

United States Government

Department of Energy

Bonneville Power Administration

# memorandum

DATE: October 12, 2001

REPLY TO  
ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-68)

TO: Joe DeHerrera  
Fish and Wildlife Project Manager

**Proposed Action:** Mill Creek and Little Creek Crossing Improvement

**Project No:** 1992-026-01

**Wildlife Management Techniques or Actions Addressed Under This Supplement Analysis (See App. A of the Wildlife Mitigation Program EIS):** 1.13 Culvert Removal/Replacement to Improve Fish Passage.

**Location:** Mill Creek and Little Creek, Union County, Oregon

**Proposed by:** Bonneville Power Administration (BPA), the Grande Ronde Model Watershed Program (GRMWP), and the Union County Public Works Department (UCPWD)

**Description of the Proposed Action:** BPA provides funds to the Grande Ronde Model Watershed Program which cooperates with local agencies and landowners to plan, fund, and implement anadromous fish habitat restoration projects in the Grande Ronde Basin. The GRMWP has agreed to partially fund three bridge replacement projects with the Union County Public Works Department. This Supplement Analysis covers those bridge replacement activities that will take place at the Mill Creek crossing and the Little Creek crossing.

The Union County Public Works Department is responsible for replacing structurally deficient bridges with structures able to pass 50-year peak flow events. The UCPWD replacement structures of choice, due to budget limitations, are large 8-10 foot corrugated metal pipes. These pipes would meet peak flow requirements but would be less than ideal for fish passage. The GRMWP proposes to provide funding assistance to UCPWD to upgrade replacement structures to full-channel spanning stringer bridges. These full-channel spanning structures will provide the best possible conditions for fish passage, water quality, and accommodation of peak flows.

**Analysis:** The compliance checklist for this project was completed by Richard Comstock with the Union County Public Works Department 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 located in the general vicinity of the project are gray wolf, Canada lynx, bald eagle, Ute ladies' tresses, Howell's spectacular thelypody, bull trout, Snake River chinook salmon, and Snake River steelhead. It was determined by Mark Henjum, a non-game biologist with the Oregon Department of Fish and Wildlife (ODFW) NE Region, that the project

would have no effect on gray wolf, Canada lynx, or bald eagle. It was determined by Tim Walters, a fish biologist with the ODFW NE Region, that the project would have no effect on bull trout. The project site does not contain habitat suitable for Howell's spectacular thelypody or Ute ladies' tresses, which was confirmed by Penny Hall, a district biologist with the U.S. Forest Service in LaGrande.

A Biological Assessment (BA) for the Mill Creek and Little Creek projects was submitted by BPA to the National Marine Fisheries Service (NMFS) on August 20, 2001. NMFS issued a Biological Opinion on October 10, 2001, listing the terms and conditions necessary to comply with the Endangered Species Act. NMFS concluded that the proposed action is not likely to jeopardize the continued existence of ESA-listed Snake River steelhead and Snake River spring/summer chinook, or destroy or adversely modify designated critical habitat.

NMFS identified the following reasonable and prudent measures that the applicants are required to meet in order to minimize take of Snake River steelhead and spring/summer chinook resulting from the proposed actions (see NMFS Biological Opinion, Section 2.3):

1. Minimize the likelihood of incidental take resulting from inwater work required to complete the project addressed in the Opinion.
2. Minimize the amount and extent of incidental take from construction activities in or near watercourses by ensuring that an effective spill prevention, containment, and control plan is developed, implemented, and maintained to avoid or minimize point-source pollution both into and within watercourses over the short term and the long term.
3. Minimize the likelihood of incidental take and impacts to critical habitat resulting from riparian area disturbances including removal of vegetation and disturbance of soils and sediments.
4. Complete a comprehensive monitoring and reporting program to ensure implementation of requirements found in the Opinion are implemented and effective.

In order to implement the reasonable and prudent measures described above, the applicants must comply with the specific terms and conditions identified in the Biological Opinion (see NMFS Biological Opinion, Section 2.4). Notable among the terms and conditions are the instream work period, limited to July 1 through October 15. The work area must be isolated from the active flowing stream and sediment levels must be monitored to ensure compliance with state water quality standards. A Pollution and Erosion Control Plan must be developed to prevent point-source pollution related to construction operations. In addition, construction activities must be done in a way that minimizes disturbance to existing riparian vegetation. In areas that require removal or involve mortality of riparian vegetation, re-seeding and/or replanting of vegetation with native species must occur and proper monitoring should take place. Finally, within 1 year of completing the project, the applicant must submit a monitoring report to NMFS describing their success in meeting these terms and conditions.

As part of the Biological Opinion, NMFS also concluded that the proposed activities may adversely affect Essential Fish Habitat (EFH) for Snake River spring/summer chinook. The conservation measures recommended by NMFS to minimize adverse effects to EFH include all of the Reasonable

and Prudent Measures and the Terms and Conditions identified in Sections 2.3 and 2.4 of the Biological Opinion.

The Mill Creek and Little Creek bridge replacement projects do not involve activities that have the potential to affect cultural resources through ground disturbance, since the subject sites have previously been disturbed. The Oregon State Historic Preservation Office (SHPO) was contacted in June 2000 to determine if the existing bridge structures themselves had cultural resource significance. The Grande Ronde Model Watershed Program received a “no effect” determination from the Oregon SHPO on September 6, 2000.

Standard in-channel water quality protection procedures will be followed during bridge replacement construction. Activities affecting the channel will be conducted only during the identified instream work window. The Union County Public Works Department is in the process of obtaining the necessary Oregon Department of State Lands and U.S. Army Corps of Engineers permit approvals for these projects. No construction will be authorized to begin until the applicant has obtained all required permits.

Public involvement associated with this project has included review and approval by the Grande Ronde Model Watershed Program Technical Committee and Board of Directors which are composed of representatives of the tribes, federal, state, and local agencies and private landowners. In addition, Board of Director review of this project has been conducted in open public meetings, which are regularly announced prior to monthly meetings. Proceedings of these meetings are widely distributed to individuals, agencies, and organizations.

**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/ Shannon C. Stewart  
Shannon C. Stewart  
Environmental Specialist

CONCUR:

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

DATE: 10-16-2001

Attachments:  
NEPA Compliance Checklist  
NMFS Biological Opinion

cc: (w/o attachments)  
Richard Comstock - Union County Public Works Department  
Lyle Kuchenbecker - Grande Ronde Model Watershed Program

bcc: (w/o attachments)

L. Croff - KEC-4

N. Weintraub - KEC-4

P. Key - LC-7

bcc: (w/ attachments)

Official File - KEC (EQ-14)

SCStewart:scs:5928:10/12/01

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