

Categorical Exclusion Determination

Bonneville Power Administration

Department of Energy



Proposed Action: Memorandum of Agreement - Kootenai Tribe of Idaho and Bonneville Power Administration

Location: Portland, Oregon

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

Description of Proposed Action: Bonneville Power Administration (Bonneville) proposes to enter into a Memorandum of Agreement (Agreement) with the Kootenai Tribe of Idaho (Kootenai Tribe) to maintain budgeting and coordination consistency for ongoing fish and wildlife mitigation in the Columbia River Basin. The Agreement would help formalize an existing collaborative relationship and partnership between Bonneville and the Kootenai Tribe for tribally-sponsored fish and wildlife habitat protection and enhancement projects and operation of fish production facilities consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program.

This Agreement would start in December 2018 and expire upon the earlier of either: when Bonneville issues its final decision 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 Agreement identifies and would build upon ongoing tribally-sponsored fish and wildlife habitat protection and enhancement projects and would not represent new commitments or proposals. Funding for individual projects would be provided through separate intergovernmental contracts. Most projects have undergone site-specific environmental compliance. 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, this Agreement includes provisions for tribal policy, technical and legal support in all appropriate forums for Columbia River System operations, maintenance, and configuration. This Agreement does not provide funding to the Kootenai Tribe for these actions or, in any manner, adopt changes to current System operations.

This Agreement is administrative in nature, supports the normal conduct of Bonneville's business, and does not require Bonneville to take any action that would have a potential effect on the environment. This Agreement also falls within a class of actions that is excluded from further NEPA review. More specifically, this Agreement would help ensure continued understanding and collaboration with the Kootenai Tribe, and would formalize 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, this Agreement with the Kootenai Tribe would help Bonneville pursue fulfillment of obligations for: conserving ESA-listed salmon and steelhead, 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 Pacific Northwest Electric Power Planning and Conservation 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: February 8, 2019