

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Rocky Gorge Land Acquisition

Project No.: 1992-061-00

Project Manager: Elizabeth Santana – EWM-4

Location: Pend Oreille, 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 fund the Kalispel Tribe of Indians to purchase the Rocky Gorge property, a 120-acre parcel of land located roughly 8 miles southwest of the town of Usk in Pend Oreille County, Washington. The Inland Northwest Land Conservancy would hold a conservation easement to permanently protect, mitigate, and enhance fish and wildlife and their habitat. BPA would retain a third-party right of enforcement on this easement. Funding for the acquisition would be provided by the Kalispel Tribe using proceeds from the Sand Creek parcel sale under the terms of the letter of agreement with BPA for finding replacement mitigation habitat for the disposed property.

The acquisition would support ongoing efforts 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. (USC) 839 et seq.).

The property consists predominantly of upland forest with small, seasonal streams throughout. The Kalispel Tribe would develop a land management plan to guide the protection and enhancement of habitat and other resources on the property. The land management plan would be drafted within 18 months of closing. 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, 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.¹

Thomas DeLorenzo
Environmental Policy Analyst

Concur:

Katey C. Grange
NEPA Compliance Officer

Attachment(s): Environmental Checklist

¹ BPA is aware of the November 12, 2024, decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality regulations implementing NEPA are not judicially enforceable or binding on this agency action, BPA has nonetheless elected to follow those regulations at 40 Code Federal Regulations (C.F.R.) §§ 1500– 1508, in addition to the US Department of Energy’s NEPA implementing procedures at 10 C.F.R. Part § 1021, to meet the agency’s obligations under NEPA, 42 U.S.C. §§ 4321 *et seq.*

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 Rocky Gorge property is a 160-acre property located in central Pend Oreille County, Washington roughly 8 miles southwest of the town of Usk. The Kalispel Tribe would purchase 120 acres of this land which consist mainly of upland second-growth forest. The property was primary used for logging through the late 20th century, but now contains extensive tracts of high-quality habitat for bald eagles (*Haliaeetus leucocephalus*) and white-tailed deer (*Odocoileus virginianus*).
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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 land acquisition which includes transfer of title and the creation 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. 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: Prior to closing, notice of the acquisition would be mailed to nearby landowners and interested parties. Additionally, BPA would run advertisements in local area newspapers for at least two weeks to inform the public of the pending acquisition.

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

Signed:

Thomas DeLorenzo, EC-4
Environmental Policy Analyst