

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Spokane Tribe of Indians Land Swap

**Project No.:** 1998-003-00; BPA-013767

**Project Manager:** Virginia Preiss – EWM - 4

**Location:** Stevens County, WA

**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:** The Spokane Tribe of Indians is proposing a land swap between the Spokane Tribe's Wildlife BPA mitigation property and the Spokane Tribe's fee property. The proposed land swap would be a 40-acre portion of a larger property protected for wildlife by a BPA-held conservation easement (referred to as a portion of BPA Tract ID SPOKN-WL-39 and a portion of tribal tract T1388) located in SE1/4NE1/4, Sec 26, T28N, R38E; in exchange for a 40-acre portion of tribal tract T570, SW1/4SE1/4, Sec 23, T28N, R38E. BPA would release a portion of its interest in T1388 and be granted a conservation easement over the replacement T570 which would permanently protect, mitigate, and enhance fish and wildlife and their habitat.

The proposed land swap would connect to the remaining wildlife mitigation tract T1388 and would be considered the same Douglas-fir/ninebark habitat type. The proposed land exchange would include a portion of Wellpinit Creek, adding some riparian habitat to the wildlife mitigation tract T1388. The Spokane Tribe 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 completed after 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.

Shawn Skinner  
Environmental Protection Specialist

Concur:

Sarah T. Biegel  
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**

Located within the exterior boundaries of the Spokane Indian Reservation, on tribal tract 102-T570.T-570 has no structures of any kind throughout the property with only one road through the middle of the land tract. This road dead-ends and is rarely used by tribal members for recreation and by program staff members. There are no utilities either above or below ground throughout the property and no fencing around the perimeter of property. Ponderosa pine and western larch are found sporadically throughout the T-570 with ninebark dominating the shrub understory followed by snowberry and rose species. Wellpinit Creek flows through this parcel giving this tract a small, but important component of riparian species including alder, aspen, cottonwood, *Salix* spp, and *Carex* spp. This creek is not fish bearing and flows throughout the year.

### **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 swap 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 the Spokane Tribe of Indians 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: All parcels are owned by the Spokane Tribe of Indians, which is a proponent of this action and has been coordinating with BPA on proposing the exchange.

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

Signed:

Shawn Skinner, ECF-4  
Environmental Protection Specialist