

Categorical Exclusion Determination
Bonneville Power Administration
Department of Energy



Proposed Action: Extension of the 2008 Columbia Basin Fish Accords

Location: Portland, Oregon

Proposed by: Bonneville Power Administration (Bonneville)

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): A2 - Clarifying or Administrative Contract Actions.

Description of Proposed Action: Bonneville proposes to update and extend existing agreements with various entities for up to four years to maintain interim budgeting and coordination consistency for ongoing fish and wildlife mitigation in the Columbia River Basin.

Bonneville, along with the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation (Agencies), propose to extend the expiration dates and update certain terms of the existing 2008 Columbia Basin Fish Accords Memoranda of Agreement (Agreements) with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, Columbia River Intertribal Fish Commission, the Confederated Tribes of the Colville Reservation, the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, the State of Idaho, and the State of Montana.

The Agreements would be extended for up to an additional four years from the current expiration date of September 30, 2018. These amendments would extend the Agreements until the earlier of either: when the Agencies issue their final decisions on the Columbia River System Operations Environmental Impact Statement (EIS) and any associated consultation under the Endangered Species Act (ESA) for the Columbia River System, or September 30, 2022.

The original 2008 Agreements contained support for Columbia River System operations and funding for certain state and tribally-sponsored fish and wildlife habitat protection and enhancement projects and fish production facility construction and operation consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program.

Extending the Agreements would build upon and largely continue certain state and tribally-sponsored fish and wildlife habitat protection and enhancement projects and fish production work from the previous Agreements and would not represent new commitments or proposals. Funding for individual projects would be provided through separate intergovernmental contracts. These projects would continue to undergo site-specific environmental compliance prior to implementation. This analysis includes review under applicable laws and regulations, such as the National Environmental Policy Act (NEPA). If projects change the status quo or directly impact the physical environment, commensurate NEPA analysis would be conducted. In

addition, the Agreements include provisions for state and tribal policy, technical and legal support in all appropriate forums for Columbia River System operations, maintenance, and configuration. These Agreements do not provide funding to the states or tribes for these actions or, in any manner, adopt changes to current System operations.

The extension of the Agreements is purely administrative in nature and does not require Bonneville to take any action that would have a potential effect on the environment. The extension of the Agreements also falls within a class of actions excluded from further NEPA review. More specifically, extending the Agreements would help ensure continued understanding and collaboration with regional partners, and would update and modernize certain terms and conditions to reflect the evolution of the environmental, legal, and economic context of impacts from Columbia River System operations, maintenance and configuration.

Moreover, agreeing to these commitments for the duration of this extension would help Bonneville fulfill obligations for: conserving ESA-listed salmon and steelhead, including avoiding jeopardy and adverse modification of critical habitat; meeting the statutory obligations of NEPA and its applicable implementing regulations; protecting, mitigating, enhancing, and providing equitable treatment of fish and wildlife resources under the Northwest Power Act; and restoring and maintaining the chemical, physical and biological integrity of waters regulated under the Clean Water Act.

Findings: In accordance with Section 1021.410(b) of the Department of Energy's NEPA Regulations (57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36221-36243, July 9, 1996; 61 FR 64608, Dec. 6, 1996, 76 FR 63764, Nov. 14, 2011), Bonneville has determined that the proposed action:

- (1) fits within a class of actions listed in Appendix A of 10 Code of Federal Regulations 1021, Subpart D;
- (2) does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal; and
- (3) has not been segmented to meet the definition of a categorical exclusion.

Based on these determinations, Bonneville finds that the proposed action is categorically excluded from further NEPA review.

/s/ Daniel Gambetta

Daniel Gambetta

Environmental Protection Specialist

Concur:

/s/ Stacy L. Mason

Stacy L. Mason

NEPA Compliance Officer

Date: September 27, 2018