

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Amendment to the 2018 Extensions of the 2008 Columbia Basin Fish Accords

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 Memorandum of Agreement (MOA or Agreement) with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Columbia River Inter-Tribal Fish Commission (collectively, the Lower River Tribes). The primary function of this Amendment is to extend the term 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 Agreement supports actions to benefit various species, including ESA-listed species considered in the 2020 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.).

The 2018 MOA helped formalize existing collaborative relationships and partnerships among Bonneville and the Lower River Tribes and other Accord Parties, and contains support and funding commitments for tribally-sponsored fish and wildlife habitat protection and enhancement projects as well as operation of fish production facilities consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program.

Through this Amendment, the Agreement would be extended until September 30, 2025.

Amending the Agreement would build upon and largely continue certain tribally-sponsored fish and wildlife habitat protection and enhancement projects and fish production work from the previous years of the Agreement. Funding for individual projects would be provided through separate intergovernmental contracts or cooperative agreements at a level comparable to past years of the Agreement, 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.

This Amendment to the 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 Amendment to the Agreement also falls within a class of actions excluded from preparation of an Environmental Assessment or Environmental Impact Statement under NEPA. More specifically, amending this Agreement 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 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 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, 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

October 20, 2022
Date