

United States Government

Department of Energy  
Bonneville Power Administration

# memorandum

DATE: July 25, 2011

REPLY TO  
ATTN OF: KEC-4

SUBJECT: Environmental Clearance Memorandum

TO: Cecilia Brown  
Project Manager - KEWM-4

**Proposed Action:** Provision of funds to the Confederated Salish and Kootenai Tribes for purchase of the Pistol Creek Property.

**Fish and Wildlife Project No.:** 2002-003-00

**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:** Township 17 North, Range 18 West, Sections 30 and 31, Lake County, MT.

**Proposed by:** Bonneville Power Administration (BPA) and Confederated Salish and Kootenai Tribes (CSKT).

**Description of the Proposed Action:** BPA proposes to fund the acquisition of the 20 acre Pistol Creek property by CSKT. The property is being acquired as partial mitigation for the construction and operation of the Hungry Horse Dam on the South Fork of the Flathead River, and because of its riparian and natural resource values. The property includes approximately one-quarter mile of Pistol Creek, which is largely important for providing habitat to westslope cutthroat trout and bull trout. BPA will be granted a perpetual conservation easement over the entire property as a condition of funding the acquisition. The easement will protect the conservation values for which the property is being acquired by restricting activity such as residential, non-agricultural commercial and industrial development.

After purchase of the property is complete, CSKT will manage the property to maintain habitat for fish and wildlife. CSKT will develop a management plan for the property and there will be an opportunity for the public to review and provide comments on the management plan prior to implementation of new actions on the property. Prior to the development of the management plan, public access will not change. Planned management activities on the property in the interim are to maintain current fencing.

**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.

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/ Hannah Dondy-Kaplan

Hannah Dondy-Kaplan

Environmental Protection Specialist – KEC-4

Concur:

/s/ Katherine S. Pierce

Date: July 26, 2011

Katherine S. Pierce

NEPA Compliance Officer – KEC-4

Attachment:

Environmental Checklist for Categorical Exclusions

## Environmental Checklist for Categorical Exclusions

Name of Proposed Project: Pistol Creek

Work Order #: #BPA- 233877

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 adverse effect	<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 Only BPA approved herbicides will be applied	<input checked="" type="checkbox"/>	<input type="checkbox"/>

List supporting documentation attached (if needed):

Signed: /s/ Hannah Dondy-Kaplan

Date: July 25, 2011