01172-F

Patrick Moberg
Jerry Moberg & Associates
124 3rd Ave. SW
Ephrata, WA 98823

Mr. Moberg:

This is a final response to your request for Bonneville Power Administration (BPA) records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in our office on May 28, 2014, with an acknowledgement letter sent to you on June 12, 2014.

You requested:

"I am requesting copies of all environmental compliance letters issued by Nancy Weintraub in the name of Terraqua, Inc., Mike Ward, Mike Wardski, and Jeremy Moberg between January 1, 2006 and December 31, 2011."

Response:

We conducted a search of the paper and electronic records of the Fish and Wildlife Department. We have located 9 pages of material responsive to your request. We are releasing these records in full.

Appeal:

You may still seek administrative appeal pursuant to Department of Energy FOIA regulations at 10 C.F.R. § 1004.8 if you feel the search was not adequate. If you choose to appeal, you must do so in writing within 30 days, and include the following information:

- (1) The nature of your appeal - denial of records, partial denial of records, adequacy of search, or denial of fee waiver;
- (2) Any legal authorities relied upon to support the appeal; and
- (3) A copy of this determination letter.

Clearly mark both your letter and envelope with the words "FOIA Appeal," and direct it to the following address:

Director, Office of Hearings and Appeals
Department of Energy
1000 Independence Avenue SW
Washington DC 20585-1615

I appreciate the opportunity to assist you. If you have any questions, please contact Colleen Cushnie, FOIA Case Officer (BPA Contractor, ACS) at (503) 230-5986 or via email at cacushnie@bpa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "C.M. Frost". The signature is written in a cursive style and is positioned above the printed name.

C. M. Frost
Freedom of Information/Privacy Act Officer

FORM 1: Habitat Improvement Program Biological Opinion (HIP Opinion) Consistency Form for BPA-funded Fish and Wildlife Habitat Projects

In order to confirm that a project falls within the parameters of the HIP Opinion, the project sponsor will complete Form 1 in electronic form (including drawings and photographs). The project sponsor will submit the form to BPA NEPA/ESA staff for review. The project sponsor may choose to submit hard copies of Form 1, including drawings and photographs, but this will delay the review.

For assistance in completing this form, contact your BPA NEPA/ESA project lead or Nancy Weintraub at nhweintraub@bpa.gov or 503-230-5373. We can provide a custom report specific to your project with the description of the pertinent activities, terms and conditions, and effects to assist in completing this form, OR you can find this information in the HIP Opinion. The HIP Opinion is available on BPA's web site at http://www.efw.bpa.gov/environmental_services/angeredspecies.aspx (see box in upper right corner of page and click on "HIP BiOp").

The BPA NEPA/ESA staff will review the form to determine if the project may be authorized under the HIP Opinion. If the BPA NEPA/ESA staff determines that the proposed project is consistent with the HIP Opinion, BPA staff will document this and place all pertinent forms and documentation in the project file without notification to NOAA Fisheries prior to undertaking the project. Notification will be sent to the project sponsor as part of the NEPA documentation for the project.

To use this form: Provide information for every item by circling, filling in, or attaching info – as appropriate.

Section 1: General Information

Date: 6/21/06

Project Name: Integrated Status and Effectiveness Monitoring

BPA Fish and Wildlife Project Number: 2003-017-00

Project Sponsor (person or entity named on the contract or proposal):

Name: Terraqua, Inc

Address: P.O. Box 85

City: Wauconda

State: WA

Zip: 98859

Telephone: 509-486-2426

Project Sponsor Biologist (or person filling out this form):

Name: Mike Ward

Address: same as above

City:

State:

Zip:

Telephone:

Section 2: Project Specific Description and Information

(For assistance in determining location information, see [NW Subbasin Geographic Data Browser](#) or [Washington Watershed/Water Resource Inventory Area](#))

Project Location (include Vicinity map): For projects with more than one site, pick a representative location but please attach a map and location information for each site.

Section: see attached list and map	Township:	Range:
Latitude: (e.g. 45 36 43)	Longitude: – (e.g. –121 44 04)	
Datum (choose one): <input type="checkbox"/> NAD27 <input type="checkbox"/> NAD83 <input type="checkbox"/> WGS84		
County: Kittitas	Water body: Wenatchee, Entiat	

Tributary to: Columbia River

Watershed/Water Resource Inventory Area (WRIA-Washington State only): 45 and 46

12 digit 6th Field HUC: see list

Is the location within the Columbia River Basin, the action area covered by the HIP Opinion?

YES NO If NO, consult BPA NEPA/ESA staff.

Project Description (include drawings and photographs): Describe the project in narrative form (in the box below or attachment). Include all phases of the proposed project including construction, access (existing or new), staging areas, and maintenance and operation of the project. see attached project description.

Quantify area to be affected by activity: Wenatchee - .5 miles, Entiat 3.3 miles

Approximate project start date: 7/1/06

Approximate project end date: 9/30/06

Site-specific information:

A. River mile(s):

B. Elevation(s):

C. Aspect / Cardinal orientation: NA

D. Principal soils/geological characteristics: NA

E. Principal vegetative cover types: Riparian 100-year flood plain Upland

F. Primary habitat problems to be addressed by the proposed activity and specifically how: The goal of the monitoring is to determine the effectiveness of stream habitat restoration activities and to create a database of baseline conditions.

Is the proposed activity consistent with the description of the habitat improvement activities addressed in the HIP Opinion (check your custom report or the HIP Opinion)? YES NO

• If YES, indicate the category(ies) of action from the HIP Opinion:

1. *General Actions*

Construction, Surveying, Operation, and Maintenance Activities

2. *Planning and Habitat Protection Actions*

Stream Channel, Floodplain, and Uplands Surveys/ Installation of Stream Monitoring Devices

Fee-Title or Easement Acquisition, Cooperative Agreements, and/or Leasing of Land and/or Water

3. *Small Scale Instream Habitat Actions*

Streambank Protection using Bioengineering Methods

Install Habitat-Forming Natural Material Instream Structures (large wood and boulders)

Improve Secondary Channel Habitats

Riparian and Wetland Habitat Creation, Rehabilitation, and Enhancement

Fish Passage Activities

4. *Livestock Impact Reduction*

Construct Fencing for Grazing Control

Install Off-Channel Watering Facilities

Harden Fords for Livestock Crossings of Streams

5. *Control of Soil Erosion from Upland Farming*

Implement Upland Conservation Buffers

Implement Conservation Cropping Systems

Soil Stabilization via Planting and Seeding

Implement Erosion Control Practices

6. *Irrigation and water delivery/ management actions*

- Convert Delivery System to Drip or Sprinkler Irrigation
- Convert Water Conveyance from Open Ditch to Pipeline or Line Leaking Ditches and Canals
- Convert from Instream Diversions to Groundwater Wells for Primary Water Source
- Install New or Upgrade/Maintain Existing Fish Screens
- Remove, Consolidate, or Improve Irrigation Diversion Dams
- Install or Replace Return Flow Cooling Systems

7. *Native Plant Community Protection and Establishment*

- Vegetation Planting
- Vegetation Management by Physical Control
- Vegetation Management by Herbicide Use

8. *Road Actions*

- Road Maintenance
- Bridge, Culvert, and Ford Maintenance, Removal or Replacement
- Road Decommissioning

9. *Special Actions*

- Install/Develop Wildlife Structures

- If NO, notify BPA NEPA/ESA staff to initiate informal coordination with NOAA Fisheries staff for minor deviations¹. To qualify, the deviation must be minor and the effects of the deviation must be addressed in the HIP Opinion. Assist BPA NEPA/ESA staff with completing Form 2: "Request for Approval of Minor Deviation From the Categories of Habitat Improvement Activities or Terms and Conditions in the Habitat Improvement Program Biological Opinion".

If approval is obtained, include a copy of Form 2, and letter or e-mail from NOAA Fisheries staff documenting their approval when submitting Form 1. If approval is not obtained, you and the BPA staff must initiate the appropriate level of consultation through the normal Section 7 process for this activity.

Section 3: List of Threatened, Endangered, and Proposed Species and their designated critical habitats in the project vicinity (use GIS database, NOAA Fisheries web site, or attach listed species list from NOAA Fisheries)

Endangered species: Upper Columbia River Spring-run Chinook salmon; Upper Columbia River steelhead

Threatened species: none

Designated critical habitat: under review for both species above

Note: If there are proposed species or proposed critical habitat present, notify BPA NEPA/ESA staff.

Are there listed species or critical habitats present or likely to be affected in the action area for this proposed activity? YES NO

- If NO, explain here, then stop and do not fill out the rest of the form. Submit form to BPA NEPA/ESA staff for review and approval.
- If YES, continue filling out this form.

Section 4: Effect Determination

Describe the effects of the proposed activities on the listed species and/or critical habitat present in the action area (see the HIP custom report for a summary of effects; you may use this but also insert any information pertinent to this particular project): The following potential effects to listed species and their habitats are associated with stream channel, floodplain, and upland surveys and

¹ Definition of *minor* deviation: One for which NOAA Fisheries may approve, in writing, the use of an alternative practice. These will be specifically identified in the terms and conditions of the HIP Biological Opinion.

installation of stream monitoring devices - disturbance to fish, erosion and sedimentation, compaction and disturbance of streambed sediments. These impacts will be minimized through following the terms and conditions for this activity.

There is also the potential for trampling a negligible amount of vegetation during upland and floodplain surveys, but the vegetation would be expected to recover.

Are all the direct and indirect effects of the proposed activity and its interrelated and interdependent activities on the species and/or critical habitat within the range of effects considered in the HIP Opinion (check your custom report or the HIP Opinion)? YES NO

- If NO, explain here, then stop and do not fill out the rest of the form.
Submit form to BPA NEPA/ESA staff for review and approval.
- If YES, continue filling out this form.

Section 5: Terms and Conditions

List Terms and Conditions from the attached custom report that you believe *do not apply* to this project (or clearly indicate on the custom report): 7. Excavated material from cultural resource test pits will be placed away from stream channels. All material will be replaced back into test pits when testing is completed. [no cultural resource testing will occur]

Can the project be implemented according to all Terms and Conditions of the HIP Opinion *that apply*? YES NO

If NO, list which applicable Terms and Conditions that cannot be met:

- If NO, notify BPA NEPA/ESA staff to determine if your project qualifies for informal coordination with NOAA Fisheries staff for minor deviations². To qualify, the deviation must be minor and the effects of the deviation must be addressed in the HIP Opinion. Assist BPA NEPA/ESA staff with completing Form 2: "Request for Approval of Minor Deviation From the Categories of Habitat Improvement Activities or Terms and Conditions in the Habitat Improvement Program Biological Opinion".

If approval is obtained, include copy of Form 2, and letter or e-mail from NOAA Fisheries staff documenting their approval when submitting Form 1. If approval is not obtained, you must inform BPA staff to initiate the appropriate level of consultation through the normal Section 7 process for this activity.

Notes:

*Baseline information should be collected for all projects that will require an Implementation Monitoring Report and/or a Site Rehabilitation Plan (see below).

Section 5a: Interactive Design Review

Projects that include one or more of the following activities must be designed in accordance with the latest NOAA Fisheries Guidelines and Criteria and will require review by NOAA Fisheries Engineering Staff:

- Improve Secondary Channel Habitats;
- Riparian and Wetland Habitat Creation;
- Rehabilitation and Enhancement;
- Fish Passage Activities;
- Install New or Upgrade/Maintain Existing Fish Screens;
- Remove, Consolidate or Improve Irrigation Diversion Dams; or

² Definition of *minor* deviation: One for which NOAA Fisheries may approve, in writing, the use of an alternative practice. These will be specifically identified in the terms and conditions of the HIP Biological Opinion.

- Bridge, Culvert and Ford Maintenance, Removal or Replacement.

If your project includes one or more of these activities, please complete Section 5a; if not, continue with Section 6.

Conceptual design must be discussed with NOAA Fisheries Engineering Staff; this can occur via phone or email (Keith Kirkendall is the primary contact and can be reached at 503-230-5431 or Keith.Kirkendall@noaa.gov). Contact made on: n/a

For projects that involve screen, barrier or fish ladder design, or for projects where NOAA has requested further review during the initial conceptual design contact, continue to work interactively with the NOAA Engineer on preliminary and final design. Identify the NOAA Engineer you are working with if applicable:

Project must be designed in accordance with latest version of "Anadromous Salmonid Passage Facility Guidelines and Criteria" NOAA 2004.

Can your project meet all applicable Guidelines? YES NO

- If NO, explain here and discuss with NOAA Engineer; continue filling out Section 5a:
- If YES, continue filling out Section 5a.

Can your project meet all applicable Criteria? YES NO

- If NO, explain here and discuss with NOAA Engineer; continue with Section 6. Written approval from NOAA Engineer for a waiver from the Criteria must accompany the HIP BO Consistency Form:
- If YES, continue with Section 6.

Section 6: Site Rehabilitation Plan

Does the project include a significant construction component that will require a site rehabilitation plan (significant construction component is a component of a project that results in construction effects that can be meaningfully measured, detected, or evaluated)? YES NO

- If YES, contact BPA NEPA/ESA staff for additional guidance (a suggested format and examples are available). Submit a copy of your site rehabilitation plan along with Form 1. Include a discussion of the following as outlined in the terms and conditions of the Opinion:
 - Baseline information
 - Goals and objectives
 - Performance standards
 - Work plan
 - Monitoring and maintenance plan

Note: Site rehabilitation activities may require the use of herbicides; if so please contact BPA NEPA/ESA staff for guidance.

Section 7: Operation and Maintenance Plan

Does the project include structures that will have a high probability for requiring future instream maintenance, or have required previous maintenance? YES NO

- If YES, attach an operation and maintenance plan. Include a discussion of the following:
 - State what activities that might affect listed fish are proposed or anticipated.
 - Explain the cause of the need for maintenance (i.e., is it due to a one-time event, or is this an ongoing issue that needs to be addressed in a comprehensive manner?).
 - Evaluate the need for future maintenance.

- Explain the timing of the activities.
- Who will be responsible for conducting the operations and maintenance?
- What is the source of the funding for the operations and maintenance?
- Explain the anticipated impacts to listed fish from the activities and how these effects will be minimized.
- Are these activities and effects addressed in the Habitat Improvement Program Biological Opinion? If not, individual consultation may be necessary, and you must inform BPA staff to initiate the appropriate level of consultation through the normal Section 7 process for this activity.

Section 8: Compensatory Mitigation Plan

Does the project include one or more of the following activities that require a compensatory mitigation plan to offset long-term adverse effects³? YES NO

1. Riparian and aquatic habitat displaced by construction of structural stormwater facilities, or scour protection (e.g., a footing facing, head wall, or other protection necessary to prevent scouring or downcutting of a culvert or bridge support).
 2. Other activities that prevent the development of properly functioning conditions through natural habitat processes.
- If YES, attach a compensatory mitigation plan. Include all pertinent elements of a site rehabilitation plan, as described in the HIP Opinion, plus the following elements:
 - Consideration of the following factors during mitigation site selection and plan development:
 - Watershed considerations related to specific aquatic resource needs of the affected area.
 - Existing technology and logistical concerns.
 - A description of the legal means for protecting mitigation areas and a copy of any legal instrument relied on to secure that protection.

Section 9: BPA NEPA/ESA staff review

I have reviewed this project and determined that it meets all requirements of the HIP Opinion.

Name: Nancy H. Weintraub
BPA NEPA/ESA staff

Signature: _____

Date: 6/26/2006

³ Long-term adverse effects are unavoidable net effects such as those resulting from replacing a culvert with a bridge. While the bridge will have a positive effect on the overall properly functioning stream condition, the bridge will add impervious surfaces adjacent to the stream, which can result in permanent conditions of increased runoff and reduced site permeability and infiltration (other examples include installation of structural stormwater facilities or scour protection). This conservation measure will ensure that such long-term adverse effects causing unavoidable permanent loss will be offset by compensatory mitigation such as planting additional riparian trees and shrubs or restoration of near shore habitats.



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

ENVIRONMENT, FISH AND WILDLIFE

June 27, 2006

In reply refer to: KEC-4

Mr. Mike Ward
Terraqua, Inc.
P.O. Box 85
Wauconda, WA 98859

**Re: HIP BO Authorization for Integrated Status and Effectiveness Monitoring Program
– Wenatchee and Entiat Sampling for 2006**

Dear Mr. Ward,

This letter documents your authorization from the Bonneville Power Administration (BPA) for activities to be conducted under the Endangered Species Act Section 7 Consultation Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for BPA's Habitat Improvement Program (HIP BO). We have determined that, if conducted in accordance with the applicable terms and conditions identified in the attached HIP BO Consistency Form, the Integrated Status and Effectiveness Monitoring Program – Wenatchee and Entiat Sampling for 2006 meets the requirements of the HIP BO and no further consultation is required for listed anadromous fish species under the Endangered Species Act.

Please note that the HIP BO only covers anadromous fish species under the jurisdiction of the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries). Actions associated with your project that may affect listed aquatic, terrestrial, or plant species or their habitat are covered under a consultation between U.S. Fish and Wildlife Service and the U.S. Forest Service (per Mark Miller, USFWS).

It is very important that you read, understand, and implement the applicable terms and conditions from the HIP BO. If you have any questions about them, please contact me at 503-230-5373 or nhweintraub@bpa.gov.

Modifications to an approved activity, including but not limited to, changes requiring modifications of permits or alterations to the scope, design or intent of the project must be reviewed and approved by BPA. In addition, if during project implementation, conditions change such that you will not be able to fulfill one or more of the requirements of the HIP BO, please contact me as soon as possible, so that we can consult with NOAA Fisheries on a course of action.

Thank you for your cooperation in this process, and please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

/s/ Nancy Weintraub 6-27-06

Nancy H. Weintraub

Environmental Protection Specialist – KEC-4

Attachments:

Approved HIP BO Consistency Form with Terms and Conditions Custom Report

bcc: (w/ enclosures)
G. McClintock – KEWU-4
Official File - KEC (EQ-21&23/HIP BO Forms)

nhweintraub:nhw:5373:6/26/2006 (BUD-KEC-4-W:\KEC\HIP BO\HIP BO Completed Forms\Wenatchee&Entiat
Monitoring\HIP Approval Letter Wenatchee and Entiat Monitoring 2006 2007.doc)