

Categorical Exclusion Determination

Bonneville Power Administration

Department of Energy



Proposed Action: North Crow Creek Property Acquisition Funding

Fish and Wildlife Project No. and Contract No.: 2002-003-00; BPA-008505

Project Manager: Cecilia Brown

Location: T21N R19W Sec 21, Lake, 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 North Crow Creek property; two parcels totaling approximately 14.54 acres of land located approximately 5 miles northeast of the town of Ronan in Lake County, Montana. The property would be placed in a conservation easement to provide long-lasting fish benefits by preventing the conversion of quality habitat to other land uses.

Funding the purchase of the property would be provided as part of BPA's ongoing efforts to protect, restore, and enhance habitat for native resident fish, including westslope cutthroat trout as mitigation for the construction and operation of the Hungry Horse hydroelectric facility on the South Fork of the Flathead River.

The property consists of riparian and stream habitat. The CSKT would provide long-term stewardship of the land and 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 agreement and purpose of the acquisition. If BPA proposes to fund any management activities on the property, additional environmental review would be conducted.

Findings: BPA has determined that the proposed action complies with Section 1021.410 and Appendix B of Subpart D 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). The proposed action does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal. The proposal is not connected [40 C.F.R. 1508.25(a)(1)] to other actions with potentially significant impacts, has not been segmented to meet the definition of a categorical exclusion, is not related to other proposed actions with cumulatively significant impacts [40 C.F.R. 1508.25(a)(2)], and is not precluded by 40 C.F.R. 1506.1 or 10 C.F.R. 1021.211. Moreover, the proposed action would not (i) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, (ii) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities, (iii) disturb hazardous substances, pollutants, contaminants, or Comprehensive Environmental Response, Compensation and Liability Act-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled or unpermitted releases, (iv) have the potential to cause significant impacts on environmentally sensitive resources, or (v) 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.

/s/ Jennifer Snyder

Jennifer Snyder
Contract Environmental Protection Specialist
David Evans and Associates, Inc.

Reviewed by:

/s/ Donald Rose

Donald Rose
Supervisory Environmental Protection Specialist

Concur:

/s/ Katherine S. Pierce

Katherine S. Pierce
NEPA Compliance Officer

Date: February 10, 2015

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 acquisition parcels are currently under private ownership and consist of riparian habitat and the riverine habitat of North Crow Creek. Historic land use of these parcels has been for agriculture and more recently, open space. A secretarial irrigation ditch does originate off of North Crow Creek at the upstream end of the property, but does not appear to have been constructed for irrigating the North Crow Creek property.

Evaluation of Potential Impacts to Environmental Resources

Environmental Resource Impacts	No Potential for Significance	No Potential for Significance, with Conditions
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1. **Historic and Cultural Resources**

Explanation: The financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase a parcel of land has been determined to have no potential to affect historic and cultural resources. No historic properties are known to occur within the acquisition parcels.

2. **Geology and Soils**

Explanation: No soil disturbance will occur as a result of the financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase the two parcels of land.

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

Explanation: Spalding’s Catchfly and Water Howellia are listed as threatened under the Endangered Species Act (ESA), with known occurrences in Lake County. Spalding’s Catchfly is found predominantly in Pacific Northwest bunchgrass grasslands and sagebrush steppe, and occasionally in open-canopy pine stands. The acquisition parcels are dominated by a riparian forest with an overstory of large, mature, coniferous tree species including Douglas fir, Englemann spruce, western larch, western red cedar and Ponderosa pine. Habitat present in the property is not suitable for Spalding’s Catchfly.

Water Howellia is found predominantly in areas that were once associated with glacial potholes and former river oxbows that flood in the spring, but usually dry at least partially by late summer. It is often found on the edges of deep ponds that are partially surrounded by deciduous trees such as black cottonwood and aspen. North Crow Creek is present on the acquisition parcels, which is a linear, perennially flowing stream. Habitat present in the property is not suitable for Water Howellia.

Clustered Lady’s-slipper is a state sensitive species that resides in or near the subject property.

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

Explanation: Canada Lynx and Grizzly Bear are ESA-listed species with known occurrences in Lake County. Grizzly Bear are known to use the property. Pacific Wren, Long-billed Curlew, Bobolink, Fringed Myotis, and Townsend’s Big-eared Bat are state sensitive species that are present in or near the subject property. The financial

transaction of providing funding to a Fish and Wildlife project sponsor to purchase two parcels of land for fish and wildlife habitat conservation purposes will have no effect on wildlife.

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



Explanation: The project area is located on land adjacent to and within North Crow Creek. Bull trout is an ESA-listed species with known occurrences and critical habitat in Lake County. However, they are not present in North Crow Creek. Westslope cutthroat trout is a state sensitive species that is present in North Crow Creek. The financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase two parcels of land for fish and wildlife habitat conservation purposes will have no effect on wildlife, water bodies, or floodplains.

6. **Wetlands**



Explanation: The project area is located on land adjacent to and within North Crow Creek. The financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase two parcels of land for fish and wildlife habitat conservation purposes will have no effect on wetlands.

7. **Groundwater and Aquifers**



Explanation: No ground disturbance proposed. The financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase two parcels of land for fish and wildlife habitat conservation purposes will have no effect on ground water and aquifers.

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



Explanation: As a result of the transaction, ownership of the parcels would change from private to Tribe-owned and would establish protection of continuously owned tribal land for approximately 1.70 stream miles of the North Crow Creek and banks.

9. **Visual Quality**



Explanation: The financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase two parcels of land for fish and wildlife habitat conservation purposes will have no effect on visual quality.

10. **Air Quality**



Explanation: The financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase two parcels of land for fish and wildlife habitat conservation purposes would not result in changes on air quality.

11. **Noise**



Explanation: The financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase two parcels of land for fish and wildlife habitat conservation purposes would not result in changes to noise on these parcels.

12. **Human Health and Safety**



Explanation: The financial transaction of providing funding to a Fish and Wildlife project sponsor to purchase two parcels of land for fish and wildlife habitat conservation purposes will have no effect on human health and safety.

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: Notification letters will be sent to adjacent landowners and other interested parties at a minimum of 15 days before the closing date of the sale. Ads will also be posted in local newspapers, and information will 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 on any environmentally sensitive resources.

Signed: /s/ Jennifer Snyder Date: February 10, 2015