DOE F 1325.8 e Electronic Form Approved by CGIR - 01/20/95(VB)
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United States Government **Department of Energy**

Bonneville Power Administration

memorandum

DATE: June 19, 2002

REPLY TO ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-83)

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

Proposed Action: Bear Creek Irrigation Siphon Project

Project No: 1993-066-00

Wildlife Management Techniques or Actions Addressed Under This Supplement Analysis (See App. A of the Wildlife Mitigation Program EIS): 1.8 Bank Protection; 1.9 Structural Bank Protection using Bio Engineering Techniques; 1.10 Structural Bank Protection using Engineering Structures; 1.14 Reduce Scour and Deposition at Hydraulic Structures; 1.15 Fish Passage Enhancement-Fishways; 1.16 Spawning Habitat Enhancements; 1.17 Rearing Habitat Enhancements; 2.1 Maintain Healthy Riparian Plant Communities; 2.4 Provide Filter Strips to Catch Sediment and Other Pollutants; 2.6 Native Seed Inventories; 2.7 Avoid Exotic Species; 3.7 Critical Area Planting; 3.13 Diversion Ditch; 4.23 Intake and Return Diversion Screens; 4.25 Consolidate/Replace Irrigation Diversion Dams; 6.14 Vegetation Stabilization-Critical Area Planting

Location: Grant County, Oregon

Proposed by: Bonneville Power Administration (BPA) and the Oregon Department of Fish and Wildlife (ODFW)

Description of the Proposed Action: BPA proposes to fund the construction of a fish passage improvement project on Bear Creek in Grant County, Oregon with the Oregon Department of Fish and Wildlife. Bear Creek enters the mainstem John Day River at river mile 258.5. At stream mile 0.3 Bear Creek crosses an irrigation diversion, entering Hall Ditch. At times Bear Creek is completely diverted into Hall Ditch. A second diversion from Bear Creek is located 200 feet below the area where Hall Ditch and Bear Creek intercept. As a result of these two diversions, in late summer Bear Creek is essentially dry at the project site. In addition, the diversions are fish barriers at low flow.

The objectives for the proposed project include the following: prevent flow from Bear Creek (a Clean Water Act Section 303(d) listed stream for temperature) from mixing with Hall Ditch water; prevent fish from leaving Bear Creek and entering Hall Ditch; ensure fish passage at the project site; and upgrade an existing fish screen to National Marine Fisheries Service's (NMFS) fish screen standards. A number of measures will be implemented to meet these project objectives. The proposed action would prevent mixing of Bear Creek and Hall Ditch waters, and prevent fish from entering Hall Ditch by siphoning (siphon bypass) Hall Ditch under Bear Creek. The proposed

project will remove existing, older diversions and plug up the screened irrigation canal currently used by the landowner. The existing diversion structures will be replaced with a fish-friendly diversion. In addition, a NMFS-approved fish screen and a water meter will be installed in the abandoned canal to allow fish passage and monitor water withdrawal by the landowner.

Analysis: The compliance checklist for this project was completed by Steve Allen of the Oregon Department of Fish and Wildlife and meets the standards and guidelines for the Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD) (January 3, 2002).

The Endangered Species Act (ESA) listed species that may occur in the general vicinity of the project are Mid-Columbia River steelhead. In addition, the project will take place within designated critical habitat for Mid-Columbia River steelhead. Pursuant to Section 7 of the Endangered Species Act, BPA submitted a Biological Assessment (BA) for the Bear Creek Irrigation Siphon project to the National Marine Fisheries Service on January 11, 2002.

NMFS issued a Biological Opinion on May 29, 2002 for the proposed project, which identifies the terms and conditions that must be followed in order to comply with ESA. NMFS concluded that the proposed actions are not likely to jeopardize the continued existence of Mid-Columbia River steelhead. NMFS also concluded that the subject actions would not cause adverse modification or destruction of designated critical habitat for this species. Impacts associated with this work will include minor, short-term increases in stream turbidity in Bear Creek. NMFS identified the following reasonable and prudent measures that the applicants are required to meet in order to minimize take of Mid-Columbia River steelhead that may result from the proposed actions:

- Minimize the amount and extent of incidental take by implementing measures to limit the duration and extent of in-water work;.
- Minimize the amount and extent of incidental take and impacts on critical habitat by implementing measures that minimize or avoid potential chemical pollution and minimize the movement of soils and sediment both into, and within, the John Day River and Bear Creek;
- Minimize the likelihood of take and impacts to critical habitat resulting from riparian area disturbances including removal of vegetation and disturbance of soils and sediments;
- Minimize the potential for take associated with installation and operation of the Hall Ditch fish screen;
- Minimize the likelihood of incidental take that may occur during the fish salvage operations; and
- Monitor project implementation and report the results to ensure conservation measures are effective in minimizing the likelihood of take from the proposed activities.

In order to implement the reasonable and prudent measures described above, the applicants must comply with all of the terms and conditions identified in the Biological Opinion (see NMFS Biological Opinion, May 29, 2002). Notable among the terms and conditions are the instream work period, limited to July 15 through August 31. In-water work must not inhibit passage of any adult or juvenile steelhead throughout the construction period or after project completion. In

addition, pollution and erosion control measures must be developed and implemented for construction activities in accordance with the Biological Opinion. Disturbance to existing riparian vegetation must be minimized. Areas that require removal or involve mortality of riparian vegetation must be reseeded and/or replanted with native species and appropriate monitoring must be implemented. All fish salvage operations must be conducted by qualified personnel in accordance with NMFS guidelines and the Biological Opinion. The NMFS Law Enforcement Office must be notified if any dead, injured, or sick endangered or threatened species are located in conjunction with this project. Within one year of the completion of all phases of the project, a report will be submitted to NMFS that describes the effectiveness of the rotary screen and siphon in passing uninjured steelhead and describes the use of newly created habitat in Bear Creek by steelhead.

Pursuant to Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS also evaluated potential impacts to Essential Fish Habitat (EFH) for chinook and coho salmon as part of their Biological Opinion. NMFS concluded that the proposed actions may result in detrimental short and long-term adverse effects to a variety of habitat parameters. Conservation recommendations for EFH include all of the reasonable and prudent measures and terms and conditions described above and included in the May 29, 2002 Biological Opinion for the Bear Creek Irrigation Siphon project.

An archaeologist with the U.S. Bureau of Land Management's Prineville District conducted a literature search and field investigation of the 10-acre Bear Creek project area for cultural and historic resources. No resources were noted in the Bear Creek project area as a result of these investigations. BPA submitted a letter to the Oregon State Historic Preservation Office (SHPO) on January 29, 2002 that described the project and its potential affects on prehistoric and/or historic resources. BPA concluded that there would be no affect on prehistoric or historic resources associated with the proposed irrigation system upgrade. The Oregon SHPO was given 30 days to concur with these findings, however no response was provided.

Standard in-channel water quality protection procedures will be followed during the implementation of the Bear Creek Irrigation Siphon project. No construction will be authorized to begin until the applicant has obtained all required local, state, and federal permits and approvals. This project is exempt from U.S. Army Corps of Engineers regulations under Section 404 of the Clean Water Act (Corps letter May 13, 2002).

The proposed project will take place on private irrigation diversions and dam structures. Individuals are participating on a voluntary basis. This project was publicized at Watershed Council meetings in the John Day River Basin. The project proponents have also consulted with affected tribes, state and federal fish and wildlife agencies, local governments, and nearby landowners about the project. Partnerships have been formed with the following: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Indian Reservation, Burns Paiute Tribe Department of Environmental Quality, OR Department of Forestry, OR Department of State Lands, OR Water Resources Department, OR State Police, NMFS, USFWS, Natural Resource Conservation Service, U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, U.S. Forest Service, U.S. Bureau of Land Management, and affected Soil and Water Conservation Districts.

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/ Shannon C. Stewart 6-19-2002
Shannon C. Stewart
Environmental Specialist

CONCUR:

/s/ Thomas C. McKinney DATE: *6-19-2002*
Thomas C. McKinney
NEPA Compliance Officer

Attachments:
NEPA Compliance Checklist
NMFS Biological Opinion, May 29, 2002
U.S. Army Corps of Engineers Letter, May 13, 2002

cc: (w/ attachments)
Steve Allen, Oregon Department of Fish and Wildlife

bcc: (w/o attachments)
L. Croff - KEC-4
N. Weintraub - KEC-4
P. Key - LC-7
H. Adams – LC-7

bcc: (w/ attachments)
Official File - KEC (EQ-14)

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