

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Memorandum of Agreement between the Spokane Tribe of Indians 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) plans to enter into a long-term Memorandum of Agreement (Agreement) with the Spokane Tribe of Indians. The primary function of this Agreement is to provide funding for projects to restore fish habitat, improve migratory passage in tributary streams, secure water for instream protection, construct and operate hatchery facilities, and purchase lands for conservation and habitat restoration.

This Agreement would formalize an existing collaborative relationship and partnership between Bonneville and the Spokane Tribe of Indians and could contain support and funding commitments for tribally-sponsored fish and wildlife habitat protection and enhancement projects, as well as construction, operation and maintenance of hatchery facilities, and research, monitoring, and evaluation of program projects consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program.

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 also falls within a class of actions excluded from preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act (NEPA).

Funding for individual projects would be provided through separate intergovernmental contracts or financial assistance agreements. 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 NEPA, the Endangered Species Act (ESA), and the National Historic Preservation Act. Bonneville would also evaluate whether any proposed actions are covered under existing environmental compliance documents or if new or supplemental environmental compliance documents would be necessary. If projects change the status quo or directly impact the human environment, commensurate NEPA analysis would be conducted.

Moreover, this Agreement would help Bonneville fulfill obligations for: conserving ESA-listed bull trout, including avoiding jeopardy and adverse modification of designated critical habitat; meeting the statutory obligations of NEPA and its applicable implementing regulations; while also supporting ongoing efforts to mitigate for effects of the Federal Columbia River Power

System on fish and wildlife in the mainstem Columbia River and its tributaries pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) (16 U.S.C. 839 *et seq.*); in addition to 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.

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Concur:

Katey C. Grange for Sarah T. Biegel  
NEPA Compliance Officer