

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Dancing Boy Property Acquisition and Stewardship Funding

Project No.: 2002-003-00; BPA-012841

Project Manager: Cecilia Brown – EWM-4

Location: Lake 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 (CSKT) to purchase the Dancing Boy property, a 39-acre parcel of land located roughly 2 miles east of Arlee in Lake County, Montana, and an access easement across the neighboring property. BPA would hold a conservation easement to permanently protect, mitigate, and enhance fish and wildlife and their habitat on the property. BPA would also provide stewardship funds towards land management and maintenance of the property to CSKT.

Funding the purchase of the property would support conservation of ESA-listed species considered in the 2020 ESA consultation with the U.S. Fish and Wildlife Service on the operations and maintenance of the Columbia River System, while also supporting ongoing efforts to mitigate for effects of the Federal Columbia River Power System on fish and wildlife in the mainstem Columbia River and its tributaries pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (the Northwest Power Act) (16 USC (USC) 839 et seq.).

The property consists of a band of riparian wetland and forest along the banks of the Jocko River as well as additional upland forest and grassland. The access easement would run from the closest local highway along a private drive to the property. CSKT would develop a land management plan to guide the protection and enhancement of habitat and other resources on the property. The land management plan would be drafted within 18 months of closing. 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, 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/ Thomas DeLorenzo

Thomas DeLorenzo

Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel

July 11, 2022

Sarah T. Biegel

Date

NEPA Compliance Officer

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 Dancing Boy property is a 39-acre property located roughly 2 miles east of Arlee, Montana. The legal description of the property is portions of Montana Township 16 North Range 19 West Sections 7 and 8. The northern half of the property is dominated by the Jocko River, a tributary to the Flathead River. The Jocko provides habitat for resident fish species, including westslope cutthroat trout (*Oncorhynchus clarkii lewisi*) and Endangered Species Act-listed bull trout (*Salvelinus confluentus*), in addition to numerous avian and terrestrial species. Although the channel is naturally incised, a band of riparian forest runs along the river, providing shade and habitat complexity for resident wildlife. The remaining 23 acres of the property are upland grassland heavily affected by historical grazing and agriculture. Existing boundary fences run along the southwest and northeast corners of the property and a cattle exclusion fence was installed through the center of the property to block livestock access to the Jocko River from the south. No other structures or infrastructure are present on the property.

In addition to the property, the landowner would grant an easement across the neighboring property to allow for access to the Dancing Boy property by CSKT personnel. The easement would run from Jocko Road, the nearest public highway, located to the south of the property. The easement would run along a private driveway, Heart View Lane, and an unnamed and unimproved dirt track to the southwestern border of the Dancing Boy property.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: There would be no effect due to the land acquisition which includes transfer of title and the creation of a conservation easement. To the extent that future activities on the property may have an effect, it is expected that the CSKT would comply with all applicable laws and regulations.

2. Geology and Soils

Potential for Significance: No

Explanation: See explanation for #1 above.

3. Plants (including Federal/state special-status species and habitats)

Potential for Significance: No

Explanation: See explanation for #1 above.

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

Potential for Significance: No

Explanation: See explanation for #1 above.

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

Potential for Significance: No

Explanation: See explanation for #1 above.

6. Wetlands

Potential for Significance: No

Explanation: See explanation for #1 above.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: See explanation for #1 above.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: See explanation for #1 above.

9. Visual Quality

Potential for Significance: No

Explanation: See explanation for #1 above.

10. Air Quality

Potential for Significance: No

Explanation: See explanation for #1 above.

11. Noise

Potential for Significance: No

Explanation: See explanation for #1 above.

12. Human Health and Safety

Potential for Significance: No

Explanation: 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: N/A

Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.

Explanation: N/A

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: N/A

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: N/A

Landowner Notification, Involvement, or Coordination

Description: Notification letters would be sent to adjacent landowners and other interested parties a minimum of 15 days before the closing date of the sale. Notice would also be posted in local newspapers and information about the sale would be posted on BPA's public website prior to closing.

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

Signed: /s/ Thomas DeLorenzo July 11, 2022
Thomas DeLorenzo, ECF-4 Date
Environmental Protection Specialist