



Draft Environmental Assessment

Rocky Boy's Reservation Lagoon Relocation

Agency, Montana

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FEMA Reviewers, please NOTE:

The attached document is a Draft: This document is intended to be a working document for FEMA review. We anticipate comments and encourage your feedback on all aspects of the report.

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Agency Cell 1	Agency Lagoon Cell 1
Agency Cell 2	Agency Lagoon Cell 2
Agency Cell 3	Agency Lagoon Cell 3
Agency	Agency Community
amsl	Above mean sea level
APE	area of potential effects
ARM	Administrative Rules of Montana
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
CDP	Census Designated Place
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
dB	decibels
EA	Environmental Assessment
EDR	Environmental Data Resources, Inc.
EO	Executive Order
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FINDS	Facility Index System/Facility Registry System
HMGP	Hazard Mitigation Grant Program
Hz	hertz
IPaC	Information Planning and Conservation
LUST	leaking underground storage tank
MDEQ	Montana Department of Environmental Quality
MDLI	Montana Department of Labor and Industry
MDOT	Montana Department of Transportation
MFWP	Montana Fish, Wildlife, and Parks
MHS	Montana Historical Society
MNHP	Montana Natural Heritage Program
MSL	Montana State Library
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service

NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
O&M	operation and maintenance
P.L.	Public Law
Route 6	Upper Box Elder/ BIA Route 6
ROW	right-of-way
SWPPP	Stormwater Pollution Prevention Plan
THPO	Tribal Historic Preservation Officer
Tribe	Chippewa Cree Tribe
UNC	Utility Notification Center
USACE	U.S. Army Corps of Engineers
U.S.C.	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WOUS	Waters of the United States

SECTION ONE: INTRODUCTION, BACKGROUND, AND HISTORY

The Chippewa Cree Tribe (Tribe) of the Rocky Boy's Reservation is located in Hill and Chouteau Counties in north-central Montana about 30 miles south of Havre. **Appendix A, Exhibit 1** shows the location of the Rocky Boy's Reservation. The Tribe has a three-cell wastewater treatment facility located on the north side of Clinic Road. The edge of Agency Lagoon Cell 3 (Agency Cell 3) terminates near a bluff overlooking Box Elder Creek in the Agency Community (Agency), Montana. The embankment that supports the lagoon system has been saturated by heavy rains and is starting to slump and slide, threatening to destroy the lagoon system. Additionally, the water within Agency Lagoon Cell 2 (Agency Cell 2) and Agency Cell 3 are thought to be contributing to the saturation issue and speeding the soil erosion process because the cells are either unlined or have damaged liners. Agency Lagoon Cell 1 (Agency Cell 1) has been recently upgraded and is not endangered by the slide. However, Agency Cell 3 is in imminent danger of sloughing off into Box Elder Creek. As embankment soils continue to slump, Agency Cell 2 could also eventually be in danger of sloughing off into Box Elder Creek.

The wastewater treatment system serves the Agency Community, Box Elder, Montana. Currently, the system serves approximately 1,200 people, including those in the Tribal Office, Wellness Center, Health Clinic, Senior Center, a school, churches, and various other businesses (DOWL 2015b).

The project area evaluated in this Environmental Assessment (EA) extends from the existing wastewater treatment facility on the northern side of Clinic Road, along Agency Road for approximately 2 miles north to Upper Box Elder/Bureau of Indian Affairs (BIA) Route 6 (Route 6), and then along west Route 6 for approximately 2 miles to Boneau Village. The project area also includes rangeland approximately 3.5 miles west of Boneau Village at the Multi-Community and Middle Dry Fork Lagoon areas. **Appendix A, Exhibits 2a** and **2b** show the project area. **Appendix B** provides photographs showing the existing conditions within the project area.

The Federal Emergency Management Agency's (FEMA's) involvement with the relocation of the wastewater cells triggers the requirements of the National Environmental Policy Act (NEPA) of 1969 (NEPA; 42 United States Code [U.S.C.] §§ 4321–4327), which include an evaluation by Federal agencies of the potential environmental impacts of proposed actions and a consideration of the impacts during the decision-making process. FEMA is preparing this EA in accordance with the Council on Environmental Quality's (CEQ's) NEPA implementing regulations (Title 40 Code of Federal Regulations [CFR] Parts 1500–1508) and FEMA's NEPA procedures (44 CFR Part 10).

In addition, FEMA has invited the BIA, and the U.S. Environmental Protection Agency (USEPA) both of which have jurisdiction by law and/or special expertise related to the proposed action, to participate in the preparation of the EA as "cooperating agencies" under NEPA.

SECTION TWO: PURPOSE AND NEED

The Tribe has requested FEMA Hazard Mitigation Grant Program (HMGP) funding to relocate the two cells of the treatment facility in danger of failing (Agency Cell 2 and Agency Cell 3). The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The HMGP provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the HMGP is to reduce loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

The purpose of mitigation actions implemented by the Tribe is to:

- Reduce damage to local critical, essential, and necessary assets of the Tribe
- Minimize economic losses sustained by the Tribe

The Tribe has identified the need to relocate two wastewater treatment cells to maintain a functioning treatment facility.

SECTION THREE: ALTERNATIVES

3.1 ALTERNATIVES CONSIDERED BUT DISMISSED

3.1.1 Slope Stabilization

The soils near the western edge of Agency Cell 3 are unstable and prone to slumping. Although Agency Cell 2 soils are not currently slumping, over time, the soil erosion could impact Agency Cell 2 soils, as well. The Tribe evaluated the potential to stabilize the Agency Cell 3 soils and leave the cell in its current location. An analysis of the cost associated with this alternative indicated the costs were too high for the Tribe. Additionally, this alternative could fail over time, resulting in soil slumping in the long term and causing Agency Cell 3 (and potentially Agency Cell 2) to fail; therefore, this alternative was removed from consideration.

3.1.2 Mechanical Plant

The Tribe evaluated the possibility of constructing a mechanical treatment plant to replace the existing lagoon system. The alternative would require large upfront costs, have high annual maintenance costs, and would require a trained operator. Currently, the Tribe does not have a qualified individual to operate a mechanical treatment plant, or the operation and maintenance (O&M) resources to sustain the added costs to operate a mechanical treatment plant facility. Therefore, for all these reasons, this alternative was removed from consideration.

3.1.3 Aeration Plant

The tribe evaluated the possibility of modifying Agency Cell 1 into a three-celled lagoon; thus, dividing up three sections of the cell with large partitions, placing appropriately sized aerators in the first two partitions and having the third partition function as a stilling basin, to meet water quality standards. The aerators have to run 24 hours a day to maintain water quality and are extremely noisy. This lagoon is 200 feet from the Rocky Boy Health Clinic; even with noise reduction methods, the ongoing noise would likely disturb people working in and being served by the clinic. Installation of the aerators would also require the pond to be excavated 5 feet deeper, as recommended by the Montana Department of Environmental Quality (MDEQ) for proper aeration function. This would be an expensive modification. Finally, the costs of operating an aeration plant are extremely high. Ten years ago, aerators were in use in Agency Cell 1 and the Tribe had them removed because of the high operational costs. For these reasons this alternative was dismissed.

3.2 ALTERNATIVES CONSIDERED

- Alternative 1 – No Action
- Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)
- Alternative 3 – Sewage Lagoon Relocation, St. Pierre Right-of-Way (ROW) Route
- Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

3.2.1 Alternative 1 – No Action

The NEPA process requires that the No Action alternative be considered as a basis for assessing the effects of action alternative(s) being considered. With the No Action alternative, no action would be taken by the Tribe to relocate Agency Cells 2 and 3 to an area with more stable soils. Agency Cells 2 and 3 would remain in their current locations and the soils would continue to slump until the cells slough off into the creek below.

3.2.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

Alternative 2 would involve the installation of three duplex lift stations, placement of approximately 22,500 linear feet of force main within the road right-of way, and the construction of a two lined facultative lagoon cells, and access roads for the lagoons. Additionally, the action would include boring under roadways, pavement replacement, revegetation of disturbed areas, and reclamation of the existing Agency Cell 3. **Appendix A, Exhibits 3a and 3b** show the features of Alternative 2. Specific features of the project are detailed below.

Agency Lift Station: The duplex Agency Lift Station would be located near the existing manhole, which is located near the “arm pit” of Agency Cell 1 of the existing wastewater treatment facility. Specific features of the lift station, including pumps and depth of wet well, would be determined during final design. Construction of the Agency Lift Station would take approximately 30 days.

Force Main Route – Agency to Sangrey Village: A 4-inch C900 PVC pipe would be used for the first 1,582 feet of the force main. The force main would be installed from the Agency Lift Station south to Clinic Road. The force main would then be placed in the road ROW along the northern side of Clinic Road to Agency Road (Laredo Road). The main would head north on the east side of Agency Road for approximately 120 feet and then bore under the existing Agency Road to the west side of the road.

There is approximately 600 feet of rock outcropping on the west side of Agency Road, and some special consideration would need to be made during construction of this section of pipe. From this point, the force main would consist of a 6-inch C900 PVC force main line and would continue on the west side of the road heading north in the existing road ROW for approximately 2,600 feet, crossing Box Elder Creek in the ROW above the existing box culvert. The line would then cross the roadway in a bore and would stay on the east side of Agency Road for 1.7 miles heading north to the existing lift station at Sangrey Village which is located adjacent to and east of Agency Road. The existing lift station at Sangrey Village would be considered the second lift station and would be utilized as part of this project.

Sangrey Lift Station: The Sangrey Lift Station is an existing lift station that at one time serviced Sangrey Village. The raw sewage from Sangrey Village currently discharges to a drainfield. The Sangrey sewage would be combined with the effluent flow from the Agency Lagoons in the existing Sangrey Lift Station. The combined sewage would require installation of properly configured pumps to replace the existing pumps in the lift station. The existing plumbing and wet well would be utilized in the Sangrey Lift Station. In addition, electricity would need to be connected by trenching approximately 100 feet from the meter loop to the lift station. [Note: Some reconfiguration of the existing piping within Sangrey Village is necessary

to get the Sangrey sewage to the lift station. This reconfiguration is not part of this project (see Section 4.9 Cumulative Impacts).]

Force Main Route – Sangrey to Booster Lift Station: Once past the Sangrey Lift Station, the force main would consist of an 8-inch C900 PVC pipe. The force main would leave the Sangrey Lift Station and would return to the ROW along the eastern side of Agency Road. The line would head north on Agency Road for approximately 600 feet. At the intersection of Route 6 and Agency Road, the force main would be bored under Agency Road and continue westward on the south side of Route 6. The force main would continue on the south side of Route 6 for approximately 2,700 feet to the third and final lift station, Booster Lift Station.

Booster Lift Station: The Booster Lift Station would be located approximately about halfway up the hill leading toward Boneau Village; however the precise location would be determined during final design. The Booster Lift Station would be a standard duplex wet well station and would provide a lift for the combined sewage flow directed from the Sangrey Lift Station. The Booster Lift Station would be located adjacent to Route 6 and would utilize existing ROW.

Force Main Route – Booster Lift Station to Boneau: From the Booster Lift Station, the force main (8-inch C900 PVC pipe) would continue westerly in the ROW along the southern side of Route 6 for approximately 6,300 feet to the eastern edge of Boneau Village. Then, the force main would be bored north under Route 6 to the west side of Prairie Street for approximately 240 feet. The force main would then discharge into an existing gravity sewer manhole. From the manhole the effluent would be carried to the Boneau Village lagoon by an existing gravity force main. This existing force main has the capacity to convey the additional effluent and still allow for growth of Boneau Village.

Existing gravity flow piping would be utilized to convey Boneau Village sewage flows from the Boneau Village lagoon westward to the existing lagoon complex at Middle Dry Fork and Multi-Community. The Middle Dry Fork and Multi-Community lagoon complexes are located approximately 3 miles west of Boneau Village. The existing piping from Boneau Village to the Middle Dry Fork and Multi-Community lagoon complexes has the capacity to convey the added volume from the Agency lagoons, as well as the existing and any future flows associated with development at Boneau Village.

The construction period for the new force main in its entirety would be approximately 11 months.

New Lagoon at Multi-Community: Currently, the Multi-Community wastewater treatment facility utilizes a three-cell lagoon system. With the implementation of Alternative 2, one new approximately 2.5-acre lagoon cell would be constructed on the west side of the existing Multi-Community lagoon system. The new lagoon cell would be considered a primary cell and be situated at the same elevation as the other two primary cells at Multi-Community. The cell would be lined and contain intercell piping. The inlet would be located on the south end of the lagoon cell and the outlet would be located on the north end of the cell. Additional fencing would be installed to enclose the existing and proposed lagoon cells. The new lagoon would utilize the existing gravity surface irrigation system for the Multi-Community Lagoons.

New Lagoon at Middle Dry Fork: Presently, the Middle Dry Fork wastewater treatment facility utilizes a two-cell lagoon system. Under Alternative 2, an additional approximately 1.6-acre

lagoon cell would be placed on the south or east side of the existing Middle Dry Fork lagoon system. The new lagoon cell would be a secondary polishing cell and would treat the effluent from the existing two cells at Middle Dry Fork. The existing Middle Dry Fork Lagoons are complete retention with no discharge point. The new lagoon cell would either remain a complete retention system or it would discharge effluent by utilizing the existing irrigation structure attached to the adjacent Multi-Community lagoon. Additional fencing would be installed to enclose the existing and proposed lagoon cells.

The construction period for both the Multi-Community and Middle Dry Fork lagoons would be approximately 11 months.

Access: The Multi-Community lagoons have a gravel access road, but it would require some additional road work to make it an all-weather road. Additionally, a one-lane, rock-covered 500-foot access road would need to be built to the proposed new secondary cell at Middle Dry Fork. This rock road would be constructed off the existing rock road located south of the Middle Dry Fork Lagoons. The construction period for the access roads is included in the 11-month construction period for the lagoon.

Decommission Agency Lagoon Cell 3: Agency Cell 3 would be filled with material from the surrounding berm and sides of the cell. The slumping northern slope would be regraded and revegetated to decrease the rate of erosion and slumping. Agency Cell 2 would be retained as an emergency overflow for Agency Lagoon Cell 1 and as a short-term storage backup if Agency Cell 1 should need repairs and/or cleaning or in case of a force main or pumping system failure. Decommission activities would take approximately 1 month to complete.

3.2.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

This alternative was originally the proposed action. However, due to public controversy, Alternative 2 was added as the new proposed action.

Alternative 3 would involve the installation of a duplex lift station, placement of approximately 12,000 linear feet of force main, and the construction of a two-cell lined facultative lagoon. Additionally, the action would include boring under Box Elder Creek and roadways, pavement replacement, revegetation of disturbed areas, and reclamation of the existing Agency Cell 3.

Appendix A, Exhibit 4 shows the features of Alternative 3. Specific features of the project are detailed below.

Agency Lift Station: The duplex lift station would be located near the existing manhole, which is located near the “arm pit” of Agency Cell 1 of the existing wastewater treatment facility. Specific features of the lift station, including pumps and depth of wet well, would be determined during final design. Construction of the lift station would take approximately 30 days.

Force Main Route: A 4-inch force main with thrust blocks would be installed from the lift station south to Clinic Road. The force main would then be placed in the road ROW along the northern side of Clinic Road to Agency Road. The force main would be bored under Agency Road and turn north along the western side of Agency Road.

From this point, the force main would continue on the western side of Agency Road, heading north within the existing ROW. There is approximately 600 feet of rock outcropping through this area, and some special consideration would need to be made during construction for this stretch

of pipe. After the rock outcropping, the route would stay on the western side of Agency Road for approximately another 2,000 feet, crossing Box Elder Creek in the ROW above the box culvert. After crossing Box Elder Creek, the force main would be bored under Agency Road before crossing a driveway on the western side of Agency Road. The route would then continue on the northeastern side of Agency Road, would be bored under Oats Road, and would then follow an existing utility corridor to St. Pierre Road.

At the junction of St. Pierre Road with Agency Road, the force main route would turn west along the northern side of St. Pierre Road and would be bored under Agency Road and Box Elder Creek at this location. Once across the creek, the brush is very thick; therefore, the route would lie beneath St. Pierre Road for approximately 180 feet. This portion of the force main would be placed using a directional boring machine in which the bore would go at least 6 feet under the creek bed. A sealed sleeve over the top of the actual fused pipe under the creek would act as a safety precaution in case a leak in the pipe occurred. Past the heavy brush, the route would return to the ROW and continue up the hill along the northern side of St. Pierre Road past a residential driveway. Once past the driveway, the force main would turn northwest off the road and head across the rangeland toward a gas pipeline hut. The route would continue past the hut on the northern side to the location of the new lagoon. Installation of the force main would take approximately 6 months and would disturb approximately 4 acres of soils primarily within the road ROW; the disturbed area would be revegetated following construction activities.

New Lagoon at St. Pierre: The lagoon would be approximately 3 acres in size; however, 6 acres would be disturbed to prepare the site and construct the lagoon. The two-cell lagoon would have 3:1 side slopes and would be installed with intercell piping to allow the operator to direct the water. The lagoon would be lined with an impervious material approved by Montana Department of Environmental Quality (MDEQ) for use in a sewage lagoon. One outlet for discharging effluent would be located on the southern side. The lagoon area would be fenced and have an inside road on top of the lagoon berms. The road would be constructed of compacted fill material and covered with mowed grass. Construction of the new lagoon would take approximately 8 months.

Access: A one-lane, rock-covered access road, with a cattle guard along the force main line as it leaves St. Pierre Road, would be constructed from St. Pierre Road to the lagoon. The construction period for the access road is included in the 8-month construction period for the lagoon. Approximately 1 acre of land would be required for the access road.

Decommission Agency Lagoon Cell 3: Decommissioning of Agency Cell 3 would be the same as described in Alternative 2.

3.2.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

Alternative 4 would be the same as Alternative 3 in all features, except for the route of the force main from the existing Agency Lagoons to Agency Road. With Alternative 4, the force main would leave the lift station located near the “arm-pit” of Agency Cell 1 and head west across rangeland toward Agency Road. Boring would be used to get the force main under Sundance Creek and Agency Road. Once on the western side of Agency Road, the force main route, the new St. Pierre lagoon, and the access road would be the same as described for Alternative 3. The construction of the new lift station at the Agency Lagoons and the decommissioning of Agency

Cell 3 would be the same as described in Alternative 2. **Appendix A, Exhibit 4** shows the route difference associated with Alternative 4 on the eastern side of Agency Road.

SECTION FOUR: AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

4.1 PHYSICAL RESOURCES

4.1.1 Affected Environment

The physical resources considered in this EA are topography and soils, air quality and climate change, and visual resources. During the initial evaluation of potential effects on the environment, it was determined that none of the alternatives had the potential to adversely affect geology because the depth of construction activities would not reach bedrock. Therefore, geological resources are not discussed further in this document.

4.1.1.1 Topography and Soils

The topography of the Rocky Boy’s Reservation includes mountainous ranges, valleys, plains, and coulees. Elevations range from 2,200 feet above mean sea level (amsl) for the Big Sandy Creek plains to 6,900 feet amsl for Mount Centennial (Bear Paw Mountain being the highest peak). Coulees also drop in elevation to a similar extent as the Big Sandy Creek plains. Half of the Reservation lies on the western slopes of Bear Paw Mountain and the remaining half is situated in the great plain areas and/or bottomlands of the mountains. The tribal land’s topography varies from high mountain peaks (+6,600 feet amsl) with deep valleys to plains areas adjacent to coulees and suitable for agriculture. There are several small streams originating from the mountains.

Based on a search of the Natural Resources Conservation Service (NRCS) database (NRCS 2015), soils in the project area consist of the following:

Table 4-1: Project Area Soils

Soil Classification	Farmland Rating
Bearpaw-Vida clay loams, 0 to 4 percent slopes	All areas are prime farmland (Chouteau County) Prime farmland if irrigated (Hill County)
Bearpaw-Vida clay loams, 4 to 8 percent slopes	Farmland of statewide importance
Belain-Whitlash, moist-Hedoes complex, 15 to 60 percent slopes	Not prime farmland
Enbar-Straaw-Eagleton loams, 0 to 2 percent slopes	Not prime farmland
Farnuf loam, 4 to 8 percent slopes	Farmland of statewide importance
Scobey-Kevin clay loams, 0 to 4 percent slopes	Prime farmland if irrigated
Vida-Zahill-Bearpaw clay loams, 2 to 8 percent slopes	Farmland of statewide importance
Zahill clay loam, 25 to 60 percent slopes	Not prime farmland
Zahill-Obrien clay loams, 15 to 60 percent slopes	Not prime farmland

Source: NRCS 2015

Notes: Soil classifications in **bold** text are soils with a rating of statewide importance or prime farmland (NRCS 2015)

Three soil classifications (Bearpaw- Vida clay loams, 4 to 8 percent slopes, Farnuf loam, 4 to 8 percent slopes, and Vida-Zahill-Bearpaw clay loams, 2 to 8 percent slopes) are considered farmlands of statewide importance. Land containing Bearpaw-Vida clay loams, 0 to 4 percent

slopes (Hill County) and Scobey-Kevin clay loams, 0 to 4 percent slopes are considered to be prime farmland if irrigated. Bearpaw-Vida clay loams, 0 to 4 percent slopes soils found in Chouteau County are classified as prime farmland (NRCS 2015).

4.1.1.2 Air Quality and Climate Change

The National Ambient Air Quality Standards (NAAQS) established by the USEPA define the allowable concentrations of pollutants that may be reached but not exceeded in a given time period to protect human health (primary standard) and welfare (secondary standard) with a reasonable margin of safety. These standards include maximum concentrations for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter with a diameter of 10 microns or less. Hill and Chouteau counties are considered an Attainment Area for all air quality parameters (USEPA 2015a).

The MDEQ does not have jurisdiction over projects located on Native American Reservations with regard to permitting. However, Montana requires reasonable precautions be taken at construction sites to control emissions. Administrative Rules of Montana (ARM) 17.8.308 (3) states that *“No person shall operate a construction site or demolition project unless reasonable precautions are taken to control emissions of airborne particulate matter. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over six consecutive minutes.”* Regardless of whether a facility holds an air quality permit, it must comply with this rule (personal communication with Deanne Fischer, MDEQ, and Sue Volkmer, URS, January 8, 2015; **Appendix C**).

The CEQ has provided guidance on how Federal agencies should consider climate change in their decisions. Guidance for NEPA documents states that quantitative analysis should be done if an action would release more than 25,000 metric tons of greenhouse gases per year (CEQ 2010).

4.1.1.3 Visual Resources (Aesthetics)

The project area is located in the Bear Paw Mountains of north-central Montana. The viewshed from the existing lagoon location and proposed force main line route includes native grasses and pine trees, creeks, roadways, buildings, and low mountains. The viewshed from the new lagoon locations include native grasses, trees, roadways, scattered buildings, and low mountains.

4.1.2 Environmental Consequences

4.1.2.1 Alternative 1 – No Action

Topography and Soils

Since the No Action alternative does not involve any construction activities, the alternative would not directly affect topography or soils in the project area. Soil would continue to slough near the existing Agency Lagoon cells; therefore, local topography would be indirectly affected in the long term.

Air Quality and Climate Change

The No Action alternative includes no disturbance of soils and no construction activities. Therefore, the alternative would have no impact on local or regional air quality. In addition, the alternative would not affect global climate change.

Visual Resources (Aesthetics)

With the No Action alternative, the lagoon slope at Agency Cell 3 would continue to erode, resulting in a loss of vegetation and soil into Box Elder Creek. Therefore, the alternative could have an indirect negative impact on visual resources in the immediate vicinity of the existing Agency Lagoon cells.

4.1.2.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

Topography and Soils

Alternative 2 would have no effect on the topography of the project area. The force main line would be located below the ground surface and the lift stations, new lagoons, and berms would not extend above ground more than a few feet.

Soils in the proposed new lagoon and access road areas consist of prime farmland and prime farmland if irrigated. Approximately 7 acres of prime farmland would no longer be available for agricultural use following construction of the new wastewater lagoon and access road. A portion of these 7 acres has been previously disturbed during the construction of the existing lagoon systems. Form AD-1006 was completed and sent to the NRCS on June 26, 2015 (**Appendix C**). After NRCS review of the project, Alternative 2 was given a score of 87 out of 260; therefore, Alternative 2 would have no significant impact on farmland and no mitigation is necessary. In addition, placement of the force main would disturb approximately 7.5 acres of soils within the road ROW that were previously disturbed during construction of the roads. These soils are not considered prime farmland or farmland of statewide importance. The force main route within the ROW would be revegetated following construction activities.

To reduce potential soil erosion during construction activities, best management practices (BMPs) such as silt fences and/or hay bales would be used by the contractor to minimize the movement of soils from disturbed areas. The BMPs would be used until the disturbed areas have been adequately revegetated with native grasses and shrubs. With appropriate BMPs and an aggressive revegetation program, the disturbance of approximately 15 acres of soil (7 acres for the lagoons, 0.5 acre for the access road and 7.5 acres for the force main) would not be considered a significant impact.

In addition, the Proposed Action would include the decommissioning of Agency Cell 3. The cell would be filled in and the northern slope regraded. Regrading the slope would decrease the rate of erosion and limit the potential for the adjacent Agency Cell 2 to fail in the future. Additionally, Agency Cell 2 would contain water only during emergency situations or as are temporary backup to Agency Cell 1, limiting the potential for soil saturation. By decommissioning Agency Cell 3 and using Agency Cell 2 for infrequent short-term purposes, soil erosion would be minimized. Therefore, Alternative 2 would have a long-term positive impact on the soils in the project area because it would decrease the rate of erosion and sloughing of Agency Cell 3's northern slope.

Air Quality and Climate Change

No permanent sources of increased air emissions would be associated with the proposed action; therefore, there would be no long-term impacts on air quality or climate change. Soil disturbance during construction activities would result in a temporary increase of particulates (dust) in the air. If dust becomes a problem during construction activities, the contractor would be required to

water down the work area to reduce the dust levels. No air permit from USEPA would be required for this project (personal communication with Bob Gallagher, USEPA, and Sue Volkmer, URS, January 9, 2015; **Appendix C**).

Operation of the construction equipment would also add to exhaust-related air pollutants such as nitrogen oxide, carbon monoxide, and ozone within the local area. Increases of these air pollutants would be localized, temporary, and have a minor effect on local air quality.

No MDEQ air permit applies for this project; however, the Tribe would need to take reasonable precautions to control airborne particulate matter to below 20 percent opacity as required under ARM 17.8.308. For soil handling equipment, this is generally done by using water spray and only as necessary to minimize airborne particulate matter.

Visual Resources (Aesthetics)

Temporary adverse impacts to visual resources would occur during construction of the project features due to the presence of construction equipment and disturbed land in the viewshed.

No long-term visual impacts would be associated with the new force main, as the pipe would be located below ground. New lagoons and berms would be raised only a few feet above the ground surface. This would result in a long-term minor impact on the viewshed in the immediate vicinity of the lagoons.

4.1.2.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

Topography and Soils

Alternative 3 would have no effect on the topography of the project area. The force main line would be located below the ground surface and the new lagoon and berm would not extend above ground more than a few feet.

Soils in the proposed new lagoon and access road area consist of farmland of statewide importance. Approximately 7 acres of farmland of statewide importance would no longer be available for agricultural use following construction of the new wastewater lagoon and access road. Form AD-1006 was completed and sent to the NRCS on January 9, 2015 (**Appendix C**). After NRCS review of the project, Alternative 3 was given a score of 114 out of 260; therefore, Alternative 3 would have no significant impact on farmland and no mitigation is necessary. In addition, approximately 4 acres of soil would be disturbed during placement of the force main. These soils occur within the road ROW, were previously disturbed during construction of the roads, and are not considered prime farmland or farmland of statewide importance. The force main route within the ROW would be revegetated following construction activities.

To reduce potential soil erosion during construction activities, BMPs such as silt fences and/or hay bales would be used by the contractor to minimize the movement of soils from disturbed areas. The BMPs would be used until the disturbed areas have been adequately revegetated with native grasses and shrubs. With appropriate BMPs and an aggressive revegetation program, the disturbance of approximately 11 acres of soil (6 acres for the lagoons, 1 acre for the access road and 4 acres for the force main) would not be considered a significant impact.

In addition, the impacts from Agency Cell 3's decommission for Alternative 3 would be the same as Alternative 2.

Air Quality and Climate Change

The impacts to air quality and climate change for Alternative 3 would be the same as the impacts for Alternative 2.

Visual Resources (Aesthetics)

The impacts to visual resources for Alternative 3 would be the same as the impacts for Alternative 2.

4.1.2.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

Topography and Soils

Alternative 4 would have no effect on the topography of the project area. The force main line would be located below ground and the new lagoon and berm would not extend above ground more than a few feet.

Soils in the lagoon and access road area are consistent with farmland of statewide importance. Approximately 7 acres of prime farmland would no longer be available for agricultural use following the construction of the wastewater treatment lagoon and access road. Form AD-1006 was completed and sent to the NRCS January 9, 2015 (**Appendix C**). After NRCS review of the project, Alternative 4 was given a score of 114 out of 260; therefore, Alternative 4 would have no significant impact on farmland and no mitigation is necessary. In addition, approximately 4 acres of soil would be disturbed during placement of the force main. These soils occur primarily within the road ROW, were previously disturbed during the construction of the road or a former dam site, and are not considered prime farmland or farmland of statewide importance. The force main route within the ROW would be revegetated following construction activities.

To reduce potential soil erosion during construction activities, BMPs such as silt fences and/or hay bales would be used by the contractor to minimize the movement of soils from disturbed areas. The BMPs would be used until the disturbed areas have been adequately revegetated with native grasses and shrubs. With appropriate BMPs and an aggressive revegetation program, the disturbance of approximately 11 acres of soil would not be considered a significant impact.

In addition, the impacts from Agency Cell 3's decommission for Alternative 4 would be the same as Alternative 2.

Air Quality and Climate Change

The impacts to air quality and climate change for Alternative 4 would be the same as the impacts for Alternative 2.

Visual Resources (Aesthetics)

The impacts to visual resources for Alternative 4 would be the same as the impacts for Alternative 2.

4.2 LAND USE

4.2.1 Affected Environment

Land uses of tribal land consist of agricultural (both irrigation and dry-land farming types), commercial, undeveloped (forested lands), and mixed uses (e.g., tribal facilities, schools,

community housing). Land use near the project area is primarily road ROW. The surrounding land beyond the road ROW is riparian wetland, residential properties, and the communities of Agency, Sangrey Village, and Boneau Village. The areas north of St. Pierre Road and surrounding Middle Dry Fork and Multi-Community are currently used as rangeland.

4.2.2 Environmental Consequences

4.2.2.1 Alternative 1 – No Action Alternative

No activities would occur with this alternative. The No Action alternative would have no direct effect on land use. Soil around Agency Cell 3 would continue to slough and Agency Cell 3 would eventually fail. In time, the same situation would likely occur at lagoon Agency Cell 2. If this were to happen, both cells would need to be filled in and decommissioned. Therefore, land use would eventually change from public land use to idle land use.

4.2.2.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

For this alternative, one lagoon cell would be placed on 4 acres of rangeland west of the Multi-Community lagoon system and a second lagoon cell would be placed on 3 acres of rangeland south or east of the Middle Dry Fork lagoon system. The force main and the Booster Lift Stations would be placed in the road ROW. Sangrey and Agency Lift Stations would be placed in developed areas. Placement of the force main and lift stations would not result in a change of land use; however, construction of the new lagoons and access road would convert approximately 7 acres of rangeland to public land use. This change in land use would not be considered a significant impact on any land use category in the project area.

4.2.2.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

For this alternative, the force main would be buried in the road ROW, and the lagoon cells and access road would be placed on 7 acres of rangeland north of St. Pierre Road. Placement of the force main would not result in a change of land use; however, construction of the new lagoon and access road would convert approximately 7 acres of rangeland to public land use. This change in land use would not be considered a significant impact on any land use category in the project area.

4.2.2.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

The land use impacts for Alternative 4 would be the same as for Alternative 3.

4.3 WATER RESOURCES

4.3.1 Affected Environment

Water resources considered in this EA include surface water, floodplains, and wetlands/waters of the United States (WOUS).

4.3.1.1 Surface Water

The reservation is divided into four main drainage areas: Beaver Creek, Box Elder Creek, Big Sandy Creek, and Duck Creek. The project area is located within the Box Elder drainage area. Major water bodies within the project area include Sundance Creek and Box Elder Creek.

In the project area, Sundance Creek is located west of the failing sewage lagoons and flows into Box Elder Creek. Box Elder Creek flows northward, crossing below the sloughing berm of Agency Cell 3 and along the eastern side of Agency Road. The creek eventually crosses under Agency Road and follows the western side of the road, crossing under St. Pierre Road and continuing northward to Boneau Reservoir. Boneau Reservoir is located approximately 4.5 miles downstream from the Agency Lagoon system, approximately 0.5 mile from Boneau Village, and approximately 3 miles from Middle Dry Fork and Multi-Community lagoons. The reservoir primarily serves as a flood control facility.

In the state of Montana, lagoons on reservations are permitted under a General Permit for Lagoons in Indian Country. These permits are regulated by the USEPA (personal communication, David Rise, USEPA and Sue Volkmer, URS, January 16, 2015; **Appendix C**). Agency Cell 3 is the “clean water” cell for the lagoon system and the Tribe has a current permit to discharge from Agency Cell 3 to Box Elder Creek.

4.3.1.2 Groundwater

Groundwater is water found underground in the cracks and spaces in soil, sand, and rock. These underground areas filled with water are called aquifers. Groundwater is stored in and slowly moves through aquifers. According to the Montana State Library (MSL) (MSL 2014), there are no surficial (shallow) aquifers located near Rocky Boy’s Reservation.

MDEQ requires a minimum separation of 4 feet between the bottom of the lagoon and the maximum groundwater elevation, a minimum separation of 10 feet between the lagoon bottom and any bedrock formation, and a minimum separation of 500 feet between the outer toe of the sewage lagoon embankments and any existing water well (MDEQ 2012).

4.3.1.3 Floodplains (Executive Order 11988)

Executive Order (EO) 11988 requires Federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, “each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities” for the following actions:

- Acquiring, managing, and disposing of Federal lands and facilities
- Providing federally undertaken, financed, or assisted construction and improvements
- Conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities

To satisfy the intent of the EO, FEMA employs an eight-step decision-making process when evaluating projects that have features located within an identified 100-year floodplain. Although there are no identified floodplains on the Reservation, the eight-step decision-making process was completed for this project because the project area does contain wetlands (addressed below) and areas that may flood during heavy rain events. This process, which is presented in **Appendix D**, is similar to the NEPA compliance process, which encourages public involvement starting at the early stages of project development, avoidance of floodplains and wetlands,

evaluation of all practicable alternatives, assessment of potential impacts, and minimization of impacts.

The Rocky Boy's Reservation has no identified floodplains and the Reservation does not participate in the National Flood Insurance Program (NFIP). Additionally, the Tribe has no zoning or development regulations related to floodplains. However, there are areas adjacent to Box Elder Creek and Sundance Creek that may flood during heavy precipitation events.

4.3.1.4 Wetlands (Executive Order 11990) and WOUS

The basic requirement of EO 11990 is that a Federal agency should avoid construction or management practices that would adversely affect wetlands unless that agency finds that (1) there is no practicable alternative, and (2) the proposed action includes measures to minimize harm to the wetlands. The EO directs all Federal agencies to minimize the destruction, loss, or degradation of wetlands; and preserve and enhance the natural beneficial values of wetlands in the conduct of the agency's responsibilities. The Federal agency must provide opportunity for early public review by those who may be affected and include its findings in its environmental or other appropriate decision documents. To satisfy the intent of EO 11990 and 44 CFR Part 9, FEMA uses an eight-step decision-making process (**Appendix D**) to evaluate projects with potential to affect wetland resources.

Activities disturbing jurisdictional wetlands also require a Section 404 Permit from the U.S. Army Corps of Engineers (USACE). The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) (USFWS 2014, 2015e) maps identified forested riparian wetlands near the project area. Additionally, during the site visit, several other areas of wetland vegetation (i.e., cattails and reeds) were identified in the project area. A letter from Martin P. Miller at the Montana Natural Heritage Program (MNHP) received on December 15, 2014 and June 23, 2015 (**Appendix C**) included a map showing the same wetlands identified by the USFWS NWI maps. **Appendix A, Exhibits 5a, 5b, 5c, 5d, and 6** show photographs of the wetland/riparian vegetation in the project area.

WOUS are defined in 40 CFR 122.2 and include

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.

Box Elder and Sundance Creeks are considered to be WOUS by the USACE. Work in WOUS requires a Section 404 Permit for dredge and fill from the USACE. In Montana, these permits are part of the Joint Permit Application process which simplifies the permitting process by using one form for multiple permits and multiple agencies. For this project, the Joint Permit Application process would involve the USACE and USEPA.

Two wetland delineations were conducted within the project area (**Appendix F**). The first wetland delineation was conducted in February 2015 and investigated the project area from the Agency Lagoons to St. Pierre (Elliott 2015). According to this delineation, wetlands in the project area were associated with Box Elder Creek and tributaries. At several locations, wetlands have formed in barrow areas adjacent to the road ROW, where tributary drainages were partially blocked by the road embankment. Wetlands adjacent to the force main route are dominated by shrubs such as sandbar willow, Bebb's willow, and Geyer willow interspersed with patches of emergent, herbaceous vegetation dominated by cattail, Nebraska sedge, and beaked sedge. Small patches of box-elder and plains cottonwood are sporadically present along Box Elder Creek and tributaries (Elliott 2015). USFWS NWI maps indicate no wetlands are present in the vicinity of the new St. Pierre Road lagoon location (USFWS 2015e) and the wetland delineation confirmed no wetlands are present there (Elliott 2015).

A second wetland delineation was conducted in June 2015 for the project area from St. Pierre to Boneau Village and Multi-Community (DOWL 2015a). Within this portion of the project area, ten drainages and five wetland areas were identified. Of the ten drainages, two are considered potential WOUS, totaling approximately 0.015 acre. These include Box Elder Creek and an unnamed drainage to Box Elder Creek (Drainage 1). Unnamed Drainage 1 is a very small tributary to Box Elder Creek. The drainage begins within the hills east of Agency Road and flows west under Agency Road and directly into Box Elder Creek. The drainage appears to begin where a spring or seep emerges from the hillside. Flowing water was observed in the channel during the site visit. The channel would be classified as upper perennial riverine with an unconsolidated bottom of mud. Box Elder Creek is one of the primary drainages in the project area and vicinity. Box Elder Creek is classified as upper perennial riverine with unconsolidated bottom of cobble and gravel. Willows primarily border the steep banks within the project area. Box Elder Creek flows north and then west, flowing into Big Sandy Creek approximately 12 miles downstream of the project (DOWL 2015a). USFWS NWI maps indicate no wetlands are located in the vicinity of the proposed Middle Dry Fork and Multi-Community lagoon locations (USFWS 2015e) and the wetland delineation confirmed that no wetlands are present there.

The area south of existing Middle Dry Fork lagoons was evaluated using the NWI maps and site reconnaissance by Tribal and FEMA personnel. No wetlands were identified in this area.

The five wetland areas total approximately 0.8 acre. All five wetlands are considered potential wetlands under the jurisdiction of the USACE. Two wetlands were classified as palustrine shrub/scrub. Three wetlands were classified as palustrine scrub/shrub and emergent and were primarily dominated by willows, sedge species, spike rush, broadleaf cattail, Kentucky bluegrass, and creeping foxtail (DOWL 2015a).

Appendix F provides the wetland delineation reports for this project.

4.3.2 Environmental Consequences

4.3.2.1 Alternative 1 – No Action

Surface Water

With the No Action alternative, no action would be taken to prevent the sloughing of Agency Cell 3 and the potential sloughing of Agency Cell 2 in the future. This would have a long-term negative impact on Box Elder Creek as the slope soils continue to slough into the creek. The

sloughed soils would have a negative impact on the water quality (i.e., turbidity) of Box Elder Creek near the Reservation. It is not anticipated that failure of Agency Cell 3 itself would have significant negative impacts on Box Elder Creek, as Agency Cell 3 is the “clean water” cell and currently discharges into the creek. The failure of Agency Cell 2 could result in a minor impact on Box Elder Creek water quality in the vicinity of the existing wastewater treatment facility. Although Agency Cell 2 contains water that has passed through Agency Cell 1 and is not raw sewage, it would not be considered clean enough for discharge to the creek.

Groundwater

There would be no direct impact to groundwater with the No Action alternative. The continued sloughing of the soils would cause water and any remaining sludge to move downhill and contact Box Elder Creek. Agency Cell 3 contains water that has been treated within the wastewater treatment facility and is suitable for discharge into Box Elder Creek. Therefore, if any water from Agency Cell 3 were to reach groundwater, water quality would not be negatively affected. Although Agency Cell 2 does not contain water clean enough for direct discharge to Box Elder Creek, the water quality would improve during the infiltration process and it would be diluted in the creek. Therefore, groundwater quality would not be impacted by the No Action Alternative.

Floodplains

Rocky Boy’s Reservation contains no mapped floodplains. Therefore, Alternative 1 would not affect any identified floodplains.

Wetlands and WOUS

With the No Action alternative, the Tribe would take no action to control the sloughing of the slope around Agency Cell 3. Therefore, the alternative would not directly affect wetlands and WOUS in the immediate vicinity of the Agency Lagoon system. However, there would be an indirect negative impact on wetlands/riparian vegetation at Box Elder Creek in the immediate vicinity of the Agency Lagoon system related to soils sloughing down the lagoon slope.

4.3.2.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

Surface Water

If Box Elder Creek cannot be avoided during the placement of the force main, a directional boring machine would be used and would pass at least 6 feet under the creek bed. A sealed sleeve over the top of the actual fused pipe under the creek would act as a safety precaution in case a leak in the pipe occurred. Additionally, the pipeline would be tested intermittently for leaks. There would be no impact to surface water related to boring under Box Elder Creek.

There would be a short-term negative impact on surface water in the project area related to construction activities. Because this alternative would disturb more than 1 acre of land, the Tribe would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater permit from the USEPA. The Tribe would also need to provide a Stormwater Pollution Prevention Plan (SWPPP) and a Notice of Intent prior to construction activities. With the implementation of BMPs associated with the NPDES permit and SWPPP, impacts on surface water related to stormwater runoff caused by construction activities would be minimized. Regrading the sloughing slope during Agency Cell 3’s decommissioning would have

a long-term positive impact on surface water in Box Elder Creek on the Reservation by reducing the rate of soil erosion.

The existing lagoons at Boneau Village and Multi-Community have General Permits for Lagoons in Indian Country to discharge the effluent from the wastewater lagoons. Boneau Village lagoons previously discharged via pump irrigation to the field west of the lagoons. Currently, there is no discharge from Boneau Village, as all waste goes to the Multi-Community site. The existing Middle Dry Fork lagoons are complete retention and do not have a permit to discharge. The new lagoon cell at Multi-Community would be considered a primary cell and would not discharge effluent. The lagoon complex would continue to use the existing gravity surface irrigation system to discharge to the surrounding fields. The new lagoon cell at Middle Dry Fork would be a secondary polishing cell and would treat the effluent for the existing two cells. The effluent from the new secondary polishing cell would remain a complete retention cell or would be discharged by utilizing the existing irrigation structure attached to the Multi-Community facility. Therefore, the Tribe would need to obtain a General Permit for Lagoons in Indian Country for the Middle Dry Fork wastewater treatment facility.

Finally, a 401 Water Quality Certification would be required for this project and would be obtained as part of the NPDES permit process.

Groundwater

For Alternative 2, boring would be completed at the Multi-Community and Middle Dry Fork new lagoon sites to evaluate depth to groundwater and depth to bedrock. Based on previous investigations, the groundwater is believed to be fairly deep at this site, which would satisfy MDEQ regulations (personal communication with Jeff Standaert, Rocky Boy Health Board with Sue Volkmer, URS, February 9, 2015). Water in the new lagoons would be substantially treated, lowering any contaminant levels and decreasing any odor. The lagoons would be at least 500 feet from the closest well, which is the required distance. Additionally, the proposed lagoons would be lined with an impervious material approved by MDEQ for use in a sewage lagoon. Therefore, Alternative 2 would have no direct impact to groundwater near the project area.

Floodplains

Rocky Boy's Reservation contains no mapped floodplains. Therefore, Alternative 2 would not affect any identified floodplain. Additionally, the proposed project features would not alter the function or contribute to occupancy of a floodplain or undesignated areas that flood.

Wetlands and WOUS

The Proposed Action is designed to avoid impacts to wetlands when trenching, or if they cannot be avoided, to bore under wetlands. Therefore, it is anticipated no wetlands would be impacted by this project.

However, if impacts to wetlands cannot be completely avoided, even temporarily, the Tribe would need to obtain a Section 404 permit from the USACE before beginning construction activities. The number of acres affected would determine whether a Nationwide (not more than 0.5 acre) or Individual (more than 0.5 acre) Permit would be applicable to the project. In Montana, Section 404 permits are part of the Joint Permit Application process. Additionally, 401 Water Quality Certification would need to be obtained as part of the Joint Permit Application Process. This 401 Certification is in addition to the 401 Certification obtained through the

NPDES process (personal communication, David Rise, USEPA and Sue Volkmer, January 22, 2015; **Appendix C**). If a Section 404 permit is needed, the Tribe would be required to adhere to all stipulations contained in the permit.

4.3.2.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

Surface Water

There would be no impact to surface water related to boring under Box Elder Creek. This portion of the force main would be placed using a directional boring machine in which the bore would pass at least 6 feet under the creek bed. A sealed sleeve over the top of the actual fused pipe under the creek would act as a safety precaution in case a leak in the pipe occurred. Additionally, the pipeline would be tested intermittently for leaks.

There would be a short-term negative impact on surface water in the project area related to construction activities. Because this alternative would disturb more than 1 acre of land, the Tribe would be required to obtain a NPDES Construction Stormwater permit from the USEPA. The Tribe would also need to provide a SWPPP and a Notice of Intent prior to construction activities. With the implementation of BMPs associated with the NPDES permit and SWPPP, impacts on surface water related to stormwater runoff caused by construction activities would be minimized. Regrading the sloughing slope during Agency Cell 3's decommissioning would have a long-term positive impact on surface water in Box Elder Creek on the Reservation by reducing the rate of soil erosion.

The Tribe would also need to obtain a new General Permit for Lagoons in Indian Country to discharge the effluent from the new St. Pierre lagoon because it would have a different discharge point than is currently covered by any of the Tribe's General Permits for Lagoons in Indian Country (personal communication with David Rise, USEPA and Sue Volkmer, URS, January 16, 2015; **Appendix C**).

Finally, a 401 Water Quality Certification would be required for this project and would be obtained as part of the NPDES permit process.

Groundwater

For Alternative 3, boring would be completed at the new St. Pierre lagoon site to evaluate depth to groundwater and depth to bedrock. Based on previous investigations, the groundwater is believed to be fairly deep at this site, which would satisfy MDEQ regulations (personal communication with Jeff Standaert, Rocky Boy Health Board with Sue Volkmer, URS, February 9, 2015). Water in the new lagoon would be substantially treated, lowering any contaminant levels and decreasing any odor. The actual lagoon would be at least 2,000 feet from the closest well, which is much more than the required distance of 500 feet. Additionally, the proposed lagoon would be lined with an impervious material approved by MDEQ for use in a sewage lagoon. Therefore, Alternative 3 would have no direct impact to groundwater near the project area.

Floodplains

Rocky Boy's Reservation contains no mapped floodplains. Therefore, Alternative 3 would not affect any identified floodplain. Additionally, the project features would not alter the function or contribute to occupancy of a floodplain or undesignated areas that flood.

Wetlands and WOUS

Alternative 3 would not impact wetlands located along the force main route. Any wetlands encountered by the placement of the force main would be avoided by boring under the wetlands.

However, if wetlands would be affected, even temporarily, the Tribe would need to obtain a Section 404 permit from the USACE before beginning construction activities. The number of acres affected would determine whether a Nationwide (not more than 0.5 acre) or Individual (more than 0.5 acre) Permit would be applicable to the project. In Montana, Section 404 permits are part of the Joint Permit Application process. Additionally, 401 Water Quality Certification would need to be obtained as part of the Joint Permit Application Process. This 401 Certification is in addition to the 401 Certification obtained through the NPDES process (personal communication, David Rise, USEPA and Sue Volkmer, January 22, 2015; **Appendix C**). If a Section 404 permit is needed, the Tribe would be required to adhere to all stipulations contained in the permit.

4.3.2.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

Surface Water

Impacts to the surface water in the project area and required permits for Alternative 4 would be the same as for Alternative 3.

Groundwater

Impacts to groundwater in the project area would be the same as for Alternative 3.

Floodplains

Rocky Boy's Reservation contains no mapped floodplains. Therefore, Alternative 4 would not affect any identified floodplain. Additionally, the proposed project features would not alter the function or contribute to occupancy of the floodplain or undesignated areas that flood.

Wetlands and WOUS

The main portion of the force main route for Alternative 4 would be the same as for Alternative 3 in those areas with the potential to impact wetlands. Therefore, impacts to the wetlands in the project area and required permits for Alternative 4 would be the same as for Alternative 3. All stipulations in the required permits would need to be met by the Tribe.

4.4 BIOLOGICAL RESOURCES

Resources evaluated in this EA include vegetation, terrestrial wildlife, aquatic wildlife, and threatened and endangered species.

4.4.1 Affected Environment

4.4.1.1 Vegetation

There are approximately 16,000 acres of wooded lands (firs/pines) scattered along the Bear Paw Mountain range. Historic large cottonwood, willow, and aspen galleries or other taller shade protecting vegetation such as ash are the dominant vegetation of lands with wet soils such as floodplains, stream banks, and coulee bottoms. Sedges, chokecherry, hawthorns, and buffalo/June berries are the dominant herbaceous species. Other herbaceous species include green needlegrass, blue grama, gumweed, rough fescue, and sandberg bluegrass. Rocky Boy's

southeastern section (approximately 32,000 acres) has been set aside as a conservation area to protect the customary use of medicinal plants in accordance with traditional practices.

In the project area, vegetation primarily consists of rangeland grasses and woody riparian vegetation. Vegetation within the road ROW consists of mowed grasses. **Appendix A, Exhibits 5a-5d** and **Exhibit 6** show photographs of the vegetation in the project area.

EO 13112 established the Invasive Species Council and requires Federal agencies to address invasive species concerns and to not authorize or carry out new actions that would cause or promote the introduction of invasive species.

4.4.1.2 Terrestrial and Aquatic Wildlife

According to the Tribal Natural Resources Department, there are generally no fish in Box Elder Creek within or near the project area (personal communication, Curtis Monteau, Tribal Natural Resources Department with Sue Volkmer, URS, January 23, 2015; **Appendix C**). Other aquatic species, such as turtles and frogs, may be present within the project area.

Wildlife found in the project area includes mule and white-tailed deer, waterfowl, and upland game birds. Other species that may inhabit the area include various songbirds, raptors, and small mammals such as beavers and skunks.

Rocky Boy's Reservation also lies just west of the North American Central Migratory Bird Flyway, in the path of boreal breeding birds migrating to and from the northern part of the Yucatan Peninsula and the western reach of the boreal forests in Alaska. Migratory species include orioles, tanagers, wood ducks, sandhill cranes, and warblers. Consequently, certain species of migratory birds may sporadically appear on the Reservation. However, there have been no reports of migratory overwintering areas on the Reservation and migratory birds are likely to continue to use those areas already reported as being overwintering grounds along the migration path.

4.4.1.3 Threatened and Endangered Species

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1536) requires Federal agencies to ensure that actions authorized, funded, or carried out are not likely to jeopardize the continued existence of threatened, endangered, or proposed species or cause destruction or adverse modification of their critical habitats.

The USFWS's Natural Resources of Concern Information Planning and Conservation (IPaC) System was accessed to obtain a list of threatened and endangered species that may exist in Hill (USFWS 2014) and Chouteau (USFWS 2015e) Counties, Montana. The USFWS lists three threatened or endangered species that may exist in Hill County or have the potential to be affected by projects in Hill County (USFWS 2014):

- Black-footed ferret (*Mustela nigripes*)
- Greater sage-grouse (*Controercus urophasianus*)
- Sprague's pipit (*Anthus spragueii*)

The USFWS lists six threatened or endangered species that may exist in Chouteau County or have the potential to be affected by projects in Chouteau County (USFWS 2015e):

- Black-footed ferret (*Mustela nigripes*)
- Pallid sturgeon (*Scaphirhynchus albus*)
- Canada lynx (*Lynx canadensis*)
- Greater sage-grouse (*Controcercus urophasianus*)
- Sprague's pipit (*Anthus spragueii*)
- Whitebark pine (*Pinus albicaulis*)

According to the USFWS Montana Field Office, three threatened or endangered species that may exist on Rocky Boy's Reservation or have the potential to be affected by projects on the Rocky Boy's Reservation (USFWS 2015f):

- Black-footed ferret (*Mustela nigripes*)
- Greater sage-grouse (*Controcercus urophasianus*)
- Sprague's pipit (*Anthus spragueii*)

The USFWS was contacted to confirm the species list and to discuss potential impacts to these listed species (personal communication between Kelly Douglas, USFWS, and Sue Volkmer, URS, January 8, 2015; **Appendix C**).

The MNHP and Montana Fish, Wildlife, and Parks (MFWP) provided information on wildlife and threatened and endangered species that may inhabit the project areas. A review of MNHP's database indicated that the Golden Eagle (*Aquila chrysaetos*) is a species of concern that has the potential to exist near the project area (MNHP 2014 and 2015). This was confirmed with a follow-up letter from Martin P. Miller, MNHP, received on December 15, 2014 and June 23, 2015 (**Appendix C**).

According to MFWP (personal communication between Scott Hemmer, MFWP, and Sue Volkmer, URS, January 15, 2015; **Appendix C**), the project area is not located near any federally designated wilderness areas, wildlife preserve, or designated critical habitat for any threatened or endangered species. There have been no known observations of any threatened or endangered species within the project area.

Six threatened or endangered species that may exist in Hill and Chouteau Counties or have the potential to be affected by projects in Hill and Chouteau Counties have been identified below, along with Montana's species of concern.

Federally Listed Species

Black-footed ferret (endangered). Throughout their range, black-footed ferrets are intrinsically linked to and have only been found in association with prairie dogs (*Cynomys spp.*). They are therefore limited to the same open habitat used by prairie dogs: grasslands, steppe, and shrub steppe. Black-footed ferrets do not dig their own burrows and rely on abandoned prairie dog burrows for shelter. Only large complexes of prairie dogs (several thousand acres of closely spaced colonies) can support and sustain a breeding population of black-footed ferrets. It has been estimated that about 99 to 148 acres of prairie dog colony is needed to support one black-footed ferret, and females with litters have never been found on colonies of less than 121 acres

(MFWP 2014a). No prairie dog colonies are located in or adjacent to the project area; therefore, no habitat for black-footed ferrets exists in the project area and they would not be found there.

Pallid sturgeon (endangered). The pallid sturgeon is a bottom-dwelling, slow-growing fish that primarily on small fish and immature aquatic insects. It has a flattened, shovel-shaped snout, possesses a long, slender, and completely armored caudal peduncle, and lacks a spiracle and belly scutes. Pallid sturgeons have been known to live past 40 years, with females reaching sexual maturity later than males. Pallid sturgeons have been found only in portions of the Missouri and Mississippi River basins. In Montana, the species have been known to occur in the Missouri River and the Yellowstone River (USFWS 2015b). Although the USFWS IPaC system listed the pallid sturgeon as a species that may occur in Chouteau County (USFWS 2015e), the USFWS Montana field office has determined that pallid sturgeon would not be present on the Rocky Boy's Reservation (USFWS 2015f).

Canada lynx (threatened). The Canada lynx is an elusive forest-dwelling cat of northern latitudes. At 30-35 inches long, weighing 14-31 pounds, and with gray fur, lynx are similar to bobcats in size and appearance. Lynx have been documented to live up to 16 years in the wild (USFWS 2015c). Canada lynx feed predominantly on snowshoe hares, which typically comprise 60 to 97 percent of their diet; as a result, the size of the lynx population tends to run parallel to the 10-year-long rise and decline of snowshoe hare numbers. However, especially in summer, lynx will also eat rodents and birds, and sometimes hunt larger prey such as deer (Feline Conservation Federation 2015). The Canada lynx shelters in areas of particularly dense forest and is a secretive and mostly nocturnal animal, although it may be active at any time of day. The lynx tends to stay within a hundred yards of the treeline and is found in northern forests across almost all of Canada and Alaska. It is, however, absent in the relatively treeless regions of the Great Plains and the northern coasts, which are outside the natural range of the snowshoe hare. In addition there are large populations of Canada lynx in Montana, Idaho, Washington, and Oregon and a resident population exists in Yellowstone National Park, Wyoming (Feline Conservation Federation 2015). Although the USFWS IPaC system listed the Canada Lynx a species that may occur in Chouteau County (USFWS 2015e), the USFWS Montana field office has determined that Canada lynx would not be present on the Rocky Boy's Reservation (USFWS 2015f).

Federal Candidate Species

Greater Sage-Grouse. Greater sage-grouse are the largest grouse in North America. Males weigh 4 to 7 pounds and hens weigh 2.5 to 3.5 pounds. The greater sage-grouse prefers sagebrush habitat. The birds use 6- to 18-inch-high sagebrush covered benches in June and July, move to alfalfa fields or greasewood bottoms when forbs on the benches dry out, and move back to sagebrush (average 128 acres) in late August to early September (MFWP 2014b). There are some mixed-grass prairie and shrubland habitats adjacent to the project area; however, most of these habitats are interspersed with ponderosa pine habitats and other areas already disturbed by human development. Therefore, these habitats would be unlikely to sustain populations of greater sage-grouse and this species is not likely to be found in the project area.

Sprague's Pipit. Sprague's pipits are closely associated with native grassland throughout their range and are less abundant (or absent) in areas of introduced grasses than in areas of native prairie. Generally, pipits prefer to breed in well-drained native grasslands with high plant species richness and diversity. They prefer higher grass and sedge cover, less bare ground, and an

intermediate average grass height when compared to the surrounding landscape. The amount of residual vegetation remaining from the previous years' growth also appears to be a strong positive predictor of Sprague's pipits' occurrence and where they nest. In Montana, Sprague's pipit nest sites normally are in grasslands, primarily with native grasses of intermediate height and density, with little bare ground or clubmoss and few shrubs, and in nest patches with greater litter cover and depth. The birds avoid areas with prickly pear cactus cover (MFWP 2014c). There are some mixed-grass prairie and shrubland habitats adjacent to the project area; however, most of these habitats are interspersed with ponderosa pine habitats and other areas already disturbed by human development. Therefore, these habitats would be unlikely to sustain populations of Sprague's pipit and this species is not likely to be found in the project area.

Whitebark Pine. The whitebark pine is a five-needle conifer with large, dense wingless seeds that therefore depend on birds and squirrels for dispersal across the landscape. Whitebark pines are typically found in cold, windy, alpine and subalpine elevations in western North America. This slow-growing tree can live up to 500 and sometime more than 1,000 years. It is a stress-tolerant pine and its hardiness allows it to grow where other conifer species cannot. Whitebark pine is considered a keystone species because it regulates runoff by slowing the progress of snowmelt, reduces soil erosion by initiating early succession after fires and other disturbances, and provides seeds that are a high-energy food source for some birds and mammals (USFWS 2015d). Although the USFWS IPaC system listed the whitebark pine as potentially occurring in Chouteau County (USFWS 2015e), the USFWS Montana field office has determined that whitebark pine would not be present on the Rocky Boy Reservation (USFWS 2015f).

State Species of Concern

Golden Eagle. Golden Eagles range in length from 33 to 38 inches, and have a wingspan of 6-1/2 to 7-1/2 feet. This species is a very large raptor with mostly brown plumage and a golden wash on the back of the head and neck (MFWP 2015). Golden Eagles build nests on cliffs or in the largest trees of forested stands that often afford an unobstructed view of the surrounding habitat. Golden Eagles avoid nesting near urban habitat and do not generally nest in densely forested habitat. Individuals will occasionally nest near semi-urban areas where housing density is low and in farmland habitat; however Golden Eagles have been noted to be sensitive to some forms of human presence (USFWS 2015a). The golden eagle is no longer a federally listed species; however, it is protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act which are enforced by the USFWS. The MNHP was contacted and they have identified the Golden Eagle as a species of concern (Letter received from Martin P. Miller, MNHP, June 23, 2015; **Appendix C**). There is no known roosting or nesting habitat for Golden Eagles within the project area and this species is not likely to occur there.

4.4.1.4 Tribal Species of Concern

According to the Tribal Natural Resources Department, there are no tribal species of concern in the project area. Generally, there are no fish in Box Elder Creek near the project and the new lagoon land is used for rangeland (personal communication, Curtis Monteau, Tribal Natural Resources Department with Sue Volkmer, URS, January 23, 2015; **Appendix C**).

4.4.2 Environmental Consequences

4.4.2.1 Alternative 1 – No Action

Vegetation

With the No Action alternative, no construction would occur; therefore, the alternative would have no direct impact on vegetation and invasive plant species. However, as the slope of Agency Cell 3 (and eventually Agency Cell 2) continues to slough, vegetation along the creek would be lost. The loss of native vegetation could potentially create an opportunity for invasive plant species to colonize the area, which would be an indirect negative impact on vegetation on the slope.

Terrestrial and Aquatic Wildlife

With the No Action alternative, no action would be taken to curtail the erosion of the Agency Lagoon Cell 3 slope. Although native vegetation could be lost and replaced by invasive species, the area impacted is small (3 acres), located on a slope with limited trees, and is located in a developed area near the health clinic. While some terrestrial wildlife may pass through this area, it does not represent high quality habitat. Therefore, terrestrial wildlife species would not be significantly affected by the No Action Alternative. However, aquatic habitat in the project area could be affected as the Agency Lagoon Cell 3 slope continues to slough into Box Elder Creek. The sloughing soil would result in increased sedimentation of Box Elder Creek and lower water quality in the immediate vicinity of the existing Agency Lagoon cells. This represents a long-term negative effect of the No Action alternative on aquatic wildlife in the project area.

Threatened and Endangered Species

The No Action alternative would not affect any threatened or endangered species and/or designated critical habitat because no construction would occur and there are no threatened or endangered species or designated critical habitats known to exist in the project area.

4.4.2.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

Vegetation

Alternative 2 would have a short-term negative impact on the vegetation located in the force main line construction area. Vegetated areas affected during construction would be reseeded and replanted with native plant species. However, the rangeland vegetation in the proposed lagoon sites at Multi-Community and Middle Dry Fork would be negatively affected in the long term. The 7 acres needed for placement of the lagoons and access roads would no longer contain native rangeland grasses. The berm area surrounding the lagoons would be reseeded with a maintained variety grass. Therefore, Alternative 2 would have a short-term negative impact on the road ROW vegetation and a long-term negative impact on the rangeland grasses in the area of the new lagoons. However, once the existing Agency Lagoon Cell 3 is decommissioned, it would be revegetated with native grasses which would help offset the loss of vegetation at the site of the new lagoons.

Terrestrial and Aquatic Wildlife

With Alternative 2, trenching activities associated with the force main would take approximately 11 months. These activities could cause local terrestrial and aquatic wildlife to avoid the area due

to noise and the presence of construction equipment and personnel. Wildlife would be expected to return to the area when construction is complete. This represents a short-term negative effect on wildlife in the project area. Decommissioning the Agency Lagoon Cell 3 would have a long-term beneficial impact on local wildlife by reducing the rate and amount of soil entering Box Elder Creek due to sloughing soils.

Threatened and Endangered Species

Federally Listed Species

Black-footed ferret (endangered). The project area is not located within designated critical habitat for the black-footed ferret, nor does the project area contain habitat used by the black-footed ferret (MFWP 2014a); therefore, FEMA has determined that the Proposed Action would have No Effect on the black-footed ferret. FEMA sent letters to the USFWS on January 12, 2015 and June 26, 2015 indicating its determination of No Effect on black-footed ferret (**Appendix C**). USFWS acknowledged this determination in letters dated January 23, 2015 and July 10, 2015 (**Appendix C**).

Pallid sturgeon (endangered). The project area is not located within designated critical habitat for the pallid sturgeon, nor does the project area contain habitat used by the pallid sturgeon; therefore, FEMA has determined that the Proposed Action would have No Effect on the pallid sturgeon. FEMA sent a letter to the USFWS on June 26, 2015 indicating its determination of No Effect on pallid sturgeon (**Appendix C**). USFWS acknowledged this determination in a letter dated July 10, 2015 (**Appendix C**).

Canada lynx (threatened). The project area is not located within designated critical habitat for the Canada lynx, nor does the project area contain habitat used by the Canada lynx; therefore, FEMA has determined that the Proposed Action would have No Effect on the Canada lynx. FEMA sent a letter to the USFWS on June 26, 2015 indicating its determination of No Effect on Canada lynx (**Appendix C**). USFWS acknowledged this determination in a letter dated July 10, 2015 (**Appendix C**).

Candidate Species

Greater Sage-Grouse. Although the project area contains rangeland that could be used by the greater sage-grouse, the amount of habitat lost is not considered significant. Therefore, it is not anticipated that the proposed project would have adverse impacts on the greater sage-grouse. FEMA sent a letter to the USFWS on January 12, 2015 and June 26, 2015 stating that the proposed action would have no adverse impacts on greater sage-grouse (**Appendix C**). USFWS acknowledged this assessment in a letter dated January 23, 2015 and July 10, 2015 (**Appendix C**).

Sprague's Pipit. Although the project area contains rangeland that could be used by these birds, the amount of habitat lost is not considered significant. Therefore, it is not anticipated that the proposed project would have adverse impacts on the Sprague's pipit. FEMA sent a letter to the USFWS on January 12, 2015 and June 26, 2015 stating that the proposed action would have no adverse impacts on Sprague's pipit (**Appendix C**). USFWS acknowledged this assessment in a letter dated January 23, 2015 and July 10, 2015 (**Appendix C**).

Whitebark Pine. Although the USFWS IPaC system listed the whitebark pine that could be in Chouteau County (USFWS 2015e), the USFWS Montana field office has determined that whitebark pine would not be present on the Rocky Boy Reservation (USFWS 2015f). Therefore, it is not anticipated that the proposed project would have adverse impacts on the whitebark pine. FEMA sent a letter to the USFWS on June 26, 2015 stating that the proposed action would have no adverse impacts on whitebark pine (**Appendix C**). USFWS acknowledged this assessment in a letter dated July 10, 2015 (**Appendix C**).

State Species of Concern

Golden Eagle. There are no known roosting or nesting habitat within the project area, therefore it has been determined that the project would not impact the Golden Eagle. Scott Hemmer, MFWP, acknowledged this assessment by personal communication with Sue Volkmer, URS, XXX YY, 2015; **Appendix C**.

Tribal Species of Concern

Box Elder Creek in the project area does not contain fish, the new lagoon would be located on rangeland, and the force main would be located in the ROW of a heavy traffic corridor; therefore, it is not anticipated the project would adversely impact any species of concern on the Reservation. The Tribal Natural Resources Department agreed with this assessment on January 23, 2015 and July 14, 2015 (personal communication, Curtis Monteau, Natural Resources Department, and Sue Volkmer, URS, January 23, 2015; **Appendix C**).

4.4.2.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

Vegetation

Impacts to the vegetation of the project area for Alternative 3 would be the same as for Alternative 2.

Terrestrial and Aquatic Wildlife

Impacts to the terrestrial and aquatic wildlife in the project area for Alternative 3 would be the same as for Alternative 2.

Threatened and Endangered Species

Impacts to federally listed and candidate species and Tribal species of concern within the project area for Alternative 3 would be the same as for Alternative 2.

4.4.2.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

Vegetation

Impacts to the vegetation of the project area for Alternative 4 would be the same as for Alternative 2.

Terrestrial and Aquatic Wildlife

Impacts to the terrestrial and aquatic wildlife in the project area for Alternative 4 would be the same as for Alternative 2.

Threatened and Endangered Species

Impacts to federally listed and candidate species and Tribal species of concern within the project area for Alternative 4 would be the same as for Alternative 2.

4.5 CULTURAL RESOURCES

4.5.1 Affected Environment

This section describes the anticipated impacts on cultural resources, which are defined as the physical evidence or place(s) of past human activity, including sites, objects, landscapes, and structures. Consideration of impacts on cultural resources is required under Section 106 of the National Historic Preservation Act (NHPA) and implementing regulations found at 36 CFR Part 800. Requirements include the identification of historic properties that may be affected by the proposed action or alternatives within the project's area of potential effects (APE). Historic properties are defined at 36 CFR 800.16(l)(1) as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places [NRHP] maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria."

The APE is defined at 36 CFR 800.16(d) as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." Effects may be direct, indirect, or cumulative.

Humans have inhabited Montana and surrounding regions for at least 12,000 years. Throughout most of this long span of occupation, the residents were engaged principally in the hunting and gathering of edible foods, including various plant and animal species. These groups generally followed a pattern of seasonal transhumance, moving between different locales as resources became available. They also exploited regional sources of lithic raw materials that could be fashioned into suitable tools.

In 2014, FEMA sent a letter to the Tribal Historic Preservation Officer (THPO) in the Chippewa Cree Cultural Resources Preservation Division (CRPD) on the Rocky Boy's Reservation requesting any information on potential impacts from the project on known NRHP-listed and eligible properties or any other cultural resources within the APE for direct and indirect project effects. Correspondence received from Mr. Alvin Windy Boy, Sr., THPO, on August 12, 2014 (**Appendix C**), concluded that, although cultural resources may be directly affected by the proposed undertaking, the integrity of the resources would not be compromised and provided a finding of no adverse effect for the project. The THPO noted further that their people, the *Ne-iyahw*, have *kîhikosimowin* (fasted), gathered *maskihkiy* (medicines), and *mîkiwahpêskên* (camped) [in] the surrounding area. Because the area around the project was used heavily in pre-contact times, it is particularly important for construction to remain in the designated areas. The THPO also requested that his office be notified if additional work outside the designated areas is contemplated so the necessary arrangements could be made. Furthermore, if cultural materials are discovered during construction, the THPO should be notified. Mr. Windy Boy requested that

archaeological monitoring be conducted by a tribal monitor during construction of the project features to protect and preserve any discoveries (letter from Alvin Windy Boy, Sr., THPO, September 2, 2014; **Appendix C**). Although the THPO provided an initial finding of no adverse effect for the project, the Chippewa Cree CRPD conducted a pedestrian archaeological survey of the project area (Myers 2015), which resulted in a revised finding of effect for a portion of the project.

Files Search

URS personnel requested searches of the cultural resources records maintained by the Montana Historical Society (MHS) on January 14, 2015, for Sections 16, 17, 20, and 21 of Township 29 North, Range 15 East and on July 12, 2015, for Sections 4 and 9 of Township 29 North, Range 14 East. The results of the records search were received on January 20 and July 13, 2015, respectively, and they revealed that 66 cultural resources surveys have been conducted in the six sections surrounding the project area. The earliest survey was completed in 1979, and the most recent survey was conducted in 2012. Surveys were conducted in connection with water supply and wastewater, highway or road, telephone, fiber-optic, seismic, power, natural gas, detention facilities, and housing projects. The surveys finding the most resources occurred in 1988–2002 (n = 32), 2005–2006 (n = 10), and 2009–2012 (n = 11).

The files search identified 20 previously recorded cultural resource sites and one paleontological site within the six-section search area. These resources are summarized in Table 4-2.

Pedestrian Surveys

In June and July 2015, a field crew from the Chippewa Cree CRPD on the Rocky Boy's Reservation, conducted systematic pedestrian surveys of the Dry Fork Canister Lagoon Cell Placement Areas (Middle Dry Fork and Multi-Community Lagoons) and the Force Main Placement Area (force main route from the existing Agency Lagoon Cells to Boneau Village). The results of these surveys are reported in Myers (2015) and described briefly below.

On June 29, 2015, the field crew surveyed the proposed placement areas for the new lagoon. They surveyed an area south of the western lagoon (southwest of the existing Middle Dry Fork Lagoons) and documented two cultural resources important to the Tribe. They surveyed another area just north of the western lagoon (Middle Dry Fork Lagoons) and documented seven more cultural resources important to the Tribe. They surmised that these features indicated the presence of more extensive subsurface cultural resources and that subsurface testing would be required to confirm this possibility. Thus, the survey resulted in a finding of adverse effect to potentially significant archaeological resource in the project area. Additional mapping of the area north of the western lagoon to further document cultural resources was recommended. In addition, they recommended that remote sensing or shovel testing be conducted in this area to determine the presence or absence of additional cultural resources. Construction in this area should be avoided until additional survey and mapping can be completed.

On July 17, 2015, the field crew surveyed the proposed placement areas for the Force Main, which begins at Clinic Road near the existing Agency sewage lagoons in Rocky Boy and continues northwest for approximately 8 kilometers (5 miles) to the intersection of Englewood and Prairie Streets in Boneau. The crew walked alongside existing roads and visually surveyed the area from the roadside to 2 to 3 meters (7 to 10 feet) beyond the route of the Force Main. The survey area has been highly disturbed by vehicle traffic and construction of existing road

structures. The surveyors noted a large plot of sweet grass (*Hierochloe odorata*) just northwest of the intersection of Clinic and Laredo Roads. Samples were collected and photographs were taken for evaluation by the THPO. The survey resulted in a finding of no adverse effects. The floral resources found here, including the sweet grass, are not critical to preserve, and other significant examples of these resources exist elsewhere on the reservation. Monitoring of ground-disturbing activities associated with the Force Main is not required, but elders and tribal representatives are permitted to collect medicinal and sacred plants observed in this area.

Table 4-2: Summary of Previously Recorded Cultural Resources for Rocky Boy’s Reservation

SITE NO.	GENERAL LOCATION			SITE TYPE	AGE	OWNER*	NRHP STATUS**
	Township	Range	Section				
24HL0454	29 North	15 East	17	Lithic Material Concentration	Unknown	BIA	Und.
24HL0485	29 North	15 East	20	Rock Cairn	Unknown	Unknown	Und.
24HL0486	29 North	15 East	17	Historic Log Structure	Unknown	BIA	Und.
24HL0891	29 North	15 East	17	Historic Homestead, Farmstead	1940-49	BIA	Und.
24HL0892	29 North	15 East	17	Historic Building Foundation	1940-49	BIA	Und.
24HL0963	29 North	15 East	21	Historic Commercial Development	1930-39	BIA	CD
24HL0964	29 North	15 East	21	Historic Outbuildings	1920-30	BIA	CD
24CH1095	29 North	14 East	9	Lithic Material Concentration	Unknown	Other	Und.
24CH1097	29 North	14 East	9	Historic Trash Dump	Unknown	MDOT	Und.
24HL1148	29 North	15 East	16	Rock Cairn(s)	Unknown	Other	Und.
24HL1212	29 North	15 East	16	Tipi Ring	Unknown	BIA	Und.
24HL1228	29 North	15 East	21	Historic Log Structure	Unknown	Private	Und.
24HL1229	29 North	15 East	21	Fossil	Paleontologica I	BIA	N/A
24HL1259	29 North	15 East	16	Tipi Ring	Unknown	BIA	Und.
24HL1262	29 North	14 East	9	Historic Cairn/Land Marker	Unknown	BIA	Und.

SITE NO.	GENERAL LOCATION			SITE TYPE	AGE	OWNER*	NRHP STATUS**
	Township	Range	Section				
24HL1337	29 North	15 East	16	Historic Road, Trail	Unknown	BIA	Und.
24HL1380	29 North	15 East	21	Historic Irrigation System	Unknown	Multiple	Und.
24HL1388	29 North	15 East	21	Historic Religion	Unknown	BIA	Und.
24HL1396	29 North	15 East	17	Rock Cairn(s)	Unknown	BIA	Und.
24HL1397	29 North	15 East	17	Tipi Ring	Unknown	BIA	Und.
24HL1398	29 North	15 East	21	Historic Residence	Unknown	BIA	Und.

On July 28, 2015, the field crew surveyed a portion of a previously unexamined area between the eastern and western lagoon cells (Middle Dry Fork and Multi-Community Lagoons) on the north edge of the Dry Fork Canister Site Middle Dry Fork Lagoons. The survey encompassed the western one-third of this area, immediately east of the western lagoon cells (Middle Dry Fork Lagoons). Survey results were negative, i.e., no cultural resources were discovered on the surface in this area. The crew cautioned, however, that subsurface archaeological resources, especially tipi rock rings, could still be present and not visible. It was therefore recommended that tribal field technicians be present to monitor any ground-disturbing activities in this area.

4.5.1.1 Above-Ground Resources

A search of the MHS site files for the area surrounding the proposed lagoons revealed that 12 historic sites have been recorded, including a historic trash dump, historic cairn or land (cadastral) marker, five buildings or structures, historic commercial developments that contribute to two historic districts, a road/trail, an irrigation system, and a religious site. The ages of four sites were assigned to the first half of the twentieth century, and the ages of the remaining sites are unknown. The historic outbuildings and commercial development were evaluated as contributing elements to the historic districts, and the NRHP eligibilities of the remaining sites have not been determined. None of these previously recorded sites will be impacted by this undertaking. Field surveys of the Dry Fork Canister Lagoon Cell Placement Areas (Middle Dry Fork and Multi-Community Lagoons) and the Force Main Placement Area (force main route from the existing Agency Lagoon Cells to Boneau Village) discovered no above-ground resources.

4.5.1.2 Archaeological Resources

The search of the MHS site files for the proposed lagoons revealed that eight archaeological sites have been recorded and may be pre-contact in age. This group includes three stone circles (tipi rings), three rock cairns, and two lithic material concentration areas. The NRHP eligibilities of all seven sites are undetermined.

Pedestrian surveys conducted in the lagoon placement areas (Middle Dry Fork and Multi-Community Lagoons) and the Force Main encountered archaeological resources in portions of

those areas and cleared other areas. Nine cultural resources important to the Tribe were documented at the northern and western edges of the existing western lagoon (Middle Dry Fork Lagoons). The areas between the western and eastern lagoons (Middle Dry Fork and Multi-Community Lagoons), as well as the route of the Force Main, have been cleared for cultural resources.

4.6 ENVIRONMENTAL CONSEQUENCES

4.6.1 Alternative 1 – No Action

The No Action alternative represents the status quo and is not likely to adversely affect any historic properties. However, if the existing Agency lagoon cells continue to deteriorate, and this deterioration is not ameliorated, then a failure of the cells could damage or destroy undocumented cultural resources that are not presently visible on the surface.

4.6.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

As a result of the Chippewa Cree CRPD survey, the THPO has made a finding of *no adverse effect* for the proposed route of the Force Main and concluded that no tribal field technicians are required to monitor ground-disturbing activities in this area; however, elders and tribal representatives are allowed to continue their practice of collecting medicinal and sacred plants that have been observed in this area. Survey of the area between the two existing lagoons (Middle Dry Fork and Multi-Community Lagoons) resulted in a finding of *no adverse effect*, but the presence of important Tribal cultural resources nearby requires that tribal field technicians be present to monitor any ground-disturbing activities in this area. A finding of *adverse effect* on cultural resources important to the Tribe has been made for the area surrounding the northern and western sides of the existing western lagoon. Construction as part of this project is not proposed in this area; however if construction is proposed, additional subsurface testing and mapping in this area is required as per THPO directive.

4.6.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

The THPO has concluded a finding of *no adverse effect* for the project. Because the area surrounding the project may have been heavily used in pre-contact times, construction activities for Alternative 3 must remain in the designated areas. If additional work is necessary outside designated areas, the THPO must be notified of project plans before construction begins and also of any cultural resources that are encountered during construction. The THPO has requested that archaeological monitoring be conducted by a tribal monitor during construction of the project to protect and preserve any discoveries.

4.6.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

The THPO has concluded a finding of *no adverse effect* for the project. Because the area surrounding the project was used heavily in pre-contact times, construction activities for Alternative 4 must remain in the designated areas. If additional work is necessary outside these designated areas, the THPO must be notified of project plans before construction begins and also of any cultural resources that are encountered during construction. The THPO has requested that

archaeological monitoring be conducted by a tribal monitor during construction of the project features to protect and preserve any discoveries.

4.7 SOCIOECONOMICS RESOURCES AND ENVIRONMENTAL JUSTICE

4.7.1 Affected Environment

Socioeconomics

Rocky Boy's Reservation is located in the southeast corner of Hill County and the northeast corner of Chouteau County, Montana. According to the Montana Department of Labor and Industry (MDLI), the reservation has a population of 3,323 persons. Approximately 55 percent of the population is 20 years old or older. Approximately 23 percent of people over 25 years of age have a high school diploma. About 45 percent of those over the age of 25 years have some college or Associate's degree. Approximately 12 percent of those over the age of 25 years have a Bachelor's degree or higher. The homeownership rate is approximately 44 percent. Approximately 6 percent of the industry on the Reservation is production, transportation, and material moving. An estimated 14 percent of the industry involves natural resources, construction, and maintenance. Approximately 24 percent of the industry on the Reservation involves sales and office occupations. Service occupations are approximately 25 percent of the Reservation industry. Management, business, science, and arts make up another 31 percent of the Reservation's industry. The unemployment rate for Rocky Boy's Reservation is approximately 16.7 percent. The median household income for Rocky Boy's Reservation is \$33,693 (MDLI 2013).

Environmental Justice (Executive Order 12898)

EO 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs Federal agencies to "make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

Based on the 2010 population census for Rocky Boy's Reservation (MDLI 2013), approximately 97 percent are American Indian. Therefore, the Reservation contains a minority population.

According to the U.S. Census Bureau, approximately 22 percent of persons living in the Rocky Boy's Agency Census Designated Place (CDP) are below the poverty level (U.S. Census Bureau 2015a) compared to approximately 18 percent of the individuals in Hill County, Montana (U.S. Census Bureau 2015b). Note the Rocky Boy's Agency CDP is a subset of Rocky Boy's Reservation; information provided is based on a population of 541 people.

4.7.2 Environmental Consequences

4.7.2.1 Alternative 1 – No Action

Socioeconomics

No project-related activities would occur with this alternative. Slumping of the Agency Cell 3 lagoon slope would continue until Agency Cell 3 (and eventually Agency Cell 2) sloughs off into Box Elder Creek. This would require the Tribe to shut down the Agency treatment system, which would have a negative impact on the socioeconomics of the Reservation because another option

for treatment of waste water would need to be identified, potentially under emergency conditions. These activities could be expensive.

Environmental Justice

No Action would be taken with this alternative. If Agency Cell 3 (or Agency Cell 2) sloughs off in to Box Elder Creek and the treatment system is shut down, all people residing on the Reservation and using the treatment system would be negatively affected. Therefore, the No Action alternative would not have a disproportionately high and adverse impact on any population on the Reservation, including minority and low-income populations.

4.7.2.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

Socioeconomics

With the implementation of Proposed Action, the lagoon cells would be relocated to an area with more stable soils. There would be a minor economic beneficial effect during the construction period associated with the purchase of goods and services within the local community.

Alternative 2 would allow the Tribe to maintain a functioning wastewater treatment system. Therefore, Alternative 2 would have a long-term beneficial effect on the socioeconomics for residents of Agency and the Reservation, in general.

Environmental Justice

Alternative 2 would relocate the lagoon cells to an area with more stable soils and allow the Tribe to keep the wastewater treatment system functioning. This would have a beneficial economic impact on everyone in the community. Therefore, Alternative 2 would not have a disproportionately high and adverse impact on any population on the Reservation, including minority or low-income populations.

4.7.2.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

Socioeconomics

With the implementation of Alternative 3, the lagoon cells would be relocated to an area with more stable soils. There would be a minor economic beneficial effect during the construction period associated with the purchase of goods and services within the local community.

Alternative 3 would allow the Tribe to maintain a functioning wastewater treatment system. Therefore, Alternative 3 would have a long-term beneficial effect on the socioeconomics for residents of Agency and the Reservation, in general.

Environmental Justice

Alternative 3 would relocate the lagoon cells to an area with more stable soils and allow the Tribe to keep the wastewater treatment system functioning. This would have a beneficial economic impact on everyone in the community. Therefore, Alternative 3 would not have a disproportionately high and adverse impact on any population on the Reservation, including minority or low-income populations.

4.7.2.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

Socioeconomics

With the implementation of the Alternative 4, the lagoon cells would be relocated to an area with more stable soils. There would be a minor economic beneficial effect during the construction period associated with the purchase of goods and services within the local community.

Alternative 4 would allow the Tribe to maintain a functioning wastewater treatment system. Therefore, Alternative 4 would have a long-term beneficial effect on the socioeconomics for residents of Agency and the Reservation, in general.

Environmental Justice

Alternative 4 would relocate the lagoon cells to an area with more stable soils and allow the Tribe to keep the wastewater treatment system functioning. This would have a beneficial economic impact on everyone in the community. Therefore, Alternative 4 would not have a disproportionately high and adverse impact on any population on the Reservation, including minority or low-income populations.

4.8 COMMUNITY RESOURCES

4.8.1 Affected Environment

4.8.1.1 Public Health and Safety

Agency Road and Route 6 provide the primary access into and out of the project area. All emergency services (Law Enforcement, Fire Protection, and Emergency Medical Services) in the project area use Agency Road and Route 6.

4.8.1.2 Traffic and Circulation

Roads in the project area include Agency Road, Clinic Road, Oats Road, St. Pierre Road, and Route 6. Agency Road and Route 6 are two-lane paved highways and are primary access into and out of Agency, Montana and the primary project area. Agency Road carries approximately 1,900 vehicles per day (Rocky Boy's Reservation 2014). Clinic Road is a two-lane crushed rock road that provides access to the existing Agency wastewater treatment lagoons. Oats Road is a two-lane crushed rock road that provides access to residences from Agency Road. St. Pierre Road is a two-lane crushed rock road that would provide access to the new St. Pierre lagoon location under Alternatives 3 and 4. Route 6 provides access from the city of Box Elder to the Reservation. **Appendix A, Exhibits 7a, 7b, and 7c** show the layout of roads in the project area. None of the roads have maintained shoulder areas.

4.8.1.3 Public Services and Utilities

Water, sanitary sewer, and fiber-optic distribution/collection systems are buried in portions of the Agency Road and Route 6 ROW in the project area. An overhead electrical line is located in the Agency Road and Route 6 ROW.

An underground gas pipeline is located near the location of the proposed new St. Pierre wastewater treatment lagoons under Alternatives 3 and 4.

Public services and associated providers in the project area include:

Table 4-3: Project Area Utilities

Utility	Provider
Water	Chippewa Cree Tribal Water Resources Department (Community wells) Private Wells
Cable	Dish Network, Direct TV
Internet	Triangle Telecommunications
Telephone	Triangle Telecommunications
Electrical Power	Hill County Electrical
Natural Gas	Tribal Department of Natural Resources & Conservation, Northwestern Energy
Propane	Bear Paw Energy
Ambulance Services	Rocky Boy's Health Clinic
Fire Protection	Tribal Department of Natural Resources & Conservation
Law Enforcement	Chippewa Cree Tribal Police
Utility Location Service	Utility Notification Center

4.8.1.4 Noise

The Noise Control Act was enacted in 1972 (Public Law [P.L.] 92-574). Inadequately controlled noise presents a growing danger to the health and welfare of the nation’s population. Major sources of noise include transportation vehicles and equipment, machinery, appliances, and other products used in commerce and/or recreation. Sounds that disrupt normal activities or otherwise diminish the quality of the environment are designated noise. Designated noise can be stationary or transient, intermittent or continuous.

Sound frequency is measured in terms of hertz (Hz). The human ear can detect sounds that range in frequency from approximately 20 to 15,000 Hz. Sites where noise levels exceed the day/night average sound level of 65 decibels (dB) are considered high-noise areas.

Noise events that occur during the night (9 p.m. to 7 a.m.) are considered more annoying than those that occur during normal waking hours (7 a.m. to 9 p.m.). Noise events within the project vicinity are presently associated with climatic conditions (wind, thunder, etc.), transportation noise (traffic on roads, airplanes, etc.), and “environmental sounds” (birds chirping, wildlife, etc.).

The closest noise receptors in the project area are residences located along Agency Road and Route 6 and the Rocky Boy's Health Clinic. Existing ambient noise levels on the Reservation are consistent with typical rural traffic noise. There is also intermittent traffic noise from the operation of public transportation services such as tribal school buses and the Rocky Boy's Transit shuttles, as well as those traffic noises from vehicles/equipment operated on a seasonal basis (farming, recreational, etc.).

4.8.2 Environmental Consequences

4.8.2.1 Alternative 1 – No Action

Public Health and Safety

The No Action alternative would have no direct effect on public health and safety as no action would be taken to abate the slumping soils supporting Agency Cell 3. If the cell were compromised by the slumping soils, the wastewater treatment system would need to be shut down. This represents a significant indirect adverse impact to the health and safety of the citizens of Agency and the Reservation, in general.

Traffic and Circulation

The No Action alternative would have no direct effect on traffic.

Public Services and Utilities

The No Action alternative would have no direct impact on provided public services and utilities in and surrounding the project area. As discussed in the Public Health and Safety subsection, indirect impacts could occur if the slumping soils compromised Agency Cell 3 (and eventually Agency Cell 2) and the wastewater treatment system would have to be shut down. This would represent a long-term negative impact on the public services and utilities on the Reservation.

Noise

No construction activities would occur with the No Action alternative. Therefore, the alternative would have no effect on noise levels within the project area.

4.8.2.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

Public Health and Safety

With the implementation of Proposed Action, the lagoon cells would be relocated to an area with more stable soils. Therefore, Alternative 2 would have a long-term positive impact on public health and safety by providing a functioning wastewater treatment facility.

Emergency response times could increase slightly during construction of the force main if one lane of the adjacent roadways had to be closed.

Traffic and Circulation

The ingress and egress of construction equipment within the project area could cause short-term intermittent traffic delays. Traffic control/rerouting would not be anticipated with the project. However, if equipment had to be located on a roadway, traffic control/rerouting would be used and at least one lane of the affected roadway would remain open during construction to allow traffic to move through the construction area. Additionally, access to all residences and businesses would be maintained during construction activities. An additional access road to the new Middle Dry Fork lagoon would be provided off the existing rock road located south of the lagoons.

If traffic rerouting/control were necessary for the project, the contractor would be required to follow the Manual on Uniform Traffic Control Devices guidelines (FHWA 2009) for all traffic control. Flaggers and signage would be used as appropriate.

Public Services and Utilities

Alternative 2 would have a positive long-term impact on the sanitary sewer system by maintaining a functional wastewater treatment system. No utility outages are anticipated with this project. However, if any utilities had to be interrupted, residents and business owners would be notified at least 24 hours in advance and interruptions would be kept to a minimum.

Advance notice of excavation activities must be provided to underground utility owners to minimize the risk of damaging any type of underground utility. Notice must be given to the Utility Notification Center (UNC) at least 3 business days prior to any excavation (UNC 2015). Therefore, the Tribe would need to contact UNC would at least 3 days prior to any excavation activities associated with this alternative. Any disruptions in service would be minimal and temporary.

Noise

The clinic was the only sensitive noise receptor identified in the project area. Project features located near the clinic include installation of the lift station and the first 2,000 feet of force main and decommission activities. During the construction of these project features, noise levels in the vicinity of the clinic would increase. Increased noise levels would be limited to the duration of construction of the Agency Lift Station, the initial portion of the force main from Agency to Sangrey Village, and decommissioning of Agency Cell 3, which is approximately 3 months total for these activities. Decommissioning activities would not begin until the new lagoons at Middle Dry Fork and Multi-Community are functioning. Therefore, the clinic area would experience two periods where noise levels would increase compared to existing conditions; one at the beginning of the project related to the Agency Lift Station and the initial portion of the force main, and one for decommissioning activities at Agency Cell 3.

Residents living along Agency Road, Sangrey Village, and Eastern Boneau Village would also experience increased noise levels during placement of the force main. This activity is expected to take approximately 11 months; however, noise levels for any particular resident would increase only when work was being completed in the vicinity of their property and would not be expected to last more than a few days. The Multi-Community village is located in the vicinity of the new lagoons to be constructed at Middle Dry Fork and Multi-Community; these residents would have some increased noise during lagoon construction. Noise associated with the construction of the new lagoon cells at Middle Dry Fork and Multi-Community could last approximately 11 months.

To minimize potential noise impacts for all receptors, all equipment would be fitted with noise-reducing features (e.g., mufflers) and construction activities would be limited to daytime hours (7 a.m. to 9 p.m. in the summer months and 8 a.m. to 6 p.m. during winter months). With implementation of these mitigation measures, noise impacts would be minimal and short-term.

4.8.2.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

Public Health and Safety

Impacts to public health and safety for Alternative 3 would be the same as for Alternative 2.

Traffic and Circulation

The ingress and egress of construction equipment within the project area could cause short-term intermittent traffic delays. Traffic control/rerouting would not be anticipated with this

Alternative. However, if equipment had to be located on a roadway, traffic control/rerouting would be used and at least one lane of the affected roadway would remain open during construction to allow traffic to move through the construction area. Additionally, access to all residences and businesses would be maintained during construction activities. An access road to the new St. Pierre wastewater lagoon would be provided off St. Pierre Road.

If traffic rerouting/control were necessary for the project, the contractor would be required to follow the Manual on Uniform Traffic Control Devices guidelines (FHWA 2009) for all traffic control. Flaggers and signage would be used as appropriate.

Public Services and Utilities

Impacts to public services and utilities within the project area for Alternative 3 would be the same as for Alternative 2.

Noise

The clinic was the only sensitive noise receptor identified in the project area. Project features located near the clinic include installation of the Agency Lift Station and the first 2,000 feet of force main and decommissioning activities. During the construction of these project features, noise levels in the vicinity of the clinic would increase. Increased noise levels would be limited to the duration of construction of the lift station, the initial portion of the force main, and decommissioning of Agency Cell 3, which is approximately 3 months total for these activities. Decommissioning activities would not begin until the new St. Pierre lagoon is functioning. Therefore, the clinic area would experience two periods where noise levels would increase compared to existing conditions; one at the beginning of project related to the lift station and force main, and one for decommissioning activities.

Residents living along Agency Road would also experience increased noise levels during placement of the force main. This activity is expected to take approximately 4 months; however, noise levels for any particular resident would increase only when work was being completed in the vicinity of the their property and would not be expected to last more than a few days. Noise associated with the new St. Pierre lagoon construction could last approximately 8 months.

Three residences are located in the vicinity of the new lagoon location. The closest resident is located at a lower elevation relative to the proposed lagoon, which would help reduce noise impacts for this receptor.

To minimize potential noise impacts for all receptors, all equipment would be fitted with noise-reducing features (e.g., mufflers) and construction activities would be limited to daytime hours (7 a.m. to 9 p.m. in the summer months and 8 a.m. to 6 p.m. during winter months). With implementation of these mitigation measures, noise impacts would be minimal and short-term.

4.8.2.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

Public Health and Safety

Impacts to public health and safety for Alternative 4 would be the same as for Alternative 2.

Traffic and Circulation

Impacts to traffic and circulation in the project area for Alternative 4 would be the same as for Alternative 3. Clinic Road would be unlikely to have lane closures with this alternative;

however, the movement of construction equipment associated with the Agency Lift Station and force main could cause intermittent, short-term traffic delays.

Public Services and Utilities

Impacts to public services and utilities within the project area for Alternative 4 would be the same as for Alternative 2.

Noise

Impacts to noise within the project area for Alternative 4 would be the same as for Alternative 3.

4.9 HAZARDOUS SUBSTANCES/WASTES

4.9.1 Affected Environment

A substance is classified as hazardous if it has the potential to damage the environment and/or be harmful to humans and other living organisms. The presence of a hazardous substance/waste within, in the vicinity, and/or upgradient of a project area is important in determining development constraints and viability of an action.

To determine whether any facilities in the vicinity or upgradient of the project area have known and documented environmental issues or concerns, Environmental Data Resources, Inc. (EDR) searched 68 Federal and State environmental databases. The EDR reports include environmental database records for the Proposed Action project area, immediately adjacent properties, and the standard EDR search radius (EDR 2014a, 2014b, 2015a, 2015b).

The EDR reports (2014a, 2014b, 2015a, 2015b) were reviewed for the following environmental issues:

- Presence of a hazardous substance in or in the immediate vicinity of the proposed project area
- Presence of an upgradient leaking underground storage tank (LUST) or release site that is not considered “closed” or “no further action needed”
- Presence of an upgradient solid waste landfill

The EDR Reports (EDR 2014a, 2014b) indicate two previously recorded sites. A delisted inactive, 2-acre wood-treating facility is located approximately 0.25 mile east of Agency Road and south of Oats Road. This site is not visible from Agency Road because it is located on the far side of a hill. A Brownfield site (Agency Road Property) is located near the intersection of Taylor Road and Agency Road and is approximately 0.5 mile upgradient of the project area. The EDR Report (EDR 2014a) states the Agency Road Property is located adjacent to a previous fuel spill site. According to the USEPA Facility Index System/Facility Registry System (FINDS), only soil and surface water were impacted at the Agency Road Property and no institutional controls have been placed on the site (USEPA 2015b). Contaminated soils were removed to the extent possible based on available funds. Surface water in Sundance Creek was initially impacted; however, the creek is no longer being monitored (personal communication, Jeff Standaert, Rocky Boy Health Board with Sue Volkmer, URS, March 9, 2015; **Appendix C**).

A third site located across Agency Road from the Agency Road Property site was identified by Tribal personnel during project discussions. This site is associated with fuel leaks from Rocky Boy Roads Department storage tanks. Soil and groundwater have been affected and groundwater monitoring indicates hydrocarbons are present in monitoring wells at concentrations above regulatory criteria (i.e., maximum contaminant levels). Groundwater flow is to the north toward Clinic Road and the project area. This site is undergoing further investigation (personal communications, Jay Eagleman, Rocky Boy Water Resources and Jeff Standaert, Rocky Boy Health Board with Sue Volkmer URS, March 9 through 12, 2015, **Appendix C**).

No other recorded sites were identified within the project area.

4.9.2 Environmental Consequences

4.9.2.1 Alternative 1 – No Action

No project-related activities would occur with alternative; therefore, the No Action alternative would not have an impact, nor would the project area be affected by any hazardous substances.

4.9.2.2 Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)

The delisted wood-treatment facility is not located within the force main line route nor is the facility near the new lagoon location. The gasoline release site is located approximately 0.5 mile upgradient of Clinic Road; therefore, any affected soil remaining at the release point would not impact or be impacted by activities associated with the Proposed Action. As stated in **Section 4.3.1.2**, there are no documented shallow aquifers in the vicinity of the Reservation and the force main would be located above the level of Clinic Road culvert on Sundance Creek; therefore, placement of the force main in the ROW along Clinic Road would not encounter groundwater or surface water in the creek and this alternative would not have any affect, nor would it be affected by any of the identified sites in the near the project area.

No other hazardous wastes sites were identified in the force main and new lagoon areas (EDR 2014a, 2014b, 2015a, 2015b).

In the unlikely event that a spill or leak would occur from the construction equipment within the project area, construction activities would cease, and FEMA and the USEPA would be contacted regarding the appropriate procedure for handling any contaminated soils or water.

4.9.2.3 Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route

Impacts to hazardous substances/wastes within the project area for Alternative 3 would be the same as for Alternative 2.

4.9.2.4 Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route

The identified sites are the same as discussed for Alternative 2. The location of the delisted wood-treatment facility relative to Alternative 4 is the same as for Alternative 2. The force main route is not located within the release area; therefore, any remaining soil contamination would not affect nor be affected by placement of the force main. Surface water was impacted but is no longer being monitored for contaminants. Additionally, there are no shallow aquifers in the vicinity of the Reservation; however, Sundance Creek likely receives some flow from shallow groundwater. Since the extent of groundwater contamination from the Rocky Boy Roads

Department site has not been fully defined and the existing lagoon area is down gradient of the spill site, it is possible contaminated groundwater has reached the project area. The Tribe would need to determine whether or not groundwater near the existing lagoon area has been affected prior to boring under the creek to assure the safety of workers.

In the unlikely event that a spill or leak would occur from the construction equipment within the project area, construction activities would cease, and FEMA and the USEPA would be contacted regarding the appropriate procedure for handling any contaminated soils or water.

4.10 CUMULATIVE IMPACTS

Section 1508.7 of the CEQ regulations defines cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions.” Cumulative effects are not wholly different effects from direct or indirect effects of an action. Cumulative effects are merely a way of placing seemingly isolated or insignificant direct and indirect effects in context with respect to overall impacts, both over time and in an area larger than that evaluated for direct and indirect effects. Cumulative effects are discussed in terms of being additive, synergistic, or reductive.

The Tribe plans to use the new Sangrey Lift Station to pump sewage from Sangrey Village to the Boneau Village lagoons in the same force main as the Agency Lagoon effluent. The new force main would have the capacity to handle this additional volume. Some reconfiguring of the existing sewer lines in Sangrey Village would be needed to convey the Sangrey sewage to the lift station. Because the areas that would be disturbed during the reconfiguration have already been disturbed during the construction of Sangrey Village and/or the placement of the existing sewer lines, activities associated with this project would not be considered significant and would not contribute significantly to the impacts associated with the relocation of the Agency Lagoon.

In the general project area, the tribe has identified a 30-year plan to develop the area north and south of Route 6 from the Multi-Community site east to Boneau Village. This development would include residential and commercial land use. The most significant environmental impacts from the development would be related to the loss of farm and rangeland. The impact from the lagoon relocation of 7 acres would not contribute significantly to the number of acres that would be impacted by the Tribe’s future plan to develop the area.

4.11 COORDINATION, PERMITS, AND MITIGATION

- **U.S. Fish and Wildlife Service.** No additional coordination or permits would be required.
- **U.S. Army Corps of Engineers.** If impacts to wetlands cannot be avoided, Alternatives 2, 3, and 4 would require additional coordination with the USACE regarding the need for a Section 404 Permit and/or implementation of identified and approved mitigation measures. This permit would be obtained as part of the Joint Application Permit process.
- **Natural Resources Conservation Service.** No additional coordination or permits would be required.
- **U.S. Environmental Protection Agency.** Alternatives 2, 3, and 4 would require a NPDES General Construction Stormwater Permit and a General Permit for Lagoons in

Indian Country for the discharge from the wastewater treatment facility. Additionally, a 401 Water Quality Certification would be required and would be obtained as part of the NPDES permit process and the Joint Permit Application process.

- **Tribal Historic Preservation Officer.** Additional coordination related to monitoring during construction activities would be required for all build alternatives.
- **Tribal Natural Resources Officer.** No additional coordination or permits would be required.
- **Tribal Water Resources Officer.** No additional coordination or permits would be required.

SECTION FIVE: SUMMARY

A summary of potential environmental impacts of Alternative 1 – No Action, Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action), Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route, and Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route are presented in **Table 5-1**.

Under the No Action alternative, the Chippewa Cree Tribe would take no action to prevent further slumping and sloughing of the soil supporting Agency Cell 3 of the Agency Lagoon wastewater treatment facility.

Alternative 2 would involve the installation of three duplex lift stations, placement of approximately 22,500 linear feet of force main, and the construction of two lined facultative lagoon cells in the Multi-Community/Middle Dry Fork location. Additionally, the action would include boring under roadways, pavement replacement, revegetation of disturbed areas, and reclamation of the existing Agency Cell 3. Agency Cell 2 would remain in place and be used as a short-term storage backup for Agency Cell 1.

Alternative 3 would involve the installation of a duplex lift station, placement of approximately 12,000 linear feet of force main, and the relocation of a two-cell lined facultative lagoon on rangeland north of St. Pierre. Additionally, the action would include boring under creeks, pavement replacement, revegetation of disturbed areas, and decommissioning and reclamation of the existing Agency Cell 3. Agency Cell 2 would remain in place and be used as a short-term storage backup for Agency Cell 1.

Alternative 4 would be the same as Alternative 3 in all features, except the routing of the force main line from the Agency Lift Station to Agency Road. With Alternative 4, the force main line would run from the lift station near the “arm-pit” of Agency Cell 1 and west across rangeland toward Agency Road. Boring would be used to install the force main line under Sundance Creek and Agency Road. Once on the western side of Agency Road, the force main line route, lagoon, access road, reclamation of Agency Cell 3, and reuse of Agency Cell 2 would be the same as with Alternative 3.

Table 5-1: Environmental Effects of Alternatives

Environmental Resource	Resource Subcategory	Alternative 1 – No Action	Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)	Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route	Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route
Physical	Geology, Topography, and Soils	No effect on geology or topography. Long-term indirect effect on soils because existing slumping/sloughing of soils would continue.	No effect on geology or topography. In the short term, project activities would affect approximately 7.5 acres of soil along the force main route. In the long term, the project would affect 7.5 acres of soil at the location of the new lagoons and access road. Long-term positive impact on soils by decreasing rate of erosion on sloughing slope.	No effect on geology or topography. In the short term, project activities would affect approximately 4 acres of soil along the force main route. In the long term, the project would affect 7 acres of soil at the location of the new lagoon. Long-term positive impact on soils by decreasing rate of erosion on sloughing slope.	Impacts same as for Alternative 3.
	Air Quality and Climate Change	No effect on either air quality or global climate change.	No long-term effect on air quality. During construction, minor increases in particulates and exhaust-related air pollutants would be expected. Emission of greenhouse gases would not contribute a measurable amount to global climate change.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.

Environmental Resource	Resource Subcategory	Alternative 1 – No Action	Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)	Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route	Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route
	Visual Resources	No project-induced change. Continued erosion would have a negative impact on local visual resources.	During construction, a temporary adverse effect on local visual resources due to project activities and presence of construction equipment. Long-term minor impact on viewshed in immediate vicinity of new lagoons.	During construction, a temporary adverse effect on local visual resources due to project activities and presence of construction equipment. Long-term minor impact on viewshed in immediate vicinity of new lagoon.	Impacts same as for Alternative 3.
Land Use		No impact on land use.	Approximately 7 acres of rangeland would be converted to public land use.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
Water Resources	Surface Water	No direct impact on surface water hydrology or water quality of the Box Elder Creek. However, continued slumping/sloughing of soils would eventually lead to failure of slope and adversely affect water quality of the creek in the long term.	No impact on the hydrology of Box Elder Creek. A NPDES permit would be required from the USEPA. If effluent would be discharged from the Middle Dry Fork lagoon, a General Permit for Lagoons in Indian Country would be required from USEPA . 401 Water Quality permit from USEPA.	No impact on the hydrology of Box Elder Creek. A NPDES permit would be required from the USEPA. A General Permit for Lagoons in Indian Country would be required from USEPA for the new St. Pierre lagoon. 401 Water Quality permit from USEPA.	Impacts and permits same as for Alternative 3.
	Groundwater	No impact on groundwater.	No impact on groundwater.	No impact on groundwater.	No impact on groundwater.

Environmental Resource	Resource Subcategory	Alternative 1 – No Action	Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)	Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route	Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route
	Floodplains	No impact on floodplains.	No impact on floodplains. The proposed project features would not alter the function or contribute to occupancy of the floodplain.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
	Wetlands/WOUS	No direct impact on wetlands/WOUS. However, continued slumping/sloughing of lagoon slope soils would cause an indirect negative impact on wetlands/riparian vegetation along Box Elder Creek at the base of the slope.	No impacts to wetlands are anticipated. Force main and lagoon designs would avoid wetlands. Force main would be bored under wetlands where necessary. If wetlands cannot be avoided, a Section 404 permit would need to be obtained from USACE and all permit stipulations would need to be adhered to by the Tribe.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
Biological	Vegetation	No impacts on vegetation. An indirect negative impact on vegetation on the sloughing slope.	Revegetation plan would be implemented following disturbance of the force main route and new lagoon location.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
	Terrestrial Wildlife	No significant impacts on existing terrestrial wildlife.	Minor adverse impact on wildlife located in the project area during the construction period. No long-term impacts.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.

Environmental Resource	Resource Subcategory	Alternative 1 – No Action	Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)	Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route	Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route
	Aquatic Wildlife	Long-term adverse effect on aquatic wildlife in the project area.	Implementation of BMPs identified in the NPDES Construction Permit during construction would minimize impacts on aquatic wildlife during construction activities.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
	Threatened and Endangered Species	No effect on any Federal- listed threatened or endangered species or designated critical habitat. No Tribal species of concern.	No effect on Federal-listed threatened or endangered species or designated critical habitat. No Tribal species of concern.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
Cultural Resources	Aboveground Resources	Could damage or destroy cultural resources that are not presently visible on the surface.	No impact.	No impact.	No impact.
	Archaeological Resources	Could damage or destroy cultural resources that are not presently visible on the surface.	No adverse effect on resources. Monitoring during construction lagoon activities to protect and preserve any discoveries.	No adverse effect on resources. Monitoring during construction lagoon activities to protect and preserve any discoveries.	Impacts same as for Alternative 3.

Environmental Resource	Resource Subcategory	Alternative 1 – No Action	Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)	Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route	Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route
Socioeconomics and Environmental Justice	Socioeconomics	No direct effect on socioeconomics on the Rocky Boy's Reservation. However, continued slumping/slough of soils would lead to failure of the wastewater treatment facility and a long-term negative impact on all residents.	There would be a minor economic benefit during the construction period associated with the purchase of goods and services. Long-term beneficial effect by reducing the likelihood of wastewater treatment facility failure.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
	Environmental Justice	No direct disproportional high and adverse impacts on all population on the Reservation including minority and low-income populations.	No disproportional high and adverse impacts on any population on Rocky Boy's Reservation including minority and low-income populations.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.

Environmental Resource	Resource Subcategory	Alternative 1 – No Action	Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)	Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route	Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route
Community Resources	Public Health and Safety	No direct impact on public health and safety. The wastewater treatment facility would eventually fail. However, continued slumping/slough of soils would lead to failure of the wastewater treatment facility and a significant indirect adverse impact to the health and safety of the citizens of Agency and the Reservation, in general.	Long-term beneficial effect due to maintaining a functioning wastewater treatment facility.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
	Traffic and Circulation	No direct impact on traffic.	Short-term minor impact on traffic flow in the project area during construction. Post-project, traffic flow would return to normal.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.

Environmental Resource	Resource Subcategory	Alternative 1 – No Action	Alternative 2 – Sewage Lagoon Relocation, Agency to Boneau Village Route (Proposed Action)	Alternative 3 – Sewage Lagoon Relocation, St. Pierre ROW Route	Alternative 4 – Sewage Lagoon Relocation, St. Pierre Cross-Country Route
	Public Services and Utilities	No direct impact. Wastewater treatment facility would eventually fail, causing a long-term negative impact on public services and utilities on the Reservation.	Utilities located within force main line route would be avoided by using One Call. Long-term beneficial effect by maintaining a functioning wastewater treatment facility.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
	Noise	No effect on noise levels in the project area.	Increased noise levels for the health clinic and residences within or near the project areas during construction activities. To minimize any increase in noise levels, all equipment would be fitted with noise-reducing features and construction activities would be limited to daytime hours. With these features, noise impacts would be minimal and short-term.	Impacts same as for Alternative 2.	Impacts same as for Alternative 2.
Hazardous Substances/ Wastes	NA	No impact.	No impact.	No impact.	No impact.

SECTION SIX: PUBLIC INVOLVEMENT

6.1 INITIAL PUBLIC NOTICE

[Note: The initial public notice was published prior to development of Alternative 2 for this project.]

**Notice of Intent
to Prepare an Environmental Assessment for
Rocky Boy's Wastewater Lagoon Relocation
Rocky Boy's Reservation, Hill County, Montana**

Public notification is hereby given by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) of the intent to prepare an Environmental Assessment (EA) for a proposed project on the Rocky Boy's Reservation, Hill County, Montana. The Chippewa Cree Tribe of the Rocky Boy's Reservation of north-central Montana has requested assistance from FEMA for the proposed installation of a lift station, placement of a 6-inch force main, and relocation of two wastewater treatment lagoons.

This notification is provided pursuant to the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Executive Order (EO) 11990 – Wetland Protection, and Federal agency implementation procedures including 44 CFR Parts 9 and 10.

FEMA is considering funding the project through the Hazard Mitigation Grant Program, which provides funds to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. In accordance with NEPA, an EA will be prepared to evaluate the potential impact of the proposed project on the human and natural environment. The EA will also address any connected actions that will be carried out as part of the proposed project.

Background

The Rocky Boy's Indian Reservation consists of 121,957 acres and is located in north-central Montana. The embankment supporting the sanitary lagoon system has been saturated by heavy rains. Additionally, Cells 2 and 3 are either unlined or have damaged liners. These problems have resulted in slumping and sliding of the embankment, threatening to destroy the lagoon system and impact the creek below. The purpose of the proposed project is to eliminate the potential for sanitary lagoon failure and protect the creek.

Project Description

The proposed project would relocate lagoon Cells 2 and 3 to a more stable location approximately 2 miles northwest of the current location. As part of the relocation, a new lift station would need to be installed near the current lagoon location and approximately 12,000 feet of 6-inch force main would be installed to carry wastewater from Cell 1 to the new location of Cells 2 and 3. The force main would be located primarily in the Agency Road and St. Pierre Road right-of-way.

The proposed project may affect both non-jurisdictional and jurisdictional wetlands. All required Federal, Tribal, State, and local permits and approvals, including a Clean Water Act Section 404 permit from the regulatory office of the U.S. Army Corps of Engineers, will be needed prior to construction.

Comment Period

A public comment period related to the Proposed Action will remain open for 15 days following publication of this notice. In addition to this initial comment period, a final opportunity for public review and comment will be provided when the Draft EA becomes available. Interested parties may submit comments or request additional project information by contacting:

Richard MacDonald
Planning Department
Chippewa Cree Tribe of the Rocky Boys Reservation
31 Agency Square
Box Elder, Montana 59521
Email: richard_macdonald1980@hotmail.com
Phone: (406) 395-5705
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6.2 FINAL PUBLIC NOTICE

The Final Public Notice will be added in the Final EA.

6.3 PUBLIC COMMENTS

The initial public notice was published in the *Havre Daily News* on January 20, 2015. One comment was received during the initial public notice period. This comment, along with the Tribe's response, is included in **Appendix E**.

Comments on the Draft EA will be added following the public comment period.

SECTION SEVEN: AGENCIES CONSULTED

The following agencies were consulted during the preparation of the Rocky Boy's Reservation Lagoon Relocation Environmental Assessment:

U.S. Fish and Wildlife Service; Helena, Montana

Mr. Brent Esmoil, Supervisor	(406) 449-5225
Ms. Kelly Douglas, Field Biologist	(406) 449-5225

U.S. Army Corps of Engineers; Helena, Montana

Mr. Tim McNew, Helena Regulatory Office	(406) 441-1375
Mr. Jess J. Davies, Natural Resources Specialist, Helena Regulatory Office	(406) 441-1365

U.S. Environmental Protection Agency; Bozeman, Montana

Mr. Bob Gallagher, Air Program Coordinator	(406) 457-5020
Mr. David Rise, Environmental Protection Specialist	(406) 457-5012
Ms. Dana Allen, Compliance Sector Lead	(303) 312-6312

Natural Resource Conservation Service; Great Falls, Montana

Ms. Carlee Elke, Rocky Boy's Reservation	(406) 352-3138
Ms. Meredith Albers, Resource Soil Scientist	(406) 727-7580

Montana Fish, Wildlife, and Parks; Helena, Montana

Mr. Scott Hemmer, Havre Area Biologist	(406) 265-6177
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Montana Department of Environmental Quality; Helena, Montana

Ms. Deanne Fischer, Air Permitting Section	(406) 444-3403
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Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana

Mr. Richard MacDonald, Tribal Hazard Mitigation Officer	(406) 395-5705
Mr. Alvin Windy Boy, Sr., Tribal Historic Preservation Officer	(406) 395-4700
Mr. Jay Eagleman, Tribal Water Resources	(406) 395-4225
Mr. Curtis Monteau, Director, Tribal Natural Resources	(406) 395-4207
Mr. Jeffery Standaert, P.E., Rocky Boy Health Board	(406) 395-4490

Bureau of Indian Affairs; Billings, Montana

Ms. Melissa Passes, Regional Environmental Specialist	(406) 247-7911
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SECTION EIGHT: REFERENCES

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SECTION NINE: LIST OF PREPARERS

This EA was prepared by URS Group, Inc., for FEMA Region VIII, Denver, CO.

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- Angela Chaisson, CWB[®], Senior NEPA Reviewer
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APPENDIX A
EXHIBITS

**For The Contents of This Appendix and Accessibility Issues, Please Contact Daniel Jones at
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APPENDIX B
SITE PHOTOGRAPHS

APPENDIX C
AGENCY CORRESPONDENCE

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APPENDIX D
EIGHT-STEP DECISION-MAKING PROCESS

APPENDIX E
PUBLIC INVOLVEMENT

APPENDIX F

WETLAND DELINEATION REPORT

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