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United States Government **Department of Energy**

Bonneville Power Administration

memorandum

DATE: September 22, 2006

REPLY TO ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-284)

TO: Cecilia Brown - KEWL-4
Fish and Wildlife Project Manager

Proposed Action: Fulton Diversion Dam Fish Passage Project - Phase II

Project No: 2005-007-00

Watershed Management Techniques or Actions Addressed Under This Supplement Analysis (See Appendix A of the Watershed Management Program EIS): 1.8 Bank Protection Through Vegetation Management; 1.16 Spawning Habitat Enhancements; 2.1 Maintain Healthy Riparian Plant Communities; 2.7 Avoid Exotic Species; 2.9 Mechanical Vegetation Removal; 3.37 Spill Contingency Planning; 4.1 Irrigation Water Management; 4.10 Water Conveyance: Pipeline; 4.22 Avoid Excess Irrigation Flows; 7.2 Install Hydraulic Structures at Low Streamflows; 7.10 Erosion Control and Revegetation at Project Completion; 8.11 Equipment Servicing; 8.22 Site Protection; 8.23 Monitor Revegetated Areas; 9.22 Construction: Erosion and Sediment Control Plans; 9.23 Construction: Erosion and Sediment Control Structures; 9.24 Construction: Inspect Erosion and Sediment Control Structures

Location: The Fulton Diversion Dam is located at river mile 0.9 of the Chewuch River, tributary stream of the Methow River, Okanogan County, Washington.

Proposed by: The Bonneville Power Administration (BPA) and US Bureau of Reclamation.

Description of the Proposed Action: Fulton Diversion Dam, located at Chewuch River mile 0.9, is constructed of large angular boulders that often are swept downstream by high river flow velocities. At least every other year, Fulton Ditch Company must bring heavy equipment into the Chewuch River to repair the dam. An accumulation of silt deposits behind the dam has the potential to reduce late-season surface river flow and could inhibit ESA-listed threatened and endangered fish passage at the site. A DeNiel-type, concrete fish ladder on the river east bank is deteriorating, does not function to current standards, and is no longer used. Portions of the concrete ladder are higher than the top elevation designed for the new roughened channel. The Fulton Ditch headwall overtops routinely by greater than average spring time flows of about 3,000 to 4,000 cfs, causing ditch bank stability issues. Adult fish have been seen spawning in the existing open ditch. This becomes a problem in the fall after irrigation season when the ditch is dewatered and the redds dry up.

Fulton Phase I activities were completed last year and covered under Supplemental Analysis for the Watershed Management Program EIS (DOE/Environmental Impact Statement 0265/SA-255).

This Supplement Analysis is for Fulton Phase II and includes the following activities: removing the entire existing fish ladder, removing the existing diversion dam and replacing it with a channel-spanning roughened channel with grouted crest and grouted low-flow v-notch channel that will serve as a fish passage channel, renovating or replacing the Fulton Ditch headworks, removing the existing ecology

blocks placed at the headworks, installing a 100-foot-long section of HDPE pipe to directly connect the renovated headworks and the phase 1 pipe inlet, and placing bank protection on both river banks.

Analysis: The compliance checklist for Phase II of this project was completed by Chris Johnson, Chewuch Basin Council, and meets the standards and guidelines for the Watershed Management Program EIS and Record of Decision (ROD).

A Biological Assessment and initiation of consultation letter was sent to the USFWS on June 15, 2006. Based on the information in the BA, BPA determined that the proposed action "may affect, and is likely to adversely affect" bull trout and "may affect, but is not likely to adversely affect" the bald eagle. BPA has determined the project will have "no effect" for the Northern spotted owl, Canada lynx, Gray wolf, Grizzly bear and Ute ladies' tresses. USFWS agreed with the determination and is preparing a Biological Opinion (Bi-Op).

In a phone conversation on September 22, 2006 Mark Miller, USFWS stated that, although they have not completed a Bi-Op for this project, they are approving the start of construction for Tuesday, September 26, 2006. He outlined the two conditions that will be included in the Bi-Op: a daily work window for the protection of bull trout and a monitoring component. Project Coordinator, Chris Johnson, was also present for the phone conversation and has agreed to these conditions. The written Bi-Op will be forthcoming.

This project is designed to conform to the NMFS Biological Opinion for the BPA Habitat Improvement Program (NMFS ref 2003/00750). Therefore, no additional ESA consultation with NOAA Fisheries is needed.

Archeologist, Mark DeLeon, USBOR, surveyed the project site and provided a report dated September 23, 2005, identifying the area of potential effect (APE) and returning a finding that the proposed activities would have no effect on native religious or cultural sites, nor would it affect archaeological sites, or historic properties or areas. Subsequent to that report, a more in-depth literature search revealed that the Fulton Ditch may be eligible for listing in the National Register of Historic Places. BPA Archeologist, Steve Tromly, has further consulted with the State of Washington Department of Archaeology and Historic Preservation (DAHP), the Colville Tribe, and Yakama Tribe. After extensive discussion and review of the canal, it was determined that the Fulton Canal APE has been significantly altered over the years compromising the integrity of the site and therefore, is not eligible for listing in the National Register of Historic Places. On March 8, 2006, BPA received a letter of concurrence documenting the DAHP's findings. Therefore, the proposed project activities would have no effect on cultural resources.

However, it was recommended by the DAHP that the remaining portion of the Fulton Ditch outside the present project APE be inventoried and assessed for National Register eligibility. BPA will fill out and submit an Historic Inventory Form for the remaining portion of the Fulton Ditch and submit the form to DAHP.

A Phase I Environmental Site Assessment for the Fulton Diversion Dam Repair and Fish Passage Renovation was completed. A report dated October 14, 2005 was prepared by Frederick Walasavage, Environmental Protection Specialist, with findings that a Phase I did not reveal any environmental factors that would pose a significant liability for remedial action or cleanup under the Comprehensive Environmental Recovery, Compensation and Liability Act (CERCLA) and found no hazardous or toxic waste on the site.

All applicable permits would be required prior to any ground disturbing activities.

Findings: The project is generally consistent with the Northwest Power Planning Council's Fish and Wildlife Program, as well as BPA's Watershed Management Program EIS (DOE/EIS-0265) and ROD. 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.

/s/ Colleen Spiering
Colleen Spiering
Environmental Protection Specialist - KEC-4

CONCUR:

/s/ Katherine S. Pierce DATE: *September 25, 2006*
Katherine S. Pierce
NEPA Compliance Officer – KEC-4

Attachment:
Checklist

cc: (w/ attachment)
Mr. John Jakubowski, USFS, PO Box 918, Twisp, WA
Mr. Chris Johnson, Chewuch Basin Council, P.O. Box 1608, Okanogan, Washington 98840