LOW-IMPACT RECERTIFICATION APPLICATION

Boulder Creek Hydroelectric Project, LIHI # 31

(FERC NO.7086, exempt)

January 2021

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1. FACILITY DESCRIPTION

The Boulder Hydro facility is owned by the Confederated Salish and Kootenai Tribes (Tribes) and is managed and operated by S & K Business Services, Inc. (SKBS) a Tribal owned company. The Federal Energy Regulatory Commission (FERC) regulates the facility with an "Exempt" status under Project #7086, issued in 1984 with an installed capacity of 0.35 MW. The facility was first LIHI certified in 2007 for an eight-year term and was recertified in 2015 for a five-year term. There have been no facility changes during the current LIH term.

The Confederated Salish and Kootenai Tribes are comprised of the Bitterroot Salish, the Pend d'Oreille, and the Kootenai Tribes. In 1855, the Hellgate Treaty formed the Flathead Reservation and the Tribes were relocated to their current land base. The Flathead Reservation is comprised of 1.3 million acres, although over 500 thousand acres passed out of Tribal or Tribal Member ownership with the arrival of homesteading in the early 1900s. The Confederated Salish and Kootenai Tribes of the Flathead Reservation, in Northwestern Montana, are federally recognized Tribes that are governed by Tribal Council that contains a Chairperson and members from each district within the Reservation boundaries.

In 1982, the Tribes invested in the hydropower project, Boulder Hydro, as a means of supporting the promotion of economic development. The project was put under management of S&K Holding Company (SKHC). SKHC was created in May 1992 under the laws and constitution of the Confederated Salish and Kootenai Tribes. SKHC was assigned management authority for Boulder Hydro in 1996 in order to provide operating revenues to support economic development initiatives. In the fall of 2015, SKHC was renamed S&K Business Services. The Tribal Council serves as the Shareholder for SKBS. A fivemember Board of Directors is appointed biannually by the Shareholder to provide oversight.

The Boulder Hydropower Project is located in northwest Montana (Figure 1), within Lake County. The entire drainage is within the external boundary of the Flathead Indian Reservation. Boulder Hydro is more specifically located on Boulder Creek, a 4-3-mile long stream that drains into Flathead Lake from the Mission Range of the Rocky Mountains.

Boulder Creek flows much of its journey to Flathead Lake underground. A portion of the creek surfaces approximately 100 yards upstream from the impoundment. The diversion utilizes all of the flow, in all but the highest-level periods that occur during spring runoff or significant runoff events. Even with full dewatering of the stream, water flow reappears less than 10 yards below the diversion structure even in the lowest flow periods of the year. The flow continues to grow and recharges itself to a minimum of approximately 0.5 CFS within 200 feet below the diversion.

The facility was designed and developed for the Tribes between 1982 and 1984 and went online in December of 1984. The US Bureau of Indian Affairs (BIA) on behalf of the Tribes provided oversight for the project. As part of the original agreement for an easement to the powerhouse location, the Tribes installed a collection pipe and built a pump house to serve local residents as their primary source of drinking water for their homes. This location is approximately 40 yards downstream from the powerhouse and pumps Boulder Creek water to approximately 10 homes in the vicinity.

Boulder Hydro is a run of river facility with a maximum flow of eight cubic feet per second diverted to the powerhouse from the creek. The 5-foot tall, 16-foot long diversion creates a very small impoundment with a maximum of 0.15 acres surface area with a gross storage capacity of 0.30 acre-feet and a net storage capacity of 0.025 acre-feet. The diversion and intake area occupy 203.36 square feet. The entire 3,720 feet of piping and penstock is buried under ground, and the powerhouse and tailrace occupy an area of 800 square feet (Figures 2 - 4).



Figure 1. Project Location and Watershed

Figure 2. Boulder Creek Impoundment and Diversion



Figure 3. Boulder Creek Impoundment



Figure 4. Boulder Creek Powerhouse



The powerhouse contains one Single-nozzle impulse type turbine with synchronous generator with a 350-KW maximum generating capacity and a hydraulic capacity from 2 cfs to 8 cfs (Figure 5).



Figure 5. Boulder Creek Turbine

Item	Information Requested	Response (include references to further details)
Name of the Facility	Facility name (use FERC project name or other legal name)	Boulder Creek Hydroelectric Project
Reason for applying for LIHI Certification	 To participate in state RPS program and specify the state and the total MW/MWh associated with that participation (value and % of facility total Mw/MWh). To participate in voluntary REC market (e.g., Green-e) To satisfy a direct energy buyer's purchasing requirement To satisfy the facility's own corporate sustainability goals For the facility's corporate marketing purposes Other (describe) If applicable, amount of annual generation 	SKBS's intention of being a LIHI certified facility is to participate in a voluntary REC market, but above and beyond this is part of the Corporations Sustainability Goals. In the future, the certification will be utilized to increase power value by marketing to existing facilities that want to include green energy as part of their sustainability efforts.
	(MWh and % of total generation) for which RECs are currently received or are expected to be received upon LIHI Certification	100%
Location	River name (USGS proper name)	Boulder Creek
	Watershed name - Select region, click on the area of interest until the 8-digit HUC number appears. Then identify watershed name and HUC-8 number from the map at: https://water.usgs.gov/wsc/map_index.html	Flathead Lake HUC-8 17010208
	Nearest town(s), <u>county(ies)</u> , and state(s) to dam	Finley Point, Lake County, MT
	River mile of dam above mouth	River mile 1.0
	Geographic latitude of dam	47.804933
	Geographic longitude of dam	-113.997133
Facility Owner	Application contact names (Complete the Contact Form in <u>Section B-4</u> also):	Samuel D. Wall
	Facility owner company and authorized owner representative name. For recertifications: If ownership has changed since last certification, provide the effective date of the change.	S&K Business Services 56749 Highway 93 Pablo, MT 59855
	FERC licensee company name (if different from owner)	Confederated Salish and Kootenai
Regulatory Status	FERC Project Number (e.g., P-xxxx), issuance and expiration dates, or date of exemption FERC license type (major, minor, exemption) or	P-7086 exemption issued 09/23/1983 Small hydropower project < 5 MW
	special classification (e.g., "qualified conduit", "non-jurisdictional")	

Table 1. Facility Description

Item	Information Requested	Response (include references to further details)
	Water Quality Certificate identifier, issuance date, and issuing agency name. Include information on amendments.	
	Hyperlinks to key electronic records on FERC e- library website or other publicly accessible data repositories	FERC exemption https://elibrary.ferc.gov/eLibrary/fil edownload?fileid=13535891
		FERC standard exemption articles <u>https://www.ferc.gov/sites/default/fi</u> <u>les/2020-04/e-2_48.pdf</u>
Powerhouse	Date of initial operation (past or future for pre- operational applications)	1984
	Total installed capacity (MW) For recertifications: Indicate if installed capacity has changed since last certification	0.35 MW no change
	Average annual generation (MWh) and period of record used For recertifications: Indicate if average annual generation has changed since last certification	1,171 MWh/year minor change
	<u>Mode of operation</u> (run-of-river, peaking, pulsing, seasonal storage, diversion, etc.) For recertifications: Indicate if mode of operation has changed since last certification	Diversion with run of river operation no change
	Number, type, and size of turbine/generators, including maximum and minimum hydraulic capacity and maximum and minimum output of each turbine and generator unit	Single nozzle impulse type turbine with synchronous generator with a 350-KW maximum generating capacity. Hydraulic capacity = 2 cfs – 8 cfs
	Trashrack clear spacing (inches) for each trashrack	N/A
	Approach water velocity (ft/s) at each intake if known	Unknown
	For recertifications: Indicate only those since last certification	Required periodic maintenance
	Dates, purpose, and type of any recent operational changes For recertifications: Indicate only those since last certification	None
	Plans, authorization, and regulatory activities for any facility upgrades or license or exemption amendments	N/A
Dam or Diversion	Date of original dam or diversion construction and description and dates of subsequent dam or diversion structure modifications	1984

Item	Information Requested	Response (include references to further details)
	Dam an diversion structure langth height	<i>Juriner aetails)</i>
	Dalit of diversion structure length, height including concretely the beight of ony	floghboards
	flashboards inflatable dams ato and describe	Constructed of concrete and
	seasonal operation of flashboards and the like	grouted rip rap
	Spillway maximum hydraulic capacity	n/a facility has a 24 x 36" hypass
	Spinway maximum nyuraune capacity	gate
	Length and type of each penstock and water	120 feet of 20" pipe at the diversion
	conveyance structure between the impoundment	to 2,500 feet of buried 16"
	and powerhouse	penstock, to 1,100 feet of buried
		14" penstock to the powerhouse
	Designated facility purposes (e.g., power,	Power supply, drinking water
	navigation, flood control, water supply, etc.)	supply
Conduit	Date of conduit construction and primary	n/a – not a conduit facility
Facilities	Source water	n/a
Only	Receiving water and location of discharge	n/a
Impoundment	Authorized maximum and minimum	n/a
and	impoundment water surface elevations	
Watershed	For recertifications: Indicate if these values	
	have changed since last certification	
	Normal operating elevations and normal	None, run-of-river
	fluctuation range	
	For recertifications: Indicate if these values	no change
	have changed since last certification	
	Gross storage volume and surface area at full	Gross storage = 0.30 acre-feet
	pool	Surface Area: 0.15 acre
	For recertifications: Indicate if these values	no change
	have changed since last certification	
	Usable storage volume and surface area	Net storage = 0.025 acre-feet
	For recertifications: Indicate if these values	no change
	have changed since last certification	
	Describe requirements related to impoundment	None
	inflow and outflow, elevation restrictions (e.g.,	
	fluctuation limits, seasonality) up/down ramping	
	and refill rate restrictions.	
	Upstream dams by name, ownership and river	None
	mile. If FERC licensed or exempt, please provide	
	FERC Project number of these dams. Indicate	
	which upstream dams have downstream fish	
	passage.	
	bownstream dams by name, ownersnip, river	
	nine and reke number if reke licensed or	None
	upstream fish passage	INOUG

Item	Information Requested	Response (include references to further details)
	Operating agreements with upstream or downstream facilities that affect water availability and facility operation	Water Rights Compact https://leg.mt.gov/bills/mca/title_08 50/chapter_0200/part_0190/section _0010/0850-0200-0190-0010.html Water right of 8 cfs http://dnrc.mt.gov/divisions/reserve d-water-rights-compact- commission/docs/cskt/2013_append ix19bouldercreekhydroelectricproje ctabstract.pdf
	Area of land (acres) and area of water (acres) inside FERC project boundary or under facility control. Indicate locations and acres of flowage rights versus fee-owned property.	Impoundment 0.15 acre Lands 0.073 acre
Hydrologic Setting	Average annual flow at the dam, and period of record used (PORU)	4.46 CFS PORU Jan 2015- Dec 2020
	Average monthly flows and period of record used (PORU) Location and name of closest stream gaging stations above and below the facility	January -3.63 CFS February -4.22 CFS March -4.16 CFS April -5.01 CFS May -4.87 CFS June -4.55 CFS July -5.21 CFS August -4.3 CFS September -4.55 CFS October -4.58 CFS November -4.22 CFS December -4.19 CFS PORU= Jan 2015 $-$ Dec 2020 None
	Watershed area at the dam (in square miles). Identify if this value is prorated from gage locations and provide the basis for proration calculation.	7.1 square miles
	Other facility specific hydrologic information	n/a
Designated	Number of zones of effect	3
Zones of Effect	Type of waterbody (river, impoundment, bypassed reach, etc.)	Zone 1: impoundment Zone 2: bypass reach Zone 3: tailrace/downstream reach
	Upstream and downstream locations by river miles	Zone 1: impoundment RM 1.01 – 1.0 Zone 2: bypass reach RM 1.0 - 0.29 Zone 3: tailrace/downstream reach RM 0.29 to Flathead Lake
	Delimiting structures or features	Dam delimits zones 1 and 2 Powerhouse discharge location delimits zones 2 and 3

2.0 STANDARDS MATRICES

Table 2. Standard selections

	Zone:	1: Impoundment	2: Bypass	3. Downstream Reach
	River Mile Extent:	RM 1.01 – 1.0	RM 1.0 – 0.29	RM 0.29 - 0
Crite	rion	S	tandard Selected	l
Α	Ecological Flows	2	2	2
В	Water Quality	1	1	1
С	Upstream Fish Passage	1	1	1
D	Downstream Fish Passage	1	1	1
E	Shoreline and Watershed Protection	1	1	1
F	Threatened and Endangered Species	1	1	1
G	Cultural and Historic Resources	1	1	1
Н	Recreational Resources	3	3	3

Figure 6 below shows the Zones of Effect and the standards selected to meet the LIHI criteria are discussed in Section 3.

Figure 6. Zones of Effect



3.0 SUPPORTING INFORMATION

A. Ecological Flow Regimes

Criterion	Standard	Instructions
А	2	Agency Recommendation:
		 Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective). Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement. Explain how the recommendation relates to formal agency management goals and objectives for fish and wildlife. Explain how the recommendation provides fish and wildlife protection, mitigation and enhancement (including in-stream flows, ramping and peaking rate conditions, and seasonal and episodic instream flow variations).
	1	• Explain now flows are monitored for compliance.

All zones qualify for Standard A-2.

The Project is operated in a run-of-river mode. There is no impoundment storage. All flows less than 2 cfs, the turbine minimum hydraulic capacity or greater than 8 cfs, the maximum hydraulic capacity are passed into the bypassed reach. Between 2 and 8 cfs, all flows are diverted into the penstock and powerhouse.

Boulder Creek flows through much of its 4.3-mile long journey to Flathead Lake underground. A portion of the creek surfaces approximately 100 yards upstream from the impoundment. The diversion utilizes all of the flow in all but the highest-level periods occurring during the spring runoff or during a significant runoff event. Even with full dewatering of the stream, water flow reappears less than 10 yards below the diversion structure even in the lowest flow periods of the year. The flow continues to grow and recharges itself to a minimum of approximately 0.5 CFS within 200 feet below the diversion.

There are no fish present within Boulder Creek. Tribal resource agencies agreed that existing flow conditions are appropriate for the facility. The Tribes' Division of Water Department agrees that the flow levels and conditions within the stream are adequate for wildlife and known aquatic resources. In a July 31, 2007 letter from Division of Water Management, Natural Resources Department of the Confederated Salish and Kootenai Tribe (see Exhibit F of the 2007 LIHI application¹) responded to flows:

"Your question was in relation to flows required for fish and wildlife below the diversion dam to the power plant where the water is returned to the stream. Analysis was done by the Tribal Fisheries Program in the year prior to the building of the plant. It was determined that no fisheries resources existed in the reach of stream. The stream recharges to approximately 0.5 cfs approximately 200 feet below the diversion dam keeping the reach of the stream alive, therefore providing adequate flows for the wildlife resources as well aquatic resources..."

¹ <u>https://lowimpacthydro.org/wp-content/uploads/2020/07/Boulder-Hydro-LIHI-Application-Narrative-revised.pdf</u>

B. Water Quality

Criterion	Standard	Instructions
В	1	Not Applicable / De Minimis Effect:
		• Explain the rationale for why the facility does not alter water quality
		characteristics below, around, and above the facility.

All zones qualify for Standard B-1.

Boulder Creek is on reservation lands and, therefore, not assessed by the Montana Department of Environmental Quality for use impairment under Section 303(d) but it remains subject to the federal Clean Water Act.

Boulder Creek has an A-1 water quality certification under Tribal jurisdiction and has maintained that certification. All requirements were carefully monitored during construction of the facility and during any maintenance activities that may disrupt water quality. The facility has never had an incident that has endangered its compliance with the Clean Water Act. Both the facility area and the downstream reach continue to meet all A-1 classification standards.

On January 3, 2019, the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation considered and adopted, upon the recommendation of the Tribes Natural Resources Department, rules pertaining to surface water quality standards for the Flathead Indian Reservation. Such rules were proposed and submitted for public comment in July 9, 2018 and public comment closed August 23, 2018 in keeping with the Tribal Administrative Procedures Act. On April 2, 2019 EPA completed its review of the revisions and approved the CSKT Water Quality Standards on October 22, 2018 which were adopted by the Tribal Council on January 3, 2019, without condition.²

The designated uses for A-1 waters are suitable for drinking, culinary, and food processing purposes after conventional treatment. A-1 waters are also suitable for bathing, swimming and recreation; wildlife, the growth and propagation of salmonid fish and associated aquatic life; and for agricultural and industrial water supply.

In a September 21, 2007 letter from the Natural Resources Department of the Confederated Salish and Kootenai Tribe responded to water quality (see footnote 1 above, Exhibit I of original LIHI application):

"...staff has reviewed the Technical Specifications and Drawings for the Boulder Creek Hydroelectric Project and has determined it in compliance with the CSKT Water Quality Standards that support designated uses pursuant to the Federal Clean Water Act in the facility area and in the downstream reach."

As part of the original agreement for an easement to the powerhouse location, the Tribes installed a collection pipe and built a pump house to serve local residents as their primary source of drinking water for their homes. This location is approximately 40 yards downstream from the powerhouse and pumps Boulder Creek water to approximately 10 homes in the vicinity. Boulder Creek, to this day, maintains extremely high water quality and has been proposed as a potential water supply for bottled water. Neither the CSKT Natural Resource Department nor EPA have record of current testing of water at the pumphouse. There is no reason to suggest water quality is anything less than exceptional, due to the project being surrounded by the Mission Mountain Wilderness where there is no development upstream.

² <u>http://csktnrd.org/ep/water-quality/water-quality-standards</u>

C. Upstream Fish Passage

Criterion	Standard	Instructions
С	1	Not Applicable / De Minimis Effect:
		• Explain why the facility does not impose a barrier to upstream fish
		passage in the designated zone. Typically, impoundment zones will
		qualify for this standard since once above a dam and in an
		impoundment, there is no facility barrier to further upstream movement.
		• Document available fish distribution data and the lack of migratory fish species in the vicinity.
		• If migratory fish species have been extirpated from the area, explain
		why the facility is not or was not the cause of the extirpation.

All zones quality for Standard C-1.

The FERC exemption's Standard Article 2 requires the facility to comply with any federal or state fish and wildlife agency terms and conditions. To date, no such conditions have been imposed on the facility.

Prior to Project construction, it was determined that the creek which has a drainage area of about 7.1 square miles at the diversion structure location, did not support a fishery. Based on this fact and partial replenishment of stream flows from groundwater a short distance downstream of the diversion, the resource agencies accepted the total diversion of flows for power generation, up to a capacity of 8 cfs. The main concern raised at the time was the need to avoid construction-related discharges of sediment to Flathead Lake, which supports bull trout, a threatened species as well as native species including: westslope cutthroat trout, mountain whitefish, pygmy whitefish, longnose sucker, largescale sucker, northern pikeminnow, peamouth chub, redshide shiner, and sculpin. Non-native, introduced species include lake trout, lake whitefish, kokanee, yellow perch, northern pike, rainbow and brook trout, largemouth bass, smallmouth bass, pumpkinseed, and black bullhead.³

It was determined that fish movement up Boulder Creek is impeded by natural barriers located in the lowest reaches of the creek within the first 100 yards above its mouth on the east shore of Flathead Lake. There is an eight-foot drop that presents a significant barrier to fish migration.

CSKT Fisheries Department conducted fish studies prior to the construction of the Boulder Hydro facility. In the years since, Tribal staff have walked the stream proper from the diversion to the powerhouse to observe flow and to look for fish species. No fish have ever been observed during any of these observation periods.

A July 31, 2007 letter from Division of Water Management, Natural Resources Department of the Confederated Salish and Kootenai Tribe responded to flows:

"Your Question was in relation to flows required for fish and wildlife below the diversion dam to the power plant where the water is returned to the stream. Analysis was done by the Tribal Fisheries Program in the year prior to the building of the plant. It was determined that no fisheries resources existed in the reach of stream. The stream recharges to approximately 0.5 cfs approximately 200 feet below the diversion dam keeping the reach of the stream alive, therefore providing adequate flows for the wildlife resources as well aquatic resources..."

There have been no changes in fishery management priorities or plans since that time.

³ <u>http://csktnrd.org/regulations-applications/all-documents/download?path=Fisheries%252FCo-management%2BPlan.pdf</u>

D. Downstream Fish Passage and Protection

Criterion	Standard	Instructions
D	1	Not Applicable / De Minimis Effect:
		 Explain why the facility does not impose a barrier to downstream fish passage in the designated zone, considering both physical obstruction and increased mortality relative to natural downstream movement (e.g., entrainment into hydropower turbines). Typically, tailwater/downstream zones will qualify for this standard since below a dam and powerhouse there is no facility barrier to further downstream movement. Bypassed reach zones must demonstrate that flows in the reach are adequate to support safe, effective and timely downstream migration. For riverine fish populations that are known to move downstream, explain why the facility does not contribute adversely to the species populations or to their access to habitat necessary for successful completion of their life cycles. Document available fish distribution data and the lack of fish species requiring passage in the vicinity. If migratory fish species have been extirpated from the area, explain why the facility is not or was not the cause of the extirpation.

All zones qualify for Standard D-1.

There are no fish in Boulder Creek as noted above, and none that require downstream movement through the facility. There is no means for fish from Flathead Lake to ascend the natural barrier at the mouth to populate the creek in the bypassed reach or above the diversion.

E. Shoreland and Watershed Protection

Criterion	Standard	Instructions	
E	1	Not Applicable / De Minimis Effect:	
		• If there are no lands with significant ecological value associated with the	
		facility, document and justify this (e.g., describe the land use and land	
		cover within the FERC project or facility boundary).	
		• Document that there have been no Shoreline Management Plans or similar	
		protection requirements for the facility.	

All zones qualify for Standard E-1.

There are very little lands associated with the facility. The small impoundment covers 0.15 acres and the powerhouse area covers 0.073 acres. The penstock system, while 3,500 feet long is buried underground. There are no critical habitats for threatened or endangered species.

F. Threatened and Endangered Species Protection

Criterion	Standard	Instructions
F	1	Not Applicable / De Minimis Effect:
		• Document that there are no listed species in the facility area or affected riverine zones downstream of the facility.
		• If listed species are known to have existed in the facility area in the past but are not currently present, explain why the facility was not the cause of the extirpation of such species.
		• If the facility is making significant efforts to reintroduce an extirpated species, describe the actions that are being taken.

All Zones qualify for Standard F-1.

A US Fish and Wildlife Service IPaC online data check on October 22, 2020 (see Attachment 1) indicates that the following species may be present near Boulder Creek:

- Canada lynx
- Grizzly bear
- Yellow-billed cuckoo
- Bull trout there is critical habitat is limited to Flathead Lake, not within Boulder Creek. There is also a recovery plan for this species that includes the Flathead Lake population.⁴

Electroshocking in all likely pools or riffles confirmed at the time of construction that there are no species of fish within Boulder Creek at or above the project site. The Tribes have actively followed a Bull Trout Recovery Plan across the reservation that is driving activities to improve migration, redd site protection, and reduction of non- native predatory species that threaten bull trout.

Grizzly bears have been spotted in the area infrequently, but no known den area exists within the facility area or within a range of ten miles from the site. The Tribes have actively followed the Grizzly Bear Recovery Plan⁵ that has resulted in an increase of grizzly bears within the Reservation boundary. The facility location is not within either the Zone 1 (highest concentration) or Zone 2 (significantly lower populations) of the plan. Gray wolves also are present on the Reservation however none have been observed within a 10-mile zone of the facility. The Tribes have actively followed the Gray Wolf Recovery Plan⁶ that has also increased the population of Gray Wolves within the Reservation boundary.

The IPac report also lists the bald eagle as a migratory species protected under the Bald Eagle and Golden Eagle Protection Act. Bald Eagle is not a species of conservation concern in the facility area but may be present during the breeding season from January through August.

An online data check of the Montana Natural Heritage Bureau on October 22, 2020 indicated no statelisted species in the facility vicinity although Canada lynx, grizzly bear and bull trout are listed as state threatened species. Regardless of potential presence, the facility's operations and maintenance do not affect any of the federal or state-listed species.

⁴ <u>https://www.fws.gov/pacific/bulltrout/pdf/Final_Bull_Trout_Recovery_Plan_092915.pdf</u>

⁵ <u>http://igbconline.org/wp-content/uploads/2016/02/1996_Servheen_Grizzly_bear_recovery_plan.pdf</u>

https://www.fws.gov/montanafieldoffice/Endangered Species/Recovery and Mgmt Plans/Northern Rocky Mount ain_Gray_Wolf_Recovery_Plan.pdf

G. Cultural and Historic Resources Protection

Criterion	Standard	Instructions
G	1	Not Applicable / De Minimis Effect:
		• Document that there are no cultural or historic resources located on
		facility lands that can be affected by construction or operations of the
		facility.
		• Document that the facility construction and operation have not in the past,
		nor currently adversely affect any cultural or historic resources that are
		present on facility lands.

All Zones qualify for Standard G-1.

No cultural or historic resources have been identified at the facility. Prior to construction, the Séliš-Qlispé Culture Committee, Kootenai Culture Committee, and Montana Historical Society were consulted to help identify culturally significant resources or locations within the facility area. None of the organizations were able to identify any location or item of cultural importance. The original LIHI application (footnote 1) contains consultation documents in Exhibits L -N. No cultural or historic resources are listed on the National Register of Historic Places.⁷

H. Recreational Resources

Criterion	Standard	Instructions
Н	3	Assured Accessibility:
		• In lieu of existing agency recommendations and plans for recreational uses, document the facility's current and future commitment to accommodate reasonable requests from recreation interests for adequate public access for recreational use of lands and waters of the facility, including appropriate recreational water flows and levels, without fees or charges.

All Zones qualify for Standard H-3.

There are no recreation requirements associated with the facility, however a Tribal Recreation Permit is required for non-tribal members to access the facility as it sits in Tribal forestlands.

The project is located near the base of the Mission Mountains within a designated Tribal wilderness area. CSKT Tribal members can hunt and gather wild berries near the location of the Boulder Hydropower project. The species harvested in this area include elk, whitetail and mule deer, turkey, and grouse. Firewood harvesting is also prevalent in the area. There are no restrictions of access to the land around the project and no associated costs to recreate or have access to the land where the facility is located.

⁷ <u>https://www.nps.gov/subjects/nationalregister/database-research.htm</u>

4.0 FACILITY AND STAKEHOLDER CONTACTS FORMS

Project Owner:	CSKT - S&K Business Services							
Name and Title	Samuel D. Wall – General Manager							
Company	S&K Business Services							
Phone	(406)883-4317							
Email Address	samw@slfcorp.com							
Mailing Address	56749 Hwy 93 Ronan, MT 59864							
Project Operator (if different from Owner): S&K Business Services								
Name and Title	Samuel D. Wall – General Manager							
Company	S&K Business Services							
Phone	(406)883-4317							
Email Address	samw@slfcorp.com							
Mailing Address	56749 Hwy 93 Ronan, MT 59864							
Consulting Firm	Agent for LIHI Program (if applicable):							
Name and Title								
Company								
Phone								
Email Address								
Mailing Address								
Compliance Cor	ntact (responsible for LIHI Program requirements):S&K Business Services							
Name and Title	Samuel D. Wall – General Manager							
Company	S&K Business Services							
Phone	(406)883-4317							
Email Address	samw@slfcorp.com							
Mailing Address	56749 Hwy 93 Ronan, MT 59864							
Party responsible for accounts payable: S&K Business Services								
Name and Title	Samuel D. Wall – General Manager							
Company	S&K Business Services							
Phone	(406)883-4317							
Email Address	samw@slfcorp.com							
Mailing Address	56749 Hwy 93 Ronan, MT 59864							

Agency Contact	repeat the following table as needed).	Area of Responsibility
Agency Name	S&K Business Services	x Flows x Water Quality x Fish/Wildlife x Watershed x T&E Species x Cultural/Historic x Recreation
Name and Title	Samuel D. Wall - Manager	
Phone	(406)309-5018	
Email address	samw@slfcorp.com	
Mailing Address	56749 US-93, Ronan, MT 59864	
Agency Contact		Area of Responsibility
Agency Name	CSKT- Water Management Program/Division of Water	x Flows x Water Quality Fish/Wildlife x Watershed T&E Species Cultural/Historic Recreation
Name and Title	George McLeod - Chief of Field Operations	
Phone	(406)675-2700	
Email address	George.mcleod@cskt.org	
Mailing Address	711 Third Ave NW, Ronan, MT 59864	

Current and relevant state, federal, and tribal resource agency contacts with knowledge of the facility (copy and repeat the following table as needed).

Agency Contact	Area of Responsibility	
Organization Name	CSKT Natural Resource Department	 Flows x Water Quality x Fish/Wildlife Watershed x T&E Species Cultural/Historic Recreation
Name and Title	Tom McDonald - Manager of the Division of Fish, Wildlife, Recreation and Conservation	
Phone	(406) 883-2888	
Email address	Tom.mcdonald@cskt.org	
Mailing Address	301 Main St, Polson, MT 59860	

Current stakeholder contacts that are actively engaged with the facility (copy and repeat the following table as needed).

Stakeholder Contaci	Area of Responsibility		
Organization Name	Confederated Salish and Kootenai Tribes – Tribal Council	 Flows Water Quality Fish/Wildlife Watershed T&E Species x Cultural/Historic Recreation 	
Name and Title	10 members – ½ of which are up for re-election every 2 years. Current Tribal Councilwoman: Shelly R. Fyant		
Phone	(406)675-2700		
Email address	council@cskt.org		
Mailing Address	58141 US-93, Ronan, MT 59864		

5.0SWORN STATEMENT

As an Authorized Representative of The Confederated Salish and Kootenai Tribes, the Undersigned attests that the material presented in the application is true and complete.

The Undersigned acknowledges that the primary goal of the Low Impact Hydropower Institute's certification program is public benefit, and that the LIHI Governing Board and its agents are not responsible for financial or other private consequences of its certification decisions.

The Undersigned further acknowledges that if LIHI Certification of the applying facility is granted, the LIHI Certification Mark License Agreement must be executed prior to marketing the electricity product as LIHI Certified[®].

The Undersigned further agrees to hold the Low Impact Hydropower Institute, the Governing Board and its agents harmless for any decision rendered on this or other applications, from any consequences of disclosing or publishing any submitted certification application materials to the public, or on any other action pursuant to the Low Impact Hydropower Institute's certification program.

Company Name: S&K Business Services

Authorized Representative:

Name: Samuel D. Wall

Title: General Manager

Authorized Signature:

Sam 1

ATTACHMENT 1 – USFWS IPAC REPORT

IPaC Information for Planning and Consultation U.S. Fish & Wildlife Service

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Lake County, Montana



Local office

Montana Ecological Services Field Office

√ (406) 449-5225
▲ (406) 449-5339

NOTFORCONSULTATION

585 Shephard Way, Suite 1 Helena, MT 59601-6287

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

- 1. Draw the project location and click CONTINUE.
- 2. Click DEFINE PROJECT.
- 3. Log in (if directed to do so).
- 4. Provide a name and description for your project.
- 5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the <u>Ecological Services Program</u> of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact <u>NOAA Fisheries</u> for <u>species under their jurisdiction</u>.

- 1. Species listed under the <u>Endangered Species Act</u> are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the <u>listing status page</u> for more information.
- 2. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals NAME **STATUS** Threatened Canada Lynx Lynx canadensis There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/3652 Threatened Grizzly Bear Ursus arctos horribilis There is proposed critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7642 **Birds** NAME STATUS Threatened Yellow-billed Cuckoo Coccyzus americanus There is proposed critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/3911 Fishes NAME STATUS Threatened Bull Trout Salvelinus confluentus There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8212

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Bull Trout Salvelinus confluentus	Final

https://ecos.fws.gov/ecp/species/8212#crithab

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described <u>below</u>.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The <u>Bald and Golden Eagle Protection Act</u> of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <u>http://www.fws.gov/birds/management/managed-species/</u> <u>birds-of-conservation-concern.php</u>
- Measures for avoiding and minimizing impacts to birds <u>http://www.fws.gov/birds/management</u> /project-assessment-tools-and-guidance/ conservation-measures.php
- Nationwide conservation measures for birds <u>http://www.fws.gov/migratorybirds</u> /pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the <u>USFWS Birds</u> of <u>Conservation Concern</u> (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ <u>below</u>. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the <u>E-bird data mapping</u> tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found <u>below</u>.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle Haliaeetus leucocephalus

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <u>https://ecos.fws.gov/ecp/species/1626</u> Breeds Jan 1 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- 1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- 2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (=)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (l)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

				🗖 proba	bility of _l	presence	e <mark>e</mark> bre	eding se	eason	survey	effort	— no data
SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Bald Eagle Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)	5	F	5	4								

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

<u>Nationwide Conservation Measures</u> describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. <u>Additional measures</u> and/or <u>permits</u> may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS <u>Birds of Conservation Concern (BCC</u>) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the <u>Avian Knowledge Network</u> (<u>AKN</u>). The AKN data is based on a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u> and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (<u>Eagle Act</u> requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the <u>AKN Phenology Tool</u>.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the <u>Avian Knowledge Network (AKN</u>). This data is derived from a growing collection of <u>survey, banding, and citizen</u> <u>science datasets</u>.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: <u>The Cornell Lab of Ornithology All About Birds Bird Guide</u>, or (if you are unsuccessful in locating the bird of interest there), the <u>Cornell Lab of Ornithology Neotropical Birds</u> <u>guide</u>. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

- 1. "BCC Rangewide" birds are <u>Birds of Conservation Concern</u> (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
- 2. "BCC BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
- 3. "Non-BCC Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the <u>Eagle Act</u> requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For

more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the <u>Northeast Ocean Data Portal</u>. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the <u>NOAA NCCOS</u> <u>Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf</u> project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the <u>Diving Bird Study</u> and the <u>nanotag studies</u> or contact <u>Caleb Spiegel</u> or <u>Pam</u> <u>Loring</u>.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to <u>obtain a permit</u> to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is not parteet, it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory birds trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of</u> <u>Engineers District</u>.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

LAKE

L1UBHh

RIVERINE

<u>R4SBC</u> <u>R3UBH</u> R5UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

TEOR

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.