

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Montana State Lands Easement Acquisition

Project Manager: Jaime Murray- TERR-Kalispell

Location: Multiple Counties, Montana

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.24 Property transfers

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes to acquire approximately 800 easements from the Montana Department of State Lands for its existing transmission lines and facilities in the State of Montana. BPA was granted easements on Montana State lands from 1952 to 1972. The State of Montana issued the grants for easements crossing State trust lands. The State is the trustee of public lands for the beneficial use of Montana Public Schools. While the State had the authority to grant the easements, the State also had a fiduciary obligation to secure fair market value on behalf of their beneficiary. The Montana Supreme Court, and other Federal courts, have held that the State has a fiduciary obligation to obtain full market value for the use of school trust lands. Given that the State did not receive compensation for the grant, the rights are void. Montana passed legislation authorizing affected parties to file an application for easements on historical rights of way. The easement acquisitions would occur where there is land owned by the State of Montana underneath the following existing lines and facilities, in the following counties:

Transmission Lines	Facilities	Counties
Anaconda Aluminum Tap Anaconda-Silver Bow No. 1 Broadview-Garrison No. 1 and No. 2 Columbia Falls-Trego No. 1 Garrison-Anaconda No. 1 Garrison-Taft No. 1 and No. 2 Hot Springs-Rattlesnake No. 1 Hungry Horse-Conkelley No. 1 Libby-Bonnars Ferry No. 1 Libby-Conkelley No. 1 Mack's Inn-Madison No. 1 Noxon-Hot Springs No. 1 Noxon-Libby No. 1 Rattlesnake-Garrison No. 1 Taft-Hot Springs No. 1	Dixon Substation Garrison Substation Hot Springs Substation Kalispell Maintenance Headquarters Kalispell Substation Libby Substation Rocky Ridge Radio Station Troy Substation	Broadwater Deer Lodge Flathead Gallatin Granite Jefferson Lake Lincoln Mineral Missoula Powell Sanders Silver Bow

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/ Douglas Corkran
Douglas Corkran
Environmental Protection Specialist

Concur:

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

Date: June 10, 2019

Attachment: 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.

Proposed Action: Montana State Lands Easement Acquisitions

Project Site Description

The project locations are scattered throughout western Montana in 13 counties. There is a wide variety of conditions surrounding the locations, including shrub-steppe, grassland, forested areas, and urban areas.

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 construction or ground disturbance associated with acquiring the easements; therefore, there is no potential to cause effects to historic or cultural resources.		
2. Geology and Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no ground disturbance associated with acquiring the easements; therefore, there would be no effects to geology or soils.		
3. Plants (including Federal/state special-status species and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no ground disturbance associated with acquiring the easements; therefore, there would be no impact to Federal or State special-status plants.		
4. Wildlife (including Federal/state special-status species and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no impact to wildlife associated with acquiring the easements.		
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> There would be no ground disturbance associated with acquiring the easements; therefore, there would be no impact to water bodies, floodplains, or fish.		
6. Wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no ground disturbance associated with acquiring the easements; therefore, there would be no impact to wetlands.		
7. Groundwater and Aquifers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no ground disturbance associated with acquiring the easements; therefore, there would be no impact to groundwater and aquifers.		

8. **Land Use and Specially-Designated Areas**



Explanation: Existing land uses within the easement areas would be continued. There would be no impact to land use or specially-designated areas.

9. **Visual Quality**



Explanation: Existing infrastructure and land uses would remain following acquisition of the easement; therefore, visual quality would not change.

10. **Air Quality**



Explanation: There would be no ground disturbance or construction associated with acquiring the easements; therefore, there would be no impact to air quality.

11. **Noise**



Explanation: There would be no construction or changes in transmission system operation associated with acquiring the easements; therefore, there would be no noise impacts.

12. **Human Health and Safety**



Explanation: There would be no construction or changes in transmission system operation associated with acquiring the easements; therefore, there would be no human health and safety impacts.

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: BPA Realty staff would work closely with the underlying landowner (State of Montana) to acquire the additional easements.

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

Signed: /s/ Douglas Corkran
Douglas Corkran—ECT-4
Environmental Protection Specialist

Date: June 10, 2019