

United States Government

Department of Energy  
Bonneville Power Administration

# memorandum

DATE: July 7, 2010

REPLY TO  
ATTN OF: Bruce Hollen KEC-4

SUBJECT: Environmental Clearance Memorandum

TO: Cecilia Brown  
Project Manager – KEWM-4

**Proposed Action:** Provision of funds to Confederated Salish and Kootenai Tribes (CSKT) for purchase of Jocko Spring Creek Property.

**Fish and Wildlife Project No.:** 2002-003-00, Contract # BPA-44646

**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 20 West, Section 26 of the Arlee Quad, in Lake County, Montana

**Proposed by:** Bonneville Power Administration (BPA) and CSKT

**Description of the Proposed Action:** BPA proposes to fund the acquisition of 126 acres of property along Jocko Spring Creek in the Jocko River Watershed by the CSKT. BPA will be granted a perpetual conservation easement over the entire property as a condition of funding the acquisition. The property is being acquired because of the opportunity it provides to protect and enhance the habitat for important resident fish species. Jocko Spring Creek is part of a watershed designated as critical habitat for bull trout, resident fish that are listed as threatened under the Endangered Species Act. The watershed also supports local populations of resident and migratory westslope cutthroat trout, a subspecies that is considered at risk by local tribes and the state of Montana.

Over the years, various land-use disturbances in the Jocko River Watershed have degraded stream channel conditions, elevated temperatures and increased sediment levels in the river, causing fish populations to decline. The watershed was selected as a focus for restoration efforts because the high rate of development in the area increases the risk that more habitat resources will be damaged.

The privately owned property is on the Flathead Indian Reservation in an area that is significant to the CSKT of that reservation. Evidence of traditional use goes back hundreds of years. BPA proposes to fund purchase of the property by CSKT; BPA would establish and retain title to a conservation easement on the property. Establishing the permanent conservation easement

would give BPA credit for partial mitigation of resident fish habitat lost due to construction of Hungry Horse Dam – a federal dam on the South Fork of the Flathead River – and inundation of its reservoir.

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 a cultural resource survey will be conducted prior to any ground disturbing activities, 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/ Bruce Hollen

Bruce Hollen

Environmental Protection Specialist – KEC-4

Concur:

/s/ Katherine S. Pierce

Katherine S. Pierce

NEPA Compliance Officer – KEC-4

DATE: July 8, 2010

Attachment:

Environmental Checklist for Categorical Exclusions

# Environmental Checklist for Categorical Exclusions

Name of Proposed Project: FY10 Secure and Restore Fish and Wildlife Habitat

Project #: 200200300 Cont# BPA-44646

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 No effect as this is strictly a land acquisition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

List supporting documentation attached (if needed):

Signed: /s/ Bruce Hollen

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