

# Categorical Exclusion Determination

Bonneville Power Administration

Department of Energy



**Proposed Action:** Upper Lemhi Conservation Easement Acquisition Funding

**Fish and Wildlife Project No. and Contract No.:** 2010-088-00, 61083

**Project Manager:** Hannah Dondy-Kaplan

**Location:**

Township 16 North, Range 25 East, Sections 3, 4, 10, 11, 12, 13

Township 16 North, Range 26 East, Sections 7, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 34, 35

Lemhi 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:** BPA proposes to fund the acquisition of a conservation easement on approximately 4,695 acres of property, referred to as the Upper Lemhi Conservation Easement, in Lemhi County, Idaho. The easement would provide long-lasting fish and wildlife benefits by preventing the conversion of fish and wildlife habitat to other land uses. When the purchase of the easement is complete, the landowner would still own the property. The Lemhi Regional Land Trust would hold the easement and would also monitor and enforce the terms of the easement. BPA would hold a third-party right of enforcement on the easement and would provide stewardship funds toward maintenance of the property.

This easement would serve as partial mitigation for the construction and operation of the dams on the Columbia and Snake rivers. The property consists of wetland riparian and upland sagebrush steppe habitat, as well as habitat for all life stages of Snake River spring/summer-run Chinook and Snake River Basin steelhead. The Lemhi Regional Land Trust would provide long-term stewardship of the land and 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 agreement and purpose of the easement. If BPA proposes to fund any management activities on the property, additional environmental review would 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 A of 10 CFR 1021, Subpart D;
- (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/ Michelle Guay

Michelle Guay  
Contract Environmental Protection Specialist  
Act-One Group

Reviewed by:

/s/ Don Rose

Don Rose  
Supervisory Environmental Protection Specialist

Concur:

/s/ Stacy L. Mason

Stacy L. Mason  
NEPA Compliance Officer

Date: May 26, 2015

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:** Upper Lemhi Conservation Easement Acquisition

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### Project Site Description

The conservation easement is 4,695 acres in size and is located near the town of Leadore in Lemhi County, Idaho. The three major habitat types in the easement area are riparian/wetland complex, upland sagebrush steppe, and agricultural pasture.

### 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 purchase of the conservation easement. To the extent that stewardship activities may have an effect, it is expected that the Lemhi Regional Land Trust 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. **Groundwater and Aquifers**

Explanation: 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**

Adjacent owners will be notified by mail of this conservation easement purchase.

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

Signed: /s/ Michelle Guay  
Michelle Guay, KEC-4

Date: May 26, 2015