

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Finley Creek Conservation Easement Acquisition

Project No.: 2002-003-00 BPA-011332

Project Manager: Cecilia Brown – EMW-4

Location: Lake County, MT

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.25 Real property transfers for cultural resources protection, habitat preservation, and wildlife management

Description of the Proposed Action: BPA is proposing to fund the Confederated Salish and Kootenai Tribes (CSKT) to purchase the Finley Creek property; a 40.0-acre parcel of land located 2.5 miles southeast of Arlee in Lake County, Montana. Funding the purchase of Finley Creek would serve as partial mitigation for the effects of development and operation of the Hungry Horse Dam. BPA would hold a conservation easement to permanently protect, mitigate, and enhance threatened and endangered fish and wildlife, and their habitat.

The CSKT would develop a management plan to guide the protection and enhancement of habitat and other resources on the property. BPA would review the management plan for consistency with the conservation easement and the purpose of the acquisition. If BPA proposes to fund any additional activities on the property, further environmental review may be required.

Findings: In accordance with Section 1021.410(b) of the Department of Energy's (DOE) National Environmental Policy Act (NEPA) Regulations (57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36221-36243, Jul. 9, 1996; 61 FR 64608, Dec. 6, 1996, 76 FR 63764, Nov. 14, 2011), BPA has determined that the proposed action:

- (1) fits within a class of actions listed in Appendix B of 10 CFR 1021, Subpart D (see attached Environmental Checklist);
- (2) does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal; and
- (3) has not been segmented to meet the definition of a categorical exclusion.

Based on these determinations, BPA finds that the proposed action is categorically excluded from further NEPA review.

/s/ Brenda Aguirre
Brenda Aguirre
Environmental Protection Specialist

Concur:

/s/Sarah T. Biegel
Sarah T. Biegel
NEPA Compliance Officer

Date: November 22, 2019

Attachment(s): Environmental Checklist

Categorical Exclusion Environmental Checklist

This checklist documents environmental considerations for the proposed project and explains why the project would not have the potential to cause significant impacts on environmentally sensitive resources and would meet other integral elements of the applied categorical exclusion.

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Project Site Description

The Finley Creek property comprises approximately 40.0 acres and 0.35 miles of the stream channel along both banks of the creek through the property. The property is located 2.5 miles southeast of Arlee, Montana. The land is presently managed for livestock grazing, and includes a barbed-wire fence along the approximate boundary of the property. The property consists of the Finley Creek riparian corridor with surrounding grasslands and forests, and supports a variety of native and non-native fish, wildlife, and vegetation.

Evaluation of Potential Impacts to Environmental Resources

Environmental Resource Impacts	No Potential for Significance	No Potential for Significance, with Conditions
1. Historic and Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no effect due to the Finley Creek conservation easement acquisition, which includes transfer of title and the creation of a conservation easement. There are currently no structures or any other infrastructure development on the property. A barbed-wire fence does exist along the approximate boundary of the property. To the extent that future activities on the property may have an effect, the CSKT would comply with all applicable laws and regulations.		
2. Geology and Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
3. Plants (including Federal/state special-status species and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
4. Wildlife (including Federal/state special-status species and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
5. Water Bodies, Floodplains, and Fish (including Federal/state special-status species, ESUs, and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
6. Wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
7. Groundwater and Aquifers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		

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| 8. Land Use and Specially-Designated Areas | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Explanation:</u> See explanation for #1 above. | | |
| 9. Visual Quality | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Explanation:</u> See explanation for #1 above. | | |
| 10. Air Quality | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Explanation:</u> See explanation for #1 above. | | |
| 11. Noise | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Explanation:</u> See explanation for #1 above. | | |
| 12. Human Health and Safety | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Explanation:</u> See explanation for #1 above. | | |

Evaluation of Other Integral Elements

The proposed project would also meet conditions that are integral elements of the categorical exclusion. The project would not:

- Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders.
Explanation, if necessary:
- Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.
Explanation, if necessary:
- Disturb hazardous substances, pollutants, contaminants, or CERCLA excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases.
Explanation, if necessary:
- Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.
Explanation, if necessary:

Landowner Notification, Involvement, or Coordination

Description: A public notification letter and map of the property would be mailed to neighboring landowners, stakeholders, and relevant elected officials and other interested parties prior to closing. Advertisements would also be placed in local newspapers, and information would be posted on Bonneville Power Administration’s public website.

Based on the foregoing, this proposed project does not have the potential to cause significant impacts to any environmentally sensitive resource.

Signed: /s/ Brenda Aguirre
Brenda Aguirre ECF-4
Environmental Protection Specialist

Date: November 22, 2019