

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: August 7, 2002

REPLY TO
ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-85)

TO: Allyn Meuleman
Fish and Wildlife Project Manager, KEWU

Proposed Action: L3 and L3A Irrigation Diversion Modifications, Lemhi River

Project No: 2001-067-00

Wildlife Management Techniques or Actions Addressed Under This Supplement Analysis

(See App. A of the Wildlife Mitigation Program EIS): 1.15 Fish Passage Enhancement-Fishways; 4.1 Irrigation Water Management; 4.2 Water Measuring Devices; 4.23 Intake and Return Diversion Screens; 4.25 Consolidated/Replace Irrigation Diversion Dams

Location: Lemhi County, Idaho

Proposed by: Bonneville Power Administration (BPA) and the Lemhi Soil and Water Conservation District. Technical support, including design and engineering, provided by the Bureau of Reclamation (BOR).

Description of the Proposed Action: BPA is proposing to fund a project with the Lemhi Soil and Water Conservation District that will improve fish passage for all life stages of anadromous and resident fish species at the L3 and L3A irrigation diversions located in the lower section of the Lemhi River in Lemhi County, Idaho. At the L3 diversion, the proponent will replace an existing rock push-up irrigation diversion dam with a single rock weir that incorporates a steel plate and impermeable membrane to create a more permanent, less permeable diversion that includes a six-inch wide fish passageway. At the L3A diversion, the proponent will replace an existing rock push-up irrigation diversion dam with a series of rock vortex weirs. The upstream weir will incorporate a steel plate and impermeable membrane to create a more permanent, less permeable diversion structure with a low flow channel for fish passage. The fish passageway will include a six-inch wide notch in the structure. The project will involve the construction of two additional vortex weirs downstream to provide pools or steps necessary for fish passage over the diversion structure. The existing ditch wasteway structure will be removed. The headgate will be relocated to the point of diversion to allow for better water control.

Analysis: The compliance checklist for this project was completed by Al Simpson with the Bureau of Reclamation (July 11, 2002) and meets the standards and guidelines for the Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD).

The Endangered Species Act (ESA) listed species that may occur in the general vicinity of the project are gray wolf, Canada lynx, bald eagle, Ute ladies' tresses, chinook salmon, steelhead trout, and bull trout. Pursuant to Section 7 of the Endangered Species Act, BPA submitted a Biological Assessment (BA) for the L3 and L3A Irrigation Diversion Modification project to the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) on April 3, 2002. NMFS and USFWS were notified of a

project design modification to the L3A structure on June 20, 2002 and were notified of a design modification to the L3 structure on July 2, 2002.

NMFS issued Biological Opinions for L3A and L3 separately in August 2002. The terms and conditions identified in the Biological Opinions for the individual diversions however are essentially the same. Pursuant to Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS also evaluated potential impacts to Essential Fish Habitat for chinook salmon as part of their Biological Opinions. NMFS concluded that the proposed actions are not likely to jeopardize the continued existence of chinook salmon or steelhead. NMFS identified the following reasonable and prudent measures that the project proponents are required to meet in order to minimize take of chinook salmon and steelhead resulting from the proposed actions:

- Minimize the amount and extent of incidental take from construction activities by implementing BMP's.
- Minimize the amount and extent of incidental take by ensuring the project is accomplishing its goal of improving passage for all life stages of anadromous and resident fish species.

In order to implement the reasonable and prudent measures described above, the project proponents must comply with all of the terms and conditions identified in the Biological Opinion for L3A and the Biological Opinion for L3 (see NMFS Biological Opinions, August, 2002). Notable among the terms and conditions, the project proponents must implement all conservation measures identified in the BA and associated contract documents. If reseeded or replanting cannot occur immediately following completion of construction, soil conservation measures such as matting or straw bales shall be placed to minimize soil erosion until spring. NOAA Fisheries should be informed of the planned construction schedule to allow NOAA Fisheries to observe any construction activities. The project proponents must perform monitoring and evaluation in accordance with conditions outlined in the L3 and L3A Diversion Modifications Contract Document. In particular, the structures shall be visually inspected at least annually to ensure structural integrity and unobstructed fish passage through the notches over the entire range of river flow. If at any time a determination is made that the structure is not performing as intended, NOAA Fisheries and USFWS will be included in discussions regarding repair. Impacts to habitat from the installation of the new diversion will also be monitored. Vegetation will be monitored during the first fall following replanting/reseeding, the following spring, and then annually for 5 years. Access by cattle to the site will be restricted for at least three years following construction to allow vegetation to reestablish. The site will also be monitored annually for the invasion of noxious weeds. A report documenting the results of all monitoring activities will be prepared annually by the project proponent and submitted to NOAA Fisheries.

USFWS issued a letter of concurrence for both the L3A and L3 diversion modifications on April 17, 2002. Based on information in the BA, USFWS concurred with BPA's determination that the project may affect but is not likely to adversely affect bull trout. USFWS also concurred that the proposed actions will have no effect on gray wolf, Canada lynx, bald eagle, or Utes ladies'tresses.

A cultural resource review of the L3A and L3 sites was conducted by Jason Anderson of North Wind Environmental, Inc. in April 2002. Approximately two acres at each diversion were examined for cultural resources. As a result of the survey, two historic ditches with diversion points on the Lemhi River were located in the vicinity of the proposed projects. These features are located over one mile away from the projects and will not be impacted by the proposed work. The water diversion structures themselves were examined and were found to be less than 50 years old. Based on the results of this survey, BPA concluded that there would be no effect on prehistoric or historic artifacts associated with the L3 and

L3A Diversion Modification project. Copies of these findings were submitted to the Idaho State Historic Preservation Office (SHPO) and the Shoshone Bannock Tribes of Fort Hall for review. The Idaho SHPO concurred with BPA's findings on June 14, 2002.

The Lemhi Soil and Water Conservation District has found the proposed activities to be exempt from state and federal permit requirements. Discharges of dredged or fill material associated with construction or maintenance of facilities as or appurtenant and functionally related to irrigation ditches are exempt from Section 404 permit requirements [CFR 33 323 323.4(a)(30)]. Under Idaho Code (Title 42, Chapter 3, Section 42-3806), no stream alteration requirement is required of an irrigator or agent for work associated with maintenance or repair of a diversion structure, canal, ditch or lateral.

Public involvement has taken place as part of the L3 and L3A Diversion Modification project. The project has been reviewed by local Upper Salmon Watershed Project team members, landowners, irrigators, the Shoshone Bannock Tribe, USFWS, NMFS, and the Idaho Department of Fish and Game. The project has also been publicized at Upper Salmon Watershed Project meetings and in articles in the local newspaper.

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.

CONCUR:

/s/ Shannon Stewart
Shannon C. Stewart
Environmental Specialist

/s/ Thomas C. McKinney
Thomas C. McKinney
NEPA Compliance Officer

DATE: 8/9/2002

Attachments:

NEPA Compliance Checklist

USFWS Letter of Concurrence, April 17, 2002

NMFS Biological Opinion for L3A, August 2002 (will follow)

NMFS Biological Opinion for L3, August 2002 (will follow)

Idaho SHPO Letter, June 14, 2002

cc: (w/ attachments)

Mr. Al Simpson – Bureau of Reclamation

Ms. Elizabeth Olsen – Lemhi Soil and Water Conservation District