

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: 2022 Amended Memorandum of Understanding between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration for Resident Fish Mitigation

Location: Portland, Oregon

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): A1: Routine DOE business actions

Description of the Proposed Action: Bonneville Power Administration (BPA) proposes a Memorandum of Understanding (MOU) with the Confederated Salish and Kootenai Tribes (CSKT) to continue an existing framework for funding and implementation of resident fish mitigation through September 30, 2025. The proposed MOU would provide for the acquisition of real property interests to mitigate for impacts to resident fish caused by the construction and inundation of the Hungry Horse Dam and Reservoir and addressing, in part, BPA's obligations under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) (16 U.S.C. (USC) 839 *et seq.*). Additionally, this funding would help support conservation of Endangered Species Act (ESA)-listed species considered in BPA's 2020 ESA consultation with the U.S. Fish and Wildlife Service, including ESA-listed bull trout (*Salvelinus confluentus*).

CSKT developed a resident fish mitigation program which assists BPA in fulfilling its obligations under the Northwest Power Act. BPA and CSKT entered into a series of agreements and understandings to partially implement the program. The initial iteration of the current MOU was signed in 2012. This MOU has been extended several times since then, most recently on September 27, 2018.

The proposed MOU would continue to implement the CSKT resident fish mitigation program in the same manner as under prior versions of the MOU. Under the MOU, BPA would provide funding for CSKT mitigation property acquisitions through the end of the 2025 Federal fiscal year. BPA would receive mitigation credit for each property CSKT acquires using BPA funding. The MOU would include provisions for the administration of the program, such as the procedures for proposing mitigation property acquisitions and for resolving disputes among the parties. The MOU would also include new provisions under which BPA would reimburse CSKT for the cost of certain eligible mitigation property acquisitions initially purchased with CSKT funds. The MOU would include the procedures, limitations, and qualifications on this new bridge funding provision.

The proposed MOU is purely administrative in nature and would not require BPA to take any action which would have a potential effect on the human environment. Any mitigation property acquisitions conducted under the terms of the MOU would undergo separate review by BPA environmental compliance staff prior to consummation of the sale to ensure compliance with applicable laws, including the National Environmental Policy Act (NEPA), ESA, and the National Historic Preservation Act. BPA would also evaluate whether any stewardship activities related to

mitigation property acquisitions are covered under existing environmental compliance documents or if new environmental compliance would be necessary.

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

- 1) fits within a class of actions listed in Appendix A of 10 CFR 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, BPA finds that the proposed action is categorically excluded from further NEPA review.

/s/ Thomas DeLorenzo

Thomas DeLorenzo

Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel

Sarah T. Biegel

NEPA Compliance Officer

September 21, 2022

Date