

NEPA COMPLIANCE CHECKLIST

Project Title: Proposed Infrastructure Needs and Habitat Improvement at Mission Creek—Mission Bridge, National Bison Range, Flathead Indian Reservation.

Project Number: 01117940

Unit Facility: National Bison Range, NWR

State: Montana

This project is; is not completely covered by categorical exclusion 516 DM 8.5 Number **B2**; or 516 DM 2—Appendix 1 Number **1.7**.

Brief Project Description Justifying Categorical Exclusion Claimed: The proposal is to replace an existing and failing wooden bridge (**Alternative E, Preferred Alternative**, attached scoping). Associated habitat improvements that would result include removal of piers and pilings from Mission Creek and its floodplain, and using a longer bridge span which would reduce channel confinement and more easily pass flood flows and debris than the current condition. See the attached scoping form for details.

Justification—

516 DM 8.5 B (2) follows— “The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.”

516 DM 2 Appendix 1 follows— “Departmental Categorical Exclusions. The following actions are CXs pursuant to 516 DM 2.3A(2). However, environmental documents will be prepared for individual actions within these CX if any of the extraordinary circumstances listed in 516 DM 2, Appendix 2, apply. ... 1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).”

516 DM 2-APPENDIX 2—Exceptions—Extraordinary Circumstances (dated 21 June 2005 # 3675):

Extraordinary circumstances exist for individual actions within CXs which may:

2.1 Have significant impacts on public health or safety. NO Yes

Response: The proposed bridge was designed to improve safety by replacing a failing bridge, and facilitating the movement of large-sized farm equipment at the site. With design features and mitigation measures in place, the proposal would improve infrastructure and habitat needs at the site (see documentation of effects in the attached scoping form), although the effects were determined to be not significant.

2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. NO Yes

Response: On the Flathead Reservation, effects to historic and cultural resources are evaluated by staff from the Confederated Salish and Kootenai Tribes (**CSKT**), Tribal Preservation Office (**TPO**), rather than the State (**SHPO**) or other agencies. This fulfills our

meeting the requirements of the National Historic Preservation Act (**NHPA**). The project received a cultural clearance from the **TPO** (clearance attached to the scoping form). The proposal area is located in a refuge installation of the Fish and Wildlife Service, and was designed to address infrastructure needs at the refuge. Farmlands are illustrated on **Figure 4**, Cumulative Effects Analysis Area, and would not be affected. Wetlands are associated with Mission Creek. With design features and mitigation measures in place, the proposal would improve conditions at Mission Creek and its floodplain (see documentation of effects in the attached scoping form), although the effects were determined to be not significant. The other items listed in this exception statement do not occur in the project area.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. NO Yes

Response: The proposal was scoped and planned in cooperation with professional staff from the National Bison Range, other USFWS staff, and the CSKT Fisheries Program, Water Program, NEPA Program, Shoreline Protection Office, and Tribal Roads Program, all in the CSKT Department of Natural Resources. The proposal was designed to minimize negative effects to Mission Creek and its floodplain (see documentation of effects in the attached scoping form). In fact, five Alternatives were compiled, in order to best meet everyone's needs while protecting natural resources to the greatest extent possible (see attached scoping form). With design features and mitigation measures in place, the proposal would improve infrastructure and habitat needs at the site (see documentation of effects in the attached scoping form), although the effects were determined to be not significant.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. NO Yes.

Response: The proposal was designed to minimize negative effects to Mission Creek and its floodplain, while meeting everyone's needs and protecting natural resources to the greatest extent possible (see attached scoping form). With design features and mitigation measures in place, the proposal would improve infrastructure and habitat needs at the site (see documentation of effects in the attached scoping form), although the effects were determined to be not significant.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. NO Yes.

While we hope that we have established a precedent for future cooperative action, the proposal would not represent a decision in principle about future actions with potentially significant environmental effects. Bridge replacement actions are routinely proposed and implemented by both the FWS and CSKT (see the CSKT website www.cskt.org for a list of CSKT examples).

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. NO Yes.

Response: Other actions that may occur in the cumulative effects analysis area include several restoration projects, agricultural practices, a rural town, and uses that occur on private lands (**Figure 4**). There would be no measurable significant effects from all of the activities combined (see documentation of effects in the attached scoping form).

2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office. NO Yes.

Response: The project has received a cultural clearance from the CSKT-Tribal Preservation

Office (see 2.2 above and the attached scoping form). With design features and mitigation measures in place, the proposal would improve infrastructure and habitat needs at the site (see documentation of effects in the attached scoping form), although the effects were determined to be not significant.

2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

NO Yes.

Response: The proposal would be reviewed by the regulatory branch of the FWS during the consultation process for effects to listed Endangered or Threatened Species. With design features and mitigation measures in place, the proposal would improve infrastructure and habitat needs at the site (see documentation of effects in the attached scoping form), although the effects were determined to be not significant.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. NO Yes

Response: The project would be reviewed by the following—

- CSKT Tribal Shoreline Protection Office in the Shoreline Review Process (Ordinance 64A, ALCO),
- CSKT Tribal Preservation Office,
- CSKT Water Quality Program for Section 401 certification of the Clean Water Act (this occurs as part of the Shoreline Review Process),
- Army Corps of Engineers for compliance with Section 404 of the Clean Water Act.
- FWS Bridge Inspectors
- FWS for Endangered Species Act compliance

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). NO Yes.

Response: The proposal was designed to improve an existing and failing bridge, which is used for administrative purposes on a part of the National Wildlife Refuge system. While the proposal does occur in an Indian Reservation, there would be no disproportionately high and adverse effects to low income or minority populations.

2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). NO Yes.

Response: The proposal was designed to improve an existing and failing bridge, which is used for administrative purposes on a part of the National Wildlife Refuge system. It would not limit access to and ceremonial use of any Indian sacred sites. The proposal was designed and reviewed by professional staff from the CSKT, including staff that evaluate effects to cultural and historic properties. With design features and mitigation measures in place, the proposal would improve infrastructure and habitat needs at the site (see documentation of effects in the attached scoping form), although the effects were determined to be not significant.

2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). NO Yes.

Response: The proposal would use best management practices to address potential spread of noxious weeds (see scoping form). With design features and mitigation measures in place, the proposal would improve infrastructure and habitat needs at the site (see documentation of effects in the attached scoping form), although the effects were determined to be not significant.

—end list of exceptions—

If any of the above exceptions receives a “YES”, and EA must be prepared.

Categorical Exclusion Checklist Prepared by: /s/ Rosemary H. Leach 17 Aug 2009
Signature Date

Title: Rosemary H. Leach, CSKT NEPA Program Manager

Within the spirit and intent of the Council of Environmental Quality’s regulations for implementing the National Environmental Policy Act (NEPA) and other statues, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the project

Is a categorical exclusion as provided by 516 DM 8 or 516 DM 2, Appendix 1. No further NEPA documentation will therefore be made.

Is not completely covered by the categorical exclusion as provided by 516 DM 8 or 516 DM 2, Appendix 1. An Environmental Assessment (EA) must be prepared.

Service signature approval, Mission Creek Bridge Replacement:

FWS Project Leader: /s/ Jeffrey A. King Date: 8/17/09
Jeff King, Project Leader,
National Bison Range Complex

Service signature approval, Mission Creek Bridge Replacement:
FWS Project Leader:  Date: 8/17/09
Jeff King, Project Leader,
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Alternative E, Preferred Alternative, see attached scoping
5/27/04 #3612 Replaces 6/30/03 #3594