

United States Government

Department of Energy  
Bonneville Power Administration

# memorandum

DATE: March 30, 2011

REPLY TO  
ATTN OF: KEC-4

SUBJECT: Environmental Clearance Memorandum

TO: Dave Roberts  
Project Manager - KEWU-4

**Proposed Action:** Provision of funds to the Confederated Tribes of the Colville Reservation for purchase of the Ninemile Creek property

**Fish and Wildlife Project No.:** 2008-104-00, BPA-005670

**Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021):** B1.25 Transfer, lease, disposition or acquisition of interests in uncontaminated land for habitat preservation or wildlife management, and only associated buildings that support these purposes. Uncontaminated means that there would be no potential for release of substances at a level, or in a form, that would pose a threat to public health or the environment.

**Location:** The Ninemile Creek property is located approximately 2.25 miles north of the town of Oroville, Washington. The legal description is Township 40 North, Range 27 East, Section 15.

**Proposed by:** Bonneville Power Administration (BPA) and the Confederated Tribes of the Colville Reservation.

**Description of the Proposed Action:** BPA proposes to fund the purchase of six acres along Ninemile Creek, a tributary of the Okanogan River located in north central Washington. The Okanogan River supports populations of Upper Columbia River summer/fall Chinook and Okanogan River sockeye salmon, as well as ESA-listed Upper Columbia River steelhead. Protecting this habitat would benefit these species and other native population of fish and wildlife, and would prevent this land from being converted to other types of land use.

The Confederated Tribes of the Colville Reservation agree that this acquisition and the permanent protection of the properties that will result are ultimately being undertaken for the benefit of the public. Ownership by the Confederated Tribes of the Colville Reservation and the perpetual conservation easement to be held by BPA will ensure that the critical fish and wildlife habitat values present on the property will be protected forever.

BPA is funding the Confederated Tribes of the Colville Reservation's acquisition of the properties and is receiving a conservation easement. Prior to any management activities, BPA will conduct further environmental review.

**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). 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, 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, or (iv) adversely affect environmentally sensitive resources.

Based on the provision that consultation under Section 106 of the National Historic Preservation Act will be conducted prior to any BPA-funded ground disturbing activities taking place on this property, this proposed action meets the requirements for the Categorical Exclusion referenced above. We therefore determine that the proposed action may be categorically excluded from further NEPA review and documentation.

/s/ Jenna Peterson

Jenna Peterson

Environmental Project Manager

Concur:

/s/ Katherine S. Pierce

Katherine S. Pierce

NEPA Compliance Officer

Date: March 30, 2011

Attachment:

Environmental Checklist for Categorical Exclusions

## Environmental Checklist for Categorical Exclusions

Name of Proposed Project: Ninemile Creek Land Acquisition

Project #: 2008-104-00; Contract #: BPA-005670

This project has been found to **not** adversely affect the following environmentally sensitive resources, laws, and regulations:

Environmental Resources	No Adverse Effect	No Adverse Effect With Conditions
1. Cultural Resources No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. T & E Species, or their habitat(s) No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Floodplains or wetlands No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Areas of special designation No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Health & safety No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Prime agricultural lands No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Special sources of water No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Consistency with state and local laws and regulations No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Pollution control at Federal facilities No effect as this is strictly a land acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Other	<input type="checkbox"/>	<input type="checkbox"/>

List supporting documentation attached (if needed):

Signed: /s/ Jenna Peterson

Date: March 30, 2011