

Proposed Law and Order  
Building Renovations  
Pablo, MT

Confederated Salish and Kootenai Tribes—CSKT  
Flathead Indian Reservation

National Environmental Policy Act—NEPA  
Categorical Exclusion Checklist

January 2010

NEPA COMPLIANCE CHECKLIST

Project Title: Proposed Law and Order Building Renovations, Pablo, MT, Confederated Salish and Kootenai Tribes (CSKT), Flathead Indian Reservation

This project is; is not completely covered by categorical exclusion 10.5 A, and 516 DM 2—Appendix 1 Number 1.7.

Brief Project Description Justifying Categorical Exclusion Claimed: Proposed Law and Order Building Renovations, Pablo, MT (Figures 1 and 2)—

- √ Use construction Best Management Practices (bmps)
- √ Comply with all building codes, laws, OSHA standards, etc.
- √ See Project Description (5 Jan 2010), attached at the end of this CE.
- √ Other details—
  - Sidewalks and buildings would be handicapped-accessible
  - All disturbed areas not covered with concrete, paving, or buildings would be seeded with the following seed mix, appropriate for the US HWY 93 corridor from Arlee to Elmo—

Species	Common Name	Seeding Rate (PLS lbs / acre)
<i>Bromus marginatus</i>	mountain brome	11.0
<i>Elymus trachycaulus ssp. trachycaulus</i>	slender wheatgrass	5.5
<i>Festuca ovina</i>	sheep fescue	1.5
<i>Poa secunda ssp. sandbergii</i>	Sandberg bluegrass	1.0
Total		19.0

**Justification—**

**516 DM 10.5 A** follows— “Operation, **Maintenance**, and Replacement of **Existing Facilities**. Examples are normal renovation of buildings, road maintenance, and limited rehabilitation of irrigation structures.”

**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:* Proposed renovations would improve health and safety at the project area. With design features and mitigation measures in place (attached), the proposal would improve infrastructure at the site. 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:* The proposal does not occur in any of the above-listed unique geographic characteristics (**Figure 1**). The buildings have already been developed to provide Tribal services. The buildings are less than 50 years old—the time when historic properties may become important (Marcia Pablo and Wain Lefthand, CSKT Tribal Preservation Office, personal communication, 6 Jan 2010). If the construction would disturb more than 1/2 acre of area, then the contractor would need to prepare a Storm Water Pollution Prevention Plan (SWPPP), and file a Notice of Intent (NOI) with the US Environmental Protection Agency (EPA). Storm water runoff would be consistent with other CSKT projects in the area (e.g., Pablo Streets, EA signed 7 May 2004). With design features and mitigation measures in place, the proposal would improve infrastructure at the site. Effects were determined to be not significant.

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 planned in cooperation with professional staff from the CSKT Department of Natural Resources and CSKT Administration. Localized renovations, such as the current proposal, are routine and not highly controversial. With design features and mitigation measures in place, the proposal would improve infrastructure at the proposed site. 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:* Localized renovations, such as the current proposal, are routine and do not have highly uncertain and potentially substantial or unknown effects. With design features and mitigation measures in place, the proposal would improve infrastructure at the proposed site. 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.

*Response:* Localized renovations, such as the current proposal, are routine and would not set a precedent for future action. With design features and mitigation measures in place, the current proposal would improve infrastructure at the proposed site. Effects were determined to be not significant.

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

*Response:* Business would still be conducted during the proposed renovations. Other actions that may occur in the surrounding areas include agricultural practices, activities within a rural town (Pablo), and uses that occur on private rural lands such as small farms or housing developments. All of these activities are already on-going. There would be no measurable significant effects from all of the activities combined.

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:* There would be no effects to properties listed or eligible for listing on the National Register of Historic Places. The buildings and parking lots are already in place.

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 buildings and parking lots are already in place. There would be no effects to Endangered or Threatened Species or their habitats.

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 was reviewed by CSKT staff for compliance of Federal, State, local, and tribal laws and requirements. No problems with compliance were noted.

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 facilities that serve low income and minority populations located on an Indian Reservation. With design features and mitigation measures in place, there would be no disproportionately high and adverse effects to low income or minority populations. Effects were determined to be not significant.

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 infrastructure at existing facilities. It would not limit access to and ceremonial use of any Indian sacred sites. With design features and mitigation measures in place, the proposal would improve infrastructure at the proposed site. 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:* Any disturbed areas that would not be covered with paving, concrete, or buildings would be seeded with appropriate native plant seed mixtures (see above). With design features and mitigation measures in place, the proposal would improve infrastructure at the proposed site. Effects were determined to be not significant.

—end list of exceptions—

If any of the above exceptions receives a “**YES**”, then an Environmental Assessment (EA) must be prepared.

Categorical Exclusion Checklist Prepared by: \_\_\_\_\_  
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 resources, I have established the following administrative record and have determined that the project—

**Is a categorical exclusion** as provided by 516 DM 10 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 10 or 516 DM 2, Appendix 1. An Environmental Assessment (EA) must be prepared.

**Signature approval** for CSKT Law and Order Building Renovations

\_\_\_\_\_  
Julian C. Courville, Superintendent  
Bureau of Indian Affairs, Flathead Agency

Date: \_\_\_\_\_

5/27/04 #3612 Replaces 6/30/03 #3594

—END NEPA COMPLIANCE CHECKLIST—

Attachments

- Figure 1. Pablo Area
- Figure 2. Design Drawing
- Description of the Proposal

Scanned Signatures

Categorical Exclusion Checklist Prepared by: Rosemary H Leach 12 Jan 2010  
Signature Date  
Title: Rosemary H. Leach, CSKT NEPA Program Manager

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**Signature approval** for CSKT Law and Order Building Renovations

Julian C. Courville  
Julian C. Courville, Superintendent  
Bureau of Indian Affairs, Flathead Agency

Date: 1-12-10







5/27/04 #3612 Replaces 6/30/03 #3594

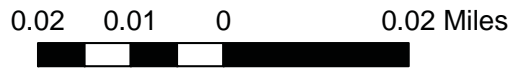
Figure 1. Pablo

Pablo - Building Locations T21N R20W Sec 11



Legend

-  buildings
-  Project
-  NWI polygons(1980s)
-  Section Line
-  Farmland of statewide importance
-  Prime farmland if irrigated

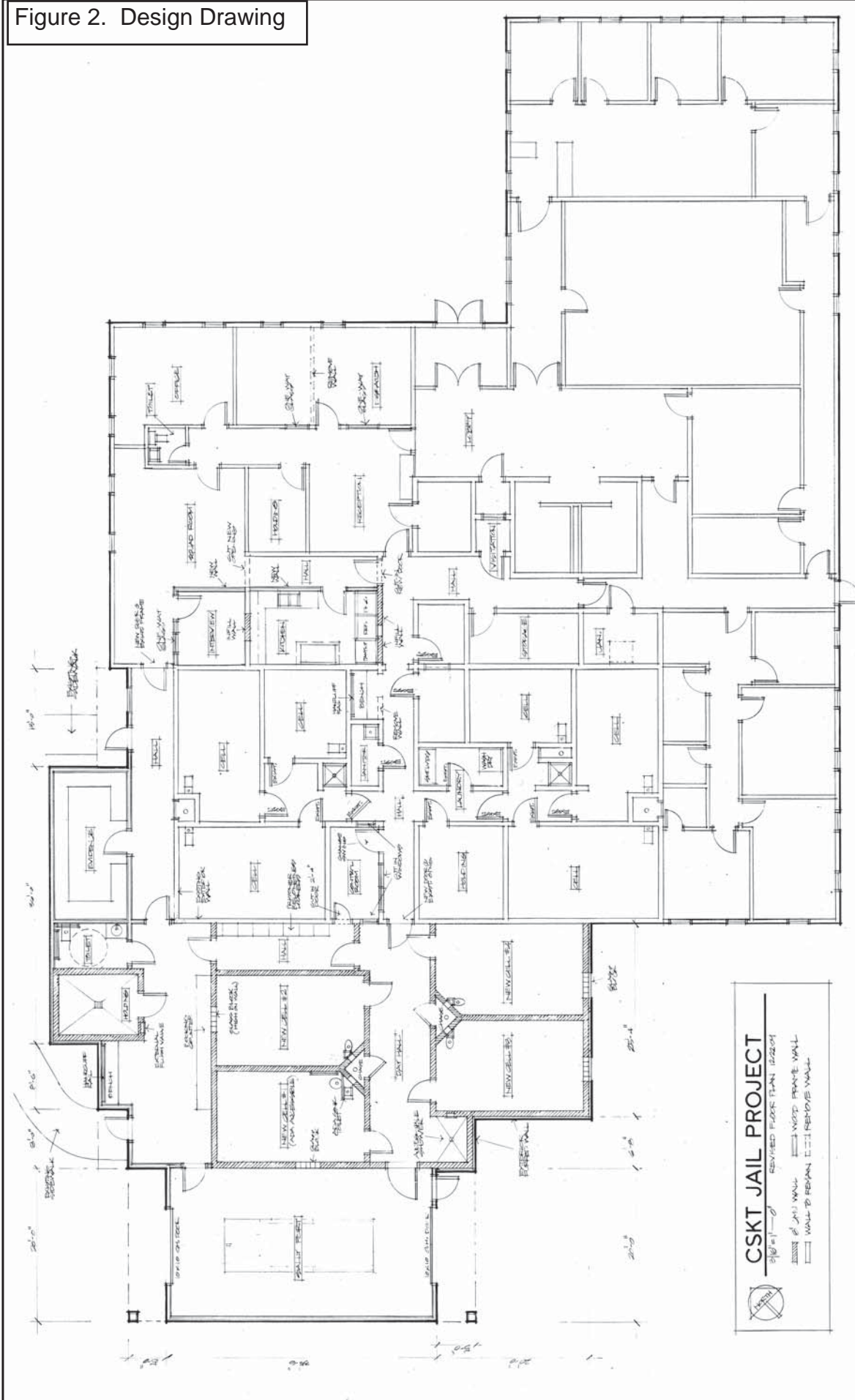


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Figure 2. Design Drawing



**Project Description**

CSKT Jail Addition and Remodel Project

Project Description

January 5, 2010

Provided by: Paul Bishop, Architect  
Building Solutions LLC  
P.O. Box 461  
Polson, MT 59860

The proposed design and construction project will expand and enhance the existing CSKT Detention Facility located within the Tribal Complex in Pablo, MT.

The existing facility, constructed in 1976, is a 9,168 square foot single story wood framed structure with both detention and tribal court functions. The detention area includes six 4-person cells, two holding cells, dispatch area, offices, and other support functions.

The proposed addition, comprising 2,823 square feet of wood framed construction with concrete masonry cell walls, will enhance the tribal law enforcement program's ability to provide more flexible and humane detention options.

New construction will include

- four new 4-person cells,
- one holding cell,
- enclosed vehicle sally port,
- prisoner booking area, and an
- evidence storage room.

Interior remodeling work includes

- creation of a central command and control room,
- internal access corridor improvements, and
- improvements to the kitchen area.

The completed facility will comply with the following codes and design standards (Note: Dates listed represent latest available and/or currently adopted edition of codes or standards):

- International Building Code (2006),
- NFPA 101-Life Safety Code (2009),
- U.S. Department of Justice: Jail Design Guide (1998),
- U.S. Department of Justice: Jail Design Review Handbook (2003),
- U.S. Department of Justice: Jail Planning & Expansion (2003),
- American Correctional Institute: Adult Local Detention Facilities – 4th Edition (2004),
- U.S. Department of the Interior: Safety, Health and Accessibility for Architects, Engineers, and Design Firms (2009),
- U.S. Department of Justice: ADA Standards for Accessible Design (2004),
- Uniform Federal Accessibility Standards.