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United States Government **Department of Energy**

Bonneville Power Administration

memorandum

DATE: August 4, 2004

REPLY TO ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-163)

TO: John Baugher
Fish and Wildlife Project Manager, KEWL-4

Proposed Action: John Day Watershed Restoration Program

Project No: 1998-018-00

Wildlife Management Techniques or Actions Addressed Under This Supplement Analysis (See App. A of the Wildlife Mitigation Program EIS): 4.2 Water Measuring Devices 4.10 Water Conveyance Pipeline, 4.25 Consolidate/Replace Irrigation Diversion Dams, 6.5 Water Supply: Pipeline, 6.10 Access: Fencing; 8.13 Stand Thinning; 8.15 Manage Stands to Enhance Snowpack

Location: Sites within the John Day River Watershed, in Wheeler County and Grant County, Oregon

Proposed by: Bonneville Power Administration (BPA) and the Confederated Tribes of the Warm Springs, John Day Basin Office, Prairie City, OR

Description of the Proposed Action: The Bonneville Power Administration (BPA) is proposing to fund the John Day Watershed Restoration Program, which includes projects to improve watershed conditions, resulting in improved fish and wildlife habitat. The project was planned and coordinated by the Confederated Tribes of the Warm Springs through the John Day Basin Office in Prairie City, Oregon. A variety of activities will be implemented, described below.

The project will involve the installation of four permanent lay flat diversions (structures) to replace temporary diversions. Two structures would be constructed in Beech Creek, one in Little Beech Creek and one in the John Day River. The structures will replace temporary push-up dams, which were constructed annually of various materials. Installation of the permanent diversion structures eliminates the stream-disturbing activities associated with annual installation of temporary structures. They also will enable fish passage in all flow conditions, an improvement over the temporary structures which can obstruct fish passage under some conditions.

Five scour chains will be installed in six sites within the John Day River. The chains will be 3 feet long and consist of ¼ inch chain. They will be buried within the streambed to monitor the movement of material in the streambed.

Other activities that will be implemented include: Installation of off-site water systems in areas where fencing and revegetation projects are implemented, in order to restrict livestock access to waterways; construction of facilities to return irrigation flows to the Johns Day River, including the installation of pipe to replace failing drains or return ditches; installation of pumps to replace temporary diversions; and removal of junipers from approximately 500 acres per year by hand felling.

Analysis: The compliance checklist for this project was completed by Linda Brown, Watershed Restoration Program Manager for the John Day Basin Office, signed on July 24, 2004. The project meets the standards and guidelines for the Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD).

The federal Endangered Species Act (ESA) listed species that may occur in the general vicinity of the project area are bull trout, Middle Columbia River steelhead, Canada lynx, and bald eagle (all listed threatened species). There are no species proposed for listing known within the project area. Pursuant to Section 7 of the Endangered Species Act, BPA submitted a Biological Assessment (BA) for the project to NOAA Fisheries and U.S. Fish and Wildlife Service (USFWS) on February 3, 2004.

As part of the Section 7 process, BPA consulted informally with the USFWS. BPA determined that the proposed actions would have no effect on bald eagle and Canada lynx, based on communications between the John Day Basin Field Office and the Oregon Department of Fish and Wildlife. BPA also concluded that the proposed actions may affect, but are not likely to adversely affect bull trout. The USFWS concurred with this determination on March 1, 2004 (see attached letter). Although the project locations are within the migratory habitat for bull trout, because all work will take place during the in-stream work window, it is highly unlikely that bull trout will be present in the project area. Bull trout will benefit from the long-term effects of the project because it will result in improvements to migratory habitat and fish passage because there will be fewer physical barriers.

BPA consulted formally with NOAA fisheries, based on the determination that the project may affect, but is not likely to adversely affect Columbia River steelhead. In addition, BPA determined that the proposed actions may adversely affect Essential Fish Habitat (EFH) for Chinook salmon. NOAA Fisheries issued a Biological Opinion (BO) on July 22, 2004 that concurred with this determination (see attached BO). NOAA Fisheries concluded that the proposed actions are not likely to jeopardize the continued existence of Middle Columbia River steelhead. Within the BO, NOAA Fisheries identified a set of Reasonable and Prudent Measures and non-discretionary Terms and Conditions for the project that are designed to minimize take of steelhead and minimize potential effects to Essential Fish Habitat. All identified Reasonable and Prudent Measures and Terms and Conditions contained in the attached BO must be implemented. The EFH Conservation Recommendations did not include any additional measures, but simply incorporated the non-discretionary Terms and Conditions within the BO.

In compliance with Section 106 of the National Historic Preservation Act, the Tribe submitted a letter of no effect to historic resources to the Oregon Office of Archaeology and Historic Preservation. They also submitted a report, detailing the site conditions and results of an archeological survey of the site. In that letter, the Tribe concluded that there would be no effect to prehistoric or historic resources given the present site conditions (highly disturbed ground) with no evidence of historic resources in areas that will be further disturbed. In the unlikely

event that archaeological material is encountered during implementation of this project, an archaeologist will immediately be notified and work halted in the vicinity of the finds until they can be inspected and assessed.

Standard water quality protection procedures and Best Management Practices will be followed during the implementation of this project. No construction is authorized to begin until the proponent has obtained all applicable local, state, and federal permits and approvals. Permits are required for the instream work, including a Section 404 Permit and a Oregon Division of State Lands Removal/Fill permit, both received by the project proponent in June of 2004.

Public involvement has taken place as part of the project. The public was informed of the project through press releases, informational brochures and materials, field tours, public meetings, agency coordination meetings, and mailings. Discussions have also been held with local landowners, and various State and Federal agencies. Projects are detailed and discussed in monthly meetings, which are advertised and open to the public.

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, 1) That the proposed actions are substantially consistent with the Watershed Management Program EIS (DOE/EIS-0265) and ROD, and, 2) That 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/ Kimberly R. St. Hilaire
Kimberly R. St.Hilaire
Environmental Specialist

CONCUR:

/s/ Thomas C. McKinney DATE: *August 4, 2004*
Thomas C. McKinney
NEPA Compliance Officer

Attachments:
NEPA Compliance Checklist
NOAA Fisheries Biological Opinion, July 22, 2004
USFWS Letter of Concurrence, March 1, 2004

cc: (w/ attachments)
Ms. Linda Brown, John Day Basin Office