

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Amendments to the 2018 Extensions of certain 2008 Columbia Basin Fish Accords and to the 2019 Memorandum of Agreement between the Kootenai Tribe of Idaho and Bonneville Power Administration

Location: Portland, Oregon

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

Description of the Proposed Action: Bonneville Power Administration (Bonneville), along with the U.S. Army Corps of Engineers and the U.S. Bureau of Reclamation, proposes a second Amendment to the existing 2018 Columbia Basin Fish Accords Memoranda of Agreement (MOAs) with the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, the Confederated Tribes of the Colville Reservation, the State of Idaho, and the State of Montana, in addition to a second Amendment of the existing 2019 Memorandum of Agreement with the Kootenai Tribe of Idaho. The primary function of these Amendments is to extend the terms of existing agreements by up to three additional years and to provide budgets and coordination consistency for ongoing implementation of existing fish and wildlife mitigation projects during those years. The proposed MOAs supports actions to benefit various species, including Endangered Species Act-listed species considered in the 2020 Endangered Species Act (ESA) consultation with the National Marine Fisheries Service and U.S. Fish and Wildlife Service and to address 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.).

These MOAs and the 2019 MOA with the Kootenai Tribe of Idaho (collectively, Agreements) helped formalize existing collaborative relationships and partnerships among Bonneville and the states and tribes, and contain support and funding commitments for state- and tribally-sponsored fish and wildlife habitat protection and enhancement projects, as well as operation and maintenance of fish production facilities, and research, monitoring, and evaluation of program projects consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program.

Through these Amendments, the Agreements would be extended until September 30, 2025.

Amending 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 years of the Agreements, and would not represent new mitigation work or proposals. Funding for individual projects would be provided through separate intergovernmental contracts or cooperative agreements at a level comparable to past years of the Agreements, with some modifications to account for inflation. These projects would

continue to undergo site-specific environmental compliance analysis prior to implementation. This analysis would include review under applicable laws and regulations, such as the National Environmental Policy Act (NEPA). If projects change the status quo or directly impact the human environment, commensurate NEPA analysis would be conducted.

These Amendments to the Agreements are purely administrative in nature and do not require Bonneville to take any action that would have a potential effect on the human environment. These Amendments to the Agreements also fall within a class of actions excluded from preparation of an Environmental Assessment or Environmental Impact Statement under NEPA. More specifically, amending these 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 Amendment would help Bonneville fulfill obligations for: conserving ESA-listed salmon and steelhead as well as bull trout and Kootenai River white sturgeon, including avoiding jeopardy and adverse modification of designated 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 Pacific Northwest Electric Power Planning and Conservation Act of 1980; 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, Jul. 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 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, Bonneville finds that the proposed action is categorically excluded from further NEPA review.

/s/ Dan Gambetta

Dan Gambetta

Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel October 19, 2022

Sarah T. Biegel

NEPA Compliance Officer