



Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy

Proposed Action: Hangman Creek Land/Conservation Easement Exchange and Stewardship Funding

Project No.: 2001-033-00

Project Manager: Lee Watts – EWM

Location: Benewah County, Idaho

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 Bonneville Power Administration (BPA) is proposing to authorize the transfer of conservation easement protection status held by BPA from upland portions of properties previously purchased by BPA for the Coeur d'Alene Tribe to lowland (riparian and wetland) portions of properties owned by the Coeur d'Alene Tribe that currently have no such protection. This action would have the effect of relinquishing conservation easement protection status on upland acreages and acquiring conservation easement protection status on the lowland acreages. All properties are within the Hangman Creek Watershed and owned by the Coeur d'Alene Tribe.

The upland portions of these properties removed from mitigation management and conservation easement protection status total 414.51 acres and are centered 3.3 kilometers east southeast of the communities of DeSmet and Tensed in Benewah County, Idaho. There are an additional 785.34 acres of wetland, riparian, floodplain habitats of these properties currently managed to maximize fish and wildlife mitigation benefits that would maintain their conservation easement protection status and are not affected by this proposal.

The 498.15 acres added to mitigation management and gaining conservation easement protection status are within five noncontiguous parcels along Hangman Creek that are Tribally-owned and downstream of the unaffected acres. BPA would hold the new conservation easement on these lowland parcels to permanently protect, mitigate, and enhance fish and wildlife and their habitat. BPA would also provide stewardship funds toward maintenance, monitoring, and enforcement of the conservation easement to the Coeur d'Alene Tribe.

The changes are proposed to apply conservation easement protections where conservation easement purposes can most effectively be met. The upland parcels are dominated by invasive species to the extent that the only effective control measure has been annual herbicide spraying and agricultural tilling for years with essentially no opportunity for habitat developments for fish and wildlife. The lowland parcels have no such limitation and are well suited to habitat developments and protections for fish and wildlife.

The properties contain habitats that can fulfill the life history needs of the redband trout, a species of interest to the Coeur d'Alene Tribe due to its value as a potential fishery. The Coeur d'Alene Tribe would develop a land management plan to guide the protection and enhancement of habitat and other resources on the property. The plan would be reviewed by BPA for consistency with the conservation easement and the purpose of the acquisition and would be completed by closing. If

BPA proposes to fund any additional activities on the property, further environmental review would be conducted.

Authorizing the proposed conservation easement exchanges fulfills Bonneville's commitments to mitigate for effects of the FCRPS on fish and wildlife in the mainstem Columbia River and its tributaries pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) (16 U.S.C. 839 et seq.).

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.

/s/ Robert W. Shull

Robert W. Shull
Contract Environmental Protection Specialist
CorSource Technology Group

Reviewed by:

/s/ Chad Hamel

Chad Hamel
Supervisory Environmental Protection Specialist

Concur:

<u>/s/ Sarah T. Biegel</u>	<u>December 9, 2022</u>
Sarah T. Biegel	Date
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

The upland parcels consist of annually farmed and tilled agricultural lands that are heavily infested with invasive annual grasses. The lowland parcels are comprised of important streams, floodplains, habitats, and other important ecosystem attributes including approximately seven kilometers of Hangman Creek, approximately five kilometers of Sheep Creek, and approximately eight kilometers of intermittent drainage bottom. Mature pine open woodland, a rare forest type, occupies approximately 84 acres of the floodplain within the property. Agricultural production was formerly the predominant use of the lowland properties and still covers approximately 405 acres; however, the seasonally saturated soils and occasional flooding has rendered these areas unsuitable for crop production. Restoration has been initiated on approximately 580 acres of the lowland property's floodplain where native grasses are now established on former agricultural lands. Portions of these grassland habitats near drainage bottoms and stream channels have been planted with native deciduous trees and shrubs.

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 conservation easement exchange. To the extent that future activities on the property may have an effect, it is expected that the Coeur d'Alene Tribe 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 Coeur d'Alene Tribe, 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: /s/ Robert W. Shull

Robert W. Shull
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CorSource Technology Group

December 9, 2022

Date