

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: CSKT Fencing, Vegetation Maintenance, and Structure Removal

Project No.: 1991-019-01

Project Manager: Elizabeth Santana, EWM-4

Location: Flathead, Lake, Missoula, and Sanders Counties, Montana

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B1.20 Protection of Cultural Resources, Fish and Wildlife Habitat

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes to fund the Confederated Salish and Kootenai Tribes (CSKT) to implement Fencing, Vegetation Maintenance, and Structure Removal activities in the Flathead Subbasin of northwest Montana. CSKT would install/maintain fencing, maintain vegetation, and remove structures and debris on BPA mitigation properties owned by the CSKT and acquired using BPA funding as partial mitigation for the loss of fish and wildlife habitat associated with the construction and operation of Hungry Horse Dam. Specific details of the proposed activities include:

- **Install/Maintain Fence** – Install new and maintain existing boundary fences on three conservation properties i.e., Lower Crow, Saddle Mountain, and Sheepshead. New boundary fences would be “wildlife friendly” wire fencing. This type of fence utilizes smooth wire on top and bottom to allow for safer passage of wildlife and barbed wire in the middle to discourage the movement of livestock onto fenced properties. Wildlife fences containing 4 strands of smooth wire would be installed where adjacent properties contain little to no livestock grazing. Fencing crews would remove existing fences and mow grass and trim trees and shrubs along fence lines and proposed staging areas prior to installing new fencing or maintaining existing fencing. Access to staging areas would be along existing two-track roads. Crews would use a rubber-tracked skid-steer with a hydraulic post pounder and hand tools to install metal and treated-wood fence posts. All work would occur above the ordinary high-water mark of nearby streams.
- **Maintain Vegetation** – Control noxious weeds and other vegetation on up to 300 acres across 39 properties. Vegetation crews would control noxious weeds using herbicides, insects (i.e., leafy spurge flea beetles (*Aphthona spp.*) and knapweed root weevils (*Cyphocleonus achates*), and mowing; and manage tall vegetation around parking areas and heavily traveled roads by mowing to create firebreaks or in preparation for herbicide applications. Herbicide applications would involve broadcast and direct spray treatments; insect applications would involve direct release treatments; mowing would be conducted on large and small areas via a mower deck mounted on a tractor or a skid-steer, heavy-duty walk-behind mower, or hand-held weed trimmer. Herbicide application and mowing activities would occur above the ordinary high-water

mark of nearby streams. Crews may access areas below the ordinary high-water mark on properties where insects would be released to control leafy spurge and Canada thistle, which often occur immediately adjacent to streams; however, this access would be restricted to foot traffic only. Additionally, crews would not need to use temporary or existing stream crossings to complete the proposed herbicide application, biological control, or mowing.

- **Remove Structures/Debris** – Remove structures and miscellaneous debris from two conservation properties i.e., Calowahcan and Sheepsheads. At the Sheepshead property, a 40-foot by 30-foot barn and two small outbuildings measuring 12 feet by 12 feet and 8 feet by 8 feet, respectively, would be removed. At the Calowahcan property, two piles of debris consisting of discarded wood, metal, and miscellaneous trash would be removed. Work crews would remove materials and debris using a tracked excavator and skid-steer and would load debris into a dump truck to transport to the Lake County Landfill for proper disposal. Work crews would also use both pieces of equipment to remove any remaining surface debris and grade disturbed sites. Following final clean up and grading, work crews would scarify disturbed soil areas, including staging areas, with a tractor and harrow. All scarified soils would be hand-seeded with a native seed mix and re-harrowed following seed placement to ensure good seed to soil contact. Access would be along existing two-track roads so new access would not be needed. All work would occur above the ordinary high-water mark of nearby streams and crews would not need to use temporary or existing stream crossings to complete the proposed work.

BPA's funding for this project would support conservation of Endangered Species Act (ESA)-listed species considered in the 2020 ESA consultation with the U.S. Fish and Wildlife Service on the operations and maintenance of the Columbia River System, while also supporting ongoing efforts to mitigate for effects of the Federal Columbia River Power System (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 (the Northwest Power Act) (16 USC (USC) 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 review¹.

¹ BPA is aware that the Council on Environmental Quality (CEQ), on February 25, 2025, issued an interim final rule to remove its NEPA implementing regulations at 40 C.F.R. Parts 1500–1508. Based on CEQ guidance, and to promote completion of its NEPA review in a timely manner and without delay, in this CX BPA is voluntarily relying on the CEQ regulations, in addition to DOE's own regulations implementing NEPA at 10 C.F.R. Part 1021, to meet its obligations under NEPA, 42 U.S.C. §§ 4321 *et seq.*

Brenda Aguirre
Environmental Protection Specialist

Concur:

Katey C. Grange
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.

Proposed Action: CSKT Fencing, Vegetation Maintenance, and Structure Removal

Project Site Description

Project activities would take place on properties within and surrounding the Flathead Reservation in northwest Montana. Vegetation and land use within and surrounding the Reservation consist of montane forests, agricultural pastureland, and rural residential. Waterbodies and rivers within and surrounding the Reservation include Flathead Lake, Flathead River, Jocko River, and tributary streams to the lake and rivers. A majority of the waters provide habitat for several resident fish species including Endangered Species Act (ESA)-listed bull trout and its designated critical habitat. Much of this area has been altered by human disturbances. Clearing for previous road construction and agricultural production have altered plant community structures; exotic species are abundant.

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: On November 20, 2024, BPA initiated consultation with and made a determination of No Adverse Effect to historic properties in a letter sent to the Confederated Salish and Kootenai Tribes (CSKT) and CSKT Tribal Historic Preservation Office. No comments were received during the comment period that ended on December 12, 2024.

2. Geology and Soils

Potential for Significance: No

Explanation: Excavation of post holes for fencing and potential excavation related to structure or debris removal, and scarifying and harrowing for seeding would disturb soils; erosion control measures and revegetation would be implemented to minimize impacts.

3. Plants (including Federal/state special-status species and habitats)

Potential for Significance: No with Conditions

Explanation: The potential to have short-term effects on ESA-listed Spalding's catchfly is possible in that the species occurs in several counties of northwest Montana. Any potential effects to Spalding's catchfly are covered under BPA's HIP4 BiOp with USFWS e.g. pre-project surveys for Spalding's catchfly would be conducted by the tribal botanist at all sites, identified plants would be avoided during project activities, herbicide applications would occur more than 0.25 miles from identified populations, etc. Effects would, therefore, be minor and consistent with the not likely to adversely affect determination of the HIP4 BiOp.

There are no other known special-status plant species or habitats within the project areas. Minor and temporary vegetation disturbances would occur as part of the proposed activities but would have short-term effects on vegetation. In the long term, there would be beneficial effects from restored or improved vegetation conditions.

Notes:

- All actions that would have the potential to impact ESA-listed Spalding's catchfly would conform to the conservation measures contained in HIP4 programmatic BiOp with USFWS.

4. Wildlife (including Federal/state special-status species and habitats)

Potential for Significance: No with Conditions

Explanation: The potential to have short-term effects on ESA-listed grizzly bear, Canada lynx, or designated critical habitat for Canada lynx is possible in that most of the project areas occur within or adjacent to areas known to support seasonal usage by grizzly bears and Canada lynx. Any potential effects to grizzly bear, Canada lynx, or designated critical habitat for Canada lynx are covered under BPA's HIP4 BiOp with the USFWS e.g. activities generating noise above ambient levels would not occur within 0.25 mile of known grizzly bear den sites from October 15 through May 15; within suitable or occupied habitats for either species, use of herbicides would follow those listed in the HIP4 BiOp. Effects would, therefore, be minor and consistent with the not likely to adversely affect determination of the HIP4 BiOp. There are no other known special-status wildlife species or habitats within the project areas. No habitats would be modified to any degree that might permanently displace resident wildlife, though some may be temporarily displaced by disturbance from project operations. All human presence and activity associated with the project actions could temporarily disturb and displace nearby wildlife, but long-term displacement resulting in competition for nearby habitats is unlikely.

Notes:

- All actions that would have the potential to impact ESA-listed grizzly bear, Canada lynx, or designated critical habitat for Canada lynx would conform to the conservation measures contained in HIP4 programmatic BiOp with USFWS.

5. Water Bodies, Floodplains, and Fish (including Federal/state special-status species, ESUs, and habitats)

Potential for Significance: No with Conditions

Explanation: The potential to have short-term effects on ESA-listed bull trout and their critical habitat is possible in that most of the project sites occur within or adjacent to areas known to support bull trout and designated critical habitat for bull trout. State special-status fish species possibly in the project areas include Westslope cutthroat trout, Columbia River redband trout, and pygmy whitefish. Any potential effects to ESA-listed bull trout or designated critical habitat for bull trout are covered under BPA's HIP4 BiOp with the USFWS e.g. ground-disturbing mechanical activity would be restricted to established buffer zones adjacent to streams and other sensitive habitats; herbicides would be applied by appropriately licensed applicators using herbicides specifically targeted for particular plant species that will cause the least impact to non-target species; revegetation plans shall use native species and specify seed/plant source, seed/plant mixes, and soil preparation, etc. Effects would, therefore, be minor and consistent with the not likely to adversely affect determination of the HIP4 BiOp. Project actions would help restore native riparian vegetation for the benefit of aquatic species, including bull trout.

The proposed activities will have a minor effect on state special-status fish species with adherence to conservation measures listed in the HIP4 BiOp designed to mitigate impacts to ESA-listed bull trout. Project activities have been designed to avoid adverse impacts. Work crews may access areas below the ordinary high-water mark on properties where insects would be released to control leafy spurge and Canada thistle; however, access would be restricted to foot traffic only. All other work would occur above the ordinary high-water mark of nearby streams, and work crews would not need to use temporary or existing stream crossings to complete any proposed work. No water bodies or floodplains would be impacted.

Notes:

- All actions that would have the potential to impact ESA-listed bull trout and their critical habitat would conform to the conservation measures contained in BPA's HIP4 programmatic BiOp with USFWS.

6. Wetlands

Potential for Significance: No

Explanation: No wetlands would be impacted. Project activities have been designed to avoid impacts to wetlands. Work crews may access areas below the ordinary high-water mark on properties where insects would be released to control leafy spurge and Canada thistle; however, access would be restricted to foot traffic only.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: There would be no groundwater withdrawal. There would be some potential for contamination of groundwater from fuel or fluid drips or spills occurring during herbicide mixing and from vehicles and heavy equipment used to conduct the work; however, spill prevention measures would be present on site to reduce the risk of contamination.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: There would be no land use changes, and no impact to specially-designated areas.

9. Visual Quality

Potential for Significance: No

Explanation: No visually prominent vegetative, landform, or structural change would be made. The new fencing, areas of vegetation management, and removal of structures or debris would not change the visual character of the landscapes.

10. Air Quality

Potential for Significance: No

Explanation: There would be small amounts of dust and vehicle emissions generated during project activities, but these would be short-term actions, and no new, long-term source of emissions or exhaust would be created.

11. Noise

Potential for Significance: No

Explanation: There would be short-term noise generated by equipment during project activities; however, this would occur during locally approved daylight hours.

12. Human Health and Safety

Potential for Significance: No

Explanation: There are no known hazardous conditions, soils, or materials in the project areas or within the barn or structures proposed for removal, and no adjacent CERCLA (Superfund) sites. All removed building material would be disposed of at an appropriate disposal facility.

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: No notification - All work on CSKT-owned property and no visual or other effects to adjacent landowners.

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

Signed:

Brenda Aguirre
Environmental Protection Specialist