

**United States Department of the Interior
Bureau of Land Management
Coeur d'Alene District, Idaho**

**DRAFT
FINDING OF NO SIGNIFICANT IMPACT**

Lolo Creek Permanent Weir and Fish Trapping Facility

BLM Office: Cottonwood Field Office, 1 Butte Dr., Cottonwood, ID 83522

NEPA Register No: DOI-BLM-ID-C020-2012-0021-EA

Project Location: Lolo Creek

Contact: Jeff Cartwright, Realty Specialist, (208) 962-3680

The Lolo Creek Permanent Weir and Fish Trapping Facility Environmental Assessment (EA) has been prepared for compliance with the National Environmental Policy Act (NEPA). Based on my review, I have determined the proposed action, as described and analyzed in the EA, will not have a significant effect, individually or cumulatively, on the quality of the human environment.

In making this finding, I considered that no environmental effects meet the definition of significance as defined by regulations to implement NEPA found at 40 CFR 1508.27, and based on my consideration of both the context and intensity of the proposed action, as summarized below.

Context

The Bureau of Land Management (BLM) authorized an existing seasonal Lolo Creek fish collection weir, which has been in operation since 2002, and includes a seasonally-installed rotary screw trap (to collect juvenile salmon), and a seasonal temporary metal picket weir that operates from about mid-May through September to collect adult salmon. The limited season is due to the inability to install the temporary weir in high flows of Lolo Creek. In addition to instream facilities, the site contains a work-up tent, two trailers, a permanent ecology (cement) block wall (protecting power supply), a permanent ecology block wall by the bridge (protecting the picket weir lines), and porta-potties. All of these facilities are located on a flat graveled terrace within Lolo Creek's 300-foot Riparian Conservation Area (RCA) along the north bank (right bank looking downstream; (see EA Appendix A for photos). The north bank terrace has been cleared to accommodate upland infrastructure, staff parking and access to the creek from Lolo Creek Road (EA 1.4).

The Bonneville Power Administration (BPA) is proposing to fund a proposal from the Nez Perce Tribe (NPT) to replace the seasonally-installed fish collection weir with a permanent weir and fish trapping facility in Lolo Creek. The proposed action considered in the EA is the installation and operation of a permanent weir and trapping facility to monitor and evaluate adult returns for federally-listed Snake River steelhead (*Onchorynchus mykiss*, steelhead) and Snake River spring Chinook salmon (*Oncorhynchus tshawytscha*, Chinook). The weir will continue to be used to

collect spring Chinook broodstock and supplementation evaluation data, while maintaining or improving the fisheries of Lolo Creek and the greater Columbia River Basin.

Details of the proposal include construction of a permanent weir to limit upstream fish passage; a fish trapping facility to allow for fish collection; a work shelter; a mechanical building; and riparian habitat restoration. The project site is located on federal land managed by the Bureau of Land Management (BLM) in Clearwater and Idaho counties. Upgrades to public recreational amenities (vault toilet, kayak put-in, parking and interpretive panels) at the project site would also be constructed; these upgrades would be funded in part by the BLM, BPA, and the NPT. (EA 2.1)

The project site is within the Upper Lolo Creek Area of Critical Environmental Concern (ACEC) and managed by the BLM in accordance with the Cottonwood Resource Management Plan (RMP) (BLM 2009). The BLM preliminarily determined Lolo Creek to be suitable for designation into the National Wild and Scenic River System (NWSRS). The tentative classification for Lolo Creek is “Scenic.” Scenic rivers are those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. The preliminary scenic designation includes a 27.19-mile segment of the Lolo Creek mainstem, from the confluence with the Clearwater River upstream to the U.S. Forest Service (USFS) boundary, of which 14.3 miles are on BLM-administered lands. The project site is located on this preliminary designated creek segment. The BLM determined this segment contains the following Outstandingly Remarkable Values (ORVs): scenic, recreation, fish, and historic. Management provided by the BLM is in accordance with the guidelines to approve no actions that alter the free-flowing nature of the suitable segment, measurably diminish the stream segment’s ORVs, or modify the setting or level of development to a degree that will change its identified scenic classification (BLM 2009).

Intensity

1. Impacts that may be both beneficial and adverse.

Beneficial impacts include the improved ORV’s to the fisheries of the Lolo Creek as a proposed NWSRS. The weir will greatly enhance the ability to study and improve the scientific monitoring of returning adult federally-listed Snake River steelhead and supplementation and monitoring of BLM sensitive species Snake River spring Chinook salmon. Negative and beneficial effects will occur to water quality and fisheries resources from project implementation. Primary negative effects to aquatic habitats would occur during project construction; however, design measures will minimize short term adverse effects where possible. The year round impacts of a permanent weir are moderate to low with minimal impacts on the scenic and recreational ORV’s and no impacts to the historical ORV’s of the sight. Overall impacts to the Lolo Creek environmental system are negligible. (EA 3)

2. The degree to which the proposed action affects public health or safety.

The Proposed Action was evaluated for the safety of the public for current kayaking activities beginning upstream of the project on Lolo Creek. Recommendations were made by the BLM

staff and user groups to provide warning and portage signs on the bridge and at the put-in located further upstream. The project will have no effect on the health and safety of the public due to extremely limited use above the weir. All studies and surveys indicate that almost all kayaking enthusiasts put-in at the project site and experience Lolo Creek from the Weir to the mouth of the creek (EA 3.8). Further analysis on the safety and health of the public produced no indications of probable affects (EA 4.1).

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Wild and Scenic River Status

The BLM preliminarily determined Lolo Creek to be suitable for designation into the National Wild and Scenic River System (NWSRS) which contains the following Outstandingly Remarkable Values (ORVs): scenic, recreation, fish, and historic. A separate analysis was undertaken to examine the specific effects to ORVs and is summarized below. (EA 3.7 and Appendix B)

Scenic ORV - Under the proposed action, scenic values would be altered slightly compared to existing conditions due to the presence of permanent weir infrastructure. However, the existing scenic values at this location are moderated by the presence of the concrete bridge, compared to other undeveloped portions of Lolo creek. In addition, the gradient of the creek would not change significantly, and with the exception of the concrete sill and weir structure, there would be relatively no change to the hydrologic scenery present on site. The visual contrast changes as the result of the installation of the facility will be managed by using natural or man-made materials that mimic the native characteristics of the surrounding vegetation, creek bed, stream bank and natural surroundings. Therefore the proposed action would not measurably diminish this ORV.

Recreation ORV - The public swimming area upstream of the Lolo Creek Road Bridge would not be affected by the proposed action. Relative to whitewater use at the Lower Lolo Weir site, there would be a change in project operational timing compared to existing conditions. The current seasonal fish weir is not typically in operation until mid-May or early June. However, the permanent weir would operate from as early as January through September. As such, individuals running the creek would likely encounter the barrier during the typical boating season. This would result in the loss of about 100 yards of boating opportunity at the weir location to approximately six boaters a year. The project would maintain the existing take-out/landing immediately downstream of the bridge. Project proponents would affix a sign on the upstream face of the bridge to warn boaters of the impending downstream barrier and right bank take-out, and indicate that portage is required. In addition, the project would also incorporate two designated parking spaces for boaters near the downstream put-in (downstream of the weir on right bank). Based on these project elements the proposed action would not measurably diminish this ORV.

Fish ORV - The objective of the proposed action is enable the continued collection of spring Chinook for supplementation in the basin, and to implement a monitoring program

for ESA-listed Snake River steelhead in Lolo Creek. As such, ORVs related to federally-listed steelhead and Chinook would benefit from the proposed action in the long term. Non-target fish species would experience a temporary delay in their upstream migrations once they enter the trap, but the non-target fish species would be passed upstream within 24 hours of trapping during fish weir operations. Therefore, the proposed action would not measurably diminish this ORV and is anticipated to ultimately enhance it.

Historic ORV - Historic ORVs are present within the analysis area. Specifically, Lolo Creek was crossed by the Lewis and Clark Expedition of 1805 and the drainage was commonly used by the Nez Perce Tribe. Through consultation with the State Historic Preservation Office, it was determined that the Proposed Action would have no effect on historic resources as the project footprint is well distanced from historic resources. Therefore, the proposed action will have no effect on historic ORVs.

Cultural Resources

The proposed action would produce no direct effect to cultural or historic properties during construction or operation and maintenance of the permanent weir and other facilities. The Nez Perce (Nee-Me-Poo) National Historic Trail and the Lewis and Clark National Historic Trail pass through the area. A survey was conducted in the spring of 2012 resulting in the finding of no additional cultural or historic artifacts. The Idaho State Historic Preservation Office agreed on August 21, 2012, that there will be no effect to historic properties. (EA 3.11)

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The seasonal historic use of the project has not produced any known effects to the human environment. The nature of converting the project from a seasonal nature to a permanent facility does not have any effects on the human environment and therefore are not controversial. This is based on an evaluation of potential downstream effects of water quality and overall water flows for the purposes of water rights and existing uses. (EA 4.1 and Appendices B and C)

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

This project is similar to other projects found throughout the Pacific Northwest. The Proposed Action is expected to provide similar effects on the human environment and produce no highly uncertain or unique or unknown risks. (EA 2.1)

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This project is similar to other projects in the Pacific Northwest. The Proposed Action is not precedent setting in nature nor does it alter the perceived or future principles in which the BLM manages lands, ACEC's, SRMA's or Wild and Scenic Rivers (proposed or designated). (EA Chapter 3)

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The following summaries of cumulative effects are outlined in detail in the EA 3.12.

Land management activities associated with the Cottonwood Resource Management Plan (RMP) limit the type and extent of instream work that can be authorized in the BLM managed parcels on Lolo Creek. Project design measures have been incorporated into the project to minimize adverse effects to water quality and aquatic habitats. Aquatic species that utilize habitat in the Lolo Creek watershed would experience migratory delays, during upstream and downstream movement past the project area, however the effects would be temporary. For that reason, cumulative effects to aquatic habitat due to land management activities are negligible.

The Proposed Action's effects to terrestrial wildlife and special status species (temporary noise and habitat disturbance, and increased human disturbance) considered cumulatively with the past, present and reasonably foreseeable future actions may result in localized habitat disturbance and increased human activity in the immediate vicinity of the proposed structures. However, this change is unlikely to trigger a measurable impact.

Other actions that would occur in the Lolo Creek drainage that are separate from this action include suction dredging, culvert and road maintenance, and timber harvest. Considered with the Proposed Action, these actions could contribute to localized increases in suspended sediment during construction and a reduction of instream shading due to vegetation removal, though effects would be low across the drainage.

The Proposed Action would contribute to short-term cumulative impacts on transportation during the construction of the weir facilities. Cumulative impacts on transportation during operation and maintenance of the weir and other facilities would decrease due to the installation of a vault toilet, eliminating the requirement for frequent maintenance of the sites porta-potties. The implementation of environmental design features would ensure that the incremental contribution of the Proposed Action to cumulative effects on transportation would be low.

The Proposed Action would contribute to cumulative effects on visual quality and aesthetics through the permanent changes to the visual landscape. Measures contained in the Cottonwood RMP would help manage present and future activities in the geographic area for visual and aesthetic resources such as managed timber harvests and limited road construction, maintenance, and use.

The Proposed Action will have no effect on historic resources. For these reasons, the Proposed Action would not contribute to cumulative impacts to cultural resources in the area.

Implementation of the Proposed Action would not result in cumulatively significant impacts within the analysis area when evaluated with other actions.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Proposed Action is not anticipated to result in adverse effects to cultural resources or the historic ORVs located at Lolo Creek. As such, the Proposed Action is expected to have no effect on cultural resources. In August 2012, the BLM initiated consultation with the Idaho SHPO regarding the Proposed Action, pursuant to Section 106 of the National Historic Preservation Act. On August 21, 2012, the SHPO concurred with BLM's determination that the project would result in no effect to historic properties. (EA 3.11)

9. The degree to which the action may adversely affect an endangered or threatened species or its critical habitat that has been determined under the Endangered Species Act of 1973, as amended.

Aquatic Habitat and Special Status Species (EA 3.3)

Special status species in Lolo Creek include two ESA-listed fish species, Snake River steelhead and bull trout. Lolo Creek is also Essential Fish Habitat (EFH) for Chinook and Coho (*Oncorhynchus kisutch*) Salmon, though Coho are no longer believed to be present in the drainage. In addition, Lolo Creek provides designated critical habitat for ESA-listed Snake River steelhead.

Construction would cause direct, low-to-moderate, short-term effects on aquatic habitats. In-water construction will temporarily increase sedimentation and turbidity in the project area, which could alter substrate composition immediately downstream. However, specific design features would be established, including construction of instream facilities "in the dry" behind cofferdams, with the presence of a project biologist, would mitigate the effects to aquatic habitat in addition to limiting the duration of instream work to low-flow periods (August 1 – October 31).

Dewatering the in-water construction area to isolate the creek from construction activities would result in direct, moderate, short-term effects to special status species that are present in the construction footprint from salvage operations. However, dewatering the construction area would occur during a work window that avoids the presence of most major life-stages of fish species and few, if any fish are expected to be present during this time.

Due to the presence of the permanent weir, trapping facility and associated operations there would be direct, moderate, long-term effects to aquatic/riparian habitat and special status species. Direct effects to special status species include handling and short-term migratory delay. Direct effects to aquatic habitat would include a permanent loss of substrate in the footprint of the weir, and localized modifications in velocity and channel depths associated with minor backwatering upstream of the weir sill. However, quality aquatic habitats are not limited in this stream reach and adjacent quality aquatic habitats are readily available.

Formal consultation has been conducted with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on the proposed action and a Biological Assessment has been prepared (dated August 20, 2012) and submitted to the above agencies regarding effects to ESA-listed fish, designated critical habitat, and EFH. A Biological Opinion (BO) (dated January 9, 2013) has been received from U.S. Fish and Wildlife Service for the "*May Affect – Likely to Adversely Affect*" determination for bull trout. The BO concludes that the project will not jeopardize the survival and recovery of bull trout. All USFWS BO terms and conditions and reporting and monitoring requirements will be incorporated into the Proposed Action.

Currently, NMFS is completing a BO for the “*May Affect – Likely to Adversely Affect*” determination for steelhead trout, designated critical habitat, and EFH. Upon receipt of the BO, the final Finding of No Significant Impact (FONSI) will acknowledge such and incorporate all NMFS project related terms and conditions identified in the BO into the Proposed Action.

Terrestrial Wildlife Habitat and Special Status Species (EA 3.6)

Federally-listed and candidate special status species that occur or may occur in the Cottonwood Field Office management area include Canada lynx (*Lynx canadensis*, threatened), northern Idaho ground squirrel (*Spermophilus brunneus brunneus*, threatened), the yellow-billed cuckoo (*Coccyzus americanus*, candidate), and wolverine (*Gulo gulo luscus*, candidate). Based on evaluations and discussions with biologists familiar with the site and/or the habitat requirements for the above-listed species, none of these species or suitable habitat for these species would be affected by the proposed action. Therefore, there will be no effect on ESA-listed or candidate terrestrial species. The USFWS acknowledged (dated January 9, 2013) the no effect and no impact determinations for federally-listed and candidate species.

10. Whether the action threatens a violation of Federal, State, or Local law or requirements imposed for the protection of the environment.

The proposed action is in accordance with Federal, State and Local and Tribal laws. As specified by their application dated June 13, 2011 and as provided to date, the Nez Perce Tribe has obtained authorizations including Clean Water Act, ESA Section 10 permits and other state and local permits. In addition all Federal laws are being adhered to as outlined in the EA section 4.1.

Based upon my review of the EA, I have determined that the Lolo Creek Permanent Weir and Fish Trapping Facility will not have a significant effect on the quality of the human environment. Therefore, preparation of an environmental impact statement is not required.

APPROVED BY:

Will Runnoe
Field Manager
Cottonwood Field Office

Date