

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Cusick Meadows Property Conservation Easement Acquisition

**Project No.:** 1992-061-00/BPA-010597

**Project Manager:** Lee Watts

**Location:** Pend Oreille 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:** BPA is proposing to obtain a conservation easement from the Kalispel Tribe for the Cusick Meadows property, a 26-acre parcel of land located approximately one mile west of Cusick, Washington, and 52 miles north of Spokane, Washington, in Pend Oreille County, Washington. BPA would hold a conservation easement to permanently protect, mitigate, and enhance fish and wildlife and their habitat. The Kalispel Tribe purchased the land parcel in 2015 for conservation purposes.

The conservation easement acquisition would serve as partial mitigation for the construction and operation of the Federal Columbia River Power System which includes dams on the main stem Columbia and Snake Rivers. This easement acquisition would ultimately satisfy some of BPA's commitments made in the Memorandum of Understanding between the Kalispel Tribe of Indians and the Bonneville Power Administration.

The property consists of wet meadow habitat. The Kalispel Tribe would 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 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, July 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.

/s/ Jennifer Snyder

Jennifer Snyder  
Contract Environmental Protection Specialist  
Flux Resources, LLC

Reviewed by:

/s/ Chad J. Hamel

Chad J. Hamel  
Supervisory Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel

Sarah T. Biegel  
NEPA Compliance Officer

Date: April 5, 2019

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.

**Proposed Action:** Cusick Meadows Conservation Easement Acquisition

### Project Site Description

The 26-acre Cusick Meadows site is comprised of wet meadow habitat and lies near an unnamed tributary to Calispel Creek approximately one mile west of Cusick, WA (and the Pend Oreille River) and 52 miles north of Spokane, WA. Cusick Meadow Road comprises the entire northern boundary; the east and southern boundaries abut property that is currently owned and managed as wildlife mitigation property by the Kalispel Tribe. Fencing exists along the roadway and western boundary. Surrounding land uses are predominantly agricultural. The subject site is zoned R5 (rural five acre minimum parcel size) and is currently in hay production. Floodplain meadow habitat and emergent wetlands benefit waterfowl, neo-tropical migratory birds, and white-tailed deer.

### Evaluation of Potential Impacts to Environmental Resources

Environmental Resource Impacts	No Potential for Significance	No Potential for Significance, with Conditions
1. <b>Historic and Cultural Resources</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> There would be no effect due to the acquisition of a conservation easement. To the extent that future activities on the property may have an effect, it is expected that the Kalispel Tribe would comply with all applicable laws and regulations.		
2. <b>Geology and Soils</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
3. <b>Plants</b> (including federal/state special-status species)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
4. <b>Wildlife</b> (including federal/state special-status species and habitats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
5. <b>Water Bodies, Floodplains, and Fish</b> (including federal/state special-status species and ESUs)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
6. <b>Wetlands</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		
7. <b>Groundwater and Aquifers</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> See explanation for #1 above.		

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

Explanation: See explanation for #1 above.

9. **Visual Quality**

Explanation: See explanation for #1 above.

10. **Air Quality**

Explanation: See explanation for #1 above.

11. **Noise**

Explanation: See explanation for #1 above.

12. **Human Health and Safety**

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, 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:

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### **Landowner Notification, Involvement, or Coordination**

Description: BPA and the Kalispel Tribe are collaborating on the property recording transaction.

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

Signed: /s/ Jennifer Snyder

Jennifer Snyder – ECF-4

Contract Environmental Protection Specialist

Flux Resources, LLC

Date: April 5, 2019