

# memorandum

DATE: June 15, 2000

REPLY TO  
ATTN OF: KECN-4

SUBJECT: Supplement Analysis for the Nez Perce Tribal Hatchery Program, (DOE/EIS-0213-SA-01)

TO: Ken Kirkman  
Project Manager – KEWN-4

**Proposed Action:** Nez Perce Tribal Hatchery Project – Modifications to Original Proposal

**PL-6:** F3061

**Location:** Nez Perce, Clearwater, and Idaho counties, Idaho

**Proposed by:** Bonneville Power Administration (BPA) and the Nez Perce Tribe (NPT).

**Introduction:** The Bonneville Power Administration, in its October 8, 1997 Record of Decision (ROD) on the Nez Perce Tribal Hatchery Program, decided to fund the construction and operation of the program. The Nez Perce Tribal Hatchery program is a supplementation program to rear and release spring and fall chinook (*Oncorhynchus tshawytscha*) to reproduce in the Clearwater River Subbasin in Idaho. BPA analyzed the environmental impacts of the program in the Clearwater River Subbasin in an Environmental Impact Statement (EIS) completed in July 1997 (USDOE/BPA 1997). Subsequent to this, the program has undergone a detailed final design phase, and has been reviewed by the Northwest Power Planning Council and its Independent Scientific Review Panel. Changes have been made to the program to respond to recommendations from the Northwest Power Planning Council and the Independent Scientific Review Panel, to better accommodate the needs of the fish, and to accommodate the strengths or limitations of some physical sites. These changes are detailed in the attached report entitled, "Supplement Analysis for the Nez Perce Tribal Hatchery Program Final Environmental Impact Statement." The purpose of this Supplement Analysis (SA) is to determine if a Supplemental EIS is needed to analyze the environmental impacts of the proposed changes to the program since the Final EIS and ROD were completed.

**Description of Action and Analysis:** The proposed changes to the program and an analysis of their environmental impacts are described in the attached SA report.

**Findings:** As documented in this SA, the potential impacts from the proposed changes to the Nez Perce Tribal Hatchery Program are not substantially different from those discussed in the Nez Perce Tribal Hatchery Program EIS (DOE/EIS-0213), ROD, and related biological assessments and biological opinions. No increased level of impact would occur relative to the impacts discussed in the original EIS and ROD in connection with these activities. There are no new circumstances or information relevant to environmental concerns and bearing on the proposed actions or their impacts. Therefore, a supplement to the Nez Perce Tribal Hatchery Program EIS is not needed.

s/s Nancy H. Weintraub

Nancy H. Weintraub

Environmental Project Lead – KECN

CONCUR: s/s James M. Kehoe for

Thomas C. McKinney

NEPA Compliance Officer

DATE: 6/15/00

Documentation on file and pending:

Bonneville Power Administration and Nez Perce Tribe. 2000. Biological Assessment for the Proposed Nez Perce Tribal Hatchery. March 2000.

National Marine Fisheries Service. 1999. Biological Opinion on Artificial Propagation in the Columbia River Basin. National Marine Fisheries Service, Northwest Region, Portland, OR.

United States Department of Energy, Bonneville Power Administration (USDOE/BPA). 1997. Nez Perce Tribal Hatchery Program Final Environmental Impact Statement. DOE/EIS-0213. Portland, OR. July, 1997.

United States Department of the Interior, Fish and Wildlife Service. 2000. Biological Opinion on the Nez Perce Tribal Fish Hatchery. U.S. Fish and Wildlife Service, Boise Field Office, Boise, ID. June, 2000.  
**Pending**

Attachment:

Supplement Analysis Report for the Nez Perce Tribal Hatchery Program Final Environmental Impact Statement

Supplement Analysis  
For the  
Nez Perce Tribal Hatchery Program  
Final Environmental Impact Statement

Bonneville Power Administration  
June 2000

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## Introduction

In July 1997, Bonneville Power Administration (BPA) completed a Final Environmental Impact Statement (FEIS) on the Nez Perce Tribal Hatchery Program (NPTH). The EIS focused on the impacts of construction, operation and maintenance of anadromous fish production facilities for the NPTH.

Since the completion of the Final EIS in July 1997, and the Record of Decision in October 1997, some changes have occurred in the project proposal. In accordance with the procedural requirements of the National Environmental Policy Act (NEPA), BPA shall prepare a supplemental EIS if there are substantial changes to the proposal or significant new circumstances or information relevant to environmental concerns. Pursuant to 10 C.F.R §1021.314(c) and 40 C.F.R. §1502.9(c)(1), this Supplement Analysis has been prepared to determine if a supplemental EIS is required for the proposed project.

In accordance with Section 7 of the Endangered Species Act of 1973, as amended, BPA has submitted an updated Biological Assessment (BA), which addresses the effects of proposed NPTH construction and operations on listed threatened and endangered species, to the U.S. Fish and Wildlife Service (USFWS). A Biological Opinion is pending. The National Marine Fisheries Service (NMFS) issued a Biological Opinion covering NPTH effects on threatened and endangered anadromous fish species issues in 1997 (NMFS 1997) and updated it in 1999 (NMFS 1999).

## Description of the Proposed Action

BPA, in cooperation with the Bureau of Indian Affairs and the Nez Perce Tribe (NPT), proposes to fund the construction and operation of the NPTH. The NPTH is a supplementation program to rear and release spring and fall chinook (*Oncorhynchus tshawytscha*) to reproduce in the Clearwater River Subbasin in Idaho (see Figure 1).

This action responds to measure 7.4M of the Northwest Power Planning Council's (NPPC) Columbia River Basin Fish and Wildlife Program (NPPC 1994), which calls for BPA to fund the construction, operation and maintenance of NPTH.

The NPT proposes techniques that would rear fish to be biologically similar to wild fish and would integrate hatchery-produced salmon into the stream and river environments needed to complete their life cycle. The NPTH maximum production goals for the project are 768,000 spring chinook and 2,800,000 fall chinook. Production would be carried out in two stages. In the first stage, the program would include:

- One central incubation and rearing facility, Tribal Allotment 1705;
- One early rearing and adult holding facility: Sweetwater Springs;
- Five satellite facilities: Yoosa/Camp Creek, Newsome Creek, Cedar Flats, Luke's Gulch and North Lapwai Valley; and
- Six weir sites: Newsome Creek, Meadow Creek, Lolo Creek, Eldorado Creek, American River and Lapwai Creek.

Construction of Stage I facilities is proposed to begin in summer 2000 and would occur over a multi-year time span, with initial construction focusing on the Tribal

Allotment 1705 Central Incubation and Rearing Facility, the Sweetwater Springs facility, and the Yoosa/Camp Creek, Cedar Flats, and Newsome Creek satellite facilities. Rearing of juvenile fall and spring chinook would begin in 2001.

Stage II would meet the full production levels for the program, but would be initiated only after evaluating the success of the first stage. The results of the program would be evaluated based on an extensive Monitoring and Evaluation Plan developed for the program. Overall success of the program would be measured by adult returns.

## New Information or Changes Since BPA's Final EIS

### General

Changes made to the proposed program, such as moving fish production to different sites, have been made to better accommodate the needs of the fish, and to accommodate the strengths or limitations of physical sites. In addition, in late 1999, the NPPC called for significant revisions in the size and scope of NPTH (from that described in the FEIS) in response to cost estimates developed during the final design. As a consequence, the NPTH program was divided into two stages, and funding, construction and implementation of the second stage was to be dependent upon success of the results demonstrated in the first stage. At present, no timeline for expansion of NPTH into the second stage of its implementation has been determined. Overall changes in the program affect fish production, facility infrastructure and monitoring and evaluation plans. Total production numbers for the full program have not changed.

### Fish Production Changes

Total fish production has not changed from the numbers proposed in the FEIS. Timing for production and some production sites have changed (see site changes below). In general, production is now proposed on a staged approach, with fewer fish to be produced in the near term. Additional production would be based on program success. Some production facilities would not be built until the program demonstrates success. In the near term, production changes would include the following:

- Reduction of spring chinook production from 768,000 to 626,000 fish (by postponing the Mill Creek satellite and production for the Boulder Creek and Warm Springs Creek direct release areas);
- Production of early run fall chinook at Cedar Flats and Luke's Gulch satellites was halved from 800,000 to 400,000 fish;
- Production of normal run fall chinook at the Cherrylane (now Tribal Allotment 1705) site was reduced from 1,500,000 to 1,000,000 fish.

## Site Changes

### *Tribal Allotment 1705 Central Incubation and Rearing Facility*

The site for one of the proposed central incubation and rearing facilities has been moved from the originally-proposed Cherrylane site on the Kerby Farm, to a site approximately one mile upstream and on the opposite side of the Clearwater River. The new site, located on Tribal lands identified as Tribal Allotment 1705, is similar in nature to the original site. It has developed farmland currently used for cropland and pasture. A secondary road and railroad separate most of the parcel from the river.

### *Sweetwater Springs Early Rearing and Holding Facility*

Sweetwater Springs was originally proposed to be a second central incubation and rearing facility. As the final design process moved forward, original plans for the Sweetwater Springs site proved too expensive. Sweetwater Springs would be used as an early rearing and holding facility only. Incubation originally planned for Sweetwater Springs would now occur at Tribal Allotment 1705.

### *Luke's Gulch Satellite Facility*

Initially, facilities at Luke's Gulch would be temporary aboveground tanks instead of permanent ponds. Adult holding would not take place on-site until Stage II. During Stage I, trapped adults would be transported to Sweetwater Springs for holding. A wetland described in the FEIS has been determined to not be a wetland. The proposed road access has been changed so that the road is shorter, with a gentler grade.

### *Cedar Flats Satellite Facility*

Initially, facilities at Cedar Flats would be temporary aboveground tanks instead of permanent ponds. Adult holding would not take place on-site until Stage II. During Stage I, trapped adults would be transported to Sweetwater Springs for holding. The design for the water intake for the facility has been changed to a submerged water intake to lessen the impacts of the intake.

### *Yoosa/Camp Creek Satellite Facility*

There were no major changes at this site. Facilities would be flagged in winter to avoid conflicts with people on snowmobiles. The amount of wetland impacted by ponds at this site has been reduced from 1.5-2 acres to 0.1 acre, and the U.S. Corps of Engineers has approved a 404 permit for the site.

### *Newsome Creek Satellite Facility*

An existing mining claim is located at the site. The NPT is working with the owner of the mining claim to ensure that the operation of the hatchery facilities would not impact mining operations.

### *Mill Creek Satellite Facility*

After a Forest-sensitive plant (*Carex hendersonii*) was found on the original Mill Creek site, a new site along Mill Creek was identified. The new Mill Creek site is about 1 mile downstream of the original site. The site is a fill site currently used as a wide turnout along Mill Creek Road. There are a few trees on the site; no trees would be removed. Production would not take place at the new Mill Creek site until Stage II of the program, that is, after the success of the program warrants expansion. Adults collected at Mill Creek would be held at the Newsome Creek site.

### *Meadow Creek Weir Site*

Meadow Creek was identified in the FEIS as a site for a weir to collect returning adult salmon. Initial plans were for a temporary, picket-style weir. During the final design process for the project, a new design for a permanent weir was developed to respond to new information about the hydrology of the creek and the size of debris flows in the creek during some months. After reviewing the design and considering the impacts to the creek, the NPT decided to forgo this design and use tribal fishers to capture adult fish.

Beginning in 2001, tribal fishers would be used to monitor adult passage and to secure spring chinook broodstock from Meadow Creek. Dip nets, scaffold, platform and other temporary live trapping techniques traditionally used by the Nez Perce would be used to monitor the run and fish for broodstock. In times following the peak run-off, a portable weir may also be used to provide adult collection.

Tribal fishers would capture spring chinook adults from May 1 through July 15 each year.

## Monitoring and Evaluation Changes

Development and adoption of a Monitoring and Evaluation (M&E) Action Plan (Hesse and Cramer, 2000) for NPTH resulted in the elimination of the paired “Treatment and Control” stream design proposed in the FEIS and the original M&E Plan (Steward 1996).

The new M&E plan requires that only five weirs (rather than 11) would be used to monitor adult returns. One weir site, at American River on the South Fork Clearwater, was added, and the Ten Mile, Johns Creek, and Mill Creek sites on the South Fork Clearwater and the Brushy Fork, Fish Creek, Boulder Creek and Warm Springs Creek weir sites on the Lochsa River were dropped and would not be used.

# Environmental Considerations

## General Considerations

Although these program changes for Stage I are considerable, they would result in an action that is less in magnitude (in construction and fish production) than the action described in the FEIS.

The site changes and construction plans would not cause environmental impacts beyond those analyzed in the FEIS. Further analysis conducted since the FEIS (such as cultural resources surveys) have not found any resources outside the bounds of coverage in the FEIS.

Mitigation planned in the FEIS has been included in the design of facilities and would be included in construction specifications. Mitigation measures that could be accomplished before actual construction, that is, included in the design, have been done.

## Resource-Specific Considerations

### *Land Use*

The Tribal Allotment 1705 site is a 35.5 acre (30.8 acres excluding the railroad right-of-way and county roads) parcel on the north side of the Clearwater River 21 miles east of Lewiston, Idaho. The site is developed agricultural land presently used for cropland and pasture. The site is within a 93 acre Tribal Allotment and is currently leased out for cropland (primarily wheat production). The land is bisected by the Hubbard Gulch Road, Cherrylane Road and Camas Prairie Railroad. The Cherrylane Road and railroad separate most of the proposed hatchery site from the Clearwater River. Moving from the original Cherrylane site to Tribal Allotment 1705 removes the impacts to State Highway 12, which is adjacent to the Cherrylane site.

The original Mill Creek site was on forestland and would have required removing many trees. The new site, which is on fill material and would not be developed until Stage II, is a wide turnout within 0.5 mile of the original site on Mill Creek Road.

BPA has acquired an option to purchase additional property adjacent to the Luke's Gulch site to provide the amount of land needed for facilities.

### *Recreation*

**Wild and Scenic Rivers System** – Meadow Creek was determined to be eligible for future Wild and Scenic designation through the Nez Perce Forest Plan in 1987 (U.S. Forest Service, 1987). The area where adult salmon would be collected is determined to be eligible for designation as a recreation river. Fisheries and cultural resources are two

of the outstanding remarkable values listed for inclusion in the “recreation” designation. The use of a temporary weir in Meadow Creek was described in the FEIS. The proposal to use tribal fishers using traditional methods to capture adult salmon would not create permanent impacts to Meadow Creek and would enhance fisheries and cultural resources.

The Cedar Flats site is within the administrative area of the Fenn Ranger Station within the Nez Perce National Forest. It is along the section of the Selway River classified as “recreation” in the Wild and Scenic Rivers System. The site has existing structures. The temporary tanks used at this site will be dark brown and the aboveground pipeline will be black to reduce visual impacts. The facility will enhance some of the outstanding remarkable values for which the river was designated, specifically fisheries, historic and cultural values (U.S. Forest Service, 2000).

The U.S. Forest Service has completed an evaluation of the proposed facility at Cedar Flats (U.S. Forest Service, 2000). This evaluation was submitted to the Forest Service’s Regional Forester, who on May 30, 2000 stated "It is our determination that permitting the proposed construction and operation of the satellite facility at Cedar Flats, as proposed in the analysis, is consistent with Section 7 of the Wild and Scenic Rivers Act, Congressional direction and Forest Service policy designed to implement Section 7 of the Act."

**Other Recreation Issues** - At the Yoosa/Camp Creek site, facilities would be flagged in winter to avoid conflicts with people on snowmobiles.

### *Cultural Resources*

The Nez Perce Tribe has completed additional cultural resources surveys since the release of the FEIS, and no new cultural resources were found. All needed surveys have been completed, and the State Historic Preservation Office has been consulted. Construction will not begin until concurrence is received from the State Historic Preservation Office. Sites where the potential exists for subsurface resources to be found would be monitored during construction.

Project sites are on land owned by or leased to BPA, tribal lands under the jurisdiction of the Nez Perce Tribe, and land managed by the U.S. Forest Service. Each management entity will be responsible for meeting state, federal and tribal law regarding cultural resources on their respective sites.

### *Geology and Soils*

Impacts expected have not changed since the FEIS. These specific measures would be used to prevent erosion.

During the construction period, silt fences would be installed and maintained between all areas of ground disturbance and the river or creek, including areas of site clearing and timber falling. Facility designs contain erosion control measures where needed. Facility plans have been designed to minimize tree removal. All materials from site clearing and timber falling would be removed from the site, or disposed of in

appropriate upland sites unless the land manager requests that large woody debris be left on site. Temporary haul roads would be obliterated and reseeded at the end of construction. Necessary access roads would be graveled.

### *Water Resources*

All in-stream work would be conducted between July 1 to August 15 as recommended by the Idaho Department of Fish and Game. During in-stream work, temporary water diversions may be necessary at some sites to route water around the work area. This would allow a dry work area that would limit sediment from entering the stream. Applications for applicable permits for in-stream work have been submitted to the appropriate agencies; work would comply with the conditions of the permits.

### *Fish and Wildlife*

In-stream work would be conducted between July 1 to August 15 as recommended by the Idaho Department of Fish and Game. Any stream crossings would be restricted to between July 1 to August 15, when general impacts to fish would be minimized.

Impacts to fish have not changed from the EIS except that the program would be implemented in stages, with fewer fish released in the near term. Because the full production level for the program would now be spread over a longer timeframe, benefits and risks to fish outlined in the FEIS would also be spread over more years.

In-stream structures such as weirs and water intakes have been designed to allow fish passage. Concrete sills in streambeds needed to support weirs would be sloped to concentrate low-flow stream conditions to one side of the channel, assuring adequate water depth for fish passage over the structures. Concrete pours would be done in the dry and allowed to cure before contact with streamflow. Clearing trees for facilities would remove some shade and large woody debris, but tree removal has been minimized and site areas are small. Large woody debris could be left on-site if requested by the land manager or other agency with jurisdiction.

### *Threatened and Endangered Species Listings*

A complete description of the present or absence of listed species and their habitats is in the updated Biological Assessment. This is a summary of new information developed since the FEIS.

**Bald Eagle** - The USFWS has proposed that the bald eagle be removed from the list of threatened and endangered species in the lower 48 states. The decision to remove the bald eagle has not yet been made. All facilities have been designed assuming that the bald eagle is listed and protected.

There are no known nesting sites in the Clearwater River Subbasin. None of the facilities are located in a known roost area; however, the Tribal Allotment 1705 site is adjacent to the eastern half of Fir Island, which is a known roost site. Any construction

disturbance would be mainly during the off season for eagle use and would be of relatively short duration. Activities at the hatchery program site should not cause any disturbance on Fir Island. Eagles may be attracted by open ponds of fish. Netting would be used as necessary to restrict access to the ponds by avian predators. No direct mortality is expected to occur to bald eagles due to the implementation of the NPTH. If the program is successful, it will increase one of the bald eagle's prey.

**Grey Wolf** - Wolves are relatively secretive animals and would be unlikely to develop a den or rendezvous sites near program activity areas. No direct mortality is expected to occur to gray wolves due to the implementation of the NPTH.

**Grizzly Bear** – There are no populations of grizzly bears present near any of the sites, and the proposed action would not affect the proposed recovery of grizzly bears.

**Lynx** – The Canada lynx is now listed as threatened. Lynx have not been reported in the area. The noise of the helicopter used for outplanting fish and redd counts in the Lochsa River tributaries could disturb lynx and its prey for a short time. Although the activities may affect the behavior of individual animals for a short time, the magnitude of this effect is not likely to be significant enough to affect the persistence of lynx in the Clearwater watershed.

**Bull Trout** - Bull trout are now listed as threatened. Nothing has changed in respect to the predicted effects resulting from the proposed activities. Nevertheless, in light of the change of the status of bull trout from “proposed” to “listed threatened,” and because there is potential for the project to cause detectable insignificant effects to bull trout, BPA has determined that actions may affect and are likely to adversely affect bull trout. A biological assessment and determination have been submitted to the US Fish and Wildlife Service to initiate formal consultation on the bull trout.

## *Vegetation*

Tree clearing will be limited to the immediate areas required for facility construction.

Moving the Mill Creek site to a new location would remove fewer trees than at the original site. At Tribal Allotment 1705 the riparian area is drier than the Cherrylane site and is not well vegetated. A few scattered conifers are located on the eastern portion of the allotment, but most of the riparian area is used for pasture. The site is adjacent to the eastern end of Fir Island, the largest island in the Clearwater River area. No trees would be removed on the island.

## *Threatened and Sensitive Plants*

There are no threatened or sensitive plants on the proposed sites (Lake 2000, Warofka 2000, Kelleher 2000, Hayes 2000).

**Water Howellia** - Water howellia is not known to exist at any of the proposed sites. There are no oxbows, glacial ponds or sloughs that would be disturbed by the proposed action. The Yoosa/Camp satellite site is not in an oxbow or a slough, but it is characterized as an undisturbed, forested jurisdictional wetland. However, the U.S.

Forest Service botanist states there is no possibility of water howellia being present at this site (Hayes 2000).

**Ute Ladies'-Tresses** - Ute's Ladies'-tresses is not known to exist at any of the project sites. No potential habitat for Ute Ladies'-tresses occurs at any of the project sites (Kelleher, February 29, 2000).

**Spaulding's catchfly** – *Silene spaldingii* is now proposed for threatened status. There is no suitable habitat for the plant at any of the proposed sites (Warofka 2000, Hayes 2000).

### *Noxious Weeds*

Noxious weeds are plant species designated by federal or state law. Areas disturbed by construction often become infested with undesirable or non-native plant species. These species take advantage of disturbed soils and the lack of competing vegetation in areas already cleared. Construction would disrupt vegetation and disturb soils, encouraging invasion of noxious weeds. Vehicles and other equipment can transport seeds from infested areas. BPA would complete a pre-construction weed inventory at sites planned for Stage I construction. The inventory will establish the need for a weed control plan. A post-construction inventory would be conducted the second year after construction to determine if noxious weeds have invaded areas disturbed by construction. BPA would assist and cooperate with the USFS, landowners, and local weed control boards to develop the appropriate methods for treating existing weed populations before construction. All earthmoving equipment from outside the local area would be washed prior to entering project sites. Earth materials brought from other sites would be free of weed seed. Seed applied after construction would be certified as noxious-weed free. Any mulch used to prevent erosion would be certified weed free.

### *Wetlands*

The amount of impacted wetland at Yoosa/Camp Creek was reduced from 1.5-2 acres to 0.1 acre. Avoiding the wetland entirely would have required construction of a long discharge corridor and removing trees, which would have created increased impacts. The design of the release channel and acclimation pond includes a natural appearance and will maintain a static water level that would not impact wetland function.

## Conclusion

The proposed NPTH project changes described in this document do not differ substantially from the original proposal analyzed in the Final EIS, nor are any of the proposed changes and their corresponding environmental effects considered new information or circumstances relevant to environmental concerns. Because of this, preparation of a supplemental EIS is not required.

## References

Bonneville Power Administration, U.S. Department of Interior, Bureau of Indian Affairs and Nez Perce Tribe). 1997. Final Environmental Impact Statement Nez Perce Tribal Hatchery Program and Record of Decision.

Bonneville Power Administration. April 2000. Biological Assessment for the Proposed Nez Perce Tribal Hatchery.

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NMFS. 1999. Biological Opinion on Artificial Propagation in the Columbia River Basin: incidental take of listed salmon and steelhead from federal and non-federal hatchery programs that collect, rear and release unlisted fish species. NOAA/NMFS Northwest Region, Seattle, Washington. March 1999 175 p.

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U.S. Forest Service. 1998. Memorandum to District Ranger, Files. Biological Assessment - Shoot Creek EA. August 13, 1998. USDA Forest Service. Clearwater National Forest. Powell Ranger District, Lolo, Montana.

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Warofka, John. February 14, 2000. Nez Perce National Forest Biological Assessment/Evaluation for Threatened and Sensitive Plant Species. Cedar Flats Satellite Facility and Meadow Creek Weir Site. U. S. Forest Service, Moose Creek Ranger District.