

United States Government

Department of Energy

Bonneville Power Administration

memorandum

DATE: January 14, 2004

REPLY TO
ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Wildlife Management Program EIS (DOE/EIS-0246/SA-38)

TO: Joe DeHerrera
Fish and Wildlife Project Manager, KEWL-4

Proposed Action: Proposed Weaver Slough Conservation Easement

Project No: 2002-042

Wildlife Management Techniques or Actions Addressed Under This Supplement Analysis
(See App. A of the Wildlife Mitigation Program EIS [page A/2]): 1.2 Easement Acquisition

Location: Flathead River System, Flathead County, Montana

Proposed by: Bonneville Power Administration (BPA) and Flathead Land Trust

Description of the Proposed Action: BPA proposes to purchase the conservation easements on the Sanders (307 acres) and Seabaugh (449 acres) parcels of the Weaver Slough to ensure that current fisheries and natural resource values remain protected, and that no development or human encroachment would occur on these parcels, in perpetuity. No planned construction or improvements are currently proposed and the project does not involve fee title land acquisition. Protection will sustain quality aquatic habitats, water quality, and fish and wildlife habitat. Wetlands protected by this easement are priority wetlands in the basin, according to the Flathead Lakers Critical Lands Study.

A "Grant of Agricultural Conservation Easement" has been prepared for both the Sanders parcel (Nov. 21, 2003) and Seabaugh parcel (December 4, 2003) which provide the parameters, rights and responsibilities, prohibitions, contingencies, and other provisions for the granting these properties for the above purpose and intent. In addition, a Memorandum of Agreement (among the Montana Department of Fish, Wildlife and Parks; Flathead Land Trust; and BPA) has also been established to protect and conserve the Sanders and Seabaugh parcels.

Analysis: The compliance checklists for both easements projects were completed by Roger L. Semler, Executive Director of the Flathead Land Trust, and meets the standards and guidelines for the Wildlife Mitigation Program Environmental Impact Statement (EIS) and Record of Decision (ROD). A copy of the checklist is available in the KEC project file.

The species listed under the Endangered Species Act that could be in the project area are the bald eagle, bull trout, and Canada lynx. However, no plant or animal species under the ESA will be affected by the proposed acquisition of the conservation easement.

Should any future restoration or enhancement action be proposed for the subject property requiring Federal funds, BPA and the Flathead Land Trust will initiate Section 7 consultation under the ESA, as necessary.

A cultural resources survey is not required for the Weaver Slough Conservation Easement acquisition because no physical ground disturbance is planned for this project and no changes are likely to the surface or subsurface resources. Should future development be planned in the Sanders and Seabaugh properties that require Federal funding, an assessment of known or suspected cultural and historic resources in these parcels would likely be required, and subsequent consultation would be necessary with the State Historic Preservation Office before any ground disturbing activities are initiated.

The Flathead Land Trust has engaged into a public information program for the proposed conservation easements. This has included press coverage, local news editorials, numerous meetings with agencies and individuals, newsletters, personal contacts, Tribal contacts, and collaboration including the Flathead County Planning and Zoning Office. The partnerships that have been established include a wide number of agencies, entities, and groups which are listed in the NEPA Compliance Checklist for Watershed Management Projects. The Confederated and Salish Kootenai Tribes of Montana were also consulted and they offered concurrence.

Findings: The project is consistent with the Northwest Power Planning Council's Fish and Wildlife Program, as well as BPA's Wildlife Mitigation Program EIS (DOE/EIS-0246) and ROD. This Supplement Analysis finds that: 1) implementing the proposed action will not result in any substantial changes to the Wildlife Mitigation Program that are relevant to environmental concerns; and, 2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the Wildlife Mitigation Program or its impacts. Therefore, no further NEPA documentation is required.

/s/ Carl J. Keller
Carl J. Keller
Fish and Wildlife Biologist

CONCUR:

/s/ Thomas C. McKinney
Thomas C. McKinney
NEPA Compliance Officer

DATE: 1/15/2004