

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Jocko Pines Exchange

**Project No.:** 2002-003-01

**Project Manager:** Elizabeth Santana, EWM-4

**Location:** Lake County, MT

**Categorical Exclusion Applied (from 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:** Bonneville Power Administration (BPA) and the Confederated Salish and Kootenai Tribes (CSKT) are proposing to exchange conservation protections over 25 upland acres in Lake County, Montana, for a conveyed conservation easement on 80 acres of riparian land owned by CSKT nearby. The exchange would support conservation of ESA-listed species considered in the 2020 Endangered Species Act (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 the effects of the Federal Columbia River Power System on fish and wildlife in the mainstem of the Columbia River and its tributaries pursuant to the Pacific Northwest Electric Power and Planning and Conservation Act of 1980 (Northwest Power Act)(16 U.S.C. 839 et seq.).

BPA funded CSKT's purchase of a majority non-exclusive interest in the 80-acre Felsman 2 property in 2006. In exchange for this funding, the CSKT Tribal Council passed Tribal Resolution No. 06-302, perpetually dedicating the property for permanent protection and mitigation of resident fish habitat. CSKT now proposes to exchange the protection conveyed by the Resolution over the upland 25-acre portion of the Felsman 2 property for a recorded conservation easement on another 80-acre mitigation property owned by CSKT nearby, the Jocko Pines property. The remaining 55 acres of the Felsman 2 property would continue to be protected under the Resolution and BPA would acquire new, durable fish and wildlife habitat protections over the Jocko Pines property.

The Jocko Pines property consists of approximately 80 acres of riparian forests, wetlands, and grasslands on both banks of the Jocko River. Roughly half a kilometer of the river runs through the property, providing important habitat for ESA-listed bull trout (*Salvelinus confluentus*) and Montana species of concern westslope cutthroat trout (*Oncorhynchus clarkii lewisi*). 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 exchange. If BPA proposes to fund any additional activities on the property, further environmental review may be conducted.

**Findings:** In accordance with Section 1021.102 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; 89 FR 34074, April 30, 2024; 90 FR 29676, July 3, 2025, Interim Final Rule) and the current *DOE National Environmental Policy Act (NEPA) Implementing Procedures*, BPA has determined the following:

- 1) The proposed action fits within a class of actions listed in Appendix B of 10 CFR 1021;
- 2) The proposal has not been segmented to meet the definition of a categorical exclusion; and
- 3) There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal (see attached Environmental Evaluation).

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

Thomas DeLorenzo  
Environmental Policy Analyst

Concur:

Sarah T. Biegel  
NEPA Compliance Officer

Attachment(s): Environmental Evaluation

# Categorical Exclusion Environmental Evaluation

This evaluation 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:** Jocko Pines Exchange

## **Project Site Description**

The Jocko Pines property is a roughly 80-acre mitigation property owned by CSKT in Lake County, Montana. The closest population center is the town of Arlee, approximately 1.5 miles to the east. The property has been held in Tribal Trust for decades and is largely undeveloped and natural riparian forests, wetlands, and grasslands along the banks of the Jocko River. The legal description of the property is portions of Section 7, Township 16 North, Range 19 West in Lake County, Montana.

## **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 exchange which includes the creation of a conservation easement. To the extent that future activities on the property may have an effect, it is expected that 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: Prior to closing, notice of the exchange would be mailed to nearby landowners and interested parties, and BPA would run advertisements in local area newspapers for at least two weeks to inform the public of the pending exchange.

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

Signed:

Thomas DeLorenzo  
Environmental Policy Analyst