

**Proposed Road Maintenance**  
**Confederated Salish and Kootenai Tribes**  
**Flathead Indian Reservation**  
**Roads Program**  
**National Environmental Policy Act—NEPA**  
**Categorical Exclusion Checklist**  
**December 2009**



*Proposed Road Maintenance  
At Designated Homesite Systems, Road Segments, and Bridges,  
Tribal Roads Program  
Environmental Assessment Checklist*



**Proposed Road Maintenance**  
**Tribal Roads Program**

**Environmental Assessment Checklist**  
In compliance with the  
National Environmental Policy Act (NEPA)

May 2006

Confederated Salish and Kootenai Tribes  
Tribal Roads Program and  
NEPA Program  
Natural Resources Department  
PO Box 278  
Pablo, MT 59855

and  
Bureau of Indian Affairs  
Flathead Agency  
PO Box 40  
Pablo, MT 59855



**Tiering to the Road Maintenance  
Environmental Assessment  
Finding of No Significant Impact  
signed 11 May 2006**

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### NEPA COMPLIANCE CHECKLIST

Project Title: Proposed Road Maintenance Projects, Confederated Salish and Kootenai Tribes—  
CSKT, Flathead Indian Reservation, Roads Program State: Montana

This project is; is not \_\_\_ completely covered by categorical exclusion 516 DM 10.5 L (4), and 10.5 A. and 516 DM 2—Appendix Number 1.7.

#### Brief Project Description Justifying Categorical Exclusion Claimed:

- Project description— Address infrastructure maintenance.
- This proposal has already been reviewed and approved through the NEPA process, resulting in the document “Proposed Road Maintenance, Tribal Roads Program, Environmental Assessment Checklist, signed 11 May 2006”. Copies are available at the official website of the Confederated Salish and Kootenai Tribes, [www.cskt.org](http://www.cskt.org), Natural Resources Department tab.
- Because Reinvestment Act funds would be used, the BIA requested that a more recent NEPA document be prepared.
- The details, environmental conditions, and environmental consequences described in the May 2006 document have not changed. Therefore, there are no proposed changes to that document in the current proposal.

#### **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 10.5 L (4)** follows—“Installation of fencing, **signs**, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.”

**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).”

Next, we document if extraordinary circumstances exist, using the following guidance—

**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 action was designed to improve health and safety by providing road and bridge infrastructure maintenance. With design features and mitigation measures in place (see May 2006 EA), the proposal would improve infrastructure at the proposal areas. 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 has received cultural clearances from the **TPO** (on file at the CSKT NEPA Program office), and would implement any mitigation measures listed in clearances received (see May 2006 EA). The above unique geographic characteristics were identified and addressed in the May 2006 EA. With design features and mitigation measures in place (see May 2006 EA), the proposal would improve infrastructure at the proposal areas. 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 scoped and planned in cooperation with professional staff from the CSKT Department of Natural Resources, and CSKT Lands Department. Small-scale enhancement projects, such as the current proposal, are routine and not highly controversial. With design features and mitigation measures in place (see May 2006 EA), the proposal would improve infrastructure at the proposal areas. 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:* Small-scale enhancement projects, 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 (see May 2006 EA), the proposal would improve infrastructure at the proposal areas. 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:* Small-scale enhancement projects, such as the current proposal, are routine and would not set a precedent for future action. With design features and mitigation measures in place (see May 2006 EA), the proposal would improve infrastructure at the proposal areas. 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:* Other actions that may occur in the surrounding areas include agricultural practices, activities associated with rural towns, and uses that occur on private lands. Cumulative effects were discussed in the May 2006 EA. 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:* The project area was reviewed by the CSKT-Tribal Preservation Office (see 2.2 above). With design features and mitigation measures in place (see May 2006 EA), the proposal would improve infrastructure at the proposal areas. 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:* Effects to Endangered and Threatened species were addressed in the May 2006 EA. With design features and mitigation measures in place (see May 2006 EA), there would be no substantial effects to fish or wildlife populations or to important 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. 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 facilities at the proposal areas. 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 (see May 2006 EA), the proposal would improve infrastructure at the proposal areas. 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. Equipment would be pressure washed to prevent weed spread. Disturbed soils would be re-seeded with appropriate seed mixtures designed by the CSKT restoration botanist. With design features and mitigation measures in place (see May 2006 EA), the proposal would improve infrastructure at the proposal areas. 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: /s/ Rosemary H. Leach 30 Dec 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 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.

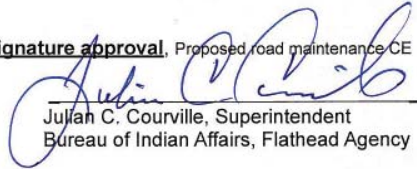
**Signature approval**, Proposed road maintenance CE

/s/ Julian C. Courville Date: 12/30/09  
Julian C. Courville, Superintendent  
Bureau of Indian Affairs, Flathead Agency

—END NEPA COMPLIANCE CHECKLIST—

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

Scanned Signatures

Signature approval, Proposed road maintenance CE  
  
Julian C. Courville, Superintendent  
Bureau of Indian Affairs, Flathead Agency  
Date: 12/30/09  
5/27/04 #3612 Replaces 6/30/03 #3594

Prepared by: Rosemary H. Leach 30 Dec 2009  
Signature Date  
Rosemary H. Leach, CSKT NEPA Program Manager  
Council of Environmental Quality’s regulations for implementing