

Categorical Exclusion Determination

Bonneville Power Administration

Department of Energy



Proposed Action: Valley Creek 1 and 2 Property Acquisition Funding

Fish and Wildlife Project No. and Contract No. : 2002-003-00; BPA-009888

Project Manager: Cecilia Brown

Location: Township 17 North, Range 21 West, Section 24, Sanders County, Montana

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 to purchase the Valley Creek 1 property, an approximately 11.8-acre parcel of land, and the adjoining Valley Creek 2 property, an approximately 2.5 acre parcel of land, located about 10 miles northeast of Arlee in Sanders County, Montana. The United States would hold conservation easements, which BPA would manage, to permanently protect, mitigate and enhance fish and wildlife and their habitat.

Funding the purchase of the properties would serve as partial mitigation for construction and inundation of the Federal Columbia River Power System which includes dams on the main stem Columbia and Snake Rivers. These land purchases would specifically satisfy some of BPA's commitments made in the current extension of the 2012-2014 Memorandum of Understanding between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration.

The property consists of riverine, riparian, wetland and upland habitat. The Confederated Salish and Kootenai Tribes would develop a management plan to guide the protection and enhancement of habitat and other resources on the property. The management plan would be reviewed by BPA 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 conducted.

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, July 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 A 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/ Jennifer Snyder

Jennifer Snyder
Contract Environmental Protection Specialist
Flux Resources, LLC

Reviewed by:

/s/ Gene Lynard FOR

Chad Hamel
Supervisory Environmental Protection Specialist

Concur:

/s/ Stacy L. Mason

Stacy L. Mason
NEPA Compliance Officer

Date: July 19, 2018

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.

Proposed Action: Valley Creek 1 and 2 Property Acquisition Funding

Project Site Description

The Valley Creek 1 and 2 property consists of approximately 14.3 acres of riparian, wetland and upland habitat, located along and including a 0.3 mile reach of Valley Creek in Sanders County, Montana. The property is comprised of two adjoining parcels, Valley Creek 1 (11.8 acres) and Valley Creek 2 (2.5 acres) that share common boundaries.

The Valley Creek 1 and 2 property was initially part of a larger 80-acre Tribal allotment. Historically, and up to the current period, this allotment has been managed for agricultural purposes, namely grazing and hay production. Surrounding uses are primarily agricultural and residential and outlying lands are characterized by mountainous grasslands and scattered swaths of trees. The only structure included within the boundaries of the property is a 40-foot by 30-foot wooden barn with no foundation or electric service that was built by the current owners in the early 2000's. An old and failing barbed wire fence runs along the west and north boundaries of the property. The lower stem of Valley Creek is a third-order stream draining an area of approximately 40,000 acres. The riparian area supports a dense overstory cover of mature alder and young black cottonwood along much of the length of the creek through the property, with a diversity of mature shrub species present in the mid-canopy.

The Valley Creek 1 and 2 property supports a variety of wildlife species including black and grizzly bear, bobcat, gray wolf, white-tailed and mule deer, red fox, mountain lion and a variety of small mammals and birds. The Valley Creek fish assemblage is composed of both native and introduced taxa. The lower main stem of the creek supports a mixed fishery that is dominated by introduced salmonids, including rainbow trout, brown trout and brook trout. Native mountain whitefish, slimy sculpin and longnose and largescale suckers have also been recorded in this stream segment. The Valley Creek drainage is also noteworthy and important in that it supports a robust population of western pearlshell mussels.

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 land acquisition which includes transfer of title and the creation of a conservation easement. If any ground disturbing activities or modifications to the built environment are planned within the area of the acquisition, the Section 106 process would need to be completed prior to implementation. This would include consultation, survey, recordation of resources, and a determination of effect for both archaeological resources and built environment resources.		
2. Geology and Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no effect due to the land acquisition which includes transfer of title and the creation of a conservation easement		

3. **Plants** (including federal/state special-status species)

Explanation: See explanation for #2 above.

4. **Wildlife** (including federal/state special-status species and habitats)

Explanation: See explanation for #2 above.

5. **Water Bodies, Floodplains, and Fish** (including federal/state special-status species and ESUs)

Explanation: See explanation for #2 above.

6. **Wetlands**

Explanation: See explanation for #2 above.

7. **Groundwater and Aquifers**

Explanation: See explanation for #2 above.

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

Explanation: See explanation for #2 above.

9. **Visual Quality**

Explanation: See explanation for #2 above.

10. **Air Quality**

Explanation: See explanation for #2 above.

11. **Noise**

Explanation: See explanation for #2 above.

12. **Human Health and Safety**

Explanation: See explanation for #2 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

A public notification letter and map of the property will be mailed to neighboring landowners, stakeholders and relevant elected officials and other interested parties prior to site closing. Advertisements will also be placed in local newspapers, and information will be posted on BPA's public website.

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

Signed: /s/ Jennifer Snyder
Jennifer Snyder ECF-4
Contract Environmental Protection Specialist
Flux Resources, LLC

Date: July 19, 2018