

Finding of
No Significant Impact
and
Programmatic
Environmental Assessment

**for Implementing Fish Habitat Improvement Measures
in Four Mountain Snake Province Subbasins
under Action 149 of the December 2000
National Marine Fisheries Service
Federal Columbia River Power System Biological Opinion**

U.S. Bureau of Reclamation
Pacific Northwest Region
Snake River Area Office
Boise, Idaho



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PROGRAMMATIC ENVIRONMENTAL ASSESSMENT FOR THE
IMPLEMENTATION OF ACTION 149
FISH HABITAT IMPROVEMENT MEASURES
In Four Mountain Snake Province Subbasins, Idaho

Introduction

The National Marine Fisheries Service (NMFS) issued the Federal Columbia River Power System (FCRPS) Biological Opinion (BiOp) on December 21, 2000. NMFS concluded that the continued operations of the FCRPS would constitute jeopardy under the Endangered Species Act (ESA) for 8 of the 12 listed Evolutionarily Significant Units (ESUs) of salmon and steelhead, unless their Reasonable and Prudent Alternative (RPA) was implemented. The RPA included 199 actions that must be implemented by Federal agencies, including Reclamation, to avoid a jeopardy decision. Action 149 required Reclamation to do habitat improvements as off-site mitigation for the effects of the main stem Columbia River dams. Habitat improvements implemented under Action 149 are expected to result in overall, long-term benefits to ESA-listed and other anadromous and resident fish.

Implementation of Action 149 is a Federal action and Reclamation is required to follow procedures of the National Environmental Policy Act (NEPA). To comply with NEPA, Reclamation has prepared a Programmatic Environmental Assessment (PEA) which addresses the potential impacts associated with fish habitat improvement measures in four of the 15 subbasins considered in Action 149: the Lemhi, Upper Salmon, Middle Fork Clearwater, and Little Salmon Subbasins. Habitat improvement measures will take place on private lands with willing participants. Because the specific locations and numbers of participants are not known, and the choice of specific measures cannot be determined at this time, the EA was prepared at a programmatic level. The PEA addressed the broad range of implementation measures proposed to comply with Action 149.

Alternatives Considered

The two alternatives considered are described below:

- **No Action Alternative** - The No Action Alternative is represented by Reclamation's level of involvement in the Lemhi, Upper Salmon, Middle Fork Clearwater, and Little Salmon Subbasins prior to issuance of the 2000 FCRPS BiOp. Since 1999 and before the FCRPS BiOp was issued, Reclamation has

provided technical assistance for certain irrigation-related projects to help protect and restore ESA-listed anadromous fish. Reclamation provided technical assistance in both the Upper Salmon and Lemhi Subbasins, but has not been involved with any projects in the Little Salmon or Middle Fork Clearwater Subbasins. Consistent with the No Action Alternative, Reclamation would continue to provide technical assistance only in the Lemhi and Upper Salmon Subbasins at generally the same scope of involvement that occurred before the FCRPS BiOp was issued, depending on available funding.

- **Proposed Action** - The Proposed Action is the implementation of Reclamation's responsibilities under Action 149 of the 2000 FCRPS BiOp in the Lemhi, Upper Salmon, Middle Fork Clearwater, and Little Salmon Subbasins. Reclamation is specifically required to implement Action 149 to conserve listed species under the ESA.

Recommended Alternative

Reclamation proposes to implement the Proposed Action, which would implement the NMFS BiOp Action 149 within the Lemhi, Upper Salmon, Middle Fork Clearwater, and Little Salmon Subbasins.

Reclamation will complete its involvement related to the FCRPS BiOp in each subbasin within 10 years and will not maintain further commitments related to the FCRPS BiOp after this point. Consequently, project operation and maintenance (O&M) will be the responsibility of the landowner, and long-term O&M oversight, if appropriate, would become the responsibility of a third party (such as a watermaster or State agency).

The Proposed Action would improve flows, eliminate instream passage barriers, and correct fish screen deficiencies on private lands that are related to irrigation. Activities related to flow improvements may include water acquisition or leasing. Activities related to instream barriers may include the consolidation of irrigation diversions to reduce the number of instream barriers or the removal of individual gravel push-up dams and replacement with diversion structures that provide for fish passage. Activities related to fish screens may include screening unscreened irrigation diversions or replacing obsolete screens with screens that meet NMFS criteria.

Environmental Commitments

Because the specific choice of locations and the number of willing participants are not known, nor can the choice of specific projects be determined at this time, the PEA is prepared at a programmatic level and evaluates general impacts of the types of projects anticipated to be proposed for implementation.

When specific locations for projects have been determined, Reclamation would fulfill compliance requirements for each individual site-specific project. Examples of these additional requirements include:

- Surveys for the presence of listed or proposed threatened or endangered species
- Reclamation will complete ESA consultation with NMFS and USFWS before initiating any action that would result in irretrievable and irreversible commitment of resources. This includes consultation at both a programmatic level and for site specific projects.
- The Draft BMPs outlined in the PEA will be refined in a subsequent programmatic Biological Assessment (BA). All actions related to the implementation of Action 149 will be conditional to the appropriate Best Management Practices (BMPs) developed during forthcoming programmatic and site-specific consultation.
- Cultural resource surveys to determine the presence of resources eligible for listing on the National Register of Historic Places (NRHP) in locations that may be affected by construction or operation of the proposed modifications.
- Consultation with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) if NRHP-eligible resources are found.
- Any necessary permits under Section 404 of the Clean Water Act.
- State of Idaho permits for instream work.
- Initiate additional NEPA analysis for any projects that exceed the scope of the PEA.

Consultation and Coordination

Public Involvement

Reclamation has coordinated with Federal, State, and local agencies during the preparation of the PEA to gather input, provide information, and to meet NEPA and ESA regulatory requirements. This coordination was integrated with the public involvement process. Reclamation sent 80 letters to State government officials and agencies, Federal agencies, Tribal governments, and businesses and non-government organizations. Reclamation held introductory meetings to familiarize the communities with the proposed program prior to the publication of the Draft PEA. In addition, Reclamation met with local, State, and Federal agency staff to discuss the project.

National Marine Fisheries Service and U.S. Fish and Wildlife Service Coordination

Coordination on fish and wildlife issues to meet the requirements of the Fish and Wildlife Coordination Act (FWCA) and the ESA was accomplished by informal consultation with the USFWS and NMFS.

Continued coordination with NMFS and USFWS will be needed to resolve ESA issues regarding listed salmon, steelhead, and bull trout. Based on discussions with NMFS and USFWS concerning the types of flow, screen, and barrier projects to be implemented, Reclamation concluded that a “may affect, but unlikely to adversely affect” determination is anticipated for most projects. Consequently, Reclamation is developing a programmatic BA for implementation of Action 149 in Idaho and will continue to consult with NMFS and USFWS. The programmatic BA is intended to provide a basis to obtain concurrence from NMFS and USFWS on the types of projects expected to be implemented that would not require additional consultation and identify the types that would. A mitigation strategy will be developed with NMFS and USFWS for each type of project. For some types of projects no additional consultation will be required beyond the terms and conditions specified in the BiOp developed in response to the programmatic BA; other types of projects will require individual consultation and could include preparation of a site-specific BA with an associated BiOp that could include site-specific terms and conditions.

National Historic Preservation Act

Information has been obtained from the Idaho SHPO to prepare the PEA and to facilitate compliance with the National Historic Preservation Act and its implementing regulations (36 CFR 800). In addition, as part of Reclamation’s government-to-government consultation with the Tribes (described below), Reclamation has contacted representatives from appropriate Indian tribes to identify Traditional Cultural Properties (TCPs) and Indian sacred sites. Coordination with the Idaho SHPO and the Tribes will continue as site specific projects are identified.

Tribal Consultation and Coordination

Reclamation sent letters to representatives from the Tribes explaining the EA process during the scoping phase. In a follow-up correspondence, Reclamation requested information on Indian Trust Assets (ITAs), TCPs and Indian sacred sites from the Tribes for documentation during the EA process. To date, the tribes have not responded to this request. Tribal governments contacted include the Shoshone-Paiute Tribe, Shoshone-Bannock Tribe, Northwestern Band of the Shoshone Nation, the Nez Perce Tribe, and the Burns-Paiute General Council.

Indian Trust Assets

There is no universally accepted understanding as to the specific treaty rights to hunt and fish in the vicinity of the subbasins since there has not been a settlement with the Nez Perce Tribe, Shoshone-Bannock Tribes, or Northwestern Band of the Shoshone Nation as to the extent and nature of their off-reservation hunting and fishing treaty rights. Thus,

the ITAs considered are tribal hunting and fishing rights that may exist. There would be no adverse impacts to rights that may exist for tribes to hunt, fish, and gather. It is expected that there would be an increase in anadromous salmonid populations representing a beneficial impact.

Sacred Sites

Executive Order 13007 defines sacred sites as any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion. There are likely positive impacts on sacred sites from the removal of barriers, the replacement of screens, and stream flow improvement due to improved habitat and resultant increase in number of salmon

Public Comment Summary

The comment period for the Draft Programmatic EA for Implementation of Acton 149 extended from November 22 through December 31, 2002. Comments were received from the USFWS, U.S. Forest Service, the Idaho Soil Conservation Commission, U.S. Army Corps of Engineers, Idaho State Historical Society, and the Nez Perce Tribe. Most of the agency comments dealt with minor inconsistencies or errors of factual information in the document and suggested revisions for the text or map data. The Idaho State Historical Society emphasized the need for surveys prior to ground-disturbing activity, noting that important archaeological resources may be present even in agricultural settings.

The USFWS provided some additional information regarding the occurrence of bull trout in the Little Salmon Subbasin. USFWS also expressed concern for the project's effects to wetlands that may be supported by leakage in existing irrigation conveyance systems. If a particular proposed project potentially affects a wetland, Reclamation will assess alternatives to prevent or mitigate adverse impacts and consult with USFWS to develop an appropriate solution. In addition, USFWS also requested greater detail on the potential effects to bull trout. Subsequently, Reclamation met with NMFS and USFWS both of whom were particularly concerned with the potential effects from implementation of larger in-stream projects, such as the removal and replacement of push-up dams. Consequently, Reclamation is developing a programmatic BA with NMFS and USFWS to meet ESA obligations as described earlier in this document

The Nez Perce Tribe comments requested more information regarding potential effects to fishing and hunting rights and to expand the analysis to an Environmental Impact Statement. Because all projects would be implemented on private land, they would not adversely affect Tribal fishing and hunting rights. Based upon input from State and Federal resource management agency staff, Nez Perce and Shoshone-Bannock Tribes resource staff, and members of the public, Reclamation managers determined that a PEA

was the appropriate NEPA document for addressing implementation of Action 149 in Idaho. The Tribe also suggested that Reclamation consult with them on the choice of subbasins for future project implementation and that Reclamation should expand its responsibilities outside the project constraints listed in the PEA. Reclamation notes in the PEA that NMFS has specified those subbasins under Reclamation responsibility and the corresponding constraints and that the choice of subbasins and project constraints is not at Reclamation's discretion.

Changes in the Final EA

Other than minor editorial adjustments, the primary change in the Draft PEA was in the section regarding Consultation and Coordination. After extended coordination with NMFS and the USFWS, Reclamation has determined that additional documentation will be needed to meet the requests of these agencies regarding Endangered Species Act, Section 7 consultation. The change in the narrative of the Draft PEA reflects the outcome of recent discussions with the USFWS and NMFS and the agreed need for additional coordination and consultation as described earlier in this document.

Findings

Environmental Impacts

Potential impacts to natural, cultural, and social resources are summarized below, based on the full analysis presented in the PEA. Implementation of Action 149 is expected to result in overall, long-term benefits to ESA-listed and other anadromous and resident fish.

Air Quality

There would be no effects to air quality and National Ambient Air Quality Standards would not be affected from implementation of the Proposed Action.

Noise

Construction activity would cause short-term increases in noise where heavy machinery is needed. These effects would be limited to the immediate construction zone and would not affect the usual noise patterns in the surrounding vicinity.

Hydrology and Water Quality

Any water leasing and/or acquisition would be implemented under existing Idaho State law. These or other methods to provide adequate streamflow for the various life-history stages of anadromous fish would result in improved access by adults to spawning areas

and improved conditions for downstream migration by juveniles. Removal of individual gravel push-up dams to improve fish passage would eliminate periodic stream disturbances caused by dam maintenance. Minor impacts to water quality would be expected during push-up dam removal, but these effects would be minimized by using Best Management Practices (BMPs) which were introduced in the PEA and are to be refined in programmatic and site-specific consultation with NMFS and USFWS. Increased efficiency of water withdrawal systems is expected to provide long-term benefits to surface water hydrology and water quality in the subbasins.

Vegetation

Modifying headgates or installing fish screens would have minimal effects to vegetation because these features are generally in disturbed settings. Removal and replacement of push-up dams would have a greater potential to disturb vegetation because of the heavy equipment that would be required. Clearing would be kept to a minimum, and vegetation disturbed during construction would be restored according to the BMPs. Improvement in stream flows would provide long-term benefits to adjacent wetland and riparian habitats.

Fish

Under the Proposed Action, fish would benefit from the habitat improvement program. The program would eliminate instream fish passage barriers, correct fish screen deficiencies associated with irrigation practices on private land, and augment and improve streamflows. These actions would improve aquatic habitat and benefit resident and anadromous fish. Implementation of BMPs would minimize short-term effects to water quality and corresponding effects to fish during the construction phase.

Wildlife

Effects to wildlife from the Proposed Action would be limited to short-term disturbance from construction. Any disturbance to vegetation would be restored according to the BMPs. Projects that improve stream flow conditions for anadromous fish would benefit wildlife that utilize riparian areas. Increased populations of fish would benefit raptors and carnivores that utilize fish as a food source.

Threatened and Endangered Species

Implementation of the Proposed Action in the four subbasins would provide long-term benefits to ESA-listed salmon, steelhead, and bull trout by removing migration barriers, improving fish screens on irrigation canals, and by improving instream flows. BMPs will include provisions for protection of ESA-listed aquatic species including adherence to NMFS and USFWS work periods.

In the four identified subbasins, Action 149 will be comprised of many site-specific projects. ESA-required conferencing and consultation, as described earlier, will ensure that appropriate measures are taken to avoid adverse effects to listed species and critical

habitat from site-specific project construction. However, there could be unavoidable short-term adverse effects associated with some site-specific projects. All actions related to the implementation of the Proposed Action will be conditioned upon use of the appropriate Best Management Practices (BMPs) being developed with NMFS and FWS.

Reclamation will complete ESA consultation with NMFS and USFWS before initiating any action that would result in irretrievable and irreversible commitment of resources.

Recreation

All projects would be implemented on private land and there would be no adverse impacts to recreation. Long-term recreation benefits would be realized from improved aquatic habitat conditions and corresponding increases in fishing opportunities.

Aesthetics

Implementation of the Proposed Action would have minor effects to aesthetic resources during the construction phase but would result in no long-term effects. Disturbed vegetation would be restored following construction, and design guidelines, which blend structures with the natural landscape, would be followed.

Cultural Resources

Construction activities under the Proposed Action have the potential to disturb cultural resources. However, preconstruction surveys, which are included as part of the Proposed Action and as an Environmental Commitment in this FONSI, would be employed to address this issue. If any cultural resources are discovered during preconstruction surveys, the appropriate protection measures would be developed in coordination with the Idaho SHPO and the Tribes.

Sacred Sites and Indian Trust Assets

No Sacred Sites or ITAs have been specifically identified in the project subbasins, and no effects would occur to these resources from the implementation of the Proposed Action. There would be no effects to Tribal hunting or fishing rights, but improved aquatic habitat conditions would have a corresponding benefit for fish stocks in the subbasins.

Socioeconomics

The Proposed Action would improve aquatic habitat conditions, enhance fish stocks, and in turn expand fishing and recreation opportunities within each subbasin, allowing for a wider array of visitor-serving activities to be offered. Overall long-term socioeconomic impacts would be positive.

Land Use

All projects would be implemented on private land, and there would be no adverse effect to land use from implementation of the Proposed Action.

Environmental Justice

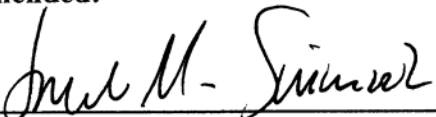
Impacts from the Proposed Action would be distributed relatively evenly among racial, ethnic, and economic populations in the subbasins.

Conclusion

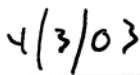
Implementing the Proposed Action is expected to provide long-term benefits to ESA-listed and other anadromous and resident fish and will meet Reclamation's requirement under Action 149 of the NMFS 2000 FCRPS BiOp. Therefore, based on the analysis of the environmental consequences in the PEA, and consultation with potentially affected Tribes, agencies, organizations, and the general public, Reclamation concludes that implementing the Proposed Action, with the environmental commitments and changes described in the Final PEA, would not have a significant impact on the quality of the human environment or the natural and cultural resources in the project area.

This **Finding of No Significant Impact** has therefore been prepared and is submitted to document environmental review and evaluation in compliance with the National Environmental Policy Act of 1969.

Recommended:




Joseph Spinazola
Activity Manager

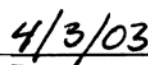


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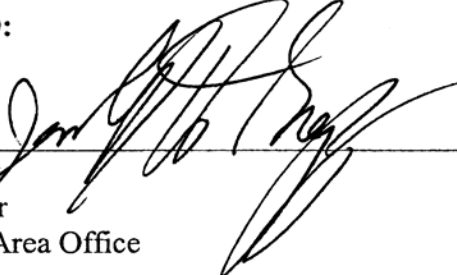


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