

**Memorandum**

To: File – Lyons Ferry Hatchery Pipeline Repair; Lower Snake River Compensation Plan Office, Boise, Idaho

From: Julie Collins, Administrator 

Date: May 7, 2019

Subject: Environmental Action Statement (Categorical Exclusion) for the Lyons Ferry Hatchery Pipeline Repair Project

**UNITED STATES FISH AND WILDLIFE SERVICE**

**ENVIRONMENTAL ACTION STATEMENT FOR CATEGORICAL EXCLUSION**

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, the following administrative documentation has been established consistent with the requirements of 40 CFR 1508.4 and 516 DM 2.3A.

Proposed Action and Alternatives

Project location: Near the town of Starbuck, WA 99359 and the Lyons Ferry Hatchery on the Snake River in Lake Herbert G. West Reservoir (Palouse Arm), Franklin County, Washington. T13N R37E SWNW of section 17. Lat/Long = 46.615, -118.206.

The Lyons Ferry Hatchery (LFH) is a U.S. Fish and Wildlife Service Lower Snake River Compensation Plan (LSRCP) owned hatchery operated by the Washington Department of Fish and Wildlife (WDFW). It is part of the hatchery infrastructure authorized under the Lower Snake River Compensation Plan (LSRCP) by the Water Resources Development Act of 1976, Public law 94-587, to offset losses caused by the construction and operation of the four Lower Snake River Dams and navigation lock projects. The facility raises predominantly Endangered Species Act (ESA) listed anadromous salmonids (Snake River steelhead, spring Chinook salmon, and fall Chinook salmon) for release in the Snake River and many of its tributaries. The goals of this program are to mitigate fisheries losses occurring as a result of the construction and operation of the four Lower Snake River Dams, and to provide supplementation to natural spawning adults. Facility activities provide salmonids for recreational and tribal harvest within the LSRCP mitigation areas (i.e., Snake River and tributaries, and to a lesser extent the Walla Walla River Basin). Activities thus provide public benefit and satisfy a public need. The majority of these programs are also part of the court ordered *United States v Oregon*, Columbia River Fish Management Plan, 2018-2027.

The LFH is a groundwater-based facility in that the majority of water needed for fish rearing is supplied by the MARMES pump station, located approximately 2 miles away adjacent to the Palouse Arm of Lake Herbert G. West, the reservoir inundating the Snake River behind Lower Monumental Dam. The associated pipeline, for the majority of its length, is located within the Palouse Arm of the reservoir. The 60 inch concrete pipeline is elevated off the bottom of the reservoir approximately 4 feet, however, since the facility was constructed in the early 1980s, significant amounts of sediment have accumulated in the reservoir. Currently, the pipeline is buried under approximately 4-7 feet of silt and debris (the make-up being described similar to that found in a beaver dam) with free water extending an additional 4-6 feet above the silt.

In late November, 2018, a boil was observed approximately 25 feet offshore from where the pipeline enters the Palouse Arm from the MARMES pump station. While hatchery operations have continued uninterrupted (sufficient flow has remained), dirty water in the hatchery has been observed in the recent past which indicates that the hatchery water source is coming in contact with outside sources (presumed to be the reservoir). This assumed leak, if not repaired, would jeopardize the continued production of approximately 4.1 million ESA-listed salmonids that are being raised for mitigation of the lower 4 Snake River dams. Initiating new production in the fall of 2019 without a confident source of hatchery water would be inadvisable, and having no production (should a catastrophic leak occur) for 2019 and beyond would preclude the LSRCP from meeting its mitigation obligations or adhering to the *United States v Oregon* legal proceedings. Thus, the LSRCP proposes to repair the leak in the pipeline during the summer of 2019.

Because the pipeline is not visible (by divers or remote devices) due to its buried nature, planning for pipeline repair is incomplete but still occurring; final plans may not be available until initial work begins when the pipeline can be exposed and the leak evaluated by divers. Tentatively, the expectation is that a long-armed excavator will be placed on a barge launched from the Lyons Ferry State Park boat ramp, positioned over/adjacent to the pipeline, and used to excavate the silt/debris from either side of the pipeline to expose the 60 inch diameter concrete pipe where the rupture is located (approximately 25 feet offshore). Excavation will likely include digging a pit adjacent to the rupture site to use for placement/containment of silt/debris excavated from either side of the pipeline; this is necessary to ensure a large enough area can be cleared of material for safe working conditions during pipeline repair operations. Recent discussions have also suggested that a land-based dredge system could be employed in the vicinity of the leak to remove sediment and material (in a similar fashion to that described above); the dredge would be powered from land, but divers would be positioned in the water to direct where dredging would occur and where fill will be deposited (within the reservoir). Sediment containment in the area of excavation may come in the form of an air bubble curtain, silt curtain, sheet piles, or other methodology. Excavated material will remain in the reservoir; no off-site hauling of material is planned. Once the pipeline is exposed, divers and engineers will evaluate the rupture and determine the most appropriate repair method to address that portion of the pipeline where the rupture is located. Once activities are initiated, they will continue until repairs are made, as there is concern that any activity in or around the leak and the associated embedded pipeline could exacerbate the leak or the nature of the rupture if not

immediately repaired. There is a 2-month window (June-July) where the hatchery will remove the majority of its fish production to accommodate pipeline repairs; this window coincides when production poundage is at its minimum, and where other facilities have open space to transfer rearing fish during repair operations.

Dredging and filling will occur in Waters of the U.S., but no wetlands or riparian habitat will be impacted. Regardless, a Clean Water Act section 404 permit is needed, and is currently being processed through the Corps of Engineers. Listed fish species and critical habitat may be impacted by repair activities in the Palouse Arm of the Snake River. For anadromous fishes, ESA compliance has already been documented for “repair activities” associated with hatchery facilities via numerous National Marine Fisheries Service Hatchery and Genetic Management Plan Biological Opinions, and confirmed via a March 28, 2019 email. A “no effect” memo was signed on April 26, 2019 documenting the lack of habitat and the lack of presence of bull trout in the vicinity of the repairs. Cultural clearance via section 106 of the National Historic Preservation Act has been documented in a USFWS memo dated May 2, 2019, noting that the Washington State Historical Preservation Office concurred with a finding that no historic properties would be affected. Other permits from the state of Washington (e.g., Hydraulic Project Approval) are currently being processed.

The no action alternative was considered but rejected, as the LSRCP does not have the authority to relieve itself of its statutory mitigation obligations under the Water Development Act of 1976, nor, as a party to *United States v Oregon*, to forego our legal obligations under that court proceeding. Other than the two similar alternatives described above, there is little opportunity to develop and consider other alternatives, as the ability to evaluate repair options prior to project implementation is lacking. The proposed project will ensure the continued production of listed anadromous salmonids, which, in part, provides a significant conservation benefit to aquatic systems in the Columbia River Basin, mitigates for the loss of Tribal and recreational fishing opportunities, and ensures the LSRCP meets its statutory and legal obligations.

Extraordinary Circumstances

The following extraordinary circumstances listed below have been evaluated, and it has been determined that none are applicable to the proposed action.

**Yes    No    Will the Proposed Action:**

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(a) Have significant impacts on public health or safety.

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(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

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(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

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| <input checked="" type="checkbox"/> | <b>(d)</b> | Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.   |
| <input checked="" type="checkbox"/> | <b>(e)</b> | Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.   |
| <input checked="" type="checkbox"/> | <b>(f)</b> | Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.   |
| <input checked="" type="checkbox"/> | <b>(g)</b> | Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.  |
| <input checked="" type="checkbox"/> | <b>(h)</b> | Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.  |
| <input checked="" type="checkbox"/> | <b>(i)</b> | Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.   |
| <input checked="" type="checkbox"/> | <b>(j)</b> | Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).  |
| <input checked="" type="checkbox"/> | <b>(k)</b> | Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).   |
| <input checked="" type="checkbox"/> | <b>(l)</b> | Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). |

### Categorical Exclusion

The Categorical Exclusions listed below are excerpted from the Department of the Interior's Departmental Manual for the Fish and Wildlife Service 516 DM 8.5, and are most applicable for projects undertaken by the LSRCF associated with fish hatchery operations and maintenance, including Resource Management, Permitting and Regulatory Functions, and Financial Assistance. The Categorical Exclusion(s) checked below apply(*ies*) to the proposed action:

The proposed action meets the definition of a categorical exclusion because this project will have no or only minor impacts to the human environment when considered both individually and cumulatively. The proposed action will have a small footprint, does not significantly alter the current or historical land use of the property, will only have slight effects that will be temporary in nature, and will overall be of benefit to species and their habitats.

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| <input type="checkbox"/> | <b>B (1)</b> Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem. |
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- B (2) The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.
- B (3) The construction of new, or the addition of, small structures or improvements, including structures and improvements for the restoration of wetland, riparian, instream, or native habitats, which result in no or only minor changes in the use of the affected local area. The following are examples of activities that may be included. i. The installation of fences. ii. The construction of small water control structures. iii. The planting of seeds or seedlings and other minor revegetation actions. iv. The construction of small berms or dikes. v. The development of limited access for routine maintenance and management purposes.
- B (6) The reintroduction or supplementation (e.g. stocking) of native, formerly native, or established species into suitable habitat within their historic or established range, where no or negligible environmental disturbances are anticipated.
- B (7) Minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures.
- B (8) Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.
- B (9) Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated. Examples could include minor changes in the type and location of compatible public use activities and land management practices.
- B (10) The issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned. Examples could include an amended public use plan or fire management plan.
- C (1) The issuance, denial, suspension, and revocation of permits for activities involving fish, wildlife, or plants regulated under 50 CFR Chapter 1, Subsection B, when such permits cause no or negligible environmental disturbance. These permits involve endangered and threatened species, species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), marine animals, exotic birds, migratory birds, eagles, and injurious wildlife.
- C (3) The issuance of special regulations for public use of Service-managed land, which maintain essentially the permitted level of use and do not continue a level of use that has resulted in adverse environmental effects.
- C (4) The issuance or reissuance of permits for limited additional use of an existing right-of-way for underground or above ground power, telephone, or pipelines, where no new structures (i.e., facilities) or major improvement to those facilities are required; and for permitting a new right-of-way, where no or negligible environmental disturbances are anticipated.
- C (3) The issuance of special regulations for public use of Service-managed land, which maintain essentially the permitted level of use and do not continue a level of use that has resulted in adverse environmental effects.
- C (8) Actions where the Service has concurrence or co-approval with another agency and the action is a categorical exclusion for that agency. This would normally involve one Federal action or connected actions where the Service is a cooperating agency.

- E (1) State, local, or private financial assistance (grants and/or cooperative agreements), including State planning grants and private land restorations, where the environmental effects are minor or negligible.
- E (2) Grants for categorically excluded actions in paragraphs A, B, and C, above; and categorically excluded actions in 43 CFR 46.210.

The LSRCP has determined that the proposal to repair the leak in the Lyons Ferry Hatchery main facility pipeline falls under a NEPA Categorical Exclusion for Resource Management; "The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site." (Department of the Interior, Department Manual, Environmental Quality, Part 516 National Environmental Policy Act, Chapter 6 Fish and wildlife Service, 516 DM 6 , Appendix 1, 1.4 Categorical Exclusions, B(2).

#### Public Involvement/Interagency Coordination

The USFWS-LSRCP and contractors are currently working with the Washington Department of Ecology, the WDFW, and USACE to complete planning and permitting for the proposed construction/repair project. Other permits and authorizations are already in hand.