

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: 2021 Memorandum of Agreement between the Confederated Salish and Kootenai Tribes and the 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 the Proposed Action: Bonneville Power Administration (Bonneville) proposes a Memorandum of Agreement (Agreement) with the Confederated Salish and Kootenai Tribes (CSKT) to provide a one-time payment into an account established and controlled by the CSKT to be used for the long-term stewardship and maintenance activities on current Bonneville-funded acquisitions of real properties under Project 2002-003-00 (referred to as "Secure and Restore Fish and Wildlife Habitat in Montana").

The CSKT has developed a resident fish mitigation program which assists Bonneville in partially fulfilling its fish and mitigation obligations under the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) (16 U.S.C. § 839(b)(h)(I0)) associated with the construction and operation of Hungry Horse Dam. This program includes the acquisition of real property. To achieve and maintain effective mitigation, the properties acquired under this program would require stewardship and maintenance activities. With the one-time payment provided to the CSKT under this Agreement, the CSKT, at its own discretion, would invest, manage, and use the funding for stewardship and maintenance activities in a manner that preserves or enhances the conservation values of the properties. This Agreement would build upon and largely continue support for the CSKT's resident fish mitigation program and would not change any prior agreements, conservation easements, or management plans that currently guide the CSKT's and Bonneville's Hungry Horse Dam mitigation efforts. The term of this Agreement would be seventy-five (75) years.

This Agreement is purely administrative in nature and does not require Bonneville to take any action that would have a potential effect on the human environment. This Agreement falls within a class of actions excluded from further NEPA review.

Moreover, this Agreement with the CSKT would help Bonneville support the conservation of ESA-listed bull trout, avoiding jeopardy and adverse modification of critical habitat; meeting the statutory obligations of NEPA and its applicable implementing regulations; protecting, mitigating, and enhancing 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 (DOE) National Environmental Policy Act (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

Sarah T. Biegel

NEPA Compliance Officer

September 20, 2021

Date

BECC:

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J. Leary – LN-7

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Official File – EC (EQ-15)

dgambetta:dag:3493:09/16/2020:[https://portal.bud.bpa.gov/orgs/efw/KEC/fandw/FWPROJ/2021\(Gambetta\)Cx_CSKT.docx](https://portal.bud.bpa.gov/orgs/efw/KEC/fandw/FWPROJ/2021(Gambetta)Cx_CSKT.docx)

Official File – EC (EQ-15)