

Project Proposal Process
(3P) Handbook



Natural Resources Department
Colville Confederated Tribes
2013

Table of Contents

Contents	1
Purpose and Scope	2
Project Proposal Process (3P Process) Participants	3
3P Process Description	5
Project Proposal Form (PPF) Requirements	9
3P Notice Process Description	9
Appendix A: Forms for Use in the 3P Process	10
Appendix B: EA Outlines	15
Appendix C: Actions that Typically Qualify for a Categorical Exclusion	17
Appendix D: Format for EA Sections submitted to the IRMP Coordinator	26

Purpose and Scope

In Keeping with the Record of Decision (CCT 2001) signed by the Chair of the Colville Business Council (Resolution 2001-248) and the BIA Colville Agency Superintendent, this procedure manual is meant to ensure proposed actions are in line with the Colville Tribes of the Colville Reservation (CTCR) Integrated Resource Management Plan (IRMP).

Because the majority of activities on Indian trust lands include Federal funding or approval through the Bureau of Indian Affairs (BIA), many proposed projects must comply with the National Environmental Policy Act (NEPA). The NEPA process is intended to facilitate public participation and disclosure in the federal planning process, and also help officials “make decisions that are based on the understanding of environmental consequences, and take actions that protect, restore, and enhance the environment” (40 CFR 1500.1(c)). The NEPA process analyzes and discloses the significant impacts a proposed action may have on the quality of the human environment.

The Project Proposal Process will:

1. Be a uniform procedure to ensure that all proposed activities affecting natural and cultural resources on Tribal lands or involve federal funds, permitting or control are in keeping with the CTCR Integrated Resource Management Plan (IRMP) and the CTCR Holistic Goal;
2. Provide guidance for all proposed actions on Tribal lands or involve federal funds/permitting/control comply with NEPA, the council on Environmental Quality’s (CEQ) NEPA regulations and the Department of Interior (DOI) NEPA regulations.
3. Provide a uniform venue for information-sharing between all Tribal and BIA programs implementing natural resource management (project implementation, management plans, etc.) on Tribal Trust, Allotted, and Tribally-owned Fee lands.

Project Proposal Process (3P Process) Participants

- Project Proponent
- IRMP Coordinator
- Environmental Specialist
- 3P Team
- Natural Resources Department Managers
- BIA Superintendent
- Colville Business Council
- Community Stakeholders
- CTCR Tribal Historic Preservation Officer
- Northwest Regional Environmental Specialist
- Northwest Regional Archaeologist

The following section briefly describes the role of each participant in the 3P Process:

Project Proponent (PP)

The Project Proponent is the representative of the entity that is proposing work or a change in management that may impact natural or cultural resources on Tribal Trust, Allotted, or Tribally-owned Fee Lands. If the PP is submitting a proposal to go through the NEPA Process, he/she will be expected to provide the information necessary for resource reviews to adequately assess the impacts. Please see the Project Proposal Form Requirements section for necessary information. Project proponents are expected to attend at least one 3P meeting within the District that the proposed action is located in order to work with fellow programs to resolve any conflicts that may arise from the proposed action.

IRMP Coordinator

The IRMP Coordinator leads and facilitates the 3P process ensures project proposals have adequate information for review by resource specialists, and keeps records of all project proposals and deadlines. He/she is also responsible for keeping Natural Resource Department (NRD) Managers and the Colville Business Council (CBC) informed and involved in the 3P process. The IRMP Coordinator ensures that proposed actions are in keeping with the IRMP and the Holistic Goal, and leads any IRMP revisions. Additionally, the IRMP Coordinator tracks each NRD's Management Plans and ensures they are updated prior to expiration and in line with the IRMP.

Environmental Specialist (ES)

The ES acts as an independent advisor to the Coordinator on matters regarding compliance with NEPA and tribal environmental ordinances. The ES will be the lead person in organizing compilation of Environmental Assessments (EAs) and other environmental documents. He will also be expected to help organize publication of announcements regarding proposed projects and public meetings. The ES is the primary person responsible to see that NEPA is followed for actions covered under the 3P Process. An additional role of the ES will be to take notes during 3P meetings, document decisions, and circulate minutes for review by participants and revision of minutes where initially inaccurate.

3P Team

The 3P Team is a collection of technical-level resource specialists who review proposed actions, write resource specific sections of EAs and Environmental Impact Statements (EISs), and collaborate to align resource management to the IRMP and the Holistic Goal. All 3P Team members are expected to attend the Reservation-Wide 3P meetings; membership attendance to District Meetings is based on area-of-interests, issues, resource concerns, and proposed projects. The 3P Team membership includes representatives from:

- History/Archeology
- Environmental Trust
- Wildlife Division
- Anadromous Fisheries Division
- Resident Fisheries Division
- Mitigation Division
- Tribal Roads
- BIA Roads
- BIA Realty/Leasing
- BIA Land Operations
- BIA Forestry (from all three Districts)
- Resource Inventory & Analysis
- Planning
- BIA Fire Management (From all three Districts)
- Tribal Energy
- Parks and Recreation
- Tribal Credit

Natural Resource Department Managers (NRD Managers)

The NRD Managers are a management-level group that assigns members of their staff to the 3P Team. NRD Managers will review project and resource recommendations brought forward by

the 3P Team. NRD Managers are responsible for keeping the 3P Team informed, via the IRMP Coordinator, of upper-level management decisions that will affect the 3P process. When natural resource projects require an EA and there are more than one action alternative, the NRD Managers will determine which alternative will be the “preferred alternative”.

BIA Superintendent

The BIA Superintendent has been charged with insuring compliance with NEPA for all BIA approved projects on the agency level (30 BIAM Supplement 1, Section 1.5.D.). The BIA Superintendent acts as the Federal “decision maker” of record, and may sign Findings of No Significant Impact, Categorical Exclusions, and Records of Decision. The BIA Superintendent also has a role in the approval of EAs and EISs before they are finalized.

Colville Business Council (CBC)

On February 26, 1938, the United States Federal government approved the Confederated Tribes of the Colville Reservation’s Constitution and By-Laws, as authorized by the Indian Reorganization Act of 1934. From this Constitution, the Colville Business Council was established as the governing board of the CCT. The CBC consists of 14 adult Colville tribal members. The CBC is a policy-level group that approves proposed actions before the actions are implemented. Approval typically comes in the form of a tribal resolution.

Community Stakeholders

Community Stakeholders are all community members who have an interest in the area or natural/cultural resource issue that may be impacted by a proposed action. Community stakeholders may provide input to all levels of CTCR staff (technical, management, & policy) regarding any project proposals, 3P Notices, or IRMP revisions.

3P Process Description

The following section describes the basic 3P Process. Please note that all references to “days” should be understood as “calendar days.”

Preliminary Consultation

The IRMP Coordinator, ES, and 3P Team members will have copies of the Project Proposal Forms (PPF) and the 3P Manual in electronic and paper format for distribution to prospective Proponents. Should a PP have question about the process, Programs should direct the PP to the IRMP Coordinator.

Project Proposal

The PP fills out the Project Proposal Form. Project Proposal Forms should be submitted to the IRMP Coordinator.

Proposal Routing and Review

1. The IRMP Coordinator receives the Project Proposal Form from the PP and reviews it to see if the PP has provided sufficient information to describe the proposed action. If there is not enough information given, the IRMP Coordinator will give it back to the PP with instructions on what other information is needed. The IRMP Coordinator will assign a PPF number to the project prior to distribution to the 3P Team.
2. The ES will determine what other laws or regulations may be applicable to the proposed action and identify any tribal agencies that may have permitting authority over the proposed project. The ES will notify the project proponent of any additional permitting and regulations that may be necessary for the project. The ES will determine if there is a federal action and if the action is subject to NEPA review. If the BIA is initiating, funding or approving a project, then it is a federal action as defined by NEPA. Not all activities on Indian trust lands require BIA funding or approval, and therefore may not be subject to NEPA.
3. The IRMP Coordinator will send out the Project Proposal to the 3P Team for review. The 3P Team has 14 days to review the project proposal and submit comments to the IRMP Coordinator.
4. Members of the 3P Team will comment on the information presented in the Project Proposal. Their comments will be submitted to the ES, who will then complete an Analysis of Environmental Impacts and submit this to the IRMP Coordinator.
5. The IRMP Coordinator and the ES will evaluate the issues posed by the 3P Team to make a recommendation as to what kind of environmental document will be required for the project (i.e., Categorical Exclusion (CatX), simple EA, complex EA, EIS). The IRMP Coordinator/ES will complete the 3P Team comments review and make a recommendation within 7 days.
6. The IRMP Coordinator will provide a list of current projects to the NRD Managers at the biweekly managers' meetings.

Categorical Exclusion

Categorical exclusions are classes of actions which do not individually or cumulatively have a significant effect on the human environment. In order for a project to be categorically excluded it must fit into one of the categories recognized by the DOI.

Based on the recommendation from the IRMP Coordinator, Environmental Specialist and 3P Team a project may be categorically excluded. The Colville Tribal Historic Protection Officer, the Northwest Regional Archaeologist and the BIA Superintendent have 14 days to review, discuss, and/or sign a memorandum authorizing a Categorical Exclusion.

Environmental Assessment Development

Following a decision that an EA is required for a project, the appropriate members of the 3P Team will begin EA preparation. The IRMP Coordinator will identify the appropriate team members by completing the Environmental Consequences Checklist. Two types of EA will be prepared under this process: simple EAs are for projects that encompass a limited area and their scope involves few resource types. Complex EAs are more extensive projects that involve a large number of resources.

A simple EA might be appropriate for a project where a tribal member wishes to harvest hay from a piece of previously undeveloped tribal trust property. The area of the proposed project is limited to a single field, and the lack of ground disturbance means that only a few resources would probably have concerns. A complex EA is appropriate for something like a timber management plan, which typically involves harvest of trees, construction of roads, and setting prescribed fire over an area measuring 2,000 acres or more.

Simple EAs: Members of 3P will write sections of the EA corresponding to their specialization. If, in the process of gathering data or writing the EA, it becomes obvious that the proposed action as currently developed will significantly impact a resource, the 3P Team will identify the problem and work with the Project Proponent to develop an alternative to the originally proposed action. Provided that mitigation measures can be developed, this will become the preferred alternative. Members of 3P will have 30 days to identify issues and possible mitigation measures for the proposed alternative. Included in this time is the writing of the section of the Environmental Consequences chapter for their individual resource.

In the event of an unresolvable conflict between 3P members regarding the management of a resource, the IRMP Coordinator, in cooperation with the ES, and NRD Managers will work to resolve the conflict.

Complex EAs:

1. The Project Proponent will present the original proposed action to the 3PT during regularly scheduled meetings held once a month in each district.
2. After the presentation, the IRMP Coordinator and the 3P members will set meeting dates and tours over the 180 day period.
3. Members of 3P will write sections of the EA corresponding to their specialization. Meetings to address issues and identify potential mitigation measures will occur during the regularly scheduled monthly 3P meetings, or by arrangement. On-site meetings

between 3P members are encouraged. If, in the process of gathering data or writing the EA, it becomes obvious that the proposed action as currently developed will significantly impact a resource, the 3P Team will work with the Project Proponent to develop an alternative to the originally proposed action. Members of 3P will have 180 days to identify issues and possible mitigation measures for the proposed alternative. Included in this time is the writing of the section of the Environmental Consequences chapter for their individual resource.

4. The Project Proponent will work with the 3P Team to develop additional alternative actions if necessary.
5. In the event of an unresolvable conflict between 3P Team members regarding the management of a resource, the IRMP Coordinator, in cooperation with the ES and NRD Managers will work to resolve the conflict.

Prepare Draft EA

Draft Preparation:

1. The Environmental Specialist will assemble the EA using the sections provided by the 3P members. This will be done within 7 days. The Environmental Specialist will prepare any of those sections of the EA not covered by the resource specialists (i.e. Description of the Alternatives, List of Preparers, List of Agencies and Persons Consulted).
2. The Project Proponent will prepare the “Purpose & Need” section of the EA.

Final EA Development: The Environmental Specialist will review the draft EA and comments from 3P Team members and complete the final EA.

BIA Superintendent Review

Upon receipt of the final draft EA, the BIA Superintendent has three options: return the EA to the 3P Team for further work, sign a FONSI, or direct the preparation of an EIS.

Return to 3P Team for further work: If necessary, the BIA Superintendent will return the EA to the 3P Team for further work. Once revisions are complete the Environmental Specialist will develop a FONSI for signature by the Superintendent.

Selection of “Preferred Alternative”: The IRMP coordinator will take the EA to the Land and Property meeting and the managers will select the “preferred alternative”.

Finding of No Significant Impact (FONSI): A FONSI is a document that presents the reasons why an action will have no significant effect on the environment.

1. The ES will solicit comments from the community stakeholders. The “public review” period is determined by the decision maker.

2. The ES will provide the BIA Superintendent with recommended responses to stakeholder comments.
3. If the BIA Superintendent concurs with the recommended replies and they adequately address the concerns, he will sign a memo authorizing the replies to be incorporated into the administrative file for the project.
4. The BIA Superintendent will then sign the FONSI or determine that an Environmental Impact Statement (EIS) is required.
5. The signed FONSI and complete EA will then be presented to CBC for final approval.

Environmental Impact Statement (EIS): The EIS is the highest level of detail required under NEPA and discloses the anticipated environmental impacts of the proposed action.

Project Proposal Form (PPF) Requirements

This section will be based on the recommended requirements that each resource reviewer includes as “necessary information.”

All necessary forms are included in the 3P Handbook.

All PPFs must include:

1. Accurate description of the project activities: please describe in detail exactly what, how and when projects will be completed.
 - a. Goals of the project.
 - b. Project use of water and soil resources.
 - c. Project implementation schedule.
 - d. Any associated ground disturbance.
 - e. Any planned activities (e.g. BMPs implementation) to mitigate likely environmental impacts.
 - f. Whether the proposed action permanently alters the condition of the proposed property.
 - g. All projects that require an engineered design for project completion should include the engineered design and erosion control plan in the PPF or indicate where the plans are available to review.
2. Color topographic or aerial photo map(s) of entire project area and area of potential effects.
 - a. Project Title.
 - b. North Arrow.
 - c. Scale in feet or miles whichever is relevant.
 - d. Legend with labels using common terms not shape file names. Minimize use of abbreviations if possible.

- e. Name of mapmaker, the department, and office phone number.
 - f. Area of potential effects of project must be outlined on the map.
 - g. Show on the map where all project activities will occur.
 - h. Any water systems in the area:
 - i. Streams, swamps, springs, wetlands.
 - i. Road locations – new, reconstructed, or impacted/used by the project.
3. New Roads.
- a. Indicate if Right of Way (ROW) has been acquired, or steps being taken to obtain ROW.
 - b. Widths, cut and fill, shoulders, ditches, culverts bridges.
 - c. Type of road.
4. Indicate funding source for project (federal, tribal, or other).
5. Ownership of the land/structures and tract number.
6. Identification of project activities occurring in allotment(s) and allotment numbers(s).
7. Plan for noxious weed control.
8. List any use of fertilizers/pesticides/herbicides.
9. Any available records of past disturbance within the proposed project area:
 - a. Wildfire, slope failure, construction.
10. Any permit numbers received or anticipated permits for projects.
11. List any heavy equipment that will be used.
12. Is the area fenced? Condition of fence. Provide details on any new fence construction.
13. Project proposals must include a Cultural Resource Supplement (Included in Appendix A).

If the project is identified to be a federal undertaking and there is the potential for an effect on cultural resources, then the proponent will need to complete:

- Form A: Definition of the APE and Findings Regarding the Need for a Survey.
- Form B: Cultural Resource Survey Submittal and Request for Concurrence

Additional information necessary for specific project proposals:

Home Site Leases

Existing Structures

1. Current condition of the home and property. Any hazard materials, garbage, safety concerns on property?
2. For existing structures, do they use municipal utilities (water, sewer)?
3. Has the existing septic system been inspected to ensure proper functioning, has it been pumped at regular maintenance intervals? Please list approximate date of last septic service.

New Structures

1. Planning Home Site Lease Checklist Form must be attached to PPF.

Agricultural Leases

1. Farm Plan
2. Current vegetative cover of land.
3. Crops/Rotation (indicate if a crop is a Genetically Modified Crop (GMO)), indicate when fields will be fallow (chemical or mechanical fallow?)
4. Cultivation/Planting/Harvest methods and times. (tillage, direct seed)
5. Irrigation: source/quantity/type of application.
6. Amount of buffer around each water body.

Pasture/Grazing Leases

1. Grazing system plan (Season of use, duration of use, other land in rotation, rest period).
2. Type and number of livestock.
3. Pasture capacity in AUMs.
4. Current condition of pasture.
5. Watering points, location and type.
6. Salting points.
7. Indicate all water systems in the area; identify management to keep livestock out of Riparian Management Zone(s) (RMZ).

Land Exchanges

1. Please indicate the percentage of each tract the proponent owns on the PPF.
2. Indicate the acres proponent is trading for and indicate the location on map.
3. Indicate the proponents intended use of the land.

DEVELOPMENTS: BUILDINGS, MULTI-BUILDING COMPLEXES, ROADS, PARKING LOTS, PARKS, ETC.

1. Status of current lease and duration of lease.
2. Building dimension and location.
3. All needed utilities – water, sewer, septic, electrical, communication, etc.
 - a. Include a plan for hookups to existing grids.
4. Other facilities
 - a. Parking areas.
 - b. Sidewalks.

- c. Dump stations.

FORESTRY PROJECTS

1. Proposed Harvest
2. Shape files
 - a. Project and block boundaries
 - b. Spring locations
 - c. Any available vegetation data
3. Treatment Prescription Summary
4. Proposed (likely) new roads and stream crossings.
 - a. How much road will be constructed and reconstructed?
 - b. How many streams (by water type) will be crossed by new road?
 - c. Identification of temporary roads.
 - d. Which existing roads will be used?
 - e. Which existing stream crossings will be replaced or upgraded and what will be done?
 - f. How much road will be constructed within Riparian Management Zones (RMZ)?
5. Provide RMZ width and water type for each water body adjacent to or within proposed blocks.
 - a. Will ground based machinery operate within RMZ? If so, how much, where and why?
 - b. Will ground based machinery cross streams? How many crossing locations will there be and where will they be located?
6. Areas to be planted with trees and tree species.
7. Previous harvest information and date of last entry.
8. Is there any mitigation measures planned to reduce fire hazard?
 - a. What are the slash treatment plans?

FIRE

1. Estimated mileage and location of cat fire line, and hand lines.
2. Water withdrawal locations.
3. Fire regime for site (desired future condition).
4. Current condition class in relation to the sites fire regime.

RANGE

1. Cattle guard locations.
2. Spring development:
 - a. Location.
 - b. Current condition.
 - c. Type of construction.
 - d. Pipelines, tanks, stream or spring.
3. Existing range infrastructure in the project area.
4. Current and projected range utilization.

3P Notice Process Description

3P Notices are an information-sharing venue in order for all Tribal and BIA programs to share data, announcements, documents submitted for comment only, etc. to share with all NRD Programs yet not intended to go through the NEPA Process. Entities wishing to distribute a 3P Notice should submit the notice to the Environmental Specialist for distribution. Non-Tribal organizations, such as NRCS, WSU, and the Colville Tribal Conservation District, will be able to share and receive information through 3P Notices. 3P Notices will be distinguished from PPFs in the distribution from the IRMP Coordinator.

Appendix A: Forms for Use in the 3P Process

Copies of the following forms are included in Appendix A:

- Project Proposal Form
- Cultural Resources Supplement
- Form A: Definition of the APE and Findings Regarding the Need for a Survey
- Form B: Cultural Resources Survey Submittal and Request for Concurrence
- Home Site Lease Checklist
- Categorical Exclusion Checklist
- Environmental Consequences Checklist

Project Proposal Form (PPF)

Project Name: _____

Proponent Program: _____ **Date:** _____

Contact Name: _____ **Phone #:** _____

Location (i.e., address, local landmarks, etc.):

Legal Description:

Township _____ Range _____ Section _____ Subdiv. _____

Desired Project Start Date and Estimated Duration:

What is the proposed project? (Please be as detailed as possible, including a description of all roads, utilities, or other infrastructure to be built as a part of the project)

Why is the project necessary?

Please attach a **USGS 7.5 minute series topographic map**, aerial photo, or similarly detailed map showing the location of the proposed project. Please include the location of roads, utilities, and other infrastructure to be built as a part of the proposed project. Proposals without maps may be returned for the proponent with a request for additional information.

Attachments(s), if any (maps, data, additional project description, etc.)

Project Proposal Form – Cultural Resources Supplement

Project Name: _____

Proponent Program: _____ Date: _____

Project Proponent: _____ Phone: _____

Contact: _____ Phone: _____

In my role as the Project Proponent and/or Agency Official, I have determined the following:

This project is not a federal undertaking. We have determined that the proposed project (PPF attached) is not a “project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.”

This project has no potential to affect cultural resources. We have determined that the attached described proposed project does not have the potential to directly or indirectly affect cultural resources, even if they are present.

Project review for possible adverse effects to cultural resources is necessary. We believe that the attached described proposed project is a Federal undertaking and has the potential to affect cultural resources if they are present. In cooperation with the project proponent and with appropriate professional assistance, we will review existing cultural resource inventory information as well as the proposed project location and provide the THPO with an *Area of Potential Effect and Survey Proposal Form* (PPP Form A).

Coordinator/Proponent’s Comments (Include information about how well the APE is defined, if it may change, if there may be changes to the APE before clearance is obtained):

I have approved these
determinations

I concur with these
determinations

Proponent/Agency Official

Date

THPO

Date

Attachments

Project Proposal Form 7.5 minute scale map of preliminary project area Supplemental information

Cultural Resources Management Plan
Confederated Tribes of the Colville Reservation
History/Archaeology Program

Form A: Definition of the APE and Findings Regarding the Need for a Survey

Project Name:	Is this a revision of a previous form? Yes <input type="checkbox"/> No <input type="checkbox"/>
PPF or other Project Numbers:	
Proponent(s)/Program:	Date:
Lead Federal Agency / Responsible Agency Official:	
Preparer(s):	Phone:

Description of potential effects (describe the project's activities. Focus on ground disturbance and equipment, effects on vegetation, and visual effects. Include any access roads, staging areas borrow pits or material sources or other areas outside the main project area that may be disturbed):

Described in PPF

Description of APE and attached maps [provide information about the location of potentially disturbing activities. Explain the accompanying map(s) Note: All areas of direct effect must be identified.:

Findings Regarding the Need for a Cultural Resources Survey:

- The entire APE has been previously inventoried and no historic properties were located. We request concurrence with a **Finding of No Historic Properties Affected**.
- The entire APE is located where significant cultural resources are extremely unlikely to occur. We request concurrence with a **Finding of No Historic Properties Affected**.
- The entire APE is less than 10 acres and will not involve extensive linear ground disturbance. We propose conducting a **Field Reconnaissance** of the area.
- We propose conducting a **100% inventory** of the APE, as indicated in the attached map(s) and *Inventory Plan*
- We propose conducting a **partial inventory** of the APE as indicated in the attached maps and *Inventory Plan*.

I approve these determinations

I concur

Proponent/Agency Official

Date

THPO

Date

Attachments

- Project Proposal Form 7.5 minute scale map of APE *Inventory Plan* Supplemental information

Form B: Cultural Resources Survey Submittal and Request for Concurrence

(Page 1 of 3)

Project Name:	Is this a revision of a previous form? Yes <input type="checkbox"/> No <input type="checkbox"/>
Report Title: PPF or other Project Numbers:	
Proponent(s)/Program:	Date:
Lead Federal Agency and Responsible Agency Official:	
Preparer:	Phone:

PART 1 – List of Cultural Resources in the APE (Use Site Numbers if Applicable):

Previously documented cultural resources

- 1.
- 2.
- 3.
- 4.

Previously unrecorded resources documented in the attached survey report and site forms:

- 1.
- 2.

PART 2 – Evaluation of Cultural Resources

List Of Cultural Resources Proposed Not Eligible as Historic Properties:

- 1.
- 2.

List Of Cultural Resources Proposed Eligible as Historic Properties:

- 1.
- 2.

List Of Cultural Resources That Will Be Entirely Avoided By The Project:

- 1.
- 2.

PART 3 - Conditions of Compliance:

Condition 1: Inadvertent Discoveries - In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or his agent shall cease work immediately within 200 ft. of the find and shall immediately take steps to protect it from further damage or disruption. They shall then promptly contact the THPO at (509) 634-2654 [desk] or the Tribal Archaeologist at (509) 634-2691 [desk] or (509) 631-2130 [cell] to report the find. The THPO or the Tribal Archaeologist will contact the appropriate law enforcement authority if human remains are found. No further work shall be allowed in the vicinity of the discovery until the THPO has approved a plan for the remains or items.

Condition 2: Post-Review Discoveries - In the event that prehistoric artifacts (i.e., arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, or flakes from the manufacture of tools, fire pits, peeled trees, etc.) or historic-period artifacts or features (i.e., fragments of old plates or ceramic vessels, weathered glass, dumps of old cans, cabins, root cellars, etc.) are found during project implementation, the proponent or his agent shall cease work immediately within 200 ft. of the find and contact the THPO at (509) 634-2654 [desk] or the Tribal Archaeologist at (509) 634-2691 [desk] or (509) 631-2130 [cell] to report the find. No further work shall be allowed in the vicinity of the discovery until the THPO has approved a plan for managing or preserving the artifacts or features.

Condition 3: Changes to the Area of Potential Effect or the Area of Direct Effect - Activities that have the potential to disturb cultural resources outside the areas specified in the accompanying document(s) are not approved and will not proceed until cultural resources review of potential adverse effects in the new area has been completed.

Condition 4:

PART 6 – Findings Regarding Project Effects

The attached survey report represents a reasonable and good faith effort to carry out the required identification of cultural resources that might be affected by the project. Based on this documentation and in accordance with the above determinations of eligibility and conditions of compliance, we request concurrence with a **Finding of No Historic Properties Affected**.

The attached survey report represents a reasonable and good faith effort to carry out the required identification of cultural resources that might be affected by the project. Based on this documentation and taking into account the nature of the proposed project, we request concurrence with our **Finding of No Adverse Effect** based on adherence to the conditions of compliance listed above.

The attached survey form or inventory report represents a reasonable and good faith effort to carry out the required identification of cultural resources that might be affected by the project. Based on this documentation and in accordance with the needs of the project, we are providing you notice of our intention to make a determination of Historic Properties Affected with a preliminary **Finding of Adverse Effect**. We will proceed as required in 36 CFR 800.6 to resolve adverse effects.

I approve these determinations

I concur

Proponent/Agency Official

Date

THPO

Date

Attachments:

- Cultural Resources Survey Form or Report
- 7.5 minute map(s) annotated as necessary and detailing the entire APE (required).
- Site Forms (required)
- Project Proposal Form (copy)
- Supplemental information

HOME SITE LEASE CHECKLIST

(TO BE COMPLETED BY CCT PLANNING STAFF)

Name of Applicant: _____

Type of Lease: Home site Pasture ROW Utility Business

Area Name or Road Name: _____

Land ID: Tribal Tract #: _____ Parcel #: _____

Legal Description: _____

(Township, Range, Section, - common name)

General Driving Directions:

Condition of Property:

Red Flags: _____
(water, contamination, solid waste, cultural/archeological)

Access: _____
 Available Will Develop

Utilities:

(Electrical, Well, Septic/Drainfield)

Site Plan:

Signature of Staff Completing Form: _____ Date: _____

Attachments: TSR Aerial Map w site plan _____ _____

Categorical Exclusion Checklist
(Page 1 of 2)

Project: _____

Date: _____

Nature of Proposed Action:

Legal Description:

No Change in Land Use.

Exclusion Category:

Cultural Resources Conditions: As this project moves forward, the History/Archaeology Program asks that the proponent abide by the following conditions: Condition 1: Inadvertent Discoveries (43 CFR 10.4), Condition 2: Post-Review Discoveries (36 CFR 800.13), Condition 3: Changes in the Project Description (36 CFR 800.4).

Evaluation of Exceptions to use of Categorical Exclusion:

- | | | | |
|----|---|-------------|---------|
| 1. | This action would have significant adverse effects on public health or safety. | No <u>x</u> | Yes ___ |
| 2. | This action would have an adverse effect on unique geographical features, such as wetlands, wild or scenic rivers, refuges, floodplains, rivers placed on nationwide river inventory, or prime or unique farmlands. | No <u>x</u> | Yes ___ |
| 3. | The action will have highly controversial environmental effects. | No <u>x</u> | Yes ___ |
| 4. | The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. | No <u>x</u> | Yes ___ |
| 5. | This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. | No <u>x</u> | Yes ___ |
| 6. | This action will establish a precedent for future actions. | No <u>x</u> | Yes ___ |
| 7. | This action will affect properties listed or eligible for listing in the National Register of Historic Places. | No <u>x</u> | Yes ___ |
| 8. | This action will affect a species listed, or proposed | No <u>x</u> | Yes ___ |

to be listed as endangered or threatened.

9. This action threatens to violate federal, state, local or tribal law or requirements imposed for protection of the environment. No x Yes

10. This action will have a disproportionately high and adverse effect on low income or minority populations. No x Yes

This action will 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. No x Yes

12. This action will contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species. No x Yes

A "yes" to any of the above exceptions will require that an EA be prepared.

NEPA Action - - - CE X EA

Preparer's Name and Title: _____

Environmental Specialist: _____
Myra Clark for Environmental Specialist

Tribal Historic Preservation Officer (THPO) Concurrence with Item 7: _____

Regional Archeologist Concurrence with Item 7: _____

Concur: _____ Date: _____
Regional Director/Agency Superintendent

Concur: _____ Date: _____
Regional Environmental Specialist

Environmental Consequences Checklist – Project Name: _____

Instructions: If any of the alternatives will or may have an impact(s) on any component of the environment, make an “X” in the appropriate box(es) and analyze the impact(s) on separate paper. If such analysis concludes that any impact(s) may or will be significant, make an “O” over the “X” in the appropriate box (es) as such: “Ø”

(Proposed Action listed first)

	Alt 1	Alt 2	Alt 3	Alt 4	Alt 5
1.Land Resources					
a) Topography (land forms, drainage, gradients)					
b) Soils, (types, characteristics)					
c) Geologic Settings and Mineral Resources					
2. Water Resources					
3. Air (quality, visibility)					
4. Living Resources					
a) Wildlife (terrestrial, aquatic, threatened/endangered)					
b) Vegetation (terrestrial, aquatic, riparian, threatened/endangered)					
c) Ecosystems and Biological Communities					
d) Agriculture (livestock and crops)					
5. Cultural Resources (cultural & religious properties, archaeological sites)					
6. Socioeconomic Conditions					
a) Employment and Income					
b) Demographic Trends					
c) Attitudes, Expectations, Lifestyle and Cultural Values					
d) Community Infrastructures					
7. Resource Use Patterns					
a) Hunting, Fishing, Gathering					
b) Timber Harvesting					
c) Agriculture					
d) Mining					
e) Recreation					
f) Transportation Networks					
g) Land Use Plans					
8. Other Values					
a) Wilderness					
b) Sound and Noise					
c) Public Health and Safety					
9. Cumulative Impacts					

[Note: This form based on 30 BIAM Supp. 1, Illustration 19, with modifications for CCT use.]

Coordinator's Review Form

Project Name: _____

Proponent Program: _____ **Date:** _____

Is this proposal covered under another NEPA document? Yes _____ No X Unknown _____

* If "Yes," which document(s)? _____

Scope of environmental analysis: (i.e., actions, mitigation measures, possible alternative actions, anticipated environmental actions)

List any known environmental laws, consultation, and permit requirements:

This action is designated as a categorical exclusion per 516 DM 6 (61 FR 67845-67848) and section 4.4.I of the PP Handbook.

Describe the existing management direction, values, and trends (i.e., current management activities, resource values in affected area, known public uses in the affected area)

Property is within rangelands, incidental hunting and gathering.

Identify level of documentation: (please use clickable checkboxes)

CatEx Simple EA Complex EA EIS

Identify 3P Team Members: (please use clickable checkboxes)

- | | | |
|--|--|---|
| Fish & Wildlife <input type="checkbox"/> | Forestry <input type="checkbox"/> | Range <input type="checkbox"/> |
| Water Quality <input type="checkbox"/> | Air Quality <input type="checkbox"/> | Fire Management <input type="checkbox"/> |
| Recreation <input type="checkbox"/> | History & Archaeology <input type="checkbox"/> | RIA <input type="checkbox"/> |
| Soils <input type="checkbox"/> | Hydrology <input type="checkbox"/> | Forest Practice Admin. <input type="checkbox"/> |
| Realty <input type="checkbox"/> | Roads <input type="checkbox"/> | Vegetation Mgmt. <input type="checkbox"/> |
| Planning <input type="checkbox"/> | Tribal Credit <input type="checkbox"/> | |

Confederated Tribes of the Colville Reservation

Natural Resources Department
P.O. Box 150, Nespelem, WA 99155-0150
509-634-2323 ext. 2323 FAX 509-634-2356



May 1, 2018

TO:

FROM: IRMP Coordinator

SUBJECT: Analysis of Impacts from Environmental Consequences Checklist

Utilizing NR staff comments and information provided by the proponent, my findings regarding items that will or may be impacted by the project are:

Item 5. Cultural Resources

Condition 1: Inadvertent Discoveries (43 CFR 10.4) - In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or his authorized agent shall cease work immediately within 200 ft. of the find. They shall then take steps to protect the find from further damage or disruption. Then they shall contact the THPO at (509) 634-2654 [desk] or the Tribal Archaeologist at (509) 634-2691 [desk] or (509) 631-2130 [cell] to report the find. The THPO or the Tribal Archaeologist shall contact the appropriate law enforcement authority if human remains are found. No further work shall be allowed on the project until the THPO has approved a plan for managing or preserving the remains or items.

Condition 2: Post-Review Discoveries (36 CFR 800.13) - In the event that prehistoric artifacts (i.e., arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, or flakes from the manufacture of tools, fire pits, peeled trees, etc.) or historic-period artifacts or features (i.e., fragments of old plates or ceramic vessels, weathered glass, dumps of old cans, cabins, root cellars, etc.) are found during project implementation, the proponent or his authorized agent shall cease work immediately within 200 ft. of the find. Then they shall contact the THPO at (509) 634-2654 [desk] or the Tribal Archaeologist at (509) 634-2691 [desk] or (509) 631-2130 [cell] to report the find. No further work shall be allowed on the project until the THPO has approved a plan for managing or preserving the artifacts or features.

Condition 3: Changes in the Project Description (36 CFR 800.4) Activities that have the potential to disturb cultural resources outside the areas specified in the accompanying document(s) are not approved and should not proceed until the agency consults with the THPO regarding the new Area of Potential Effects and cultural resources review of potential adverse effects in the new area has been completed.

Appendix B: EA Outlines and Format

Cover Sheet

Cover sheet should include the following:

Project Title
Type of NEPA Document (EA or EIS)

Agency: **The Bureau of Indian Affairs and the Colville Confederated Tribes of the Colville Indian Reservation**

Proposed Action:

Official Decision Maker: Debra Wulff, Superintendent, Colville Agency, BIA

For further information: Chasity Swan
IRMP Coordinator
PO BOX 150
Nespelem, WA 99138
(509) 634-2323

Date:

Formatting

Text: All headings should have 6-pt spacing before and after and be left aligned. Do not use extra lines to create spacing. Line spacing for text should be single spacing. With justified text, except in tables which should be centered or left aligned.

1.0 First-level heading, Arial 18-pt. bold (left aligned)

1.1 Second-level headings, Arial 14-pt. bold with a numbering system of chapter + major section

1.1.1 Third-level Headings, Arial 12-pt. Bold, chapter number + major section + subsection

1.1.1.1 Fourth-level Headings, Times New Roman 12-pt. bold, chapter number + major section + subsection + sub subsection

Regular text: Times New Roman 12-pt.

Paragraph format: Indention 0”, spacing before/after paragraph 6-pt. and single line spacing.

Tables: All tables and figures must include a caption description that is in Times New Roman 10-pt. bold. The caption should be placed above the table and line up with the edges of the table or figure. Table headings will be Arial 12-pt. bold and all heading text will be centered except for the first heading. All text in the table should be Times New Roman 12-pt. with before/after spacing of 3 pt.

Lists:

- Whenever possible we will use lists. Indentation for lists will be .25 inch left and right. Special indentation: hanging by .25 inch
- All lists will be Times New Roman 12-pt. Format, paragraph, before\after 6-pt. Uncheck, “don’t add space between paragraphs of the same style” box.
- Where numbering is not crucial, lists will begin with bullets.

Sections

1.0 Purpose and Need

1.1 Introduction

Who, what, where, when. Briefly summarize the proposed action, no more than ½ page. List major actions without giving all details (acres, miles of new road, etc.). Include a location map.

1.2 Purpose and Need for Action

Briefly summarize the need for the proposed action. No more than ½ page. Full description will occur in chapter 2.

1.3 Objectives

List project objectives and give their sources. Avoid listing project actions as objectives. When you list objectives give their source and give measurement indicators. Example: follow pg 34 text box 12., in Shipley’s, “How to Write Quality EISs and EAs”.

1. To improve vegetative health and growth rates in the project area timber stands. (Black Mountain Land Resource Management Plan, Vegetation Goal, p 46).

Indicators:

- A. Number/percentage of diseased trees.
- B. Annual timber growth rates.

1.4 Laws and Regulations

Identify any laws, regulations, or other EISs/EAs that influence the scope of this EIS/EA. List any linkage between any prior EIS/EAs, note page number of original document. Endangered Species Act, Clean Water Act, Clean Air Act, National Historic Preservation Act, etc.

1.5 Decision(s) to be Made

Summarize the decision(s) to be made and identify any other lead or cooperating agencies involved in this NEPA analysis.

- a) To take no action
- b) To approve the proposed action
- c) To approve the preferred action

1.6 Public Scoping

Summarize the scoping/public involvement and profile major relevant issues. As appropriate, identify issues considered but eliminated from further analysis. Scoping is a critical NEPA activity. A full record of all scoping activities must be kept in the record. Mention efforts to involve other agencies and members of the public.

1.6.1 Profile Major Relevant Issues Identified through Scoping

Direct, indirect and cumulative. See pg. 36 in Shipley's, "How to Write Quality EISs and EAs", third edition.

1.7 Tribal, Federal and State Permits or Licenses

List any Tribal, Federal, state or local permits, licenses, or other consultation requirements. Specify who is responsible for obtaining the different permits.

2.0 Alternatives Considered

2.1 General Discussion –Alternative Design

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) have developed regulations that require that a reasonable range of alternatives be considered in NEPA documentation, including the "Proposed Action" and "No Action" alternatives.

For this project, Alternative A (No Action) is included to fulfill the requirements of NEPA and to provide baseline values by which to measure the effects of other alternatives. For the purposes of this document, "no action" means that no harvest or other resource manipulation would occur if this alternative were adopted.

Alternative B (the Proposed Action) was constructed to fulfill the purpose and need.

All alternatives are designed to meet all legal and procedural requirements to which the Colville Tribes and the Bureau of Indian Affairs must adhere.

2.2 Alternative A – No Action.

2.3 Alternative B – Proposed Action

The Project Proposal Process (3P) Team developed this alternative by altering Alternative B to emphasize integrated resource management.

3.0 Affected Environment and Environmental Consequences

3.1 General Discussion

Summarize the current conditions of this resource including any past, present, or future actions relevant to the current status of this resource. Summarize the methodology (measurement tools) to be used to estimate impacts. Show current values for the indicators for each relevant resource. Include short paragraph briefly describing any issues determined to be non-relevant. Please only include information directly related to this specific project area and that will be impacted by this project. Additional information can be included in technical supplements. All tribal codes and regulations will be included by reference, but do not need to be in the EA.

3.2 Resource 1

3.2.1 Affected Environment

3.2.2 Environmental Consequences

3.2.2.1 Impacts of Alternative A: No Action

Address direct, indirect and cumulative impacts.

3.2.2.2 Alternative B: Proposed Action

3.2.3 Mitigation for Resource 1

Mitigation should be the same regardless of which alternative is selected. If there are blocks that should be harvested in the winter, can list them here, but do not make two subchapters for separate mitigation for each alternative.

Table 1. Project Plan achievement of IRMP Goals and Objectives

IRMP Objective	Issue Indicator	Units	Existing Condition	Alternative A	Alternative B	Alternative C
Times New Roman 12-pt.						

3.10 Unavoidable Adverse Impacts (on all resources)

3.11 Relationship of Short-Term Uses and Long-Term Productivity (on all resources)

3.12 Irreversible and Irretrievable Commitments of Resources (on all resources)

4.0 List of Preparers

Name	Contributions
Chasity Watt	Coordinator, Editor
	Soils
	Forestry

Appendix C: Public Notice Locations

Notice of the availability of Environmental Assessments and Environmental Impact Statements will be provided on the tribal website. In addition the following locations will be posted:

Location	EA review copy & Public Notice	Public Notice (Noting availability and location of EA Review Copy)
<u>Omak:</u>		
Omak Public Library	X	
Senior Meal Site	X	
Omak Community Center		X
East Side Omak Gas station		X
Tribal Trails		X
Health Clinic		X
<u>Nespelem:</u>		
Library	X	
Senior Meal Site	X	
Nespelem Community Center		X
Jackson's Gas Station		X
Post Office		X
Trading Post		X
Council Waiting Area	X	
City Hall		X
BIA Building		X
<u>Keller:</u>		
Library	X	
Senior Meal Site	X	
Keller Community Center		X
Post Office		X
Keller Store		X
Health Clinic		X
<u>Inchelium:</u>		
Library	X	
Senior Meal Site	X	
Inchelium Community Center		X
Post Office		X
Inchelium Store		X
Short Stop Gas Station		X
Rainbow Beach Resort		X
Inchelium Subagency	X	

Appendix D: NEPA Policies from the Department of the Interior Departmental Manual

516 DM 2, Appendix 1, Departmental Categorical Exclusions

The following actions are categorical exclusion (CX) pursuant to 516 DM 2.3A(2). However, environmental documents will be prepared for individual actions within these CX if the exceptions listed in 516 DM 2, Appendix 2, apply.

- 1.1 Personnel actions and investigations and personnel services contracts.
- 1.2 Internal organization changes and facility and office reductions closings.
- 1.3 Routine financial transactions including such things as salaries and expenses, procurement contracts (in accordance with applicable procedures and Executive Orders for sustainable or green procurement), guarantees, financial assistance, income transfers, audits, fees, bonds and royalties.
- 1.4 Departmental legal activities including, but not limited to, such things as arrests, investigations, patents, claims, and legal opinions. This does not include bringing judicial or administrative civil or criminal enforcement actions which are outside the scope of NEPA in accordance with 40 CFR 1508.18(a).
- 1.5 Reserved.
- 1.6 Nondestructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities.
- 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).
- 1.8 Management, formulation allocation, transfer, and reprogramming of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.)
- 1.9 Legislative proposals of an administrative or technical nature (including such things as changes in authorizations for appropriations, and minor boundary changes and land transactions) or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals.
- 1.10 Policies, directives, regulations and guidelines that are of an administrative, financial, legal, technical or procedural nature and whose environmental effects are not too broad, speculative or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.
- 1.11 Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public.
- 1.12 Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Such activities: Shall be limited to areas (1) in

wildland-urban interface and (2) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface; Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan;” Shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction. (Refer to the Environmental Statement Memoranda Series for additional, required guidance.)

- 1.13 Post-fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds) to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities: Shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and Shall be completed within three years following a wildland fire. (Refer to the Environmental Statement Memoranda Series for additional, required guidance.)

516 DM 10: Managing the NEPA Process—Bureau of Indian Affairs

Effective Date: May 27, 2004

10.1 Purpose

This Chapter provides supplementary requirements for implementing provisions of 516 DM 1 through 6 within the Department’s Bureau of Indian Affairs (BIA). This Chapter is referenced in 516 DM 6.5.

10.2 NEPA Responsibility

- A. Deputy Commissioner of Indian Affairs is responsible for NEPA compliance of BIA activities and programs.
- B. Director, Office of Trust Responsibilities (OTR) is responsible for oversight of the BIA program for achieving compliance with NEPA, program direction, and leadership for BIA environmental policy, coordination and procedures.
- C. Environmental Services Staff, reports to the Director (OTR). This office is the Bureau-wide focal point for overall NEPA policy and guidance and is responsible for advising and assisting Area Offices, Agency Superintendents, and other field support personnel in their environmental activities. The office also provides training and acts as the Central Office's liaison with Indian tribal governments on NEPA and other environmental compliance matters. Information about BIA NEPA documents or the NEPA process can be obtained by contacting the Environmental Services Staff.

- D. Other Central Office Directors and Division Chiefs are responsible for ensuring that the programs and activities within their jurisdiction comply with NEPA.
- E. Area Directors and Project Officers are responsible for assuring NEPA compliance with all activities under their jurisdiction and providing advice and assistance to Agency Superintendents and consulting with the Indian tribes on environmental matters related to NEPA. Area Directors and Project Officers are also responsible for assigning sufficient trained staff to ensure NEPA compliance is carried out. An Environmental Coordinator is located at each Area Office.
- F. Agency Superintendents and Field Unit Supervisors are responsible for NEPA compliance and enforcement at the Agency or field unit level.

10.3 Guidance to Applicants and Tribal Governments

A. Relationship with Applicants and Tribal Governments:

1. Guidance to Applicants:

- a. An “applicant” is an entity which proposes to undertake any activity which will at some point require BIA action. These may include tribal governments, private entities, state and local governments or other Federal agencies. BIA compliance with NEPA is congressionally mandated. Compliance is initiated when a BIA action is necessary in order to implement a proposal.
- b. Applicants should contact the BIA official at the appropriate level for assistance. This will be the Agency Superintendent, Area Director or the Director, Office of Trust Responsibilities.
- c. If the applicant's proposed action will affect or involve more than one tribal government, one government agency, one BIA Agency, or where the action may be of State-wide or regional significance, the applicant should contact the respective Area Director(s). The Area Director(s), using sole discretion, may assign the lead NEPA compliance responsibilities to one Area Office or, as appropriate, to one Agency Superintendent. From that point, the Applicant will deal with the designated lead office.
- d. Since much of the applicant's planning may take place outside the BIA system, it is the applicant's responsibility to prepare a milestone chart for BIA use at the earliest possible stage in order to coordinate the efforts of both parties. Early communication with the responsible BIA office will expedite determination of the appropriate type of NEPA documentation required. Other matters such as the scope, depth and sources of data for an environmental document will also be expedited and will help lead to a more efficient and more timely NEPA compliance process.

2. Guidance to Tribal Governments:

- a. Tribal governments may be applicants, and/or be affected by a proposed action of BIA or another Federal agency. Tribal governments affected by a proposed action shall be consulted during the preparation of environmental documents and, at their option, may cooperate in the review or preparation of

such documents. Notwithstanding the above, the BIA retains sole responsibility and discretion in all NEPA compliance matters.

- b. Any proposed tribal actions that do not require BIA or other Federal approval, funding or “actions” are not subject to the NEPA process.

B. Prepared Program Guidance: BIA has implemented regulations for environmental guidance for surface mining in 25 CFR Part 216 (Surface Exploration, Mining and Reclamation of Lands.) Environmental guidance for Forestry activities is found in 25 CFR 163.27 and 53 BIAM Supplements 2 and 3.

C. Other Guidance. Programs under 25 CFR for which BIA has not yet issued regulations or directives for environmental information for applicants are listed below. These programs may or may not require environmental documents and could involve submission of applicant information to determine NEPA applicability. Applicants for these types of programs should contact the appropriate BIA office for information and assistance:

- (1) Partial payment construction charges on Indian irrigation projects (25 CFR Part 134).
- (2) Construction assessments, Crow Indian irrigation project (25 CFR Part 135).
- (3) Fort Hall Indian irrigation project, Idaho (25 CFR Part 136).
- (4) Reimbursement of construction costs, San Carlos Indian irrigation project, Arizona (25 CFR Part 137).
- (5) Reimbursement of construction costs, Ahtanum Unit, Wapato Indian irrigation project, Washington CFR Part 138).
- (6) Reimbursement of construction costs, Wapato-Satus Unit, Wapato Indian Irrigation project, Washington (25 CFR Part 139).
- (7) Land acquisitions (25 CFR Part 151).
- (8) Leasing and permitting (Lands) (25 CFR Part 162).
- (9) Sale of lumber and other forest products produced by Indian enterprises from the forests on Indian reservation (25 CFR Part 164).
- (10) Sale of forest products, Red Lake Indian Reservation, Minn. (25 CFR Part 165).
- (11) General grazing regulations (25 CFR Part 166).
- (12) Navajo grazing regulations (25 CFR Part 167).
- (13) Grazing regulations for the Hopi partitioned lands (25 CFR Part 168).
- (14) Rights-of-way over Indian lands (25 CFR Part 169).
- (15) Roads of the Bureau of Indian Affairs (25 CFR Part 170).
- (16) Concessions, permits and leases on lands withdrawn or acquired in connection with Indian irrigation projects (25 CFR Part 173).
- (17) Indian Electric Power Utilities (25 CFR Part 175).

- (18) Resale of lands within the badlands Air Force Gunnery Range (Pine Ridge Aerial Gunnery Range) (25 CFR Part 178).
- (19) Leasing of tribal lands for mining (25 CFR Part 211).
- (20) Leasing of allotted lands for mining (25 CFR Part 212).
- (21) Leasing of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining (25 CFR Part 213).
- (22) Leasing of Osage Reservation lands, Oklahoma, for mining, except oil and gas (25 CFR Part 214).
- (23) Lead and zinc mining operations and leases, Quapaw Agency (25 CFR Part 215).
- (24) Leasing of Osage Reservation lands for oil and gas mining (25 CFR Part 226).
- (25) Leasing of certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining (25 CFR Part 227).
- (26) Indian fishing in Alaska (25 CFR Part 241).
- (27) Commercial fishing on Red Lake Indian Reservation (25 CFR 242).
- (28) Use of Columbia River in-lieu fishing sites (25 CFR Part 248).
- (29) Off-reservation treaty fishing (25 CFR Part 249).
- (30) Indian fishing - Hoopa Valley Indian Reservation (25 CFR Part 150).
- (31) Housing Improvement Program (25 CFR Part 256).
- (32) Contracts under Indian Self-Determination Act (25 CFR Part 271).
- (33) Grants under Indian Self-Determination Act (25 CFR Part 272).
- (34) School construction or services for tribally operated previously private schools (25 CFR Part 274).
- (35) Uniform administration requirements for grants (25 CFR 276).
- (36) School construction contracts for public schools (25 CFR Part 277).

10.4 Major Actions Normally Requiring an EIS.

A. The following BIA actions normally require the preparation of an Environmental Impact Statement (EIS):

- (1) Proposed mining contracts (for other than oil and gas), or the combination of a number of smaller contracts comprising a mining unit for:
 - (a) New mines of 640 acres or more, other than surface coal mines.
 - (b) New surface coal mines of 1,280 acres or more, or having an annual full production level of 5 million tons or more.
- (2) Proposed water development projects which would, for example, inundate more than 1,000 acres, or store more than 30,000 acre-feet, or irrigate more than 5,000 acres of undeveloped land.

(3) Construction of a treatment, storage or disposal facility for hazardous waste or toxic substances.

(4) Construction of a solid waste facility for commercial purposes.

B. If, for any of these actions, it is proposed not to prepare an EIS, an Environmental Assessment (EA) will be developed in accordance with 40 CFR 1501.4(a)(2).

10.5 Categorical Exclusions

In addition to the actions listed in the Department's categorical exclusions in Appendix 1 of 516 DM 2, many of which the BIA also performs, the following BIA actions are hereby designated as categorical exclusions unless the action qualifies as an exception under Appendix 2 of 516 DM 2. These activities are single, independent actions not associated with a larger, existing or proposed, complex or facility. If cases occur that involve larger complexes or facilities, an EA or supplement should be accomplished.

A. Operation, maintenance, and replacement of existing facilities: Examples are normal renovation of buildings, road maintenance and limited rehabilitation of irrigation structures.

B. Transfer of Existing Federal Facilities to Other Entities: Transfer of existing operation and maintenance activities of Federal facilities to tribal groups, water user organizations, or other entities where the anticipated operation and maintenance activities are agreed to in a contract, follow BIA policy, and no change in operations or maintenance is anticipated.

C. Human resources programs: Examples are social services, education services, employment assistance, tribal operations, law enforcement and credit and financing activities not related to development.

D. Administrative actions and other activities relating to trust resources: Examples include management of trust funds (collection and distribution), budget, finance, estate planning, wills and appraisals.

E. Self-Determination and Self-Governance:

1. Self-Determination Act contracts and grants for BIA programs listed as categorical exclusions, or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

2. Self-Governance compacts for BIA programs which are listed as categorical exclusions or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

F. Rights-of-Way:

1. Rights-of-Way inside another right-of-way, or amendments to rights-of-way where no deviations from or additions to the original right-of-way are involved and where there is an existing NEPA analysis covering the same or similar impacts in the right-of-way area.

2. Service line agreements to an individual residence, building or well from an existing facility where installation will involve no clearance of vegetation from the right-of-way other than for placement of poles, signs (including highway signs), or buried power/cable lines.
3. Renewals, assignments and conversions of existing rights-of-way where there would be essentially no change in use and continuation would not lead to environmental degradation.

G. Minerals:

1. Approval of permits for geologic mapping, inventory, reconnaissance and surface sample collecting.
2. Approval of unitization agreements, pooling or communitization agreements.
3. Approval of mineral lease adjustments and transfers, including assignments and subleases.
4. Approval of royalty determinations such as royalty rate adjustments of an existing lease or contract agreement.

H. Forestry:

1. Approval of free-use cutting, without permit, to Indian owners for on-reservation personal use of forest products, not to exceed 2,500 board feet.
2. Approval and issuance of cutting permits for forest products not to exceed \$5,000 in value.
3. Approval and issuance of paid timber cutting permits or contracts for products valued at less than \$25,000 when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.
4. Approval of annual logging plans when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.
5. Approval of Fire Management Planning Analysis detailing emergency fire suppression activities.
6. Approval of emergency forest and range rehabilitation plans when limited to environmental stabilization on less than 10,000 acres and not including approval of salvage sales of damaged timber.
7. Approval of forest stand improvement projects of less than 2000 acres when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.
8. Approval of timber management access skid trail and logging road construction when consistent with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.
9. Approval of prescribed burning plans of less than 2000 acres when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

10. Approval of forestation projects with native species and associated protection and site preparation activities on less than 2000 acres when consistent with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

I. Land Conveyance and Other Transfers: Approvals or grants of conveyances and other transfers of interests in land where no change in land use is planned.

J. Reservation Proclamations: Lands established as or added to a reservation pursuant to 25 U.S.C. 467, where no change in land use is planned.

K. Waste Management:

1. Closure operations for solid waste facilities when done in compliance with other federal laws and regulations and where cover material is taken from locations which have been approved for use by earlier NEPA analysis.
2. Activities involving remediation of hazardous waste sites if done in compliance with applicable federal laws such as the Resource Conservation and Recovery Act (Pub. L. 94-580), Comprehensive Environmental Response, Compensation, and Liability Act (Pub. L. 96-516) or Toxic Substances Control Act (Pub. L. 94-469).

L. Roads and Transportation:

1. Approval of utility installations along or across a transportation facility located in whole within the limits of the roadway right-of-way.
2. Construction of bicycle and pedestrian lanes and paths adjacent to existing highways and within the existing rights-of-way.
3. Activities included in a "highway safety plan" under 23 CFR Part 402.
4. 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.
5. Emergency repairs under 23 U.S.C. 125.
6. Acquisition of scenic easements.
7. Alterations to facilities to make them accessible for the elderly or handicapped.
8. Resurfacing a highway without adding to the existing width.
9. Rehabilitation, reconstruction or replacement of an existing bridge structure on essentially the same alignment or location (e.g. widening, adding shoulders or safety lanes, walkways, bikeways or guardrails).
10. Approvals for changes in access control within existing right-of-ways.
11. Road construction within an existing right-of-way which has been acquired for a HUD housing project, and for which earlier NEPA analysis already exists.

M. Other:

1. Data gathering activities such as inventories, soil and range surveys, timber cruising, geological, geophysical, archeological, paleontological and cadastral surveys.
2. Establishment of non-disturbance environmental quality monitoring programs and field monitoring stations including testing services.
3. Approval of an Application for Permit to Drill for a new water source or observation well.
4. Approval of conversion of an abandoned oil well to a water well if water facilities are established only near the well site.
5. Approval and issuance of permits under the Archaeological Resources Protection Act (16 U.S.C. 470aa-11) when the permitted activity is being done as a part of an action for which an NEPA analysis has been, or is being prepared.

5/27/04 #3620

Replaces 3/18/80 #3511