

Finding of No Significant Impact

Jocko Valley Service Area Improvements – Jocko K Canal North of the Jocko River Environmental Assessment, Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation

Based on the attached draft Environmental Assessment (EA) for Jocko Valley Service Area Improvements – Jocko K Canal North of the Jocko River (Project), it has been determined that by implementation of the agency proposed action and environmental mitigation/coordination measures as specified in the EA, the Project will have no significant impact on the quality of the human environment. In accordance with Section 102 (2) of the National Environmental Policy Act of 1969, as amended, an Environmental Impact Statement will not be required. This determination is supported by the following findings:

1. CSKT Interdisciplinary Team involvement was conducted, and environmental issues related to development of the Project were identified. Alternative course of action and mitigation measures were developed in response to environmental concerns and issues. Tribal community outreach was conducted via notification in the Char-Koosta online paper on April 24, 2023 and in the physical Char-Koosta Newspaper on April 27, 2023. Additionally, the EA was posted on the CSKT NRD website for 30 days.
2. The EA discloses the environmental consequences of the “proposed action” and “no action” alternatives.
3. Protective measures will be levied to protect air (Clean Air Act, as amended, 42 U.S.C. 7401 et seq.), noise, and water quality (Clean Water Act, as amended, 33 U.S.C. 1251 et seq.), as outlined in the conservation and mitigation measures detailed in Section 4 of the EA.
4. Water resources, wetlands (E.O. 11990), or flood plains (E.O. 11988). The Project will not result in discharge of pollutants into waters of the U.S. or in surface water quality issues (Clean Water Act, as amended, 33 U.S.C. 1251 et seq.). All appropriate permits have been acquired prior to construction for impacts to Waters of the US, including USACE Section 404 permit and 401 Water Quality Certification. Best Management Practices will be implemented as a part of Stormwater Pollution Prevention Plan (SWPPP). Mitigation measures are outlined in Section 4.2 of the EA.
5. Groundwater resources are evaluated in Section 3.3.2 of the EA. This section details the modeling results and indicates the aquifer under the project area is relatively thick and water well pumps are typically set well below the top of water table, which self-mitigates the effect to domestic and stockwater uses.

6. The proposed action will not jeopardize threatened or endangered species (Endangered Species Act, as amended, 16 U.S.C. 1531 et seq.). CSKT completed a Biological Assessment to assess impacts to federally listed species. The US Fish and Wildlife Service concurred with these findings during informal consultation that was completed on March 2, 2023. Analysis of Threatened, Endangered, and Special Status Species can be reviewed in Section 3.5.2 of the EA. Conservation measures for living resources are identified in Section 4.4 of the EA.
7. Mitigation measures for the protection of migratory birds and eagles are detailed in Section 4.4.2 of the EA.
8. Mitigation measures for preventing the spread of noxious weeds are detailed in Section 4.4.3 of the EA.
9. There are no adverse effects on historic properties for the purpose of 36 CFR 800.9(b) by preserving archeological value through conduct of appropriate research in accordance with applicable standards and guideline (National Historic Preservation Act, as amended, 16 U.S.C. 470). Should undiscovered archeological remains be encountered during ground-disturbing activities, work will stop in the area of discovery and the stipulations of 36 CFR 800.11 will be followed. The proposed project area was reviewed and approved by the CSKT Tribal Preservation Office. On April 21, 2022 the THPO Kathryn McDonald provided a letter that stated, *“The responsibilities of site protection are agreed and protocols have been thoroughly conducted and documented to ensure no site damages or significant effect to historic or cultural resources.”* An additional THPO letter was provided on March 23, 2023, with similar language. Correspondence is provided in Appendix C of the EA.
10. The proposed action will not affect American Indian Religious Freedom (42 U.S.C. 1996). The action will not limit access to, and ceremonial use of, Indian sacred sites on federal lands, by Indian religious practitioners, and/or adversely affect the physical integrity of such sites (Native American Graves Protection and Repatriation Act, 25 U.S.C. 32).
11. The proposed action would improve the economic and social conditions of the affected community. Improvements are due to a beneficial impact on expenses for irrigators based on reduced electricity use resulting in lower pumping costs for a majority of water users. Socioeconomic Conditions are analyzed in Section 3.7 of the EA.
12. There will be no disproportionately high and adverse human health or environmental effects on minority or low-income communities (Environmental Justice E.O. 12898; Title VI of the Civil Rights Act of 1964).
13. Impacts to geology/mineral/paleontological resources; Wild and Scenic Rivers; demographic trends; lifestyle and cultural values; environmental justice; timber harvesting; mineral extraction; recreation; transportation networks; parks and

monuments; public health and safety; climate change; Indian Trust Assets; were not considered in detail because the Project does not include changes to these resources.

14. The proposed action will not produce highly controversial effects on the quality of the human environment.
15. The proposed action will not have highly uncertain effects on the human environment or involve unique or unknown risks.
16. The proposed action will not establish a precedent for future actions with significant effects or represent a decision in principle about a consideration.
17. The Project is not related to other actions with individual insignificant but cumulatively significant environmental effects.
18. The proposed action will not threaten a violation of Federal, state, local, or Tribal law or requirements imposed for the protection of the environment.

Shane R. Hendrickson
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Date